

**MANSFIELD  
MUNICIPAL  
CODE**

**A Codification of the General Ordinances  
of the Town of Mansfield, Washington**

**2024**

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A **GENERAL CODE** COMPANY



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## PREFACE

**Citation to the Mansfield Municipal Code:** This code should be cited as MMC; i.e., “see MMC 5.10.020.” A MMC title should be cited MMC Title 5. A MMC chapter should be cited Chapter 5.10 MMC. A MMC section should be cited MMC 5.10.020. Through references should be made as MMC 5.10.010 through 5.10.040. Series of sections should be cited as MMC 5.10.010, 5.10.020, and 5.10.060.

**Numbering system:** The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus MMC 5.10.020 is Title 5, Chapter 10, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the MMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

**Legislation:** The legislative source of most sections is enclosed in brackets at the end of the section. References to enactments are abbreviated; thus “[Ord. 100 § 1, 2001.]” refers to Section 1 of Ordinance No. 100. “Formerly” followed by a MMC citation preserves the record of original codification. A semicolon between enactment citations indicates an amendment of the earlier section.

**Codification tables:** To convert an enactment (ordinance, resolution, etc.) citation to its MMC number, consult the codification tables. The parenthetical information at the end of each enactment entry indicates where the enactment has been codified. Enactments designated as “Special,” “Repealed,” or “Not Codified” do not appear in the code.

**Errors or omissions:** Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be emailed to: [cpc@codepublishing.com](mailto:cpc@codepublishing.com), so that correction may be made in a subsequent update.

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## How to Amend the Code

**Code Structure and Organization:** The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

2 . 04 . 050  
**Title Chapter Section**

Typically, there are nine vacant positions between sections; four positions between chapters; and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be unrelated to an existing title.

Enactments of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to adopting a codifiable enactment, ascertain whether the code already contains provisions on the topic.

**Additions:** If the proposed enactment will add material not contained in the code, the enactment will specify an “addition”; that is, a new title, chapter, section, or subsection will be added. For example:

**Section 1.** Chapter 5.20, Taxicab Licenses, is added to read as follows:

– or –

**Section 1.** A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

**Section 2.** Subsection D is added to Section 5.05.070, to read as follows:

**Amendments:** If the enactment amends existing code provisions, specify the affected section or chapter numbers in the enactment. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

**Section 1.** Section 5.05.030 is amended to read as follows:

– or –

**Section 1.** Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An enactment can also amend a specific subsection of a code section:

**Section 3.** Subsection B of Section 5.05.070 is amended to read:

**Repeals:** Enactments which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of enactment activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter can be reused at a later time when desired. For example:

**Section 2.** Section 5.05.020, License, is repealed.

**Renumbering:** If the enactment renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

**Codification Assistance:** Code Publishing Company can assist either in specifying code numbers or in providing remedies for other codification related problems free of charge. Please call us at (206) 527-6831.



**Title 1**

**GENERAL PROVISIONS**

**Chapters:**

- 1.01 Code Adoption**
- 1.05 General Provisions**
- 1.10 Common Seal**
- 1.15 Ordinances**
- 1.20 Means of Publication**
- 1.25 General Penalty**



**Chapter 1.01**  
**CODE ADOPTION**  
**(Reserved)**

**Chapter 1.05**  
**GENERAL PROVISIONS**  
**(Reserved)**

**Chapter 1.10****COMMON SEAL**

## Sections:

1.10.010 Description.

**1.10.010 Description.**

A seal one and three-fourths inches in diameter having the words "Town of Mansfield Washington" on the outer edge thereof, the word "Seal" in the center thereof, and the words "Incorporated Feb. 6, 1911," around the word "Seal" shall be and is hereby adopted as the common corporate seal of the town of Mansfield. [Ord. 1 § 1, 1911.]

**Chapter 1.15****ORDINANCES**

## Sections:

- 1.15.010 Manner of consideration and passage.
- 1.15.020 Time frames for passage and posting.
- 1.15.030 Time frames for taking effect.

**1.15.010 Manner of consideration and passage.**

Every ordinance shall be presented for consideration in writing and the ordinance summary shall be read aloud by the clerk and may then be amended and read aloud again; this will be the first reading. The second reading will be at the next regular meeting or a special meeting called for said purpose, it shall be read aloud by the clerk, amended as necessary and then be passed or rejected by a simple majority vote. If the vote is not unanimous, then each individual vote of each member shall be recorded in the minutes by the clerk. [Ord. 352 § 1, 1993; Ord. 3 § 1, 1911.]

**1.15.020 Time frames for passage and posting.**

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereof. Each proposed ordinance shall be posted five days prior to the second reading. [Ord. 352 § 2, 1993; Ord. 3 § 2, 1911.]

**1.15.030 Time frames for taking effect.**

All ordinances passed by the council shall take effect and be in full force after passage. They must be posted for public view for five days after passage. [Ord. 352 § 3, 1993; Ord. 3 § 3, 1911.]

**Chapter 1.20****MEANS OF PUBLICATION**

Sections:

1.20.010 Publication and posting of ordinances.

**1.20.010 Publication and posting of ordinances.**

Ordinance number 10 is hereby annulled and the official means of publication shall be by posting three certified copies in three public places within the limits of the town of Mansfield, Washington. [Ord. 91 § 1, 1923.]

**Chapter 1.25****GENERAL PENALTY**

## Sections:

1.25.010      Violations and penalties.

**1.25.010      Violations and penalties.**

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the town of Mansfield shall be liable for a civil infraction and shall be fined an amount not to exceed \$500.00. Each such person is liable for a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the town is caused, continued or permitted by any such person and he shall be fined accordingly. [Ord. 342 § 2, 1992.]

**Title 2**

**ADMINISTRATION AND PERSONNEL**

**Chapters:**

- 2.05 Council Meetings**
- 2.10 Elections**
- 2.15 Elected Officials**
- 2.20 Municipal Officials**
- 2.25 Clerk-Treasurer**
- 2.30 Defense Commission**
- 2.35 Public Employees Retirement System**
- 2.40 Planning Commission**



**Chapter 2.05****COUNCIL MEETINGS**

## Sections:

- 2.05.010 Newly elected members.
- 2.05.020 Regular meetings.
- 2.05.030 Special meetings.
- 2.05.040 Meeting adjournment.
- 2.05.050 Location of meetings.

**2.05.010 Newly elected members.**

The council of the town of Mansfield shall meet on the second Tuesday in January succeeding the date of any general municipal election and the newly elected members shall take the oath of office and the council shall hold regular meetings at least once each month. [Ord. 2 § 1, 1911.]

**2.05.020 Regular meetings.**

Regular meetings of the council shall be held on the second Tuesday of each month at 7:00 p.m. [Ord. 347 § 2, 1993; Ord. 324 § 2, 1990; Ord. 86 § 2, 1921; Ord. 2 § 2, 1911.]

**2.05.030 Special meetings.**

Special meetings of the council may be called by the mayor or by three councilmen, by written notice, delivered to each member at least three hours before the time specified for the proposed meeting. [Ord. 2 § 3, 1911.]

**2.05.040 Meeting adjournment.**

Regular and special meetings may be adjourned from time to time as convenience may require. [Ord. 2 § 4, 1911.]

**2.05.050 Location of meetings.**

All meetings of the council shall be held in the office of the city clerk and marshal, at City Hall in Mansfield, Washington. [Ord. 347 § 3, 1993; Ord. 324 § 3, 1990; Ord. 86 § 3, 1921; Ord. 2 § 5, 1911.]

**Chapter 2.10****ELECTIONS**

## Sections:

- 2.10.010 Washington State election laws.
- 2.10.020 Notice.
- 2.10.030 Board of election.
- 2.10.040 Compensation.
- 2.10.050 Polling places.

**2.10.010 Washington State election laws.**

All elections in the town of Mansfield shall be held in accordance with the general election laws of the state of Washington. [Ord. 17 § 1, 1911.]

**2.10.020 Notice.**

It shall be the duty of the town clerk to give at least 30 days' notice of any general election, and at least 15 days' notice previous to any special election, by posting or causing to be posted up in at least three public places within the town a written or printed notice thereof. [Ord. 17 § 2, 1911.]

**2.10.030 Board of election.**

It shall be the duty of the town council at their regular meeting next preceding any regular or special election to appoint from the qualified electors of said town, one inspector and two judges, who shall constitute a board of election. Said board of judges of election in addition to the duties required of them by statutes of the state of Washington shall perform the duties pertaining to and required to be performed by clerks of election. [Ord. 17 § 3, 1911.]

**2.10.040 Compensation.**

Each member of the board of election shall receive for his services the sum of \$4.00. [Ord. 17 § 4, 1911.]

**2.10.050 Polling places.**

The council shall, at the regular meeting next preceding any general or special election, establish a polling place where such election shall be held; and said polling place shall be specified in the notice of election required to be given by this chapter. [Ord. 17 § 5, 1911.]

**Chapter 2.15****ELECTED OFFICIALS**

## Sections:

2.15.010 Indemnification.

**2.15.010 Indemnification.**

The town of Mansfield does hereby indemnify and hold personally harmless all of its elected and appointed officials, employees and agents for any action, claim, or proceeding instituted against said individual arising out of the performance, purported performance, or failure of performance, in good faith of the duties for, or the employment with, the town of Mansfield. The town of Mansfield hereby holds said individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims or proceedings. The purchase of insurance for this purpose for said individuals shall not be considered compensation for them. [Ord. 348 § 1, 1993.]

## Chapter 2.20

### MUNICIPAL OFFICIALS

Sections:

- 2.20.010 Appointment of employees.
- 2.20.020 Marshal.
- 2.20.030 Clerk.
- 2.20.040 Attorney.
- 2.20.050 Treasurer.
- 2.20.060 Police justice.
- 2.20.070 Employment of other employees.
- 2.20.080 Appointments by the mayor.
- 2.20.090 Oath of office – Mayor, councilmembers, attorney, police justice.
- 2.20.100 Compensation for mayor and councilmembers.
- 2.20.110 Spending limits.

#### **2.20.010 Appointment of employees.**

The town marshal/superintendent, clerk/treasurer, attorney and all other employees of the town of Mansfield shall be appointed by the mayor and shall be confirmed by a majority of the whole council before assuming office. The above said employees of the town may be recommended for removal, with or without cause, to the town council. Such recommendation for removal shall require the confirmation of a majority of the whole council before becoming effective. The mayor shall have the power to suspend any of the above listed employees without pay, pending a vote by the town council upon the mayor's recommendation of removal. [Ord. 330 § 1, 1990; Ord. 5 § 1, 1911.]

#### **2.20.020 Marshal.**

A. The marshal shall be appointed by the mayor.

B. He shall give an official bond in the sum of \$500.00, conditioned upon the faithful performance of all duties required of him by the laws of the state of Washington and by the ordinances to the town of Mansfield, which bond must meet the approval of the council, the premium thereon to be paid by the town.

C. He shall maintain the peace and order of the town and see that the laws and ordinances are observed, in which capacity he shall remain on duty during all dances, ball games, and other public programs or entertainments; and he shall have authority at all times to enter such places for the purpose of inspection or to suppress rioting or disorderly conduct; and he shall have authority at any time or in any place to make arrest with or without warrant of any person or persons engaged in violating the laws of the United States, or of the state of Washington, or any ordinance of the town of Mansfield.

D. He shall have supervision of the city park and of the tourist park, and it shall be his duty to attend the irrigation of such parks and to keep the grass mowed, and generally to keep them in a neat and orderly condition.

E. He shall supervise traffic within the town and see to it that the provisions and requirements of all traffic ordinances are observed and obeyed.

F. He shall enforce all ordinances pertaining to the care and keeping of livestock within the town, and shall take up and impound estrays, as provided by the ordinances of the town.

G. He shall see to it that the annual tax has been paid on all dogs permitted to run at large within the town, and that such animals are properly tagged; and he shall kill and destroy all dogs upon which the owner, or the person harboring such animal refuses to pay the tax required by the ordinances of the town.

H. He shall have supervision of the city dump ground and it shall be his duty to see that the provisions of the city ordinance pertaining to such ground are enforced and observed.

I. He shall have supervision of the cemetery and of its care and upkeep.

J. He shall incur no indebtedness in the name of the town unless authorized by resolution of the council to do so.

K. The salary of the marshal of the town of Mansfield shall be determined by the council from time to time as they may deem to be the best interest of the town and community.

L. Neglect or refusal of the marshal to observe and carry out the provisions of this section shall constitute sufficient reasons for demanding his immediate resignation. By resolution passed at any regular meeting his resignation may be demanded by the council, and the mayor shall thereupon declare his office vacant and appoint another marshal. [Ord. 110 § 3, 1932; Ord. 109 §§ 20 – 31, 1930; Ord. 5 §§ 2, 10, 1911.]

### **2.20.030 Clerk.**

A. The clerk shall be appointed by the mayor.

B. He shall give a corporate or private bond with sureties acceptable to the council, in the sum of \$500.00, conditioned upon the faithful performance of all duties required of him by the laws of the state of Washington and by the ordinances of the town, premium, if any, to be paid by the town.

C. He shall act as recording secretary to the council, and in this capacity he shall attend all council meetings, and shall carefully and regularly record all proceedings, entering the yeas and nays in all votes pertaining to the passage of city ordinances, and upon any other matter when requested to do so.

He shall file all bills and claims against the town, and promptly attend to all correspondence authorized by the council.

He shall classify, label and file all statements, vouchers and other papers coming into his possession.

D. He shall keep a warrant register, numbering and classifying all warrants issued, apportioning same according to purpose.

He shall keep ledger accounts with all funds and all warrants, showing the monthly balance in each fund and the monthly balance of unpaid warrants drawn against each fund; also ledger account with the treasurer, showing monthly cash receipts, cash payments and cash on hand; and he shall promptly notify the council of any discrepancy occurring between his accounts and the books and accounts of the treasurer.

E. He shall prepare the annual financial report to the Department of Municipal Corporations in ample time to have it reach Olympia by February 1st each year, and shall reserve a copy thereof, which copy shall be presented to the council for their consideration at the regular meeting in February.

F. He shall prepare the monthly medical aid and industrial insurance report to the Department of Municipal Corporations in time to have it reach Olympia not later than the fifteenth of the month. The report shall be accompanied by a remittance for the amount due the state, which remittance the clerk shall make at his own expense. If made by personal check, the cancelled check shall later be attached to the bill rendered for the amount.

G. He shall attend to the publication of all notices, ordinances, etc., whether required by law, by ordinance, or by order of the council; and he shall draw up all ordinances, contracts and other business papers for the city, if ordered and authorized to do so by resolution of the council.

H. He shall make no purchases or contract any indebtedness in the name of the town unless authorized by resolution of the council, and he shall make no charge for postage, registered mail only excepted.

I. He shall advise the council at the regular meeting each month of the amount of warrants drawn to date against the various funds since the last preceding January 1st.

J. The salary of the clerk of the town of Mansfield shall be determined by the council from time to time as they may deem to be the best interest of the town and community.

K. Any neglect or refusal on the part of the clerk to comply with the provisions of this section shall constitute good and sufficient reason for demanding his resignation, and the mayor shall, upon resolution of the council, demand such resignation, declare the office vacant and appoint another clerk. [Ord. 110 § 1, 1932; Ord. 109 §§ 1 – 11, 1930; Ord. 5 §§ 3, 12, 1911.]

**2.20.040 Attorney.**

A. The attorney shall have the powers and discharge the duties which are now, or which hereafter may be, granted or required by the laws of the state of Washington and the ordinances of the town of Mansfield.

B. He shall represent the town in all matters and proceedings in any court in Douglas County, Washington, and shall be the legal advisor of the officers of said town, and shall comply with the directions and orders of the council.

C. He shall receive as compensation the sum of \$20.00 per calendar month, to be allowed and paid in the same manner and at the same time as compensation to the clerk is allowed and paid. [Ord. 55 §§ 1 – 3, 1917; Ord. 5 § 4, 1911.]

**2.20.050 Treasurer.**

A. The treasurer shall give an official bond in the sum of \$3,000, conditioned upon the faithful performance of his official duties as prescribed by the laws of the state of Washington and by the ordinances of the town of Mansfield, which bond must be approved by the council, and the premium thereon shall be paid by the town.

B. He shall receive all funds belonging to the town, including water rates, and shall issue therefor itemized receipts in triplicate, the original to be given to the person or agency making payment, the duplicate to be a part of the treasurer's monthly report to the council, and the triplicate to be kept on file in the treasurer's office. For this purpose he shall keep two series of receipts, one for water receipts only and the other for money received from any and all other sources.

C. He shall keep a general cash book, showing all receipts and expenditures of cash in the various funds, and the monthly balances. He shall make deposit whenever the cash on hand exceeds \$50.00. In making deposit he shall deposit all cash on hand at the time.

D. The treasurer's monthly report to the council shall show the receipt numbers covered by such report, and the report shall be accompanied by a statement from the bank, certifying the balance of cash on hand belonging to the town at the close of business on the last day of the preceding month.

E. Expenditure of funds shall be made only upon warrants signed by the clerk and mayor, which warrants shall be countersigned by the treasurer, making them payable at the bank in which the funds belonging to the town are on deposit.

F. At the regular meeting of the council next preceding the month of maturity of principal or interest on bonds, the treasurer shall present a bill against the town for such payment, stating the number or numbers of such bond or bonds, and the date when the interest is due, and no payment of principal or interest shall be made except by warrant authorized by the passage of such bill.

The treasurer shall also present a bill for any transfer of funds, or payment of money from one fund into another, and no such transfer or payment shall be made except upon the authority of such a bill when passed in the usual manner and warrant drawn in payment thereof.

G. From and after January 1, 1932, the salary of the treasurer of the town of Mansfield shall be \$120.00 per year, payable monthly.

H. Neglect or refusal of the treasurer to comply with the provisions of this section shall be deemed sufficient cause for notifying the bonding company of such breach of official duty; but no such notice shall be given except when authorized by a resolution of the council. [Ord. 110 § 2, 1932; Ord. 109 §§ 12 – 19, 1930; Ord. 99 § 1, 1926; Ord. 5 §§ 5, 11, 1911.]

**2.20.060 Police justice.**

The police justice shall have the powers and discharge the duties which are now, or which hereafter may, be required or granted by the laws of the state of Washington and the ordinances of the town of Mansfield.

He shall receive as compensation the same fees as are allowed by law to justices of the peace in similar cases.

In the absence of the police justice from the town, or upon his inability to act arising from any cause whatsoever any justice of the peace for Mansfield Precinct, Douglas County, Washington, may discharge the duties

of said office, and when so acting shall have the same powers and jurisdiction and receive the same compensation as said police justice would have if acting personally. [Ord. 5 § 6, 1911.]

**2.20.070 Employment of other employees.**

The council may, by resolution, provide for the employment of any person or persons in the performance of any labor or services for said town, and shall fix the terms of employment and compensation therefor, and may grant, by resolution, the general authority to any officer of said town to employ any person or persons for the performance of labor or services of the town under terms of employment and compensation fixed by the council. Where not otherwise provided such person or persons shall be appointed by the mayor. [Ord. 5 § 7, 1911.]

**2.20.080 Appointments by the mayor.**

All appointments made by the mayor in pursuance of the authority of the herein granted shall be in writing, dated and signed by the mayor or person acting in his stead, and filed with the clerk. All such appointments shall be read at the next regular meeting following such appointments and spread upon the records of the proceedings of the council. [Ord. 5 § 8, 1911.]

**2.20.090 Oath of office – Mayor, councilmembers, attorney, police justice.**

The mayor, members of the council, attorney and police justice shall qualify by subscribing an oath to faithfully discharge the duties pertaining to their respective offices, which oath shall be filed with the clerk of the town. [Ord. 5 § 9, 1911.]

**2.20.100 Compensation for mayor and councilmembers.**

A. The mayor of the town of Mansfield shall be paid \$30.00 per council meeting attended upon proper presentation of the claim and approval by the council thereof.

B. The councilmembers of the town of Mansfield shall be paid \$15.00 per council meeting attended upon proper presentation of the claim and approval by the council thereof.

C. Payment shall include a maximum of two council meetings per month and not exceed that amount. [Ord. 341 §§ 1 – 3, 1992; Ord. 144, 1943.]

**2.20.110 Spending limits.**

A. It has been deemed necessary that the town superintendent/marshal and the clerk/treasurer require occasional supplies and services between council meetings, the monthly limit of \$500.00 per month for the town superintendent/marshal shall be the limit of said expenditures and a limit of \$200.00 per month shall be the limit of expenditures for the clerk/treasurer.

B. There shall be no other officers or employees of the town of Mansfield that have authority to spend city funds without prior council approval.

C. The above stated expenditures shall be within the final approved budget set annually for the town of Mansfield. [Ord. 332 §§ 1 – 3, 1990.]

**Chapter 2.25****CLERK-TREASURER**

## Sections:

- 2.25.010 Certifying officer.
- 2.25.020 Combined position.
- 2.25.030 Appointive position.

**2.25.010 Certifying officer.**

Henceforth the clerk of the town of Mansfield, Washington, shall also be the certifying officer. [Ord. 198, 1981.]

**2.25.020 Combined position.**

The positions of town clerk and town treasurer are such that they should be combined and held by one person, there being no need for two separate persons handling this position. This position shall hereafter be known as clerk-treasurer. [Ord. 201 § 1, 1981.]

**2.25.030 Appointive position.**

The combined position of clerk-treasurer shall be an appointive position. Appointment will be made by the mayor, or other chief executive officer, with approval of town council. [Ord. 201 § 4, 1981.]

**Chapter 2.30****DEFENSE COMMISSION**

## Sections:

- 2.30.010 Defense commission created.
- 2.30.020 Expenditures authorized.
- 2.30.030 Duties.
- 2.30.040 Organization.
- 2.30.050 Blackout regulations.

**2.30.010 Defense commission created.**

There is hereby created the municipal defense commission of the city of Mansfield to be composed of the mayor as chairman and such other persons, not exceeding 11 in number, as the mayor may appoint from time to time. The mayor shall designate one of the members so appointed as vice-chairman who shall be the coordinator for the city of Mansfield. Each member of the municipal defense commission shall serve at the pleasure of the mayor or until the repeal of this chapter. [Ord. 122 § 1, 1941.]

**2.30.020 Expenditures authorized.**

The municipal defense commission is hereby authorized to expend whatever funds are appropriated to carry out the functions of the defense commission subject, however, to all regulations now provided by law governing this municipality. [Ord. 122 § 2, 1941.]

**2.30.030 Duties.**

The municipal defense commission shall be charged with the duty of coordinating all defense activities of this city. It shall:

- A. Coordinate the activities of municipal and private agencies cooperating in the defense program;
- B. Keep in contact with the Office of Civilian Defense to the end that all requests and suggestions from that office shall receive prompt and efficient response;
- C. Conduct studies regarding defense problems of the city of Mansfield to the end that the municipal government of the city of Mansfield will at all times be abreast of the problems of defense, and information desired by federal agencies will be readily available;
- D. Survey existing facilities, proffers of facilities, services and ideas originating within the city and make appropriate disposition of them;
- E. Act as a clearinghouse on municipal defense information for all governmental and private agencies cooperating in the defense program;
- F. Direct information regarding the defense program to all municipal departments or agencies which are or may be affected thereby;
- G. Make recommendations, from time to time, for improvements in the handling of defense problems affecting the city of Mansfield;
- H. Perform such other advisory functions as may be requested by agencies or departments of the federal government in connection with the National Defense Program;
- I. Do whatever is necessary and proper subject to the provisions of MMC 2.30.020, to carry out the intent and purpose of this chapter in assisting proper local authorities in the protection of life and property. [Ord. 122 § 3, 1941.]

**2.30.040 Organization.**

The municipal defense commission may expedite procedure by organizing itself into subcommittees and may subdivide its work and prescribe such rules and regulations as are not in conflict with the provisions of

this chapter. It may recommend, for adoption by the city council, training regulation. It may delegate the authority of preliminary hearings for dismissal of voluntary workers to the heads of departments.

The municipal defense commission may appoint additional committees to meet any emergency that may arise but shall report same promptly to the council of the city of Mansfield which shall have the authority, at its discretion, to order the discontinuance of such committee. Any person appointed to any position created under this chapter may be removed by the appointing authority for any reason deemed by it to be sufficient. [Ord. 122 § 4, 1941.]

**2.30.050      Blackout regulations.**

A. The President of the United States, by effective order signed on May 20, 1941, created the Office of Civilian Defense and whereas the Office of Civilian Defense has requested the cooperation and assistance of all municipalities in carrying out the Civilian Defense Program.

B. In compliance with said request and cooperating therewith and to protect lives and property, we hereby adopt the following rules and regulations.

C. Ringing of town fire bell by slow taps for period of two minutes shall be known as the blackout signal and shall be notice to all residences of the town of Mansfield, Washington, to immediately turn out all lights and establish a complete blackout throughout said town.

D. Said blackout shall continue until ringing of fire bell for one-half minute or until street lights come on, which shall be known as the all clear signal, shall be sounded.

E. Nothing in this section shall prevent any person, firm or corporation from having a light in their home or in other buildings during a blackout, provided effective precautions are taken to prevent any light from being seen from the outside of the room or building.

F. All persons driving automobiles, trucks or other vehicles with lights, in the town of Mansfield, upon hearing the blackout signal shall immediately turn into the curb and stop their car, trucks or other vehicles, and turn off all lights. Said lights remain off until the all clear signal is sounded.

G. It shall be unlawful for any person, firm or corporation to sell, serve or dispense any liquor, wine or beer or other intoxicating beverages during the blackout period.

H. The town of Mansfield, Washington, shall cooperate fully with the Douglas County defense council, in the Civilian Defense Program.

I. Any person, firm or corporation violating this section or any subsection thereof shall, upon conviction thereof, be fined in any sum not to exceed the sum of \$100.00 or imprisonment in the city jail for not more than 30 days or both. [Ord. 123 §§ 1 – 9, 1941.]

**Chapter 2.35****PUBLIC EMPLOYEES RETIREMENT SYSTEM**

## Sections:

2.35.010 Participation authorized.

**2.35.010 Participation authorized.**

The town of Mansfield does authorize and approve the membership and participation of its eligible employees in the Washington Public Employees Retirement System pursuant to RCW 41, 40.410, and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in said system. [Ord. 167 § 1, 1974.]

## Chapter 2.40

### PLANNING COMMISSION

Sections:

- 2.40.010 Planning commission created.
- 2.40.020 Composition – Appointment.
- 2.40.030 Term of office.
- 2.40.040 Removal.
- 2.40.050 Nonpartisan – Compensation.
- 2.40.060 Chairperson – Officers – Meetings.
- 2.40.070 Recommendations to town council.

**2.40.010 Planning commission created.**

The Mansfield planning commission is hereby created for the town of Mansfield. [Ord. 346 § 1, 1992.]

**2.40.020 Composition – Appointment.**

The planning commission shall consist of three members, to be appointed by the mayor and confirmed by the town council. [Ord. 346 § 2, 1992.]

**2.40.030 Term of office.**

The term of office for each appointive member shall be six years. The term of office for each commissioner shall correspond with the date of taking office by the town's elected officials following regular biannual elections.

To determine terms for those commissioners constituting the first planning commission, a drawing will decide which terms end January 1, 1995, and which end January 1, 1997 and 1999. [Ord. 346 § 3, 1992.]

**2.40.040 Removal.**

Any commission member may be removed, after public hearing, by the mayor, with the approval of the council, for inefficiency, neglect of duty, or malfeasance of office. [Ord. 346 § 4, 1992.]

**2.40.050 Nonpartisan – Compensation.**

Commission members shall be selected without respect to political affiliations, and they shall serve without compensation. [Ord. 346 § 5, 1992.]

**2.40.060 Chairperson – Officers – Meetings.**

The commission shall elect its commission chairperson and secretary, and create and fill such other offices as it may determine necessary. The commission shall hold at least one regular meeting each month, for not less than nine months each year. The commission shall adopt rules for transaction of business and shall keep a written record of its proceedings, which shall be a public record. [Ord. 346 § 6, 1992.]

**2.40.070 Recommendations to town council.**

The planning commission may act as a research and fact finding agency of the town, and to that end may make surveys, analyses, research and reports, as are generally authorized or requested by the town council. The planning commission shall make recommendations to the town council, as in stated written policies and ordinances, or as requested by the town council on town land use issues. [Ord. 346 § 7, 1992.]

## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.05      Assessment and Collection of Taxes**
- 3.10      Local Improvements**
- 3.15      Claims**
- 3.20      System of Registration of Bonds and Obligations**
- 3.25      Sales and Use Tax**
- 3.30      Real Estate Excise Tax**
- 3.35      Utility Tax**
- 3.40      Fees**
- 3.45      Funds**



**Chapter 3.05****ASSESSMENT AND COLLECTION OF TAXES**

## Sections:

3.05.010 Assessment and collection of taxes.

**3.05.010 Assessment and collection of taxes.**

The assessment and collection of taxes in the town of Mansfield shall be done by the county assessor and county treasurer according to the provisions of Sections 9290 to 9299, inclusive of Remington and Ballinger's Code of Washington. [Ord. 9 § 1, 1911.]

## Chapter 3.10

### LOCAL IMPROVEMENTS

Sections:

- 3.10.010 Special assessments.
- 3.10.020 Initiated by petition and resolution.
- 3.10.030 Compliance with Washington law.
- 3.10.040 Town council initiation.
- 3.10.050 Ordinance structure.
- 3.10.060 Benefits extending beyond the local improvement district boundaries.
- 3.10.070 Sewers and water mains.
- 3.10.080 Bids and contracts.
- 3.10.090 Warrants for payment.
- 3.10.100 Bonds.
- 3.10.110 Assessment roll.
- 3.10.120 Costs not paid by special assessments.
- 3.10.130 Filing assessment roll with the town.
- 3.10.140 Delinquent assessments.
- 3.10.150 Ordinance of confirmation of assessment roll.
- 3.10.160 Collection and payment of assessments.
- 3.10.170 Warrant for collection of assessments.
- 3.10.180 Receipts.

**3.10.010 Special assessments.**

All local improvements made in the town of Mansfield: the grading or regrading, planking or replanking, paving or repaving, macadamizing or remacadamizing, graveling or regravelling the whole or part of any streets, avenues, lands, alleys, boulevards, park drives, parkways, public squares and places within said town; the construction, reconstruction, repairing or renewal of sidewalks, drains, sewers and all sewer appurtenances, culverts, bulkheads, retaining walls, water mains, hydrants, or appurtenances, curbing and crosswalks, bridges, trestles and approaches thereto, and any other local improvement whatsoever; the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees, and shrubbery thereon, and any and all work necessary to complete such improvement may be paid for by special assessments upon the lots or parcels of land specially benefited thereby, and to the extent of the special benefits received by such property from such improvement. [Ord. 36 § 1, 1916.]

**3.10.020 Initiated by petition and resolution.**

Any such local improvement shall be initiated either upon petition or resolution therefor, and all proceedings relating thereto, and the jurisdiction of the council of said town and the boards and committee thereunder shall be in accordance with the provisions of Chapter 98 of the Session Laws of the state of Washington for 1911, and the amendments thereto. [Ord. 36 § 2, 1916.]

**3.10.030 Compliance with Washington law.**

In case any such local improvement, in the assessment district for which shall not extend beyond the termini of such improvements, shall be initiated upon petition, such petition shall in all respects be in accordance with the provisions of Chapter 98 of the Session Laws of Washington for 1911 and amendments thereto, which said petition shall be presented to and filed with the clerk of said town, who shall transmit the same to the committee on streets and alleys of the town council of said town, which said committee shall then proceed as provided in said act. [Ord. 36 § 3, 1916.]

**3.10.040 Town council initiation.**

Any such improvement may be initiated directly by the town council of said town by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent thereof and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the council at the time and place specified in such resolution, and directing said committee on streets and alleys to submit a report thereon as provided in said Chapter 98 of the Session Laws of Washington for 1911 and amendments thereto. Such resolutions shall be published in at least two consecutive issues of the official newspaper of said town, the date of the first publication to be at least 15 days prior to the date fixed by such resolution for hearing before said council. [Ord. 36 § 4, 1916.]

**3.10.050 Ordinance structure.**

Every ordinance ordering any improvement mentioned in this chapter, payment for which shall be made in whole or in part by special assessments shall establish a local improvement district to be called "Local Improvement District No. \_\_\_\_\_" which district shall embrace as nearly as may be all the property specially benefited by such improvement, as provided in said Chapter 98 of the Session Laws of the state of Washington for 1911 and the amendments thereto and shall be assessed in the manner provided in said Chapter 98 of the Session Laws of the state of Washington for 1911 and amendments thereto. [Ord. 36 § 5, 1916.]

**3.10.060 Benefits extending beyond the local improvement district boundaries.**

Whenever any local improvements shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of any local improvement district as hereinbefore described and defined, the council may create an enlarged district, which shall include, as near as may be, all the property specially benefited by such improvement, as provided in Chapter 98 of the Session Laws of Washington for 1911 and amendments thereto. [Ord. 36 § 6, 1916.]

**3.10.070 Sewers and water mains.**

The town council may provide for the construction of trunk sewers and trunk water mains and for the payment of all or any part of the cost thereof by the levying and collection of assessments upon the property specially benefited thereby, in the manner provided in Chapter 98 of the Session Laws of Washington for 1911 and the amendments thereto. [Ord. 36 § 7, 1916.]

**3.10.080 Bids and contracts.**

The town council in the ordinance ordering such local improvements may provide that such work be done and such improvement made directly by the employment of labor under the supervision of such person or persons as the council may designate, or direct the town clerk to advertise for bids for doing said work by contract. Such bids shall be in duplicate, securely sealed, and shall be filed, one with the town clerk and one with the committee on streets and alleys, and shall not be opened until the meeting of the council at which said bids are to be considered; said bid shall be accompanied by a draft or certified check in such amount as may be designated by the council, to be forfeited to said town in case such person, if the contract be awarded to him, fails to enter into a contract with said town. Upon the opening of said bids the council may:

- A. Let the contract for doing said work or any part thereof to a responsible bidder;
- B. Reject any and all bids or any part thereof, and order the whole or any part of such work to be done directly by the town, as aforesaid; or
- C. Reject any and all bids or any part of such bids and readvertise for bids for the whole or any part of said work. [Ord. 36 § 8, 1916.]

**3.10.090 Warrants for payment.**

The council may by ordinance provide for the issuance of warrants in payment for the cost and expense of such improvement district, said warrants to be payable out of the special fund of such local improvement

district, and warrants to bear interest from date thereof at a rate not to exceed eight percent per annum, and to be redeemed in cash or local improvement bonds. [Ord. 36 § 9, 1916.]

### **3.10.100 Bonds.**

The town council in the ordinance authorizing said improvement or any time thereafter may provide for the issuance of special improvement bonds to pay the cost and expense of said improvement or to take up and pay any special improvement warrants that may be issued against said fund. Said bonds shall bear interest at a rate not exceeding eight percent per annum, payable annually or semiannually, and shall run not to exceed 12 years, and shall be in all respects as provided in Chapter 98, Session Laws of the state of Washington for 1911 and amendments thereto. In case said improvement shall be done by contract said bonds may be issued to the contractor, or may be issued and sold as hereinafter provided. Whenever the town council shall determine to sell said bonds, they shall be sold by the town treasurer, as provided by ordinance authorizing the same, and the proceeds paid in the town treasury to the credit of said special improvement fund. [Ord. 36 § 10, 1916.]

### **3.10.110 Assessment roll.**

As soon as possible after the taking of effect of an ordinance providing for the creation of a special assessment district under the provisions of this chapter, and providing for any of the improvements herein contemplated, and as soon as the committee on streets and alleys of said council shall ascertain the cost and expense thereof, such committee shall prepare or cause to prepare and certify to the town council an assessment roll, which shall exhibit in separate columns; the name of the owner of the land or parcel of land separately assessed, if known to said committee, and if the name of the owner be unknown, the word "unknown" shall be written opposite the description of such lot or parcel of land, but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct, a brief description by lot, block or otherwise, of each lot or parcel of land assessed, the assessment number of each lot or parcel, separately assessed; the area in square feet of each of said lots or parcels of land. Said assessment roll shall also state the total area in the district, the total cost of the improvement, including all necessary incidental expenses, and shall have annexed thereto a map or diagram of the assessment district showing the lots or parcels of land assessed for such improvement. In case such work is to be done by the town directly by the employment of labor, the said assessment roll shall be based upon the estimate of the cost of said improvement made by the committee on streets and alleys of said council. In case said improvement is made by contract the basis of said assessment shall be as follows: if the contract is for a specified sum for the completed work, such assessment roll shall be based upon the amount of such contract price plus all necessary incidental expenses; if the contract provided a specified price per unit of work, the assessment roll shall be based upon the unit price specified in such contract, and the estimate of said committee as to quantities plus all necessary incidental expenses. [Ord. 36 § 11, 1916.]

### **3.10.120 Costs not paid by special assessments.**

The portion of the cost and expense of any improvement not to be paid by special assessments shall be prescribed by ordinance, and shall be paid out of the general funds. [Ord. 36 § 12, 1916.]

### **3.10.130 Filing assessment roll with the town.**

Whenever any assessment roll for local improvements shall have been prepared as provided by law, such roll shall be filed with the clerk of said town, the town council shall thereupon provide for hearing the same, and give notice thereof as provided by Chapter 98 of the Session Laws of Washington for 1911 and amendments thereto, and at said hearing shall proceed and receive objections thereto, and confirm, amend, raise, lower or reject the same in the manner provided by said Chapter 98 of Session Laws of Washington for 1911 and amendments thereto and all proceedings relative to said assessment roll shall be as in said Chapter 98 and amendments thereto provided. [Ord. 36 § 13, 1916.]

**3.10.140 Delinquent assessments.**

All assessments or installments thereof, hereafter levied, shall on becoming delinquent, in addition to the interest prescribed by the ordinance levying the assessments, bear a penalty of five percent. [Ord. 36 § 14, 1916.]

**3.10.150 Ordinance of confirmation of assessment roll.**

The ordinance of confirmation of the assessment roll shall prescribe within what time or times such assessments or the installments thereof shall be paid, and shall provide for the payment and collection of interest at a rate not exceeding eight percent per annum upon all unpaid installments.

Said ordinance shall also create a special fund to be called "Local Improvement Fund District No. \_\_\_\_\_" into which shall be placed all sums paid on account of such assessment, including all interest and penalties thereon, and in event of sale of bonds by the town all premiums and accrued interest on bonds issued for such improvements. [Ord. 36 § 15, 1916.]

**3.10.160 Collection and payment of assessments.**

All assessments for local improvements shall be collected by and paid to the town treasurer in lawful money of the United States; provided, that delinquent assessments and delinquent installments thereof shall be certified by the town treasurer to the treasurer of Douglas County, Washington, and by said county treasurer entering upon the general tax rolls and collected as other general taxes are collected; provided, that nothing herein shall prevent the town from proceeding with the collection or enforcement of any delinquent assessment or delinquent installment thereof as provided in Chapter 98 of the Session Laws of Washington for 1911 and the amendments thereto. [Ord. 36 § 16, 1916.]

**3.10.170 Warrant for collection of assessments.**

The town clerk shall, within 10 days after confirmation of any assessment roll for local improvements, certify and annex to such assessment roll a copy of the ordinance of confirmation, and shall make and annex to such roll a warrant directing the town treasurer to receive and collect the assessments named therein, and shall deliver the same to the town treasurer. The treasurer, as soon as the assessment roll has been placed in his hands for collection, shall publish a notice in the official newspaper of the town for three consecutive weekly issues that the said assessment roll is in his hands for collection and that any assessment thereon or any portion of any assessment may be paid at any time before the date of delinquency (without penalty, interest or cost) the first publication of said notice shall be at least 30 days before the date of delinquency. Such notice shall be sufficient demand for payment and it shall be the duty of any person whose property is assessed for improvements as herein provided to pay such assessments before the same become delinquent. [Ord. 36 § 17, 1916.]

**3.10.180 Receipts.**

The town treasurer shall, upon receipt of the sums due upon the assessment roll for any installment thereof, make out a duplicate receipt therefor, specifying the lot or parcel of land upon which the assessment so paid or any part thereof, was levied, according to the description on the assessment roll. Such receipt shall be consecutively numbered, and shall contain the name of the party paying with the amount paid, and the date of payment. The town treasurer shall immediately enter upon the assessment roll opposite the description of the lot or parcel of land the amount and date of payment, and the number of the receipt. One of such receipts shall be given the person paying such installment or assessment, and the other shall be transmitted to and filed with the town clerk. The treasurer shall post such collection in a cash or collection register to be kept by him for that purpose. [Ord. 36 § 18, 1916.]

## Chapter 3.15

### CLAIMS

Sections:

- 3.15.010 Claims for materials, supplies or merchandise.
- 3.15.020 Claims for damages or compensation.
- 3.15.030 Claims payable.
- 3.15.040 Claims for work or labor.
- 3.15.050 Claims clearing account.
- 3.15.060 Town auditing officer.
- 3.15.070 Payment orders – Signatures.
- 3.15.080 Preparation of voucher list.
- 3.15.090 Payment of claims, demand, and vouchers.

**3.15.010 Claims for materials, supplies or merchandise.**

All claims for materials, supplies or merchandise furnished to the town of Mansfield, Washington, or to any of the officers thereof shall be in writing, in itemized form, and shall be verified by oath of the claimant, or by someone in his behalf, shall be filed with the town clerk, who shall thereupon at the next regular meeting of the council present the same to the council for consideration. At such meeting the council shall either pass the same and order the same paid, reject the same, or require the claimant to furnish further information thereon for the consideration of the council. [Ord. 70 § 1, 1917.]

**3.15.020 Claims for damages or compensation.**

All claims or demands against the town of Mansfield, Washington, for damages, or compensation from the town on account of any liability of the town of Mansfield, express or implied, or any demand sounding in tort, shall be made in writing, shall particularly set forth and describe the nature of the injuries sustained, the date the same occurred, the precise location of the place where the injury was sustained, the amount of compensation claimed, and shall be verified by oath of the claimant, and shall be filed with the town clerk within 30 days after the date that the cause of action thereon accrued against the town of Mansfield. Such claim shall be presented to the council at their next regular meeting and shall then be considered by them, and the said council shall either order the same paid, or reject the said claim within 60 days thereafter. [Ord. 70 § 2, 1917.]

**3.15.030 Claims payable.**

All claims or demands against the town of Mansfield, Washington, provided for in MMC 3.15.010 and 3.15.020 that shall be allowed by the council shall become immediately payable out of the proper funds of the town provided therefor, and upon the passage of any such claim the town clerk shall issue to the holder thereof a warrant drawn upon the town of Mansfield, Washington, for the amount of such claim. [Ord. 70 § 3, 1917.]

**3.15.040 Claims for work or labor.**

All claims or demands against the town of Mansfield, Washington, for work or labor performed for said town (excepting regular monthly salaries) shall be in writing and shall be verified by oath of claimant or by someone in his behalf, shall be filed with the town clerk who shall thereupon at the next regular meeting of the council present the same to the council for consideration, at such meeting the council shall either pass the same and order same paid, reject the same, or require the claimant to furnish further information thereon for consideration of the council. [Ord. 83 § 2, 1920; Ord. 70 § 4, 1917.]

**3.15.050 Claims clearing account.**

A claims clearing account is hereby authorized and established by the town council pursuant to the new cash basis bookkeeping system, established by the office of the State Auditor for the town, in order to better manage the finances of this town. [Ord. 197 § 1, 1981.]

**3.15.060 Town auditing officer.**

The city clerk or his/her designee shall serve as the town auditing officer and shall act as auditor for the town for all claims, demands and vouchers presented to the town council for approval. [Ord. 458 § 1, 2008.]

**3.15.070 Payment orders – Signatures.**

All checks, drafts, warrants or other payment orders drawn by the town in favor of any payee shall bear the signature of the mayor and city clerk. [Ord. 458 § 2, 2008.]

**3.15.080 Preparation of voucher list.**

A report listing all claims, demands and vouchers shall be prepared for audit and payment and shall provide for the authentication and certification by the auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and the claim, demand or voucher is a just, true and unpaid obligation against the town. [Ord. 458 § 3, 2008.]

**3.15.090 Payment of claims, demand, and vouchers.**

In order to expedite the payment of claims, the city council authorizes the issuance of warrants or checks in payment of claims after the auditing officer has reviewed and approved the claim, demand or voucher, but prior to approval by the city council.

No claim, demand or voucher may be paid until approved by the city council unless the following conditions are met:

A. The city council shall provide for its review of the documentation supporting claims paid and for its approval of all checks and warrants issued in payment of claims at its regularly scheduled public meeting or at a regularly scheduled public meeting within one month of issuance; and

B. The city council shall require that if, upon review, it disapproves some claims, the auditing officer and the officer designated to sign the checks or warrants shall jointly cause the disapproved claims to be recognized as a receivable of the town of Mansfield and to pursue collection diligently until amounts disapproved are collected or until the town council is satisfied and approves the claim. [Ord. 458 § 4, 2008.]

## Chapter 3.20

### SYSTEM OF REGISTRATION OF BONDS AND OBLIGATIONS

Sections:

- 3.20.010 Definitions.
- 3.20.020 Findings.
- 3.20.030 Adoption of registration system.
- 3.20.040 Statement of transfer restrictions.

#### **3.20.010 Definitions.**

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

“Bond” or “bonds” shall have the meaning defined in RCW 39.46.020(1), as the same may be from time to time amended.

“Fiscal agencies” shall mean the duly appointed fiscal agencies of the state of Washington serving as such at any given time.

“Obligation” or “obligations” shall have the meaning defined in RCW 39.46.020(3), as the same from time to time may be amended.

“Registrar” shall mean the person, persons or entity designated by the town to register ownership of bonds or obligations under this chapter or under an ordinance of the town authorizing the issuance of such bonds or obligations.

“Town” shall mean the town of Mansfield, Washington. [Ord. 329 § 1, 1990.]

#### **3.20.020 Findings.**

The town council of the town finds that it is in the town’s best interest to establish a system of registering the ownership of the town’s bonds and obligations in the manner permitted by law. [Ord. 329 § 2, 1990.]

#### **3.20.030 Adoption of registration system.**

The town adopts the following system of registering the ownership of its bonds and obligations:

A. Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year, on which the interest is intended to be excluded from gross income for federal income tax purposes, shall be registered as to both principal and interest as provided in this chapter.

B. Method of Registration. The registration of all town bonds and obligations required to be registered shall be carried out either by:

1. A book entry system of recording the ownership of the bond or obligation on the books of the registrar, whether or not a physical instrument is issued; or
2. 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 owner.

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.

C. 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.

D. Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the town clerk-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 without a fixed maturity date or maturing one year or less after issuance and the fiscal agencies shall be the registrar for all other town bonds and obligations without a fixed maturity date or maturing more than one year after issuance.

E. Duties of Registrar. The registrar shall serve as the town'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.

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 town clerk-treasurer and the registrar, except that (1) when the fiscal agencies serve as registrar, the town adopts by reference the contract between the State Finance Committee of the state of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar, and (2) when the town clerk-treasurer serves as registrar, a separate contract shall not be required.

In all cases when the registrar is not the fiscal agency and the bonds or obligations are assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:

1. Making payments of principal and interest;
2. Printing any physical instruments, including the use of identifying numbers or other designation;
3. Specifying record and payment dates;
4. Determining denominations;
5. Establishing the manner of communicating with the owners of the bonds or obligations;
6. Establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;
7. Registering or releasing security interests, if any; and
8. Such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the town may deem to be necessary or appropriate. [Ord. 329 § 3, 1990.]

### **3.20.040 Statement of transfer restrictions.**

Any physical instrument issued or executed by the town 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. [Ord. 329 § 4, 1990.]

## Chapter 3.25

### SALES AND USE TAX

Sections:

#### Article I. Sales and Use Tax Imposed

- 3.25.010 Tax imposed.
- 3.25.020 Rate of tax.
- 3.25.030 Administration, collection.
- 3.25.040 Records inspection.
- 3.25.050 Contract with Department of Revenue.
- 3.25.060 Failing to collect tax.

#### Article II. Additional Sales and Use Tax

- 3.25.070 Tax imposed.
- 3.25.080 Rate of tax.
- 3.25.090 Administration, collection.
- 3.25.100 Records inspection.
- 3.25.110 Contract with Department of Revenue.
- 3.25.120 Date of commencement.
- 3.25.130 Tax additional.
- 3.25.140 Special initiative.

#### Article I. Sales and Use Tax Imposed

##### **3.25.010 Tax imposed.**

There is hereby imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the town of Mansfield. The tax shall be imposed upon and collected from those persons from whom the sales or use tax is collected pursuant to Chapters 82.08 and 82.12 ROW, beginning July 1, 1970. [Ord. 153 § 1, 1971.]

##### **3.25.020 Rate of tax.**

The rate of the tax imposed by MMC 3.25.010 shall be not to exceed one-half of one percent of the selling price or value of the article used, as the case may be. Provided, however, that during such period as there is in effect a sales or use tax imposed by Douglas County, the rate of tax imposed by this article shall be not to exceed four hundred twenty-five one-thousandths of one percent. [Ord. 153 § 2, 1971.]

##### **3.25.030 Administration, collection.**

The administration and collection of the tax imposed by this article shall be in accordance with the provisions of Section 6, Chapter 94, Laws of 1970, First Extraordinary Session. [Ord. 153 § 3, 1971.]

##### **3.25.040 Records inspection.**

The city hereby consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. [Ord. 153 § 4, 1971.]

##### **3.25.050 Contract with Department of Revenue.**

The mayor and clerk are hereby authorized to enter into a contract with the Department of Revenue to carry out this article. [Ord. 153 § 5, 1971.]

**3.25.060 Failing to collect tax.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this article or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. [Ord. 153 § 6, 1971.]

**Article II. Additional Sales and Use Tax****3.25.070 Tax imposed.**

There is hereby imposed a sales or use tax, as the case may be, authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the town of Mansfield. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. [Ord. 209 § 1, 1984.]

**3.25.080 Rate of tax.**

The rate of the tax imposed by MMC 3.25.070 shall be five-tenths of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Douglas County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate equal to or greater than the rate imposed by this section, the county shall receive 15 percent of the tax imposed by MMC 3.25.070; provided further, that during such period as there is in effect a sales tax or use tax imposed by Douglas County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session, at a rate which is less than the rate imposed by this section, the county shall receive from the tax imposed by MMC 3.25.070 that amount of revenues equal to 15 percent of the rate of the tax imposed by the county under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session. [Ord. 209 § 2, 1984.]

**3.25.090 Administration, collection.**

The administration and collection of the tax imposed by this article shall be in accordance with the provisions of RCW 82.14.050. [Ord. 209 § 3, 1984.]

**3.25.100 Records inspection.**

The town of Mansfield hereby consents to the inspection of such records as are necessary to qualify the town for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. [Ord. 209 § 4, 1984.]

**3.25.110 Contract with Department of Revenue.**

The mayor and clerk are hereby authorized to enter into a contract with the Department of Revenue for the administration of this tax. [Ord. 209 § 5, 1984.]

**3.25.120 Date of commencement.**

This article shall take effect on April 1, 1984, which shall be the date upon which collection of said tax shall commence. [Ord. 209 § 6, 1984.]

**3.25.130 Tax additional.**

The tax imposed by this article is in addition to that imposed in Ordinance No. 153, dated November 9, 1971, as authorized in RCW 82.14.030(1). [Ord. 209 § 7, 1984.]

**3.25.140 Special initiative.**

This article shall be subject to a special initiative proposing that the tax imposed by this article be changed or repealed. The number of registered voters needed to sign a petition for special initiative shall be 15 percent of the total number of names of persons listed as registered voters within the town on the day of the last preceding general election. If a special initiative petition is filed with the town council, the operation of this article shall not be suspended pending the town council or voter approval of the special initiative and the tax

imposed herein shall be collected until each special initiative is approved by the town council or the voters. The procedures for initiative upon petition contained in RCW 35A.11.100 shall apply to any such special initiative petition. [Ord. 209 § 8, 1984.]

**Chapter 3.30****REAL ESTATE EXCISE TAX**

## Sections:

- 3.30.010 Real estate excise tax imposed.  
3.30.020 Additional real estate excise tax.

**3.30.010 Real estate excise tax imposed.**

A real estate excise tax shall be imposed on the sale of real property within the corporate limits of the town of Mansfield at the rate of one-quarter of one percent of the selling price. The proceeds from this tax shall be placed by the town treasurer in a municipal capital improvements fund. [Ord. 351, 1993.]

**3.30.020 Additional real estate excise tax.**

In accordance with RCW 82.46.035, and in addition to the excise tax on the sale of real property imposed by Ordinance No. 351, there is hereby imposed an excise tax on each sale of real property located within the official boundary of the town of Mansfield at the rate of one-quarter of one percent of the selling price to be collected by the county as prescribed in RCW 82.46.060. Proceeds from this additional tax shall be deposited in a separate account in the town's capital improvements fund and expended as authorized by law under RCW 82.46.035(5). [Ord. 469 § 1, 2010.]

## Chapter 3.35

### UTILITY TAX

Sections:

- 3.35.010 Definitions.
- 3.35.020 Tax levied – Tax amount – Occupations taxed.
- 3.35.030 Tax returns – Methods of payment.
- 3.35.040 Deductions.
- 3.35.050 Method of payment – Taxpayer’s records.
- 3.35.060 Responsibility for payment upon sale or transfer of business.
- 3.35.070 Application and returns confidential.
- 3.35.080 Overpayment and underpayment.
- 3.35.090 Failure or neglect to pay tax.
- 3.35.100 Violations of chapter.
- 3.35.110 Fee and tax additional.
- 3.35.120 Collection of unpaid fees and taxes – Court action.
- 3.35.130 Town not exempt from tax.
- 3.35.140 Penalty for violations.
- 3.35.150 Appeals.
- 3.35.160 Rules and regulations.

**Prior legislation:** Ord. 411.

#### **3.35.010 Definitions.**

In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

“Competitive telephone service” means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

“Gross income” means the value proceeding or accruing from the sale of tangible property or service, and receipts, including all sums earned or charged, whether received or not, by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated, derived from business activities conducted within the corporate limits of the town of Mansfield, excluding receipts or proceeds from the use or sale of real property or any interest therein and proceeds from the sale of notes, bonds, mortgages, or other evidence of indebtedness or stocks and the like, and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest, or any expenses whatsoever; provided, however, that only the gross income attributable to those taxable services or commodities as are specifically set forth in MMC 3.35.020 shall be subject to the tax provided herein and any taxpayer deriving income from the sale of any other tangible property or services and receipts not so specifically set forth herein in MMC 3.35.020 may exclude said income from gross income as herein defined.

“Person” or “persons” means persons of either sex, firms, co-partnerships, corporations, limited liability companies, public utility districts, municipal corporations or departments thereof, public or private utilities, water companies or districts, and other associations, whether acting by themselves or by servants, agents or employees.

“Tax year” or “taxable year” means the year commencing January 1st and ending on the last day of December of said year, or, in lieu thereof, the taxpayer’s fiscal year when permission is obtained from the town clerk to use the same as the tax period.

“Taxpayer” means any person liable to the tax imposed by this chapter.

“Telephone business” means the business of providing access to a local telephone network; local telephone network switching service; toll service; or coin telephone services; or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. [Ord. 424 § 1, 2005.]

### **3.35.020 Tax levied – Tax amount – Occupations taxed.**

On and after July 1, 2005, there is levied upon and shall be collected from and paid as hereinafter provided by every person on account of and for the privilege of engaging in business activities an occupation tax, sometimes herein referred to as “tax,” against gross income of businesses as defined herein for the three calendar months next proceeding the beginning of each quarterly period. Said quarterly periods are as follows:

First Quarter – January, February, March.

Second Quarter – April, May, June.

Third Quarter – July, August, September.

Fourth Quarter – October, November, December.

A. The tax provided in this chapter shall be computed at the rate of six percent of the gross income derived from each of the following occupations or business activities conducted within the corporate limits of the town of Mansfield:

Those persons subject to the payment of the tax in this chapter at said rate are as follows:

1. All persons engaged in or carrying on the business of selling or furnishing electric light and power;
2. All persons engaged in or carrying on a telephone business including, but not limited to, providing access to a local telephone network; local telephone switching service; toll service; coin telephone service; telephonic, video, data, or similar communication; or transmission for hire, by a local telephone network, toll line or channel, cable, microwave, or similar communications or transmission system.

B. The tax provided in this chapter shall be computed at the rate of 12 percent of the gross income derived from each of the following occupations or business activities conducted within the corporate limits of the town of Mansfield:

1. All persons engaged in the business of selling or supplying domestic water or irrigation water.
2. All persons engaged in or carrying on the business of supplying sewer service to the town of Mansfield customers or supplying storm drain service, including the sanitary sewer service of the town of Mansfield.

C. With reference to the tax imposed upon a telephone business provided in subsection (A)(2) of this section, the “total gross operating revenues” of a telephone business shall include, but not be limited to, revenues from intrastate toll. “Gross operating revenues,” for this purpose, shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

D. Any person engaged in or carrying on more than one such business occupation, pursuit or privilege shall pay the tax so imposed for each of the same.

E. Any taxpayer who engages in or carries on any business subject to the tax hereunder and fails or refuses to pay the tax or any part thereof on or before the due date shall be operating in violation of this chapter. [Ord. 424 § 2, 2005.]

### **3.35.030 Tax returns – Methods of payment.**

The tax imposed by this chapter shall be due and payable in monthly installments and remittance shall be made on or before the thirtieth day of the following month. The remittance shall be made as hereinafter provided and shall be accompanied by a return on a form to be provided and prescribed by the town clerk. To the return the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so. Whenever the total tax for which any person is liable under this chapter does not exceed the sum of \$50.00 for any month, a quarterly return may be made upon written request and subject to the approval of the town clerk.

Whenever a taxpayer commences to engage in business during any month, his first return and tax shall be based upon and cover the portion of the month during which he engaged in business. [Ord. 424 § 3, 2005.]

**3.35.040 Deductions.**

There shall be excepted and deducted from the total gross income upon which the tax is computed so much thereof as is derived from transactions in interstate or foreign commerce, or from business done for the government of the United States, its officers or agents, and any amount paid by the taxpayer to the United States, the state of Washington, as excise taxes levied or imposed upon the sale or distribution of property or service.

There shall be excepted and deducted from the total gross income upon which the tax is computed all bad debts for services incurred, rendered or charged for during the tax year. Debts shall be deemed bad and uncollectible when the same have been written off the books of the taxpayer. In the event debts are subsequently collected, said income shall be reported in the return for the quarter in which said debts are collected and at the rate prevailing in the tax year when collected.

There shall be excepted and deducted from the total gross income upon which the tax is computed all cash discounts allowed and actually granted to customers of the taxpayer during the tax year.

Nothing in this chapter shall be construed as requiring the payment of any tax, or the doing of any act, which would constitute an unlawful burden or interference in violation of the Constitution or laws of the United States or which would not be consistent with the Constitution or laws of the state of Washington. [Ord. 424 § 4, 2005.]

**3.35.050 Method of payment – Taxpayer’s records.**

The tax payable hereunder shall, at the time of the return being required to be filed, be paid to the town clerk/treasurer by bank draft, certified check, cashier’s check, personal check or money order or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the check or draft is honored in the usual course of business; nor shall the acceptance of any sum by the clerk/treasurer be an acquittance or discharge of the tax due unless the amount of the payment is in the full and actual amount due.

It shall be the duty of every person liable for the payment of any tax imposed by this chapter to keep and preserve for the period of five years such books and records as will accurately reflect the amount of his gross income as defined herein and from which can be determined the amount of any tax for which he may be liable under the provisions of this chapter and all books as provided herein shall be open for examination at all reasonable times by the town clerk or his/her duly authorized agent. [Ord. 424 § 5, 2005.]

**3.35.060 Responsibility for payment upon sale or transfer of business.**

Upon the sale or transfer during a quarterly period of a business or account of which a tax is hereby required, the purchaser or transferee shall, if the tax has not been paid in full for said quarterly period, be responsible for the payment of the tax for that portion of the quarterly period during which he carries on such business. [Ord. 424 § 6, 2005.]

**3.35.070 Application and returns confidential.**

The applications and returns made to the town clerk pursuant to this chapter shall not be made public, nor shall they be subject to the inspection of any person except the mayor, town attorney, town clerk, town treasurer or his/her authorized agent and members of the town council; and it shall be unlawful for any person to make public or to inform any other person as to the contents or any information contained in or to permit inspection of any application or return except as may be required by Open Public Records Act of the state of Washington. [Ord. 424 § 7, 2005.]

**3.35.080 Overpayment and underpayment.**

If the town clerk upon investigation or upon checking returns finds that the tax paid on any of them is more than the amount required of the taxpayer, he/she shall refund the amount overpaid by a warrant upon the gen-

eral fund. If the clerk finds that the tax paid is less than required, he/she shall mail a statement to the taxpayer showing the balance due, who shall within three days pay the amount shown thereon. [Ord. 424 § 8, 2005.]

**3.35.090 Failure or neglect to pay tax.**

If any taxpayer fails, neglects or refuses to make his return as and when required herein, the clerk is authorized to determine the amount of tax payable, and by mail to notify such taxpayer of the amount so determined. The amount so fixed shall thereupon become the tax and be immediately due and payable. [Ord. 424 § 9, 2005.]

**3.35.100 Violations of chapter.**

It shall be unlawful for any person liable to pay the tax hereunder to fail or refuse to make the returns as and when required, or to pay the tax when due, or for any person to make any false or fraudulent application or return or any false statement or return or any false statement or representation in, or in connection with, any such return, or to aid or abet another in any attempt to evade payment of the tax, or any part thereof, or for any person to fail to appear and/or testify in response to a subpoena issued by the town or any of its officers in carrying out the provisions of this chapter. [Ord. 424 § 10, 2005.]

**3.35.110 Fee and tax additional.**

The tax herein levied shall be the total of pursuant hereto, or to testify falsely upon any investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder or delay any tax imposed or levied under any law or any other ordinance of the town of Mansfield. [Ord. 424 § 11, 2005.]

**3.35.120 Collection of unpaid fees and taxes – Court action.**

Any tax due and unpaid under this chapter, and all penalties thereon, shall constitute a debt to the town of Mansfield and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. [Ord. 424 § 12, 2005.]

**3.35.130 Town not exempt from tax.**

Whenever the town of Mansfield through any department shall engage in any business activity which, if engaged in by any person would under this chapter require the payment of a tax by such person, the town department engaging in such business activity shall as to such business activity at the same time and in the same manner as persons are required hereunder, make returns and from the funds of such department pay the taxes imposed hereunder. Each of said departments of the town of Mansfield shall transfer or pass on to its consumers the tax herein provided. [Ord. 424 § 13, 2005.]

**3.35.140 Penalty for violations.**

Any person violating or failing to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the clerk pursuant thereto, upon conviction thereof, shall be punished by a fine in any sum not to exceed \$500.00. [Ord. 424 § 14, 2005.]

**3.35.150 Appeals.**

Any taxpayer aggrieved by the amount of the fee or tax found by the clerk to be required under the provisions of this chapter, may appeal to the town council from such finding by filing a written notice of appeal with the town clerk within five days from the time such taxpayer was given notice of such amount. The clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal, which time shall be not more than 45 days after the filing of the notice of appeal, and he/she shall cause a notice of the time and place thereof to be mailed to the appellant. At such hearing the taxpayer shall be entitled to be heard and to introduce evidence in his own behalf. The town council shall thereupon ascertain the correct amount of the tax by resolution and the town clerk shall immediately notify the appellant thereof by mail, which amount, together

with costs of the appeal, if appellant is unsuccessful therein, must be paid within three days after such notice is given.

The mayor may, by subpoena, require the attendance thereof of any person, and may also require him to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the chairman in charge of the matter required of him pertinent to the appeal, and it shall be unlawful for him to fail or refuse so to do. [Ord. 424 § 16, 2005.]

**3.35.160 Rules and regulations.**

The town clerk is authorized to adopt, publish and enforce from time to time such rules and regulations for the proper administration of this chapter as shall be necessary and it shall be a violation of this chapter for any taxpayer to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder. [Ord. 424 § 17, 2005.]

**Chapter 3.40****FEES**

Sections:

3.40.010 Land use application fees.

3.40.020 Fees for services.

**3.40.010 Land use application fees.**

The fees for land use applications shall be as set forth below. Said fees shall take effect immediately upon the effective date of the ordinance codified in this section.

<b>Application</b>	<b>Fee Schedule</b>
Rezone/Planned Development/Master Site Plan	0 – 5 Lots \$300
Residential	5 – 15 Lots \$400 Over 10 Lots \$500
Planned Development/Master Site Plan	\$450 plus \$25 per lot
Master Planned Resort	\$500 + expenses
Major Subdivision (preliminary plat)	\$450 + \$25 per lot
Short Subdivision	\$200 + \$35/lot
Amend Short Subdivision (add lots)	\$200 + \$35/lot
Final Review	\$30/lot
Binding Site Plan	\$350 + \$35/lot
Amend Binding Site Plan (add lots)	\$100 + \$35/lot
Final Review	\$30/lot
Major Subdivision/Short Subdivision/BSP Exten.	1/2 of original fee
Subdivision Variance	\$200
Amend/Alter Plat (Administrative)	\$200 + \$35/lot
Amend/Alter Plan (add for public hearing)	\$150
Final Review	\$30/lot
Full Administrative Review (Chapter 18.85 MMC) (Ag to Ag transfers; farmstead div.; multifamily, commercial, industrial building project review)	\$100

<b>Application</b>	<b>Fee Schedule</b>
Limited Administrative Review (Chapter 18.85 MMC)	
Projects up to \$10,000 value	\$100 (applied to permit fees)
Projects \$10,000 or more value	Same
Conditional Use Permits	\$250
Home Occupations	\$75
Variance	\$300
Comprehensive Plan Amendments	
Text	\$500
Land Use Designation	Same as rezone fees
Urban Growth Boundary	\$250 + expenses (max \$5,000)
Appeals	\$200
SEPA Checklist	
With Published Notice	\$125
W/O Published Notice	\$100
Environmental Impact Statement	\$500 + exp (max \$10,000)
Mitigated DNS, Expanded Checklist	\$250 + exp (max \$10,000)
Rehearing Fee	\$100
Construction Inspection	Actual expenses (UBC)
Driveway Permits	\$0
Manufactured Housing Title Elimination	\$0

Recoupment of Professional Fees. At the town's discretion, outside professional assistance including, but not limited to, engineering, planning, hearing examiner, and legal services may be utilized to review and administer land use applications, the cost of which will be borne by the applicant, if the costs are over and beyond the application fee. When the town determines that these outside professional assistance costs will exceed the application fees, it may notify the applicant in the letter of complete application that additional professional assistance fees are likely. If requested to do so, the applicant shall place a deposit with the town in an amount determined appropriate by the town, but not less than \$2,000, prior to any necessary public hearing being scheduled. The town will draw on this deposit when costs accrued exceed the application fee, and at no time shall the balance of the deposit be less than \$1,000. If the balance is less than the minimum balance

the applicant shall reimburse the account to the minimum balance within 30 days of notice given by the town, or the processing of the permit shall cease until such time as the required deposit is received from the applicant. Final approval of a development permit application shall not be considered where there are outstanding fees and costs remaining to be paid by the applicant. Upon final approval, the town shall return any remaining deposit to the applicant. For applications requesting approval of a major subdivision, upon receiving preliminary approval from the town, the deposit account shall be increased, where necessary, to reach an amount that is equal to five percent of the total estimated construction costs as approved by the town engineer, the balance of which shall not drop below \$2,000. Final approval of the application for subdivision shall not be considered until such time as any and all outstanding fees and costs are paid in full. [Ord. 397 Exh. A, 2001.]

**3.40.020 Fees for services.**

The charges for services will be as follows:

- A. The fee for copies shall be \$0.10 per copy.
- B. The fee for faxes shall be \$2.00 for the first sheet sent; each additional shall be \$1.00.
- C. The fee for faxes received shall be \$1.00 for the first sheet; each additional shall be \$0.50.
- D. The fee for notaries shall be \$5.00 for the first notary; each additional shall be \$1.00. [Ord. 439, 2006.]

## Chapter 3.45

### FUNDS

Sections:

- 3.45.010 Anti-recession fund.
- 3.45.020 Capital facilities plan fund.
- 3.45.030 Criminal justice fund.
- 3.45.040 Mansfield cemetery fund.
- 3.45.050 Real estate excise tax fund.
- 3.45.060 Revenue sharing fund.
- 3.45.070 Sewer lagoon fund.
- 3.45.080 Volunteer relief and compensation fund.

**3.45.010 Anti-recession fund.**

A. A fund is needed into which funds can be deposited from federal sources, and from which authorized bills can be paid.

B. A fund is to be set up by the treasurer of the town of Mansfield to be known as the anti-recession fund into which funds from federal sources can be deposited when received, and out of which duly authorized expenditures may be made. [Ord. 179 §§ 1, 2, 1977.]

**3.45.020 Capital facilities plan fund.**

A. A new fund shall be created and titled Capital Facilities Plan Fund No. 302.

B. All funds will be expended on appropriate services, supplies, salaries and benefits relating to the CFP or administration thereof.

C. The 1994 budget shall reflect the proper budget amounts. [Ord. 356, 1993.]

**3.45.030 Criminal justice fund.**

A. All criminal justice revenues to date shall be transferred from Fund. No. 001 to a new fund titled Criminal Justice Fund No. 103.

B. All funds will be expensed on appropriate materials, programs, equipment or supplies directly relating to law enforcement in the town of Mansfield as directed by the state of Washington, and the budget appropriately amended. [Ord. 335, 1991.]

**3.45.040 Mansfield cemetery fund.**

A. Name of Fund. In accordance with the requirements of the Washington State Auditor's Office and their prescription for "cash basis" accounting and reporting entities to the "BARS" as their guide for establishing funds to be used by the town, there is hereby created a special revenue fund known as the "Mansfield cemetery fund."

B. Purpose of Fund. The purpose of the Mansfield cemetery fund is to accumulate monies received by the citizens that are restricted from use of any purpose other than those related to the care, maintenance, and operations of the Mansfield Cemetery.

C. Source of Resources. Resources for this fund may come from donations, gifts, lease agreements, purchase of plots, and burial fees.

D. Authority to Accept Donations. The clerk is authorized to accept donations of money from the public for cemetery purposes. Upon receipt, such donations shall be deposited into the Mansfield cemetery fund. [Ord. 474 §§ 1 – 4, 2011.]

**3.45.050 Real estate excise tax fund.**

A. Name of Fund. In accordance with the requirements of the Washington State Auditor's Office and their prescription for "cash basis" accounting and reporting entities to the "BARS" as their guide for establishing funds to be used by the town, there is hereby created a fund known as the "real estate excise tax fund (105)" previously known as the "capital project fund (301)."

B. Purpose of the Fund. This fund was established to accommodate real estate excise tax revenue.

C. Source of Resources. Revenues disbursed by the Douglas County treasurer as real estate is sold in the town of Mansfield. Since 2005 the distribution amount has changed and a portion of the money is divided between REET and city assistance; this was done through the county treasurer. The capital expense for an authorized project will be determined at a later date after funds accumulate. [Ord. 475 §§ 1 - 3, 2011.]

**3.45.060 Revenue sharing fund.**

A. A fund is needed into which funds can be deposited from town, state and federal sources, and from which authorized bills can be paid.

B. A fund is to be set up by the treasurer of the town of Mansfield, to be known as the revenue sharing fund into which funds from town, state and federal sources can be deposited when received, and out of which duly authorized expenditures may be made for revenue sharing purposes. [Ord. 162 §§ 1, 2, 1974.]

**3.45.070 Sewer lagoon fund.**

A. Work is being done and will be done on the Mansfield sewer lagoon to comply with all health regulations.

B. A special fund is needed into which funds can be deposited from town, state and federal sources and from which authorized bills can be paid.

C. A special fund is to be set up by the treasurer of the town of Mansfield, to be known as the sewer lagoon fund into which funds from town, state and federal sources can be deposited when received, and out of which duly authorized expenditures may be made for sewer lagoon purposes. [Ord. 158 §§ 1 - 3, 1973.]

**3.45.080 Volunteer relief and compensation fund.**

A. There is hereby created in the town of Mansfield a fund known as the volunteer relief and compensation fund for the use and benefit of the members of the volunteer firemen of said town of Mansfield, Washington, into which shall be paid and carried all receipts of whatever character arising from the operation of said volunteer fire department and disbursed through vouchers properly approved.

B. The membership of said volunteer fire department shall be limited to 20 firemen. [Ord. 126 §§ 1, 2, 1940.]

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**Title 4**  
**(RESERVED)**



**Title 5**

**BUSINESS LICENSING AND REGULATIONS**

**Chapters:**

- 5.05 Business Licenses**
- 5.10 Solicitors**
- 5.15 Pool Halls and Card Rooms**
- 5.20 Sale of Intoxicating Beverages**
- 5.25 Punchboards**
- 5.30 Motor Oil Retailers**
- 5.35 Dance Halls**



**Chapter 5.05****BUSINESS LICENSES**

## Sections:

- 5.05.010 License required.
- 5.05.020 License fees and applications.
- 5.05.030 Fees designated.
- 5.05.040 Violations – Penalties.
- 5.05.050 License revocation.

**5.05.010 License required.**

It shall be unlawful for any person, firm or corporation to carry on, conduct or engage in any business or vocation within the corporate limits of the town of Mansfield, Washington, for which a license fee is required as hereinafter set forth, unless such person, firm or corporation shall have first obtained and paid for the licenses required therefor. [Ord. 69 § 1, 1917.]

**5.05.020 License fees and applications.**

All license fees herein required to be paid are hereby levied for the purpose of regulation of the particular business or vocation licensed, or for the purpose of raising revenue for the town of Mansfield, Washington; all licenses shall be issued only upon application therefor in writing, to the town treasurer, accompanied with a tender of sufficient money to pay for the license applied for, and upon receipt of said application and money the town treasurer shall issue to the person, firm or corporation named in said application the license requested, which shall entitle the licensee to carry on, conduct, engage in or maintain the particular business or vocation therein named, unless the said license be revoked under the provisions of this chapter. [Ord. 69 § 2, 1917.]

**5.05.030 Fees designated.**

License fees required on any business or vocation within the corporate limits of the town of Mansfield, Washington, shall be as follows:

- Hawkers, peddlers and itinerant vendors of chattels; \$5.00 per day.
  - Vendors of meat; \$5.00 per day.
  - Confectionery, soft drink, tobaccos or eating stands; \$5.00 per day.
  - Knife racks, cane racks, or any other rack or stand where prizes or goods are given dependent upon chance; \$5.00 per day.
  - Vendors of bankrupt stocks, fire stocks or salvage stocks; \$10.00 per day.
  - Pawn brokers and junk dealers; \$5.00 per month.
  - Shooting galleries; \$10.00 per month.
  - Traveling shows, exhibitions, plays or theatricals, making one or more nightly stands; \$5.00 per performance.
  - Tent shows, other than circuses; \$10.00 per performance.
  - Circuses; \$20.00 per performance.
  - Bowling alleys, boxball alleys, roller rinks, ice rinks, dancehalls; \$50.00 per year.
- The annual license fees for theatres shall be determined by the council from time to time as they may deem to the best interests of the town and community. [Ord. 102, 1927; Ord. 96 § 1, 1924; Ord. 95 § 1, 1924; Ord. 69 § 3, 1917.]

**5.05.040 Violations – Penalties.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$100.00, or by imprisonment in the town or country jail not exceeding 30 days, or by both such fine and imprisonment. [Ord. 69 § 4, 1917.]

**5.05.050 License revocation.**

For any violation of the provisions of this chapter the council of the town of Mansfield may, in addition to the penalty herein provided for, revoke any license granted under the provisions of this chapter. Before revoking such license, the person holding the license must be notified at least one day before the council acts thereon, of their intention to revoke the same, and if the holder thereof, so desires, he may be heard in opposition to such revocation. All revocations shall be by resolution of the council, and as soon as such revocation is passed by a majority of the councilmen, the clerk shall notify the licensee in writing of such revocation, and upon such notification the privilege granted by the license shall be at an end, and no other license shall be granted to the person whose license has been revoked until the expiration of the term for which the former license was granted, nor within one year thereafter. [Ord. 69 § 5, 1917.]

**Chapter 5.10****SOLICITORS**

## Sections:

- 5.10.010 Definition.
- 5.10.020 License.
- 5.10.030 Application bond.
- 5.10.040 Orders.
- 5.10.050 Fees.
- 5.10.060 Penalty.

**5.10.010 Definition.**

A “solicitor” within the meaning of this chapter is defined to be any person who goes from house to house or from place to place in the town of Mansfield, Washington, selling or taking orders for goods, wares or merchandise or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery; provided, however, that this chapter shall apply only to solicitors who demand, accept or receive payment or deposit of money in advance of final delivery. [Ord. 98 § 1, 1925.]

**5.10.020 License.**

It shall be unlawful for any person to act as a solicitor within the meaning and application of this article without first securing a license from the town clerk so to do. [Ord. 98 § 2, 1925.]

**5.10.030 Application bond.**

Any person desiring a license to engage as a solicitor within the town of Mansfield, Washington, shall make application therefor to the town clerk, on forms to be provided, stating the name and address of the applicant, and the kind of goods offered for sale, or the kind of services to be performed. Such application shall be accompanied by a bond in the penal sum of \$500.00 executed by a surety company or by two responsible free holders residing in the town of Mansfield (or in lieu thereof a cash bond of equal amount), conditioned upon the making of final delivery of the goods ordered, or services to be performed, in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of money or damages or both. Such bond shall remain in full force and effect and in case of a cash deposit, such deposit shall be retained by the town of Mansfield, for a period of 90 days after the expiration of any such license, unless sooner released by the council. [Ord. 98 § 3, 1925.]

**5.10.040 Orders.**

All orders taken by licensed solicitors shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser. [Ord. 98 § 4, 1925.]

**5.10.050 Fees.**

The license fee for a solicitor, one who demands, receives or accepts payment or deposit in advance of final delivery, shall be:

Those on foot:	
Per day	\$5.00
Per quarter of year	\$50.00

Those using a vehicle:

Per month	\$50.00
Per quarter of year	\$100.00

[Ord. 98 § 5, 1925.]

**5.10.060 Penalty.**

Every person who shall violate any provisions of this chapter on conviction shall be punished by a fine of not less than \$10.00 nor over \$100.00 or imprisonment of not less than 10 days or over 30 days or both fine and imprisonment. [Ord. 98 § 6, 1925.]

**Chapter 5.15****POOL HALLS AND CARD ROOMS**

## Sections:

- 5.15.010 License required.
- 5.15.020 License application process.
- 5.15.030 Refusal of license.
- 5.15.040 Town authority to grant licenses.
- 5.15.050 Annual fee.
- 5.15.060 Hours of operation.
- 5.15.070 Prohibitions.
- 5.15.080 Violations, penalties.
- 5.15.090 Revocation.
- 5.15.100 "Person" defined.
- 5.15.110 Misdemeanor.

**5.15.010 License required.**

It shall be unlawful for any person, firm, or corporation to operate, carry on, maintain, or conduct any billiard, pool, or card table for hire within the town of Mansfield unless such person, firm, or corporation shall have taken out and procured a license so to do in the manner prescribed by this chapter. [Ord. 100 § 1, 1927.]

**5.15.020 License application process.**

Any person desiring a license for conducting, carrying on, or operating any billiard, pool, or card table for hire in the town of Mansfield shall first file a petition with the town clerk requesting such license, which petition shall give the name of the petitioner and the place where he desires to conduct such billiard, pool, or card table, the number of such tables, and the street name and number where such business is to be conducted. Upon filing said petition the clerk shall report same to the council, which shall refer it to the committee on licenses and revenues, or to a special committee, for consideration and investigation. The committee shall proceed to examine said petition and may at its discretion investigate any of the matters set forth therein, and it shall report its findings to the council, with its recommendations as to whether or not the said petition should be granted. If said committee recommends that the petition be granted, and the council approves the same, the city treasurer shall be instructed to issue a license to the petitioner for a period of one year. [Ord. 100 § 2, 1927.]

**5.15.030 Refusal of license.**

Nothing contained in this chapter shall be construed as entitling the petitioner to a license upon complying with the foregoing provisions as to the filing of his petition, but the council may in its discretion refuse to grant such license if in its opinion the applicant therefor is an unfit person to have such license, or the place where such license is to be used is unfit or undesirable, or the public welfare will not be promoted thereby. [Ord. 100 § 3, 1927.]

**5.15.040 Town authority to grant licenses.**

The town council shall have authority to grant licenses for the operation, and conducting for hire of pool tables and card tables, and said council shall have authority to issue licenses without regard to population requirements as stated in Section 4 of Ordinance 100. [Ord. 119, 1939; Ord. 100 § 4, 1927.]

**5.15.050 Annual fee.**

The annual fee for such billiard, pool, or card room license shall be \$10.00 for the first billiard or pool table and \$5.00 for each and every additional billiard or pool table, and \$2.50 for each and every card table, and

the rates shall be the same for any fractional part of a year. The fees herein referred to must accompany the petition. Upon the granting of the said petition the fees deposited with the clerk shall at once be turned over to the treasurer as a condition precedent to the issuing of the said license. In event the petition be rejected by the council, the deposit with the clerk shall be at once returned to the petitioner. [Ord. 100 § 5, 1927.]

**5.15.060 Hours of operation.**

It shall be unlawful for any person, firm or corporation, owning, operating or having in charge any licensed public billiards, pool or card room in the town of Mansfield, Washington, to permit the same to be open or to remain open, or to permit any person to be or remain therein for the purpose of playing billiards, pool or cards between the hours of 1:00 a.m. and 6:00 a.m. of any week day and between the hours of 12:00 midnight on Saturday and 7:00 a.m. on Sunday and between the hours of 10:00 p.m. Sunday and 6:00 a.m. on Monday. [Ord. 121 § 1, 1939; Ord. 100 § 6, 1927.]

**5.15.070 Prohibitions.**

It shall be unlawful for any person, firm, or corporation owning, operating, or having in charge any public pool, billiard, or card room in the town of Mansfield to allow any person under the age of 18 years to loiter therein, or to play pool, billiards, or cards therein, or to play or throw dice, or to engage in any game of chance, or to participate in any lottery or chance selling scheme whatsoever. [Ord. 100 § 7, 1927.]

**5.15.080 Violations, penalties.**

For any violation of the provisions of this chapter the council may, in addition to the penalty herein provided, revoke any license granted under the provisions contained herein. Before such revocation the person holding the license must be notified at least five days before the council acts thereon, which notice shall state that the council has under consideration the revocation of such license, the day and hour when the council proposes to take action thereon, and advising the holder of such license that at that time he may appear either in person or by representative in opposition to such revocation order. In event the council shall decide to revoke any such license it shall be done by adopting and recording a resolution to that effect, and forthwith the clerk shall notify in writing the person whose license has thus been revoked of the fact of revocation, and thereafter all privileges granted under said license shall be at an end. No license provided for in this chapter shall be granted to any person whose license has been revoked as herein provided until the expiration of the term for which the former license was granted and for one year thereafter. [Ord. 100 § 8, 1927.]

**5.15.090 Revocation.**

The council may also revoke the license herein provided for if the holder thereof shall violate the provisions of any other ordinance of the town of Mansfield, or any statute or law of the state of Washington, or any law or requirement of the federal government. [Ord. 100 § 9, 1927.]

**5.15.100 "Person" defined.**

The word "person" wherever used in this chapter shall when necessary be held and construed to mean either sex, associations, clubs, copartnerships, and corporations, whether acting by themselves or through an agent, servant, or employee; and when necessary the singular shall be held and construed to mean the plural, and the masculine pronoun the feminine. [Ord. 100 § 10, 1927.]

**5.15.110 Misdemeanor.**

Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding \$100.00, or by imprisonment in the town jail not to exceed 30 days, or by both such fine and imprisonment. [Ord. 100 § 11, 1927.]

**Chapter 5.20****SALE OF INTOXICATING BEVERAGES**

## Sections:

- 5.20.010 Definitions.
- 5.20.020 Inspections.
- 5.20.030 License required.
- 5.20.040 Seals.
- 5.20.050 Liquor in a public place.
- 5.20.060 Public intoxication.
- 5.20.070 Sales to intoxicated persons.
- 5.20.080 Supplying liquor to minors.
- 5.20.090 Hours of sale.
- 5.20.100 Violations – Penalties.

**Prior legislation:** Ords. 113 and 114.

**5.20.010 Definitions.**

In this chapter any term used, but not herein specifically defined, shall have the definition and meaning given it by the Washington State Liquor Act, if defined therein, otherwise it shall have the meaning ordinarily given it by common use. [Ord. 116 § 1, 1935.]

**5.20.020 Inspections.**

All licensed premises used in the manufacture, storage, or sale of liquor shall at all times be open to inspection by any inspector or peace officer in order to ascertain whether any infraction of any of the provisions of this act or the regulations has taken place or is taking place therein. [Ord. 116 § 2, 1935.]

**5.20.030 License required.**

Any person doing any act required to be licensed under the Washington State Liquor Act without having in force a license issued to him under said act shall be guilty of a violation of this chapter. [Ord. 116 § 3, 1935.]

**5.20.040 Seals.**

No liquor shall be kept or had by any person within the town unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal prescribed under the Washington State Liquor Act. [Ord. 116 § 4, 1935.]

**5.20.050 Liquor in a public place.**

Except as permitted by the Washington State Liquor Act, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor and on conviction therefor shall be fined not more than \$10.00. [Ord. 116 § 5, 1935.]

**5.20.060 Public intoxication.**

No person who is intoxicated shall be or remain in any public place, and every person who violates any provision of this section shall be liable, on conviction, for a first offense to a penalty of not more than \$10.00; for a second offense to a penalty of not more than \$25.00; and for a third or subsequent offense to imprisonment for not more than 30 days, with or without hard labor, without the option of a fine. [Ord. 116 § 6, 1935.]

**5.20.070 Sales to intoxicated persons.**

No person shall sell any liquor to any person apparently under the influence of liquor. [Ord. 116 § 7, 1935.]

**5.20.080 Supplying liquor to minors.**

Except in the case of liquor given or permitted to be given to a person under the age of 21 years by his parents or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply, liquor to any person under the age of 21 years, or permit any person under the age of 21, to consume liquor on his premises or on any premises under his control. [Ord. 116 § 8, 1935.]

**5.20.090 Hours of sale.**

No beer or wine shall be sold, offered for sale, served or consumed upon any licensed premises upon any day of any general special or primary election of any state, county or municipal officers within the town of Mansfield, Washington, and before the polls have closed, nor between the hours of 12:00 midnight on Saturday and 6:00 a.m. on the following Monday, nor upon any week day between the hours of 1:00 a.m. and 6:00 a.m. [Ord. 121 § 2, 1939; Ord. 116 § 9, 1935.]

**5.20.100 Violations – Penalties.**

Every person guilty of a violation of any of the provisions of this chapter, for which no penalty is specifically prescribed, shall be punished, on conviction of a plea of guilty, by a fine of not more than \$300.00, or by imprisonment not to exceed 60 days, or by both such fine and imprisonment. [Ord. 116 § 10, 1935.]

**Chapter 5.25****PUNCHBOARDS**

## Sections:

- 5.25.010 Definitions.  
5.25.020 License required – Fees.  
5.25.030 Violation – Penalty.  
5.25.040 Minors.  
5.25.050 State law.  
5.25.060 Object – Purpose.

**5.25.010 Definitions.**

“Person” shall include any individual or corporation.

“Trade stimulators” as used in this chapter shall include any and all kinds of punchboards, contrivances or devices for the distribution of merchandise, cash or any other article of value, the player or operator of which pays a consideration to so play or operate, for which he may receive a prize of gift or cash. [Ord. 128 § 1, 1949.]

**5.25.020 License required – Fees.**

Any person, firm, company or corporation engaged in operating or conducting any place where punchboards are maintained for the purpose of selling chances or punches thereon to the public, whether for profit or to induce patronage in any business connected therewith, the sum of one percent of the face sales value of said boards, whether or not the said board or boards be fully sold or punched out; said license fee to be paid in advance and a certificate of payment of said license fee signed by the town marshal of the town of Mansfield to be affixed to each said punchboard before the same is made available for patronage or the sale of changes or punches to the public; said license fee to apply to each and every punchboard so exhibited for patronage and to be in addition to each and all of the other license fees required under other sections of this chapter. [Ord. 128 § 2, 1949.]

**5.25.030 Violation – Penalty.**

A. Any person who shall offer for sale any such trade stimulator or punchboard without first having complied with the terms of this chapter shall be guilty of a misdemeanor.

B. Any retail merchant or other person who displays or has in his possession or place of business and who offers or displays for use to the public any trade stimulator or punchboard which has not been legally stamped shall be guilty of a misdemeanor.

C. Any person convicted of a violation of any of the provisions of this chapter shall be punished by a fine of not more than \$100.00 or by imprisonment in the town or county jail for not more than 30 days, or by both such fine and imprisonment. [Ord. 128 § 3, 1949.]

**5.25.040 Minors.**

It shall be unlawful for any person under the age of 21 years of age to play or operate any such trade stimulator or punchboard; and it shall be unlawful for operator or any other person who is in charge of such stimulator or punchboard, or of the premises where such device is kept, maintained or operated, to permit or allow any person under the age of 21 years of age to play or operate such device. [Ord. 128 § 4, 1949.]

**5.25.050 State law.**

Nothing in the provisions of this chapter shall be construed as an attempt to legalize any such trade stimulator or punchboard now or hereafter declared to be in violation of the laws of the state of Washington, and

the illegality of such device shall not be a defense or bar to the collection of any tax imposed thereon by this chapter. [Ord. 128 § 5, 1949.]

**5.25.060 Object – Purpose.**

The object and purpose of this chapter is to provide revenue for the town of Mansfield, and for no other purpose, and all license fees and taxes shall be deposited in the general fund. [Ord. 128 § 6, 1949.]

**Chapter 5.30****MOTOR OIL RETAILERS**

## Sections:

- 5.30.010 Point-of-sale notification program for motor oil retailers.
- 5.30.020 Program elements.
- 5.30.030 Retail collection of motor oil.
- 5.30.040 Glossary of terms.
- 5.30.050 Point-of-sale notification form.

**5.30.010 Point-of-sale notification program for motor oil retailers.**

The following point-of-sale notification program for used oil retailers shall be implemented within the town of Mansfield effective April 1, 1995. This point-of-sale notification program shall be divided into four elements: (A) a public education element, (B) a data collection and reporting element, (C) a used oil retail notification element and (D) an annual program review element. Specific information on each of the four elements are defined below and the entity responsible for the implementing of the element is identified. [Ord. 362 Exh. A, 1995.]

**5.30.020 Program elements.**

A. Public Education Element. The Douglas County solid waste program office (county) shall implement a countywide public education program. This countywide public education program shall be coordinated with the Douglas County solid waste advisory committee (SWAC). The county shall, with the assistance of the SWAC, design and produce a countywide used oil collection information brochure. This brochure shall contain information that is helpful to the public in understanding the need to properly dispose of used oil, proper methods of collecting used oil, facilities that collect used oil and an explanation of the categories of used oil.

B. Data Collection and Reporting Element. The county shall implement a data collection and reporting program to track, monitor and report the effectiveness of the point-of-sale notification program. Each retailer within Mansfield that sells over 55 gallons of motor oil per month or 660 gallons or more annually shall complete an annual motor oil sales report. This annual motor oil report shall include:

1. Name and address of the retail outlet.
2. State of Washington Standard Industrial Classification (SIC) number.
3. Annual quantity of motor oil sold in gallons.
4. Signature of individual filling out the report.
5. Date that report was filled out.

The data collection and reporting program shall be designed to be confidential to protect individual businesses from release of proprietary information.

C. Used Oil Retail Notification Element. Any retailer that sells over 55 gallons of motor oil per month or 660 gallons or more annually shall post a public notice which shall notify a motor oil purchaser of where their used oil can be collected. This public notice shall be prominently displayed; whenever reasonable, it shall be displayed in the immediate proximity of where the public would find the motor oil to purchase.

D. Annual Program Review Element. The town of Mansfield shall meet with the solid waste program office annually to review the effectiveness of the point-of-sale notification program. Specifically, this annual review shall focus on the following elements:

1. Effectiveness of the Countywide Public Education Program. Suggestions for improving the countywide public education program.
2. Effectiveness of the Data Collection and Reporting Program. Suggestions for improving the data collection and reporting program.
3. Retailer Compliance With the Used Oil Retail Notification Program. Suggestions for improving the used oil retail notification program.

4. Reevaluation of the Motor Oil Quantity Levels for Retailers. This reevaluation shall be based upon the following specific circumstances:

- a. Effectiveness in determining the amount of motor oil purchased within Mansfield.
- b. Burden placed upon the retailers to comply with the data collection and reporting program.
- c. Burden placed upon the retailers to comply with the used oil retail notification program.

5. Compliance with the adopted Douglas County used oil element. [Ord. 362 Exh. A, 1995.]

**5.30.030 Retail collection of motor oil.**

Each retailer within Mansfield who annually sells 1,000 gallons or more of motor oil should consider the establishment of a public used oil collection program on their premises. Each retailer who chooses to offer this public service shall be included in the countywide public education program. [Ord. 362 Exh. A, 1995.]

**5.30.040 Glossary of terms.**

For the purpose of this chapter:

Categories of Used Oil. Under WAC 173-303-515 used oil is identified into three categories: (1) on-specification; (2) off-specification; and (3) dangerous waste.

“Motor oil purchaser” means an individual who purchases motor oil from a retailer.

“Solid waste advisory committee” means the Douglas County solid waste advisory committee (SWAC).

“Solid waste program office” means the Douglas County solid waste program office.

“Used oil collection program” means a program established by a retailer to collect on-specification used motor oil from the public. [Ord. 362 Exh. A, 1995.]

**5.30.050 Point-of-sale notification form.**

TOWN OF MANSFIELD

MOTOR OIL POINT-OF-SALE NOTIFICATION

Annual Report

As specified in Ordinance \_\_\_\_\_ all retailers within Mansfield who sell over fifty-five (55) gallons of motor oil per month or 660 gallons annually must complete an annual motor oil point-of-sale notification report. This annual report will be used to verify the amount of motor oil sold within Mansfield, so that the Town can document how effective its used-oil collection program is. This annual motor oil point-of-sale notification report will provide the Town with the verification necessary to comply with Chapter 70.951 RCW.

PLEASE PROVIDE THE FOLLOWING INFORMATION

Retail outlet preparing the report:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Individual preparing the report:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

EPA/State Site Identification Number: S.I.C. # \_\_\_\_\_

Quantity of motor oil sold annually in gallons:

Volume sold: \_\_\_\_\_ Gallons

\_\_\_\_\_

I certify that the preceding information is correct and that all the terms and conditions contained within Ordinance \_\_\_\_\_ has been complied with.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

[Ord. 362 Exh. A, 1995.]

## Chapter 5.35

### DANCE HALLS

Sections:

- 5.35.010 Definitions.
- 5.35.020 License required.
- 5.35.030 Premises requirements.
- 5.35.040 Fee.
- 5.35.050 Requirements.
- 5.35.060 Persons under the influence of liquor.
- 5.35.070 Police officer access.
- 5.35.080 License application.
- 5.35.090 Violation.
- 5.35.100 Penalty.

**5.35.010 Definitions.**

As used in this chapter the term “public dance” shall be construed to mean any dance or ball to which the public generally may gain admission with or without the payment of an admission fee. The term “dance hall” shall be construed to mean any room, hall, pavilion, building or other structure kept or used for the purpose of conducting therein public dances or dancing. [Ord. 94 § 1, 1924.]

**5.35.020 License required.**

No person or persons, company, copartnership, corporation club, society, firm or other origination shall hold any public dance or conduct or maintain any dance hall within the limits of the town of Mansfield, Washington, without first having procured from the town council of said town a license so to do. A license for a single dance shall entitle the holder thereof to conduct such dance only on the day and at the place specified in the license. No license to conduct a public dance or dance hall shall be granted unless the applicant therefor be of good moral character. No license shall be granted to any corporation, company, copartnership, association, club, society, firm, or other origination, but if any dance hall be conducted by a corporation, company, copartnership, association, club, society, firm or other organization the license shall be issued to the manager or other directing head thereof. [Ord. 94 § 2, 1924.]

**5.35.030 Premises requirements.**

The licensee shall keep the dance hall or place where such public dance shall be held in a clean, healthful and sanitary condition at all times, and have the stairways and other passages and all rooms and places connected with such dance hall or place where such public dance is held at all times open and well lighted, and smoking shall not be permitted in the dance hall or other place where such public dance is held, nor any anteroom reserved for ladies, or in hallway leading to such dance hall or place where such public dance is held. [Ord. 94 § 3, 1924.]

**5.35.040 Fee.**

The license fees for any public dance or dances shall be \$1.50 for each single dance or a yearly fee of \$25.00. [Ord. 112 § 1, 1933; Ord. 94 § 4, 1924.]

**5.35.050 Requirements.**

No immoral, indecent, suggestive or obscene dances shall be given or carried on in any dance hall or at any dance licensed hereunder. All buildings or halls, rooms, pavilions, or other places in which public dances are carried on as well as all halls, corridors, and rooms leading thereto or connecting therewith shall at all times while open to the public be fully lighted and no “dimmers” or other like devices shall be permitted. No public

dance shall be conducted or dance hall kept open between the hours of 1:00 a.m. and 6:00 a.m., except on holiday days (public) or days of public celebration and on these days only by special permission of the council of the town of Mansfield, Washington. No person under the age of 18 years shall be permitted to attend any public dance without the escort of his or her parent or guardian or a written permit signed by his or her parent or guardian giving said person the right to attend public dances. Any person under the age of 18 years who shall by affirmative misrepresentation of age obtain admission or permission to remain in any dance hall shall be guilty of a misdemeanor. No dance shall be permitted on Sunday. [Ord. 94 § 5, 1924.]

**5.35.060 Persons under the influence of liquor.**

No person or persons maintaining or conducting or carrying on any public dance or dance hall or having charge or control thereof or any person employed in or about the same shall allow or permit any person under the influence of intoxicating liquor or any boisterous or disorderly person to enter or remain in or to dance in any such public dance hall. [Ord. 94 § 6, 1924.]

**5.35.070 Police officer access.**

Any police officer of the town of Mansfield shall have free access to all public dance halls or place where public dances held at all times for the purpose of inspecting and to enforce compliance with the provisions of this chapter. [Ord. 94 § 7, 1924.]

**5.35.080 License application.**

Application for license hereunder shall be filed with the town clerk and be accompanied by a receipt showing the payment to the town treasurer of a license fee. After determining to grant a license to the applicant the town council shall notify the town clerk who shall issue the license to the applicant. All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises. [Ord. 94 § 8, 1924.]

**5.35.090 Violation.**

A violation of any regulation herein contained or any violation of any police regulation of the town of Mansfield on the part of the licensee shall be sufficient grounds for the revocation or suspension of such license and any license granted hereunder may be revoked and forfeited for the unexpired terms thereof shortened by the town council for any reason which to it may seem sufficient and the action of said town council in revoking any such license shall be final and conclusive. Every licensee excepting a license hereunder shall be deemed to have conceded to the provisions of this section with respect to the cancellation of license. No license granted hereunder shall be transferable except by a formal order of the town council, nor shall any dance hall or public dance be conducted in any place other than is specified in the license therefor. [Ord. 94 § 9, 1924.]

**5.35.100 Penalty.**

Every person who shall violate any of the provisions of this chapter shall upon conviction thereof be punished by a fine in any sum not exceeding the sum of \$100.00 or by imprisonment in the town jail for a period not exceeding 30 days or by both such fine and imprisonment. [Ord. 94 § 10, 1924.]

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**Title 6**

**ANIMALS**

**Chapters:**

- 6.05**      **Animals at Large**
- 6.10**      **Dogs**
- 6.15**      **Livestock**



**Chapter 6.05****ANIMALS AT LARGE**

## Sections:

## Article I. Stock Running at Large

- 6.05.010 Animals running at large.
- 6.05.020 Notice.
- 6.05.030 Sale at public auction.
- 6.05.040 Recovering animals.
- 6.05.050 Unredeemed stock.
- 6.05.060 Overplus.
- 6.05.070 Fees for sold stock.
- 6.05.080 Return of stock.
- 6.05.090 No claims made.
- 6.05.100 No sum bid for stock.

## Article II. Domestic Fowls Running at Large

- 6.05.110 Domestic fowls running at large.
- 6.05.120 Violation, penalty.

**Article I. Stock Running at Large****6.05.010 Animals running at large.**

It shall be unlawful for the owners thereof to permit any horses, mules, asses, cattle, sheep, goats or swine to run at large within the corporate limits of the town of Mansfield. [Ord. 6 § 1, 1911.]

**6.05.020 Notice.**

It shall be the duty of the marshal to take up any of the aforesaid animals, permitted to run at large in violation of this article, and within 24 hours thereafter to post notices in three public places within the corporate limits of the town of Mansfield, which notices shall describe said stock as fully as may be, and shall state that unless redeemed by the owner said stock will be offered for sale at public auction, stating the day and hour thereof and the place where said sale shall occur. [Ord. 6 § 2, 1911.]

**6.05.030 Sale at public auction.**

The said sale shall in no case occur in less than five days from the posting of the said notices. [Ord. 6 § 3, 1911.]

**6.05.040 Recovering animals.**

If, previous to the time of said sale, the owner of said stock shall prove the same to be his, he shall be entitled to the same by paying all charges, which shall be \$1.50 for taking up said stock and posting said notices, and \$1.00 per day for keeping each head of horses, mules, asses, or cattle, and \$0.50 per day for keeping each head of sheep, goats or swine.

The marshal shall receive a fee of \$0.50 for each animal taken up, which fee shall be paid out of the aforesaid penalty of \$1.50. [Ord. 6 § 4, 1911.]

**6.05.050 Unredeemed stock.**

If, at the time set for said sale, said stock shall not have been redeemed, the marshal shall proceed to offer said stock for sale to the highest bidder for cash. [Ord. 6 § 5, 1911.]

**6.05.060 Overplus.**

After paying the charges that have accrued for the taking up and the keeping of the said stock and \$1.00 for making said sale, and securing vouchers therefor, the marshal shall deposit the overplus together with said vouchers with the treasurer, who shall retain said overplus for a period of six months. [Ord. 6 § 6, 1911.]

**6.05.070 Fees for sold stock.**

If the owner of said stock sold, or his legal representative shall within six months after said sale furnish satisfactory evidence to the police justice of his ownership of said stock, he shall be entitled to receive the amount so deposited with said treasurer less two percent of the amount deposited and all charges provided for herein and the sum of \$1.00, which shall be paid to said police justice as his fees. [Ord. 6 § 7, 1911.]

**6.05.080 Return of stock.**

Upon full compliance with MMC 6.05.070 within six months of the date of said sale, the owner of said stock may have the same delivered to him by the purchaser, upon demand, by refunding to said purchaser the amount paid by him for the same together with a reasonable amount, to be determined by said police justice for keeping the same. [Ord. 6 § 8, 1911.]

**6.05.090 No claims made.**

If no claim shall have been made for such overplus within six months after said sale, then the treasurer shall accredit the net proceeds of said sale to the current expense fund of the town, and all rights of redemption thereto shall have expired. If no claim shall have been made for said stock within six months after said sale, all rights of redemption thereto shall have expired. [Ord. 6 § 9, 1911.]

**6.05.100 No sum bid for stock.**

In case there shall not be a reasonable sum bid for any stock at the time of sale, the marshal may, if he deem it expedient, adjourn said sale and readvertise the same. [Ord. 6 § 10, 1911.]

**Article II. Domestic Fowls Running at Large****6.05.110 Domestic fowls running at large.**

The running at large of domestic fowls within the limits of the town of Mansfield is hereby forbidden. [Ord. 16 § 1, 1911.]

**6.05.120 Violation, penalty.**

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$50.00, or by imprisonment in the town or county jail not to exceed 10 days, or by both such fine and imprisonment. [Ord. 16 § 2, 1911.]

**Chapter 6.10****DOGS**

## Sections:

- 6.10.010 Definitions.
- 6.10.020 License – Required – Term.
- 6.10.030 License – Exemption – Seeing Eye dogs.
- 6.10.040 Rabies control.
- 6.10.050 Enforcement.
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- 6.10.080 Offenses relating to safety and sanitation – Dogs.
- 6.10.090 Offenses relating to ownership, possession, and control.
- 6.10.100 Dangerous dogs and potentially dangerous dogs – Registration – Required.
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- 6.10.120 Potentially dangerous dogs – Confiscation.
- 6.10.130 Dangerous dogs and potentially dangerous dogs – Dog bites, penalty and affirmative defenses.
- 6.10.140 Dangerous dogs or potentially dangerous dogs – Notification of declaration.
- 6.10.150 Keeping of pit bull dogs prohibited.
- 6.10.160 Impound and destruction of pit bull dogs – Removal from town – Appeals.
- 6.10.170 Appeal of animal control authority determination.
- 6.10.180 Appeal of animal control authority decision to confiscate or destroy.
- 6.10.190 Violation – Penalty.

**Prior legislation:** Ords. 8, 21, 163, 214, 220, 338, 376, 417.

**6.10.010 Definitions.**

As used in this chapter, except where a different meaning is plainly apparent from the context, the definitions set out in this section apply:

“Administrative fee” means the charge levied by the humane society for apprehending an animal and placing it in its custody.

“Alter” means to permanently render an animal incapable of reproduction for medical reasons, whether or not surgically altered.

“Animal control authority” means as the same is defined in RCW 16.08.070, as the same exists now or may hereafter be amended, and includes the Mansfield animal control department.

“Animal control officer” means as the same is defined in RCW 16.08.070, as the same exists now or may hereafter be amended.

“Animal shelter” means a place where seized, impounded, and/or detained animals are kept.

“County health department” shall mean the jurisdictional county health department or health district.

“Dangerous dog” means as the same is defined in RCW 16.08.070 as the same exists now or may hereafter be amended.

“Department” means the Mansfield animal control department or a qualified entity contracted with the city to perform the services of the humane society and animal shelter.

“Detain” means to apprehend and/or keep an animal in custody.

“Director” means the Mansfield animal control officer or the director of the humane society.

“Disposed of in a humane manner” means adopted or euthanized by an overdose of sodium pentobarbital.

“Harboring” means allowing any animal to remain or be lodged, fed or sheltered on property one owns, occupies or controls for more than 24 hours.

“Holding period” means 72 hours, commencing at 1:00 a.m. following the date of detainment of any animal excluding any day the animal shelter or other facility for detaining is not open to the public.

“Humane officer” means any employee of the Mansfield animal control department or any employee of a qualified entity contracted with the town to perform services of the humane society and shall also mean any animal control officer.

“Humane society” means any organization, whether private or public, that the town may contract with for the control of animals within the city limits and for the enforcement of this chapter and also means animal control authority.

“Owner” means as the same is defined in RCW 16.08.070, as the same exists now or may hereafter be amended.

“Permit” means human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent or negligent.

“Pit bull dog” means any pit bull terrier over the age of eight weeks.

“Pit bull terrier” means any American pit bull terrier, Staffordshire bull terrier, American bulldog or American Staffordshire terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier so as to be identifiable as partially of the breed American Staffordshire terrier.

“Potentially dangerous dog” means as the same is defined in RCW 16.08.070, as the same exists now or may hereafter be amended.

“Proper enclosure of a dangerous dog” means as the same is defined in RCW 16.08.070 as the same exists now or may hereafter be amended.

“Severe injury” means as the same is defined in RCW 16.08.070, as the same exists now or may hereafter be amended.

“Town” means the town of Mansfield.

“Trespassing” means an animal which enters upon property of another person without the authorization of the lawful occupant. [Ord. 491 § 1, 2015; Ord. 447 § 1, 2007; Ord. 405 § 1.]

#### **6.10.020 License – Required – Term.**

Any person keeping or owning a dog within the town limits will purchase from the clerk-treasurer a dog license, which license shall be placed on and kept on such dog at all times. Such license may be an annual license from January 1st of each year until the end of the year and shall be purchased and placed on each dog prior to April 1st of each year. License renewals purchased on April 1st or thereafter in any given calendar year shall be double the standard license fee. Dogs brought into the city limits from other locations shall be required to be licensed at the time such dog is brought into the city. Annual license fees shall not be prorated. Puppies shall be required to be licensed when they are weaned. License fees shall be \$10.00 each. [Ord. 447 § 2, 2007; Ord. 405 § 2.]

#### **6.10.030 License – Exemption – Seeing Eye dogs.**

A Seeing Eye dog properly trained and actually in use by a blind person shall not require a dog license, provided such Seeing Eye dog is registered with the town. [Ord. 447 § 3, 2007; Ord. 405 § 3.]

#### **6.10.040 Rabies control.**

A. All dogs over the age of six months or dogs with a full set of canine teeth shall have a current rabies vaccination administered by a licensed veterinarian. An owner or custodian acquiring a dog shall have such dog inoculated against rabies within 30 days after the dog reaches six months of age. Any person moving into the town from a location outside of the town shall comply with this section 30 days after having moved into the town.

B. A current rabies vaccination means that a dog vaccinated between three months and one year shall be revaccinated within one year of the vaccination and shall be revaccinated at least every three years thereafter. Any dog, cat or other animal that has bitten any person shall be immediately confined for a period of 10 days. No animal under confinement shall be released from confinement until such release has been approved by the director.

C. It is unlawful for the owner or custodian of any dog that has bitten any person to destroy such animal before it can be confined by an animal control officer. The location of such confinement shall be determined by the animal control officer and shall be at the sole expense of the owner or custodian. The owner or custodian of any animal that has been reported as having inflicted a bite on any person or other animal shall on demand of the animal control officer produce such animal for examination and quarantine as described in this chapter. If the owner or custodian of any such animal refuses to produce such animal and probable cause exists to support the contention that a person was bitten the owner or custodian shall be subject to immediately appear before the mayor or director who may order immediate production of the animal. If the owner willfully or knowingly secretes or refuses to produce the animal, each day of secretion or refusal to produce the animal shall constitute a separate and individual violation of this section.

D. When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the county health department and advise such department of any reports of human contact with such rabid animal. If any animal under quarantine dies while under observation the animal control officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as the diagnosis is made available, which shows the animal to be rabid, the animal control officer shall notify the county health department of any reports of human contact with the animal. Any animal which has not been inoculated against rabies and known to have been bitten by a rabid animal shall be humanely destroyed immediately.

E. Any veterinarian who diagnoses rabies in any animal shall report such fact to the animal control officer. The veterinarian shall determine, before any rabies inoculation is given, whether the subject animal is under quarantine or has inflicted a bite on any person within the last 10 days.

F. In case of an outbreak of rabies constituting an emergency situation the director shall be authorized to impose strict regulations pertaining to animals within the town limits. [Ord. 447 § 4, 2007; Ord. 405 § 4.]

#### **6.10.050 Enforcement.**

The town may, if feasible, contract with a qualified humane society entity to perform the services as set forth in this chapter. Such humane society shall have concurrent jurisdiction to supervise and enforce the provisions of this chapter with the director. Should the town not contract with a qualified entity to perform the services of the humane society, the director shall continue to perform the services of supervision and enforcement. Wherever the term "humane officer" is used in this chapter, the same shall also apply to the officers of the Mansfield contracted law enforcement agency, currently the Douglas County sheriff's department, thereby providing the contracted law enforcement agency with enforcement authority. Contracted law enforcement agency officers may be referred to in this chapter as police officers. [Ord. 447 § 5, 2007; Ord. 405 § 5.]

#### **6.10.060 Offenses relating to licensing.**

It is unlawful for the owner of an animal to do any of the following:

- A. Fail to obtain the license required by this chapter;
- B. Fail to display, conspicuously, a license identification tag on the licensed animal;
- C. Fail to show the license upon request of any animal control officer or police officer. [Ord. 447 § 6, 2007; Ord. 405 § 6.]

#### **6.10.070 Detainment and disposal.**

A. No detained animal shall be released to the owner until all applicable fees assessed by the town are paid.

B. The director shall ascertain whether any detained animal is currently licensed and if so shall notify the licensee by letter that such animal has been detained and may be redeemed upon payment of applicable fees.

C. Anyone claiming a detained animal must prove ownership to the satisfaction of the director before redeeming the animal.

D. Injured, diseased or wild animals need not be detained for the holding period, but may be disposed of in a humane manner at any time at the discretion of the director.

E. Any animal which is detained by the director may be held at the animal shelter or other place appropriate for the animal. The director shall post a notice of detainment at the shelter and shall attempt to determine ownership of an animal. If at the end of the holding period no owner has claimed the animal, the director shall dispose of the animal in a humane manner.

F. A boarding fee for every 24-hour period or part thereof for the care and feeding of the animal shall be charged to the owner commencing at the close of business on the day that the animal is detained.

G. The director or the county health department may direct the detention of animals suspected of having rabies. The animals shall be held until their release is approved by the director or the county health department and all applicable fees are paid.

H. An administrative fee shall be paid by any person claiming possession of an animal detained by the town.

I. All fees referred to in this section shall be as established by ordinance by the town council. [Ord. 447 § 7, 2007; Ord. 405 § 7.]

#### **6.10.080 Offenses relating to safety and sanitation – Dogs.**

It is unlawful for an individual to do any of the following:

A. Allow the accumulation of animal feces in any open area, run, cage or yard, wherein animals are kept.

B. Fail to remove from public property that fecal matter deposited by his or her animal on public property before the owner leaves the immediate area where the fecal matter was deposited.

C. Fail to have in his or her possession the equipment necessary to remove his or her animal fecal matter when accompanied by such animal on public property or on a public easement.

D. Have possession or control of any animal sick or afflicted with any infections or contagious diseases and fail to provide treatment for such infection or disease, or allow or permit such diseased or infected animal to run at large or come in contact with other animals or human beings or drink at any public or common watering trough or stream accessible to other animals. [Ord. 447 § 8, 2007; Ord. 405 § 8.]

#### **6.10.090 Offenses relating to ownership, possession, and control.**

It is unlawful for any individual to do any of the following:

A. Permit any dog to run at large; provided, that dogs may be allowed on public rights-of-way and on other public property where dogs are not prohibited, if restrained by a leash that is eight feet or shorter and if in the physical control of a person.

B. Permit any dog to enter any public fountain at any time or school ground while children are present.

C. Fail to confine any dog that is in heat in a secure enclosure so that the female dog cannot come in contact with a male dog unless the male dog is admitted by the owner of the female dog.

D. Permit any animal to (1) damage public property or the private property of another, or (2) continuous barking, howling or whining that can be heard 50 feet from the property line which occurs continuously for five minutes or more or (3) spread or spill garbage.

E. Permit any animal to trespass upon the property of another.

F. Have in his or her possession any animal not owned by him or her without the knowledge of the rightful owner thereof or to fail to surrender such animal to the director upon demand.

G. Tether an animal in such manner as to permit the animal to enter any sidewalk, street, alley or a place open to the public or to enter any adjacent lot unless authorized by the occupant of the adjacent premises.

H. To keep or maintain more than three dogs at any one residence or premises in the town, except at an animal (veterinary) hospital or clinic. For purposes of this subsection, no more than three dogs may be kept

at any one residence. The exception is if a litter of puppies is born and are being temporarily housed. If more than three dogs are kept at any one residence, all adult residents of such residence are in violation of this subsection.

I. Interfere or tamper with any animal control authority trap or pound; such activity shall include, but not be limited to, any action of any individual to physically retrieve or release an impounded or confiscated dog. [Ord. 447 § 9, 2007; Ord. 405 § 9.]

#### **6.10.100 Dangerous dogs and potentially dangerous dogs – Registration – Required.**

A. It is unlawful for an owner to have a dangerous dog or potentially dangerous dog in the town without a certificate of registration issued under this chapter. This prohibition shall not apply to police dogs as defined in RCW 4.24.410, as the same exists or may hereafter be amended.

B. The animal control authority of the city shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the animal control authority sufficient evidence of:

1. A secure enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property;

2. The owner shall conspicuously display a sign on the premises with a warning symbol that informs children of the presence of a dangerous dog; and

3. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW, as the same exists now or may hereafter be amended, in a form acceptable to the animal control authority in the amount established by RCW 16.08.080. Said statute payable to any person injured by the dangerous dog or a policy of liability insurance issued by an insurer qualified under RCW Title 48 in the same amount, insuring the owner for any personal injuries inflicted by the dangerous dog.

4. The dangerous dog shall have passed a town-issued or sanctioned behavioral test administered by the town animal control officer, or authorized designee. The owner of the dangerous dog shall pay a nonrefundable fee to the town prior to the dog taking the town's behavioral test. The nonrefundable fee shall include the town or authorized designee's costs of administering the test and administrative processing. The nonrefundable fee shall be paid prior to each test including any retest. Such fee shall be set by resolution of the town council from time to time. In the event the applicant is authorized, at the discretion of the mayor, to use a separate person or entity to administer the required test, and the applicant pays the costs for such test directly to the provider, the town shall discount the nonrefundable fee to exclude the costs of administering the test.

The town-required behavioral test shall be equivalent to the American Kennel Club Canine Good Citizenship Test and shall determine whether the dangerous dog is safe to remain in the community. The town or authorized designee shall provide a certificate of completion indicating that the dog has passed the behavioral test. After two years, the dog shall be required to retest with the town animal control officer or authorized designee in order to maintain its registration. If the dog fails to pass the test on its first try, it will be allowed to retake the test after one week. If the dog fails to pass the town-required behavioral test upon retest, or if no retest is sought, the town may begin enforcement actions under this chapter. All additional retests shall require a one year waiting period from the date of prior retest failure and shall only be allowed if the owner of the dog has properly complied with the requirements of this chapter and has paid the required nonrefundable testing fee.

C. The animal control authority of the city shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents to the animal control authority sufficient evidence of:

1. A secure enclosure or backyard chain run that safely confines the dog when the owner is absent.

2. The posting of the premises with a clearly visible warning sign that there is a potentially dangerous dog on the property.

3. The potentially dangerous dog shall have passed a town-issued or sanctioned behavioral test administered by the town animal control officer, or authorized designee. The owner of the potentially dangerous dog shall pay a nonrefundable fee to the town prior to the dog taking the town's behavioral test. The nonrefundable fee shall include the town or authorized designee's costs of administering the test and administrative processing. The nonrefundable fee shall be paid prior to each test including any retest. Such fee shall be set

by resolution of the town council from time to time. In the event the applicant is authorized, at the discretion of the mayor, to use a separate person or entity to administer the required test, and the applicant pays the costs for such test directly to the provider, the town shall discount the nonrefundable fee to exclude the costs of administering the test.

The town-required behavioral test shall be equivalent to the American Kennel Club Canine Good Citizenship Test and shall determine whether the potentially dangerous dog is safe to remain in the community. The town or authorized designee shall provide a certificate of completion indicating that the dog has passed the behavioral test. After two years, the dog shall be required to retest with the town animal control officer or authorized designee in order to maintain its registration. If the dog fails to pass the test on its first try, it will be allowed to retake the test after one week. If the dog fails to pass the town-required behavioral test upon retest, or if no retest is sought, the town may begin enforcement actions under this chapter.

All additional retests shall require a one-year waiting period from the date of prior retest failure and shall only be allowed if the owner of the dog has properly complied with the requirements of this chapter and has paid the required nonrefundable testing fee.

D. The city will charge an annual fee as established by town ordinance, in addition to regular dog licensing fees, to register a dangerous dog or a potentially dangerous dog. [Ord. 518 §§ 1, 2, 2021; Ord. 447 § 10, 2007; Ord. 405 § 10.]

#### **6.10.110 Dangerous dogs – Confiscation.**

A. Any dangerous dog as defined by the provisions of this chapter shall be immediately confiscated by an animal control authority, if any of the following exist or occur:

1. Dog is not validly registered under RCW 16.08.080;
2. Owner does not secure the liability insurance coverage required under RCW 16.08.080;
3. Dog is not maintained in the proper enclosure;
4. Dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person.

B. The owner must pay the costs of confinement and control.

C. The animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the costs of confinement and control, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within 20 days.

D. The animal control authority shall destroy the confiscated dangerous dog in an expeditious and humane manner if any deficiencies are not corrected within 20 days of notification.

E. In the event a dog has been declared by the animal control authority to be potentially dangerous or dangerous, the owner must comply with the applicable requirements of the town of Mansfield within 20 days of the notice of declaration from the town provided pursuant to this chapter and provide satisfactory evidence of such compliance within the same time period to continue ownership/possession of said dog in the town. The animal control authority may order the dog to be confined or controlled by the town during the 20-day period until the owner demonstrates satisfactory evidence to the animal control authority of compliance with the requirements of this chapter. If the animal control authority determines that confinement or control by the town is necessary for the safety of others, the owner must pay the town for all costs of the town confinement and control before the dog may be released by the town to the owner. In the event the owner fails to comply with the requirements of this subsection, the animal control authority shall destroy the confined dog in an expeditious and humane manner. [Ord. 447 § 11, 2007; Ord. 405 § 11.]

#### **6.10.120 Potentially dangerous dogs – Confiscation.**

A. It is unlawful for an owner or keeper of a potentially dangerous dog to permit the dog to be outside the secure enclosure or free from the backyard chain run unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The owner or keeper in violation of this

chapter shall be subject to civil monetary penalties set forth in this chapter, as the same exists now or may hereafter be amended.

B. In addition to any monetary penalties imposed pursuant to this chapter, failure of the owner or keeper of a potentially dangerous dog to comply with the requirements of this chapter shall result in the animal control authority immediately confiscating and impounding the potentially dangerous dog. [Ord. 447 § 12, 2007.]

**6.10.130 Dangerous dogs and potentially dangerous dogs – Dog bites, penalty and affirmative defenses.**

RCW 16.08.100 is hereby adopted by reference as it now exists or may hereafter be amended. [Ord. 447 § 13, 2007; Ord. 405 § 12.]

**6.10.140 Dangerous dogs or potentially dangerous dogs – Notification of declaration.**

A. Where the animal control authority seeks to declare a dog within the town to be a dangerous dog or potentially dangerous dog, the animal control authority must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested. The notice must state:

1. The statutory basis for the proposed action;
2. The reasons the animal control authority considers the animal dangerous or potentially dangerous;
3. A statement that the dog is subject to registration and controls required by this chapter, including a recitation of the applicable controls set forth; and
4. An explanation of the owner's rights and of the proper procedure for appealing a decision finding the dog dangerous or potentially dangerous.

B. Prior to the animal control authority issuing its final determination, the animal control authority shall notify the owner in writing that the owner is entitled to an opportunity to meet with the animal control authority at which meeting the owner may give, orally or in writing, any reasons or information as to why the dog should not be declared dangerous or potentially dangerous. The notice must state the date, time, and location of the meeting, which must occur prior to the expiration of 15 calendar days following delivery of the notice.

C. After the meeting, the animal control authority must issue its final determination, in the form of a written order, within 15 calendar days.

D. In the event the animal control authority declares the dog to be dangerous or potentially dangerous, the order shall include a recital of the authority for the action, a brief concise statement of the facts that support the determination, and the signature of the person who made the determination. The order shall be delivered in person or sent by regular and certified mail, return receipt requested to the owner at the owner's last address known to the animal control authority. [Ord. 447 § 14, 2007; Ord. 405 § 13.]

**6.10.150 Keeping of pit bull dogs prohibited.**

A. It is unlawful to keep, harbor, own, or in any way possess a pit bull dog (including mixed breeds) within the town unless such pit bull dog is licensed and has passed a town-issued or sanctioned behavioral test administered by the town animal control officer, or authorized designee, as further set forth in this section.

B. The owner of a pit bull dog shall pay a nonrefundable fee to the town prior to the pit bull dog taking the town's behavioral test. The nonrefundable fee shall include the town or authorized designee's costs of administering the test and administrative processing. The nonrefundable fee shall be paid prior to each test including any retest. Such fee shall be set by resolution of the town council from time to time. In the event the applicant is authorized, at the discretion of the mayor, to use a separate person or entity to administer the required test, and the applicant pays the costs for such test directly to the provider, the town shall discount the nonrefundable fee to exclude the costs of administering the test.

C. The town-required behavioral test shall be equivalent to the American Kennel Club Canine Good Citizenship Test and shall determine whether the pit bull dog is safe to remain in the community. If the pit bull dog passes the behavioral test then it shall be considered exempt from the requirements of this chapter for a period of two years and may license the dog as any other breed. The town or authorized designee shall provide a certificate of completion indicating that the pit bull dog has passed the behavioral test. Upon receipt

of certification, the dog shall be entitled to remain in the town for up to two years, so long as it remains in compliance with applicable town codes. After two years, the pit bull dog shall be required to retest with the town animal control officer or authorized designee in order to maintain its exempt status. If the pit bull dog fails to pass the test on its first try, it will be allowed to retake the test after one week. If the pit bull dog fails to pass the town-required behavioral test upon retest, or if no retest is sought, the town may begin enforcement actions under this chapter. All additional retests shall require a one-year waiting period from the date of prior retest failure and shall only be allowed if the owner of the pit bull dog has properly complied with the requirements of this chapter and has paid the required nonrefundable testing fee.

D. For the first offense, a violation of this chapter is a civil infraction which subjects the offender to a monetary penalty of up to \$250.00. Any second or subsequent offense of this subsection within one year of the first offense shall be a civil infraction which subjects the offender to a monetary penalty of up to \$500.00. For purposes of this subsection, proof of a prior violation by an individual shall not require proof that the same pit bull dog is involved. Each day of violation shall be a separate offense.

E. This chapter shall not apply to pit bull dogs which are located entirely within an enclosed vehicle while traveling through the town on any portion of a state highway located within the town. [Ord. 517 § 1, 2021; Ord. 447 § 15, 2007.]

#### **6.10.160 Impound and destruction of pit bull dogs – Removal from town – Appeals.**

A. Whenever a pit bull dog (including mixed breed) is found within the town in violation of this chapter, the animal shall be temporarily detained or impounded by the town animal control authority for the purpose of identifying the pit bull dog for enforcement purposes. Whenever a pit bull dog is found within the town, the owner shall be notified in writing of the prohibitions contained in this chapter, the amount of penalties imposed for violation of the chapter (if any), the procedure required to redeem the animal if the animal has been impounded, and the warning that the animal will be destroyed in an expeditious and humane manner if the animal is not claimed within five days of the date of this notice. Such notice shall be served upon the owner by personal delivery to the owner, or if the owner is not present, then upon any person of suitable age and discretion residing at the owner's residence, or by certified and first class regular U.S. mail, postage prepaid. If notice is mailed it shall be deemed received three days after deposit in a U.S. mail receptacle. The owner shall be responsible for any kenneling and control fees incurred during the period of temporary detainment or impoundment. In the event a detained or impounded animal is not timely claimed, and there is no appeal filed pursuant to subsection C of this section, the animal shall be humanely destroyed by the town, and the cost of such destruction shall be charged to the owner. No animal shall be destroyed while an appeal is pending.

B. If the pit bull dog is timely claimed and no appeal as stated in subsection C of this section is filed, an owner of a pit bull dog must permanently remove the pit bull dog from the town within eight days of the date of the written notice required by subsection A of this section.

C. An owner may appeal the written notice set forth in subsection A of this section for the limited purpose of demonstrating that the animal identified in the notice is not a pit bull dog (including mixed breed). Any such appeal shall be filed in writing with the town animal control authority within seven days of the date of the notice. Within five days of receipt of the notice of appeal, the animal control authority shall contact the owner to schedule a meeting. Unless the parties agree otherwise, the meeting must be held within 20 days of the date of the notice provided to the owner pursuant to subsection A of this section. At the meeting the owner may give, orally or in writing, any reasons or information as to why the animal should not be classified as a pit bull dog. The animal control authority must issue its final determination, in the form of a written order, within five days following the meeting. In the event the animal control authority determines that the animal has been appropriately classified as a pit bull dog, the order shall include a statement advising the owner that the animal must be removed from the town within three days of the date of the order. While the appeal is pending, the animal control authority may order that the animal be confined or controlled. If the animal is determined to be a pit bull dog, the owner must pay all costs of confinement, control and destruction (if not claimed), as well as any penalties imposed for a violation of this chapter. [Ord. 491 § 2, 2015; Ord. 447 § 16, 2007.]

#### **6.10.170 Appeal of animal control authority determination.**

A. A person who is aggrieved by a determination of the animal control authority regarding dangerous dogs or potentially dangerous dogs may appeal such determination to the council at the town of Mansfield. The owner must appeal the determination within 20 days of receiving the final determination.

1. The written appeal shall include the name, address and telephone number of the appellant(s) and a copy of the determination of the animal control authority.

2. The clerk shall promptly set a date for a hearing of the appeal. Written notice of the date, time and place of the appeal hearing shall be mailed or personally delivered to the appellant(s) and to the animal control authority not less than 10 days prior to the hearing.

3. The appellant(s) shall have the burden of proving that the determination of the animal control authority is arbitrary and capricious.

B. While the appeal is pending, the animal control authority may order that the dog be confined or controlled. If the dog is determined to be dangerous or potentially dangerous, the owner must pay all costs of confinement and control. [Ord. 447 § 18, 2007; Ord. 405 § 14.]

#### **6.10.180 Appeal of animal control authority decision to confiscate or destroy.**

A. An owner or keeper of a dangerous dog or potentially dangerous dog who is aggrieved by confiscation of the dog may prevent destruction or adoption of the dog by petitioning the council of the town of Mansfield for the dog's return, subject to court-imposed conditions.

1. A written petition shall be filed with the clerk of the town of Mansfield not more than 20 days after the date of initial detention. The petition shall include the name, address and telephone number of the petitioner(s) and a copy of the final determination of the animal control authority. The petition shall be accompanied with a bond or security in an amount sufficient to provide for the dog's detention and care for not less than 45 days from the date of initial detention.

2. The clerk shall promptly set a date for a hearing on the petition. Written notice of the date, time and place of the hearing shall be mailed or personally delivered to the petitioner(s) and to the animal control authority not less than 10 days prior to the hearing.

3. The petition(s) shall have the burden of proving that specific, additional court-imposed conditions may be imposed that are sufficient to safeguard the public from bodily harm and property damage.

4. If the council determines that the dangerous dog or potentially dangerous dog should not be returned to the owner or keeper, the dog shall be forfeited by the owner or keeper. The animal control authority may destroy the dog or find a responsible person or agency to adopt the dog.

5. If the municipal court determines that the dangerous dog or potentially dangerous dog should be returned to the owner or keeper, the town of Mansfield council shall impose such specific conditions, as it

deems appropriate to safeguard the public from bodily injury and property damages. The petitioner shall pay the cost of the dog's detention and care within 10 days after the municipal court's determination. If the petitioner fails to pay such costs, the bond shall be forfeited and the animal control authority may destroy the dog or find a responsible person or agency to adopt the dog. [Ord. 447 § 19, 2007.]

**6.10.190 Violation – Penalty.**

For the first offense, a violation of this chapter is a civil infraction which subjects the offender to a monetary penalty of \$250.00. Any second or subsequent violation of this chapter, as now exists or as may hereafter be amended, within one year of the first offense shall be a civil infraction which subjects the offender to a monetary penalty of \$500.00. For purposes of this section, proof of a prior violation by an individual shall not require proof that the same dog is involved. Each day of violation shall be a separate offense. [Ord. 518 § 3, 2021; Ord. 447 § 20, 2007; Ord. 405 § 15.]

**Chapter 6.15****LIVESTOCK**

## Sections:

- 6.15.010 Owner defined.
- 6.15.020 Sanitary conditions defined.
- 6.15.030 Swine, sheep and goats not allowed.
- 6.15.040 Horses.
- 6.15.050 Cattle.
- 6.15.060 Exclusions.
- 6.15.070 Violation, penalty.

**6.15.010 Owner defined.**

The term “owner” shall be intended to mean any person, firm, association or corporation keeping or harboring the animals. [Ord. 151 § 1, 1971.]

**6.15.020 Sanitary conditions defined.**

“Sanitary conditions” shall mean the keeping of flies and odor at a bare minimum as well as keeping the place of confinement clean. [Ord. 151 § 2, 1971.]

**6.15.030 Swine, sheep and goats not allowed.**

No swine, sheep or goats shall be allowed to be kept in the town of Mansfield. [Ord. 151 § 3, 1971.]

**6.15.040 Horses.**

Not more than two head of saddle horses or colts shall be kept at one location. [Ord. 151 § 4, 1971.]

**6.15.050 Cattle.**

Not more than two head of cattle or calves combined shall be kept at one location. [Ord. 151 § 5, 1971.]

**6.15.060 Exclusions.**

Realizing there are existing conditions to the contrary, the owners who now are not in compliance with this chapter shall be excluded; however, if their property is sold or they do not keep nonconforming conditions for one year, this chapter shall then apply to them. [Ord. 151 § 6, 1971.]

**6.15.070 Violation, penalty.**

Any violations of this chapter shall be considered misdemeanors and the violators punished accordingly. [Ord. 151 § 8, 1971.]

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**Title 7**  
**(RESERVED)**



**Title 8**

**HEALTH AND SAFETY**

**Chapters:**

- 8.05 Firecrackers and Combustibles**
- 8.10 Accumulation of Noxious Substances**
- 8.15 Municipal Dump**
- 8.20 Garbage Disposal**
- 8.25 Weed Control**
- 8.30 Noise Control**
- 8.35 Park Hours**
- 8.40 Recycling Program**
- 8.45 Cemetery**



**Chapter 8.05****FIRECRACKERS AND COMBUSTIBLES**

## Sections:

- 8.05.010 Firecracker sales.  
8.05.020 Use of firecrackers.  
8.05.030 Violation – Penalty.

**8.05.010 Firecracker sales.**

No person, firm or corporation shall offer for sale, sell or give away within the corporate limits of the town of Mansfield, Washington, any firecrackers, Roman candles, skyrockets, or like explosives or combustibles. [Ord. 72 § 1, 1918.]

**8.05.020 Use of firecrackers.**

It shall be unlawful for any person to explode, or cause to be exploded, or use in any manner or at all, any firecrackers, Roman candles, skyrockets, or like explosives or combustibles, or to discharge or cause to be discharged any firearm, or explosive or combustible of any nature whatsoever within the corporate limits of the town of Mansfield, Washington. [Ord. 72 § 2, 1918.]

**8.05.030 Violation – Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding the sum of \$100.00, or by imprisonment in the town jail for a period of time not to exceed 30 days, or by both such fine and imprisonment. [Ord. 72 § 3, 1918.]

**Chapter 8.10****ACCUMULATION OF NOXIOUS SUBSTANCES**

## Sections:

- 8.10.010 Privies and cesspools.
- 8.10.020 Noxious substances.
- 8.10.030 Dumping of nauseous substances.
- 8.10.040 Violation – Penalty.
- 8.10.050 Accumulation of offal, rubbish, or garbage.
- 8.10.060 Maintenance of premises.
- 8.10.070 Dumping of offal, rubbish, or garbage.
- 8.10.080 Violation – Penalty.

**8.10.010 Privies and cesspools.**

No person or persons shall suffer or permit any cellar, vault, private drain, cesspool, privy or sewer upon any premises within the corporate limits of the town of Mansfield to become nauseous, offensive or injurious to the public health. [Ord. 14 § 1, 1911.]

**8.10.020 Noxious substances.**

If any person or persons shall within the corporate limits of the town of Mansfield permit or suffer on the premises owned or occupied by him or her or them, any nuisance, either in exercising any unwholesome or offensive trade, calling or business, or by having, suffering, or permitting any outhouses, sewer, putrid meats, hides, carcass, manure pile, garbage or any unwholesome substance whatever to remain or be on such premises until any offensive or ill stench emanate therefrom or until any of said things shall become offensive, hurtful or injurious to the neighborhood or public health, it shall be the duty of the health officer to give such person or persons notice to remove and abate such nuisance forthwith and if the owners, agents or occupants shall neglect to remove the same as ordered, he, she or they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalty hereinafter described together with the expense of removing such nuisance.

If any person or persons shall, after receiving notice as aforesaid, permit any such nuisance to remain, the health officer shall remove and abate such nuisance at the expense of such person or persons. [Ord. 14 § 2, 1911.]

**8.10.030 Dumping of nauseous substances.**

No manure, garbage, offal, animal or vegetable matter or nauseous substance detrimental to health shall be dumped or deposited at any place within the corporate limits of the town of Mansfield, except by special permit from the health officer. [Ord. 14 § 3, 1911.]

**8.10.040 Violation – Penalty.**

Any person, persons, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed \$100.00. [Ord. 14 § 4, 1911.]

**8.10.050 Accumulation of offal, rubbish, or garbage.**

It shall be unlawful for any person to cause, suffer or permit to accumulate, be or remain on any lot, block or premises which such person may own, occupy or have the care, control or management of, by virtue of a lease or otherwise, within the corporate limits of the town of Mansfield, Washington, the carcass of any animal, any offal, filth, rubbish, garbage, manure or other noisome substance or any hay or straw in stack not in barn or other building, or any loose hay, straw, shavings, paper or other like deleterious or inflammable

material; and that the accumulation of such substances or materials on any lot, block or premises within the corporate limits of said town be and is hereby declared a nuisance. [Ord. 97 § 1, 1925.]

**8.10.060 Maintenance of premises.**

Every person who shall own or occupy, or have the care, control or management of, any lot, block or premises within the corporate limits of the town of Mansfield, Washington, is hereby required to remove from said lot, block or premises, and keep same free from the accumulation of, any and all of the substances and materials described in MMC 8.10.050 at his own expense, and in the event of his failure or refusal to do so for the period of 48 hours after being notified by the marshal of said town to remove from said lot, block or premises the said materials and substances, immediately after the expiration of 48 hours from the time of giving said notice and the costs and expenses of such removal shall be a charge against, and be paid by the owner or occupant or person having the care, control or management of such lot, block or premises. [Ord. 97 § 2, 1925.]

**8.10.070 Dumping of offal, rubbish, or garbage.**

It shall be unlawful for any person to throw, dump, place or cause to accumulate in any street, or alley within the corporate limits of the town of Mansfield, Washington, the carcass of any animal, any offal, filth, rubbish, garbage, manure or other noisome substance, or any hay, straw, shavings, paper or other like deleterious or inflammable materials, and any person who shall violate the provisions of this section shall be guilty of a misdemeanor and shall on conviction therefor be punished as provided in MMC 8.10.080 and shall be required to remove from such street or alley at his own expense, such substances or materials as he shall have thrown, dumped, placed or caused to accumulate in such street or alley within 48 hours after being notified by the marshal of said town to so remove such substances and materials from such street or alley, and in the event of such person's failure or refusal to so remove such substances and materials within such time, it shall be the duty of the marshal of said town to so remove such materials and substances immediately after the expiration of 48 hours from the time of giving said notice, and the costs and expenses of said removal shall be a charge against, and be paid by the person who shall have thrown, dumped, placed or caused to accumulate in such street or alley and is hereby declared to be a nuisance. [Ord. 97 § 3, 1925.]

**8.10.080 Violation – Penalty.**

Any person who shall violate or fail to comply with any provision or requirement contained in MMC 8.10.050, 8.10.060 or 8.10.070 shall be guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than \$5.00 and not to exceed \$25.00 and costs of prosecution, and shall be imprisoned one day for each \$3.00 of such fine and costs not paid. [Ord. 97 § 4, 1925.]

**Chapter 8.15****MUNICIPAL DUMP**

## Sections:

- 8.15.010 Dump under city marshal's control.
- 8.15.020 Marshal subject to council authority.
- 8.15.030 Permission to dump required.
- 8.15.040 Dumping permitted where.
- 8.15.050 Marshal authority to allow particular materials.
- 8.15.060 Violation, penalty.

**8.15.010 Dump under city marshal's control.**

The city dump ground be under the supervision and control of the city marshal. [Ord. 103 § 1, 1928.]

**8.15.020 Marshal subject to council authority.**

In caring for the city dump ground the marshal shall at all times be subject to the authority of the city council and shall observe all laws and ordinances pertaining thereto. [Ord. 103 § 2, 1928.]

**8.15.030 Permission to dump required.**

Any person desiring to dump any material whatsoever in the city dump ground shall first secure permission from the city marshal, which permission must be in writing. [Ord. 103 § 3, 1928.]

**8.15.040 Dumping permitted where.**

The dumping of material in the city dump ground shall be only at such places as may be designated by the city marshal. [Ord. 103 § 4, 1928.]

**8.15.050 Marshal authority to allow particular materials.**

The city marshal shall have authority to determine whether any particular material or materials shall be taken to the city dump ground and may at his discretion refuse a permit whenever in his judgment the public health and welfare demand it. [Ord. 103 § 5, 1928.]

**8.15.060 Violation, penalty.**

Anyone violating the provisions of this chapter shall upon conviction thereof be fined in any sum not less than \$5.00 and not exceeding \$25.00, or confined in the city jail not to exceed five days, or by both such fine and imprisonment. [Ord. 103 § 6, 1928.]

**Chapter 8.20****GARBAGE DISPOSAL**

## Sections:

- 8.20.010 Mandatory garbage pickup and disposal.
- 8.20.020 Closure of local dump.
- 8.20.030 Independent contractors.
- 8.20.040 Rates.

**8.20.010 Mandatory garbage pickup and disposal.**

There is hereby established mandatory garbage pickup and disposal under an agreement to be worked out with a private garbage collector with the town of Mansfield being responsible for the collection of the garbage fees. [Ord. 176 § 1, 1976.]

**8.20.020 Closure of local dump.**

The local garbage dump is to be closed and no longer used when the mandatory collections start and said garbage dump will be closed and protected as required. [Ord. 176 § 2, 1976.]

**8.20.030 Independent contractors.**

The town council shall contract with an independent contractor to handle the garbage collection and the town shall collect the charges and withhold a small portion for the collection expense. [Ord. 176 § 3, 1976.]

**8.20.040 Rates.**

The rates shall be established for the garbage collection by resolution which shall be on file with the town clerk. [Ord. 176 § 4, 1976.]

**Chapter 8.25****WEED CONTROL**

## Sections:

- 8.25.010 Public nuisance declared.
- 8.25.020 Procedure.
- 8.25.030 Failure to abate.
- 8.25.040 Nonexclusive remedy.

**8.25.010 Public nuisance declared.**

Weeds, waste, shrubs and other nuisance growth higher than 12 inches are hereby declared to be a public nuisance and are further declared to be a hazard and menace to the public health, safety and welfare. [Ord. 184, 1978.]

**8.25.020 Procedure.**

If such a nuisance is found to exist, the city shall forthwith notify the owner, in writing, to immediately cut down the growth as close to the ground as can practicably be done and to keep the growth cut thereon in a like manner. In the event the owner of the lot or parcel is a nonresident of the city, or cannot be found in the city, then notice shall be given by certified mail to the last known address of the owner, and if that address is not known or cannot be obtained, then by posting the notice on the property itself. The notice shall extend to the owner 10 days from the date of the notice to vacate the nuisance. [Ord. 184, 1978.]

**8.25.030 Failure to abate.**

If the owner fails to abate the nuisance within the allotted period of time, the city may abate the same and the owner shall be responsible for the cost of the abatement including an administrative charge of \$25.00. If the owner fails to pay the charge immediately, or if no charge is tendered because the owner cannot be found, the city may file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by the laws of the state of Washington for liens for labor and material. [Ord. 184, 1978.]

**8.25.040 Nonexclusive remedy.**

Nothing contained herein shall prevent the city from proceeding against the owner of such premises under criminal provisions of this chapter being supplemental and not an exclusive remedy. [Ord. 184, 1978.]

**Chapter 8.30****NOISE CONTROL**

## Sections:

- 8.30.010 Public disturbance noises defined.
- 8.30.020 Exemptions.
- 8.30.030 Violation.
- 8.30.040 Punishment.

**8.30.010 Public disturbance noises defined.**

“Public disturbance noises” means and includes:

A. Loud, raucous, frequent, repetitive or continuous sounds which occur at such a volume that the sound is audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound, including, but not limited to, sounds from audio equipment, musical instruments or social gatherings;

B. Sounds coming from portable or motor vehicle audio equipment, or any horn or siren attached to a motor vehicle, operated at such a volume so as to be audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound;

C. The frequent, repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law;

D. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle; motorcycle, off-highway vehicle, watercraft or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, unless otherwise authorized by law;

E. Yelling, shouting, whistling or other raucous noises, on or near the public streets between the hours of 11:00 p.m. and 7:00 a.m.;

F. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interfere with peace, comfort and repose of owners or possessors of real property, such as, but not limited to, sounds from audio equipment, musical instruments, band sessions or social gatherings. Unreasonable interference shall be sound volume that is audible by a person of normal hearing at a distance of 30 feet or more from the source, unless it occurs within a multifamily unit such as a duplex, apartment or condominium, in which case it shall be a public disturbance noise if it is clearly audible to a neighbor, with hearing of a person of normal hearing, at a site located within the neighbor’s unit or common area. [Ord. 481 § 1, 2013; Ord. 415 § 1, 2004.]

**8.30.020 Exemptions.**

The following shall be exempt from the application of this chapter: regularly scheduled public events, community sponsored events, church carolines, safety devices, fire alarms and emergency vehicles. [Ord. 481 § 2, 2013; Ord. 415 § 2, 2004.]

**8.30.030 Violation.**

A. It is unlawful for any person to permit, cause, make or allow a public disturbance noise to originate from any property, under such person’s control or ownership.

B. The content of the sound will not be considered in determining a violation of this section. [Ord. 481 § 3, 2013; Ord. 415 § 3, 2004.]

**8.30.040 Punishment.**

The conduct made unlawful under this section shall constitute a Class 1 civil infraction pursuant to RCW 7.80.120, as now exists or as may be hereafter amended, and subject to the maximum penalty of \$250.00 or as specified therein. [Ord. 481 § 4, 2013; Ord. 415 § 4, 2004.]

**Chapter 8.35****PARK HOURS**

## Sections:

- 8.35.010     Camping illegal.  
8.35.020     Violation – Penalty.

**8.35.010     Camping illegal.**

It is unlawful to camp in any park of the town or to remain, stay, or loiter in any town park between 10:00 p.m. and 6:00 a.m., except that overnight use of parks may be permitted for special purposes upon prior notice and approval by a town official or employee. [Ord. 438, 2006.]

**8.35.020     Violation – Penalty.**

Any violation of this chapter shall be an infraction and punished by a fine not to exceed the sum of \$500.00. [Ord. 438, 2006.]

**Chapter 8.40****RECYCLING PROGRAM**

## Sections:

8.40.010 Minimum levels of service adopted.

**8.40.010 Minimum levels of service adopted.**

The town council of the town of Mansfield hereby establishes the minimum level of service, as amended in Exhibit "A," attached to the ordinance codified in this chapter and by reference incorporated herein for the collection of source separated recyclable materials from residences in the rural areas of unincorporated Douglas County, as indicated in Exhibit "B" attached to the ordinance codified in this chapter and by reference incorporated herein; and if any section of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the section to other persons or circumstances is not affected. [Ord. 365, 1995; Ord. 361, 1995.]

**Chapter 8.45****CEMETERY**

## Sections:

8.45.010 Fees and regulations.

**8.45.010 Fees and regulations.**

The charges for cemetery plots and services will be as follows:

- A. The fee for one cemetery plot shall be \$550.00.
- B. The fee for open/close of a grave shall be \$550.00.
- C. The fee for a Saturday service shall be \$250.00 extra.
- D. The fee for inurnment shall be \$350.00.
- E. The fee for headstone placement shall be \$150.00.

All headstones will be placed by the town of Mansfield employee or an authorized memorial marker company.

All urns will be buried in a sealed plastic or concrete vault. [Ord. 511, 2020; Ord. 492, 2015; Ord. 468, 2010; Ord. 462, 2009; Ord. 454, 2008; Ord. 437, 2006; Ord. 419, 2004; Ord. 350, 1993.]

**Title 9**

**PUBLIC PEACE, MORALS AND WELFARE**

**Chapters:**

- 9.05 Nuisances**
- 9.10 Curfew**
- 9.15 Alcoholic Beverages**
- 9.20 Dependent or Delinquent Children**
- 9.25 Offenses**



**Chapter 9.05****NUISANCES**

## Sections:

- 9.05.010 Purpose.
- 9.05.020 Construction.
- 9.05.030 Definitions.
- 9.05.040 Public nuisances unlawful.
- 9.05.050 Exempted acts.
- 9.05.060 Prohibited conduct.
- 9.05.070 Authorized act not a public nuisance.
- 9.05.080 Successive owners or occupants liable.
- 9.05.090 Abatement does not preclude action for damages.
- 9.05.100 Public nuisance vehicles.
- 9.05.110 Voluntary cleanup program.
- 9.05.120 Notice of civil violation.
- 9.05.130 Hearing before the hearing examiner.
- 9.05.140 Abatement by the town.
- 9.05.150 Additional enforcement procedures.
- 9.05.160 Conflicts.

**9.05.010 Purpose.**

The purpose of this section is to:

- A. Declare that it is a public nuisance and unlawful to accumulate, burn, dump, deposit, place or store solid waste except as allowed by this chapter;
- B. Declare that it is a public nuisance and unlawful to accumulate, park, or store extensively damaged vehicles or inoperable vehicles except as allowed by this chapter;
- C. Reduce the inherent public health and safety problems associated with the unlawful accumulation, burning, dumping, depositing, placing or storage of solid waste;
- D. Reduce the inherent public health and safety problems associated with the unlawful accumulation, dismantling, parking, placing, or storage of extensively damaged vehicles or inoperable vehicles;
- E. Minimize the likelihood of injury resulting from children playing on or around the unlawful accumulation, burning, dumping, depositing, placing or storage of solid waste;
- F. Minimize the likelihood of injury resulting from children playing on or around the unlawful accumulation, dismantling, parking, placing, or storage of extensively damaged vehicles or inoperable vehicles;
- G. Establish procedures for the voluntary correction, removal, or abatement of solid waste which has been unlawfully accumulated, burned, dumped, deposited, placed or stored;
- H. Establish procedures for the voluntary correction, removal or abatement of extensively damaged vehicles or inoperable vehicles which have been unlawfully accumulated, dismantled, parked, placed, or stored;
- I. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, burning, dumping, depositing, placing or storage of solid waste;
- J. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, dismantling, parking, placing, or storage of extensively damaged vehicles or inoperable vehicles;
- K. Establish procedures for the prosecution of violators of this chapter; and
- L. Supplement the provisions of Chapter \_\_\_\_\_ of the Mansfield Municipal Code. [Ord. 434 § 1, 2006.]

**9.05.020 Construction.**

This chapter is an exercise of the enforcement power of the town of Mansfield and is deemed necessary for the continued peace, health and welfare of the town and its residents. Therefore, all its provisions shall be liberally construed for the accomplishment of such purposes. [Ord. 434 § 2, 2006.]

**9.05.030 Definitions.**

For the purpose of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural; the present tense shall include the future tense; and the masculine gender shall include the feminine and neuter genders.

“Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the compliance officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

“Building” means any building, dwelling, structure, or mobile home, factory built house, or part thereof, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

“Building materials” means and includes, but is not limited to, lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.

“Compliance officer” means the building official of the town of Mansfield or his designee.

“Extensively damaged vehicle” means a vehicle that has visible damage to, or is missing, a minimum of three of the following parts or components:

1. Frame;
2. Axle;
3. Surface panels;
4. Doors;
5. Fender;
6. Window or windshield;
7. Headlight or front signal light;
8. Taillight, brake light, or rear signal light;
9. Engine;
10. Transmission;
11. Wheels or tires;
12. Steering wheel;
13. Radiator;
14. Battery;
15. Any other major mechanical or electrical equipment; or
16. Visible damage or a lack of any other similar component identified by the compliance officer when inspecting the vehicle.

“Hearing examiner” means the person appointed by the Mansfield town council, in accordance with the Mansfield Municipal Code.

“Inoperable vehicle” means a vehicle that cannot be legally operated on the public right-of-way because it cannot be started and set in motion under its own power such that it is capable of moving 100 feet in both forward and reverse direction.

“Landowner” includes a legal owner of property or a person with possession or control of property.

“Litter” means all solid waste including, but not limited to, disposable packages or containers, cardboard boxes, cans, bottles, paper, plastic, paper bags, packages, wrapping, printed matter, or other materials thrown or deposited on public or private property, including depositing handbills on vehicles or public property.

“Person responsible for the violation” means any person who has any interest in or resides on the premises or property, whether as owner, lessor, tenant, occupant or other person entitled to control, use and/or occupy the premises or property.

“Persons” means any individual, firm, partnership, corporation, association or other entity, public or private, whether acting by themselves or by a servant or employee.

“Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

“Property” means any object of value that a person may lawfully acquire and hold.

“Public nuisance” means:

1. An act or omission to act, or a condition or use of premises or property which either annoys, injures or endangers the comfort, repose, health or safety of the public; offends public decency; decreases the value of nearby premises or property; or in any way renders other persons insecure in life or in the use of premises or property.

2. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, public water (including lakes, rivers and/or streams), or other public or private place in the town, any one or more of the following conditions, things, or acts:

a. Accumulations of solid waste, except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining premises or property;

b. Burning or disposal of solid waste in such a manner as to cause or permit dense smoke, ashes, soot or gases arising from such burning or disposal to become annoying or endangering the health, comfort or repose of any person or the general public. The burning of small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens is allowed;

c. Carcasses of animals not removed, buried or destroyed within 24 hours after death;

d. All limbs of trees overhanging a public sidewalk which are less than 10 feet above the surface of said sidewalk, or overhanging a public roadway which is less than 12 feet above the surface of said roadway;

e. The existence of any vines or climbing plants growing into or over any road, public hydrant, power or light pole; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility providing for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct or interfere with the proper diffusion from the light from any light pole;

f. Any use of premises or property abutting on a public roadway or sidewalk or any use of public roadway or sidewalk which causes any obstruction of traffic and the free use of the roadways or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the Mansfield town council;

g. Any use of premises or property abutting on a public drainage ditch or storm water control system which causes any obstruction of water; provided, that this subsection shall not apply to sand or gravel from street construction and snow plowing;

h. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;

i. Any attractive nuisance which may prove detrimental to children which is left in any place exposed or accessible to children. This includes, but is not limited to, unused or abandoned refrigerators, freezers, or like containers, or other large appliances or equipment or parts thereof; extensively damaged vehicles; inoperable vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any lumber, refuse, debris or vegetation which may prove a hazard to minors;

j. The existence of any dead, diseased, infested or dying tree or other vegetation that may constitute a danger to premises, property or persons;

k. The existence of any fence or other structure which creates any traffic safety problem through obscured sight distance;

l. The existence of any fence or structure or thing which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition on private property abutting or fronting upon any public roadway, sidewalk or place;

m. The existence of any fence or other structures located in a public right-of-way without specific approval from the town;

n. Any accumulation of solid waste on premises or property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances, equipment or any parts thereof, vehicles or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, refuse, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of solid waste in covered receptacles approved by the town;

o. Any dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, or any building, structure, or addition to such, commenced and left unfinished six months beyond the expiration of the building permit issued for the building or 12 months from the date of building commencement if no building permit was required to be issued;

p. The nonemergency repair of any automobile, truck or other motor vehicle of any kind upon the public roadways, alleys or other public property of the town;

q. The erection, continuance or use of any building, room or other place in the town for the exercise of any trade, employment or manufacture which, by producing noxious fumes, offensive odors or other annoyances, is discomforting, offensive or detrimental to the health of individuals or of the public;

r. Any unguarded or abandoned excavation, pit, well, or holes which could endanger health and safety;

s. Dumping, depositing, placing or leaving of any solid waste, litter, refuse, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any navigable watercourse.

“Public nuisance vehicle” means any extensively damaged vehicle or inoperable vehicle, or the parts thereof, which has been accumulated, dismantled, parked, placed, or stored on premises or property in violation of this chapter.

“Refuse” means vegetable offal, animal offal, discarded food, cans, bottles, waste paper, boards and boxes, tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens.

“Repeat violation” means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding 12-consecutive-month period.

“Solid waste” means any and all solid waste as defined within RCW 70.95.030 as it now exists or may hereafter be amended.

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

“Vehicle” shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles, but shall not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks.

“Voluntary cleanup program” means the authorized town program to provide financial and technical assistance to persons who voluntarily agree to enter into an agreement with the town to abate the public nuisance. [Ord. 434 § 3, 2006.]

**9.05.040 Public nuisances unlawful.**

Unless otherwise permitted by law and whenever the compliance officer determines that any public nuisance exists upon any premises, the compliance officer may require or provide for the abatement thereof pursuant to this chapter. [Ord. 434 § 4, 2006.]

**9.05.050 Exempted acts.**

This chapter shall not apply to the United States, the state of Washington, Douglas County, the town of Mansfield or any of their respective officers, employees or contractors when engaged in snow removal, street cleaning, emergency repair of any street, building or structure, fire suppression, or any other emergency for the preservation of life or property. [Ord. 434 § 5, 2006.]

**9.05.060 Prohibited conduct.**

It shall be unlawful for any person responsible for the violation to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a public nuisance or to violate any of the provisions of this chapter. [Ord. 434 § 6, 2006.]

**9.05.070 Authorized act not a public nuisance.**

No act which is done or maintained under the express authority of a statute or ordinance can be deemed a public nuisance. [Ord. 434 § 7, 2006.]

**9.05.080 Successive owners or occupants liable.**

Every successive owner or occupant of property or premises who neglects to abate a continuing public nuisance upon or in the use of such property or premises caused by a former owner is liable therefor in the same manner as the one who first created it. [Ord. 434 § 8, 2006.]

**9.05.090 Abatement does not preclude action for damages.**

The abatement of a public nuisance does not prejudice the right of any person to recover damages for its past existence. [Ord. 434 § 9, 2006.]

**9.05.100 Public nuisance vehicles.**

A. One or more public nuisance vehicles, or parts thereof, which have been accumulated, dismantled, parked, placed or stored on any premises or property constitute a public nuisance which shall be abated pursuant to the provisions of this chapter and Chapter 7.48 RCW, except as follows:

1. The public nuisance vehicles, or parts thereof, are completely enclosed within a building in a lawful manner; provided, that the building and use activity for the premises or property is in compliance with the provisions of the Mansfield Municipal Code, and that there is no harborage for vectors; or

2. The public nuisance vehicles, or parts thereof, are completely and permanently screened from the street or other public or private premises or property; provided, that the screening type and use activity for the premises or property is in compliance with the provisions of the Mansfield Municipal Code, and that there is no harborage for vectors; or

3. The public nuisance vehicles, or parts thereof, are stored or parked in a lawful manner on private premises or property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, licensed vehicle dealer, junk salvage or wrecking yard, provided the business is in compliance with the provisions of the Mansfield Municipal Code, the premises or property is fenced as required by RCW 46.80.130, and that there is no harborage for vectors.

B. Ownership and vehicle registration status have no bearing on the determination of a vehicle as a public nuisance vehicle.

C. Upon being notified by the town of Mansfield of the presence of a public nuisance vehicle, a landowner of the premises or property on which the public nuisance vehicle is located shall, within 45 days, remove the public nuisance, provide the town of Mansfield with written proof that the public nuisance was removed in

full compliance with all applicable laws, codes, and ordinances, and shall prevent a reoccurrence of the public nuisance.

D. Failure to remove the public nuisance within 45 days constitutes a Class I civil infraction. Violations shall be assessed in accordance with the Mansfield Municipal Code.

E. A public nuisance vehicle may be abated by any lawful means. Abatement costs shall be charged against the last registered owner of the public nuisance vehicle and/or the person responsible for the violation. This may include the landowner of the premises or property but also any tenant or occupant, regardless of whether the tenancy or occupancy is legal or not. [Ord. 434 § 10, 2006.]

**9.05.110 Voluntary cleanup program.**

A. This section authorizes the town of Mansfield to establish a voluntary cleanup program, through its compliance officer, to provide financial and technical assistance to the person responsible for the abatement of the public nuisance.

B. The town of Mansfield may restrict participation in the voluntary cleanup program authorized by this section based upon the person having committed other violations of the Mansfield Municipal Code.

C. The town of Mansfield may establish additional eligibility requirements for the voluntary cleanup program authorized by this section. These additional requirements may set limits on the types or amount of financial and technical assistance to be provided to a person and limits on how many times a person may participate in the voluntary cleanup program.

D. In order to be eligible for the voluntary cleanup program the person responsible for the violation shall be officially notified in writing of the public nuisance and what actions must be taken by the person in order to become compliant.

E. The compliance officer shall pursue a reasonable attempt to secure voluntary correction by contacting the person responsible for the violation, where possible, explaining the public nuisance, and requesting compliance.

F. A voluntary correction agreement may be entered into between the person responsible for the violation and the town of Mansfield, acting through its compliance officer.

1. The voluntary correction agreement is a contract between town of Mansfield and the person responsible for the violation under which such person agrees to abate the public nuisance within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

- a. The name and address of the person responsible for the violation; and
- b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the public nuisance is occurring; and
- c. A description of the public nuisance; and
- d. The necessary corrective action to be taken, and a date or time by which compliance must be completed; and
- e. An agreement by the person responsible for the violation that the town of Mansfield may inspect the premises or property as may be necessary to determine compliance with the voluntary correction agreement; and
- f. An agreement by the person responsible for the violation that the town of Mansfield may abate the public nuisance and recover its costs and expenses and a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and
- g. An agreement that by entering into the voluntary correction agreement the person responsible for the violation waives the right to an administrative appeal of the public nuisance and/or the required corrective action.

2. The person responsible for the violation waives the right to an administrative appeal of the public nuisance and the required corrective action upon entering into a voluntary correction agreement.

3. The town of Mansfield shall have the right to inspect the subject premises or property to determine compliance with the terms of the voluntary correction agreement.

4. An extension of the time limit for correction or a modification of the required corrective action may be granted by the compliance officer if the person responsible for the violation has shown due diligence and/or substantial progress in abating the public nuisance but unforeseen circumstances render abatement under the original conditions unattainable.

5. The town of Mansfield may abate the public nuisance in accordance with the Mansfield Municipal Code if the terms of the voluntary correction agreement are not met.

6. If the terms of the voluntary correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with the Mansfield Municipal Code. [Ord. 434 § 11, 2006.]

#### **9.05.120 Notice of civil violation.**

A. When the compliance officer determines that a public nuisance has occurred or is occurring, and is unable to secure voluntary correction, the compliance officer may issue a notice of civil violation to the person responsible for the violation. The compliance officer may issue a notice of civil violation without having attempted to secure voluntary correction, under the following circumstances:

1. When an emergency exists; or
2. When a repeat violation occurs; or
3. When the violation creates a situation or condition which cannot be corrected; or
4. When the person knows or reasonably should have known that a public nuisance is occurring; or
5. When the person cannot be contacted or refuses to communicate or cooperate with the compliance officer in correcting the violation.

B. The notice of civil violation shall include the following:

1. The name and address of the person responsible for the violation; and
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the public nuisance is occurring; and
3. The tax parcel number(s) of the premises or property; and
4. A description of the public nuisance; and
5. The required corrective action and a date and time by which the correction must be completed after which the town of Mansfield may abate the public nuisance in accordance with Mansfield Municipal Code; and
6. The date, time and location of an appeal hearing before the hearing examiner shall be scheduled not less than 10 calendar days and not more than 30 calendar days from the date the notice of abatement is issued; and
7. A statement indicating that the hearing will be cancelled and no monetary penalty will be assessed if the compliance officer approves the completed, required corrective action at least 48 hours prior to the hearing; and
8. A statement that the costs and expenses of abatement incurred by the town of Mansfield plus any monetary penalty as specified within the Mansfield Municipal Code may be assessed against the person to whom the notice of civil violation is issued as recommended by the hearing examiner and subsequently approved by the Mansfield town council; and
9. A statement that the hearing examiner's recommended decision is subject to the Mansfield town council's review at a public meeting and approval, vacation or modification within 30 calendar days of the date of the hearing examiner's written recommended decision; and
10. A statement that the Mansfield town council will be limited to the hearing examiner's record of the hearing, the recommended decision and that the Mansfield town council's decision shall be final.

C. The compliance officer shall serve the notice of civil violation upon the person to whom it is issued, either personally or by mailing, certified, return receipt requested, a copy of the notice of abatement to such person at his last known address. If the person to whom the notice is issued cannot after due diligence be personally served within Douglas County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice abatement conspicuously on the affected

property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. No extension of the time specified in the notice of civil violation for correction of the public nuisance may be granted, except by order of the Mansfield town council.

E. The monetary penalty for each day the public nuisance is permitted to continue or portion thereof shall be as follows:

1. First day, \$100.00;
2. Second day, \$200.00;
3. Third day, \$300.00;
4. Fourth day, \$400.00;
5. Each additional day beyond four days, \$500.00 per day.

F. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the public nuisance.

G. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is issued. Any monetary penalty assessed must be paid to the town of Mansfield within 10 calendar days from the date of mailing of the Mansfield town council's decision and order or a notice from the town of Mansfield that penalties are due. The town attorney or his designee is authorized to take appropriate action to collect the monetary penalty, plus reasonable attorney's fees and costs incurred in collecting said monetary penalty. [Ord. 434 § 12, 2006.]

### **9.05.130 Hearing before the hearing examiner.**

A. Notice. A person to whom a notice of civil violation is issued shall receive notice to appear before the hearing examiner, and the date, time and location thereof, which hearing shall be not less than 10 calendar days nor more than 30 calendar days from the date the notice of civil violation is issued. Continuances of the hearing may be granted at the discretion of the compliance officer, or by the hearing examiner for good cause shown.

B. Prior Correction of Violation. The hearing will be cancelled and no monetary penalty will be assessed, if the compliance officer approves the completed required corrective action prior to the scheduled hearing.

C. Procedure. The hearing examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure as specified within the Mansfield Municipal Code. The compliance officer and the person to whom the notice of civil violation is issued are parties to the hearing and each party may call witnesses. The town of Mansfield shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred or is occurring and that the required corrective action is reasonable under the circumstances. The determination of the compliance officer as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

D. Decision and Recommendation of the Hearing Examiner.

1. The hearing examiner shall determine whether the town of Mansfield has established by a preponderance of the evidence that a violation has occurred or is occurring and that the required correction is reasonable under the circumstances, and shall recommend to the Mansfield town council affirming, vacating, or modifying the compliance officer's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The hearing examiner shall issue to the Mansfield town council a record of the hearing and a written recommendation for an order to the person responsible for the violation which contains the following information:

- a. The decision regarding the alleged violation including finding of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the correction must be completed;

d. The monetary penalties assessed based on the criteria in subsection (D)(3) of this section; and  
e. The date and time after which the town of Mansfield may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Monetary penalties recommended for assessment by the hearing examiner shall be in accordance with the monetary penalties specified within the Mansfield Municipal Code.

a. The hearing examiner shall have the following options in recommending assessments of monetary penalties:

i. Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or

ii. Assess monetary penalties beginning on the correction date set by the compliance officer or an alternate correction date set by the hearing examiner and thereafter; or

iii. Assess less than the established monetary penalty specified within the Mansfield Municipal Code based on the criteria of subsection (D)(3)(b) of this section; or

iv. Assess no monetary penalties.

b. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

i. Whether the person responded to the compliance officer's attempts to contact the person, and cooperated to correct the violation;

ii. Whether the person failed to appear at the hearing;

iii. Whether the violation was a repeat violation;

iv. Whether the person showed due diligence and/or substantial progress in correcting the violation;

and

v. Any other relevant factors.

c. The hearing examiner may recommend doubling the monetary penalty schedule if the public nuisance violation is a repeat violation. In determining the amount of the monetary penalty for repeat violations, the hearing examiner shall consider the factors set forth in subsection (D)(3)(b) of this section.

E. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear without lawful excuse at the scheduled hearing, the hearing examiner shall enter a recommended order with findings pursuant to subsection (D)(2) of this section and recommend assessment of the appropriate monetary penalty pursuant to subsection (D)(3) of this section. Such recommendation shall be forwarded to the Mansfield town council for review pursuant to subsection F of this section.

F. Town Council Review and Order.

1. The Mansfield town council shall schedule a public meeting within not less than 10 calendar days nor more than 30 calendar days to review the hearing examiner's decision.

2. The person to whom the notice of civil violation is issued shall be notified in writing of the date of such review.

3. The Mansfield town council shall review the record and recommendation of the hearing examiner as set forth in subsection D of this section and may affirm, vacate or modify the recommended decision of the hearing examiner. No new testimony or evidence shall be presented. The decision of the Mansfield council shall be final.

4. The Mansfield town council shall issue an order to the person responsible for the violation which contains the information as set forth in subsection D of this section.

5. The town of Mansfield may enforce the order and recover all related expenses, including attorneys' fees, costs of the hearing and any monetary penalty from that person.

G. Appeal to Superior Court. An appeal of the decision or order of the Mansfield town council must be filed with the Douglas County superior court within 20 calendar days from the date the town council's decision and order was mailed to the person to whom the notice of civil violation was issued. [Ord. 434 § 13, 2006.]

**9.05.140 Abatement by the town.**

A. Abatement. The town of Mansfield may abate a public nuisance when:

1. The terms of voluntary correction agreement pursuant to MMC 9.05.110 have not been met; or
2. A notice of civil violation had been issued pursuant to the Mansfield Municipal Code and a decision and order has been issued pursuant to the Mansfield Municipal Code and the required correction has not been completed by the date specified in the decision and order; or
3. The condition is subject to summary abatement as provided for in subsection B of this section.

B. Summary Abatement. Whenever a public nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the town of Mansfield may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

C. Authorized Action. Using any lawful means, the town of Mansfield may enter upon the subject premises or property and may remove or correct the condition which is subject to abatement. The town of Mansfield may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including attorney's fees and incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and shall become due and payable to the town of Mansfield within 10 calendar days from the date of the billing. The term "incidental expenses" includes but is not limited to:

1. Personnel costs, both direct and indirect, including attorneys' fees and costs;
2. Costs incurred in documenting the violation;
3. Hauling, storage and disposal expenses;
4. Actual expenses and costs of the town in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
5. The costs of any required printing and mailing.

E. Obstruction Violation. Any person who knowingly obstructs, impedes, or interferes with the town of Mansfield or its agents, or with the person responsible for the violation in performance of duties imposed by this chapter, or a decision and order issued by the Mansfield town council or an agreement between the town of Mansfield and the person responsible for the violation, is guilty of a misdemeanor and subject to the penalty set forth within the Mansfield Municipal Code. [Ord. 434 § 14, 2006.]

**9.05.150 Additional enforcement procedures.**

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Mansfield Municipal Code except as precluded by law. [Ord. 434 § 15, 2006.]

**9.05.160 Conflicts.**

In the event of a conflict between this chapter and any other provision of the Mansfield Municipal Code or other city ordinance providing for a civil penalty, this chapter shall control. [Ord. 434 § 16, 2006.]

**Chapter 9.10****CURFEW**

## Sections:

- 9.10.010 Hours.
- 9.10.020 Notice and warning.
- 9.10.030 School activities and places of entertainment.
- 9.10.040 Parents of minors in violation.
- 9.10.050 Habitual violators.
- 9.10.060 Violation – Penalty.

**Prior legislation:** Ord. 22.

**9.10.010 Hours.**

No person under the age of 18 years shall be permitted to remain on any public street or alley or any public place in the town of Mansfield, between the hours of 10:00 p.m. and 5:00 a.m. of any day, except Friday and Saturday, which will be 12:00 p.m. and 5:00 a.m., unless such person is accompanied by his or her parents, guardian or legal custodian, or some adult person having the care, custody or control of such minor. [Ord. 156 § 1, 1972.]

**9.10.020 Notice and warning.**

When any minor is found in violation of MMC 9.10.010, then the police officer shall arrest without warrant and take the minor to the home or residence of said minor, and warn his or her parents, or other person having charge of said child, of such violation and that if said minor is again found in violation of MMC 9.10.010, that such parent, guardian or other person having charge of said minor shall be in violation of MMC 9.10.040. [Ord. 156 § 2, 1972.]

**9.10.030 School activities and places of entertainment.**

This chapter shall not prohibit any person under the age of 18 years from attending school activities or places of public entertainment, and they will have one hour after such activities to clear the street and alley, unless specifically prohibited to do so by parents, guardian, or the police officer. [Ord. 156 § 3, 1972.]

**9.10.040 Parents of minors in violation.**

All parents, guardians or other persons having, or who may hereafter have, immediate custody of any child under the age of 18 years, and who have been warned by the police officer of said town of a prior violation of MMC 9.10.010 by the child, shall be guilty of a misdemeanor and shall be punished therefor by a fine of not more than \$100.00 or imprisonment for not more than 30 days in jail, or by both such fine and imprisonment, if such parent, guardian or other person having custody of such child shall negligently or willfully, through any act or omission to act, permit another violation of MMC 9.10.010 by the same child. Once the parents have been notified under MMC 9.10.020, such notice shall be sufficient for any and all future proceedings under this section. [Ord. 156 § 4, 1972.]

**9.10.050 Habitual violators.**

If any child is a habitual violator of MMC 9.10.010, the police officer shall arrest him or her without warrant and bring such child before the juvenile department of the superior court of Douglas County, to be dealt with according to law. [Ord. 156 § 5, 1972.]

**9.10.060 Violation – Penalty.**

Violation of the provisions of this chapter by any person over the age of 18 years shall be a misdemeanor and punishable by a fine of not more than \$100.00 or by imprisonment for not more than 30 days in jail or by both such fine and imprisonment. [Ord. 156 § 6, 1972.]

**Chapter 9.15****ALCOHOLIC BEVERAGES**

## Sections:

- 9.15.010 Alcohol and minors.  
9.15.020 Providing alcohol to minors.  
9.15.030 Violation – Penalty.  
9.15.040 Minors who have consumed alcohol.

**9.15.010 Alcohol and minors.**

It shall be unlawful for any person under the age of 21 years to acquire in any manner, consume or have in his possession any intoxicating liquor; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of 21 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes. Provided further, that no intoxicating liquors shall be consumed by minors in any public place. [Ord. 147 § 1, 1968.]

**9.15.020 Providing alcohol to minors.**

It shall be unlawful for any person to give, or otherwise supply intoxicating liquor to any person under the age of 21 years, or permit any person under that age to consume intoxicating liquor on his premises or on any premises under his control, except as provided in MMC 9.15.010. [Ord. 147 § 2, 1968.]

**9.15.030 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be subject to a fine of not less than \$10.00 nor more than \$100.00 or to imprisonment in the county jail for not less than five days nor more than 30 days. [Ord. 147 § 3, 1968.]

**9.15.040 Minors who have consumed alcohol.**

It shall be unlawful for any person under the age of 21 years to be found within the corporate limits of the town of Mansfield after having consumed intoxicating liquor. Provided, however, that the foregoing shall not apply to any such person who being under the age of 21 years is given intoxicants by his parents or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes. [Ord. 147 § 4, 1968.]

**Chapter 9.20****DEPENDENT OR DELINQUENT CHILDREN**

## Sections:

9.20.010 Parents or guardians of delinquent children.

9.20.020 Violation – Penalty.

**9.20.010 Parents or guardians of delinquent children.**

The parent or parents, legal guardian or person having custody of any child under the age of 18 years, or any other person who, by any act or omission encourages, caused or contributes to the dependency or delinquency of any child under the age of 18 years, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine not to exceed \$100.00, or imprisonment in the town jail or such other place of confinement as the town may, by contract, provide, for a period not to exceed 30 days, or by both such fine and imprisonment. [Ord. 146 § 1, 1968.]

**9.20.020 Violation – Penalty.**

The court may suspend sentence for a violation of the provisions of this chapter and impose conditions as to conduct in the premises of any person so convicted, and make such suspension depend upon the fulfillment by such person of the conditions, and, in case of the breach of the conditions, or any thereof, the court may impose sentence as though there had been no suspension. The court may also, as a condition of such suspension, require a bond in such sum as it may designate, to be approved by the court, to secure the performance by such persons of the conditions imposed by the court on such suspension. The bond shall, by its terms, be made payable to the town of Mansfield, and any moneys received for a breach thereof shall be paid into the general fund of the town of Mansfield. [Ord. 146 § 2, 1968.]

**Chapter 9.25****OFFENSES**

## Sections:

- 9.25.010 Assault and battery.
- 9.25.020 Assault.
- 9.25.030 Breach of peace.
- 9.25.040 Drunkenness.
- 9.25.050 Cruelty to animals.
- 9.25.060 Obstruction of public ways.
- 9.25.070 Injuring trees.
- 9.25.080 Carrying dangerous weapons.
- 9.25.090 Disturbing meeting.
- 9.25.100 Public indecency.
- 9.25.110 Vagrancy.
- 9.25.120 Public profanity.
- 9.25.130 Disorderly conduct.

**9.25.010 Assault and battery.**

Whoever shall, within the corporate limits of the town of Mansfield, Washington, in a rude, insolent or angry manner, unlawfully touch another person, shall be deemed guilty of assault and battery, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 1, 1911.]

**9.25.020 Assault.**

Whoever shall, within the corporate limits of the town of Mansfield, Washington, attempt, in a rude, insolent or angry manner, to unlawfully touch another person, then and there having the present ability to carry such attempt into execution, shall be deemed guilty of an assault, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 2, 1911.]

**9.25.030 Breach of peace.**

Whoever shall, within the corporate limits of the town of Mansfield, Washington, by word, sign, or gesture, willfully provoke, or attempt to provoke, another person, who has the present ability so to do, to commit an assault and battery, assault or other breach of the peace, shall be deemed guilty of provoke, and, upon conviction thereof, shall be punished by imprisonment in the town or county jail not to exceed eight days, or by a fine of not more than \$25.00, or by both. [Ord. 12 § 3, 1911.]

**9.25.040 Drunkenness.**

Whoever is found in any public place within the corporate limits of the town of Mansfield, Washington, in a state of intoxication shall be deemed guilty of drunkenness and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 4, 1911.]

**9.25.050 Cruelty to animals.**

Whoever shall within the corporate limits of the town of Mansfield, Washington, overdrive, drive when overloaded, overwork, torture, torment, deprive of necessary substance, cruelly beat, mutilate or cruelly kill any animal, or cause any animal to be overdriven, driven when overloaded, overworked, tortured, tormented, deprived of necessary substance, cruelly beaten, mutilated, or cruelly killed, or having the charge or custody

of any animal, either as owner or otherwise, inflict needless cruelty on the same, or cruelly or unnecessarily fail to provide for the same with proper food, drink, shelter or protection from the weather, within the corporate limits of the town of Mansfield, Washington, or procures any animal or fowl to fight with one of its kind; or within said corporate limits, aids, advises or abets in the procurement or causing any animal to fight with one of its kind; or, being present as a spectator; permits any animal or fowl to fight with one of its kind within said corporate limits, shall be deemed guilty of cruelty to animals, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 5, 1911.]

**9.25.060 Obstruction of public ways.**

Whoever shall in any manner wrongfully obstruct any street, sidewalk, alley, highway or public way within the corporate limits of the town of Mansfield, Washington, so as to prevent or interfere with the free and unrestricted use of any part of said street, sidewalk, alley, highway or public way, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days or by a fine of not more than \$100.00, or by both. [Ord. 12 § 6, 1911.]

**9.25.070 Injuring trees.**

Whoever, not being the owner thereof, nor empowered by the owner thereof so to do, shall in any manner wrongfully remove, cut down, beat or cut, either trunk or branches of, uproot, injure, cut into or displace from its natural position, any shade tree, or tree planted as and for a shade tree, being within or on any alley, street, public place, park or cemetery, within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of the misdemeanor of injuring shade trees, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 15 days or by a fine of not more than \$50.00, or by both. [Ord. 12 § 7, 1911.]

**9.25.080 Carrying dangerous weapons.**

Whoever, not being permitted so to do under or by virtue of the laws of the United States or of the state of Washington, or the ordinances of the town of Mansfield, Washington, shall wear or carry, or other deadly or dangerous arm, dagger, sling shot, knucks, or other deadly or dangerous weapon, within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of the misdemeanor of carrying dangerous weapons, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 8, 1911.]

**9.25.090 Disturbing meeting.**

Whoever, by any loud or unnecessarily loud talking, halooing, or by any threatening, abusive, profane or obscene language, or by any violent actions, or by another rude or noisy behavior, interrupts, molests, or disturbs within the corporate limits of the town of Mansfield, Washington, any meetings of persons then and there met for the purpose of public worship, or for the purpose of public entertainment, or for any lawful public purpose, shall be deemed guilty of the misdemeanor of disturbing meeting, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days, or by a fine of not more than \$100.00, or by both. [Ord. 12 § 9, 1911.]

**9.25.100 Public indecency.**

Whoever, being over the age of 14 years, makes an indecent exposure of his person, or of the person of another, or commits any act of lewdness in or visible from any public place within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of the misdemeanor of public indecency, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed 30 days or by a fine of not more than \$100.00 or by both. [Ord. 12 § 10, 1911.]

**9.25.110 Vagrancy.**

Whoever, being without visible means of support and over the age of 14, and physically able to perform manual labor, who has not made reasonable effort to procure employment or who has refused to labor for compensation when labor and sufficient compensation therefor is offered, or who is practicing common begging, or who frequents places where intoxicating liquors are sold, is found within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of a misdemeanor of vagrancy, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed eight days or by a fine of not more than \$25.00, or by both. [Ord. 12 § 11, 1911.]

**9.25.120 Public profanity.**

Whoever shall utter any blasphemous, profane or obscene word, in any public place within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of the misdemeanor of public profanity, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed eight days or by a fine of not more than \$25.00, or by both. [Ord. 12 § 12, 1911.]

**9.25.130 Disorderly conduct.**

Whoever shall play or participate in any game, pastime, amusement or trial of speed or strength, or shall indulge in any boisterous or disorderly conduct, or loud talk or noise upon or within any street, alley or sidewalk within the corporate limits of the town of Mansfield, Washington, or whoever being in any private place shall indulge in any boisterous or disorderly conduct or loud talking or noises so as that the same disturbs the peace and quiet of any street, alley or sidewalk within the corporate limits of the town of Mansfield, Washington, shall be deemed guilty of the misdemeanor of disorderly conduct, and upon conviction thereof shall be punished by imprisonment in the town or county jail not to exceed eight days or by a fine of not more than \$25.00, or by both. [Ord. 12 § 13, 1911.]

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**Title 10**

**VEHICLES AND TRAFFIC**

**Chapters:**

- 10.05 Washington Model Traffic Ordinance**
- 10.10 Highway Access and Connector Streets**
- 10.15 Emergency Road Restrictions**
- 10.20 Winter Parking**
- 10.25 Speed Limits**
- 10.30 Skates, Skateboards, Scooters and Bicycles**
- 10.35 Snowmobiles**
- 10.40 ATVs, Golf Carts, and Side-by-Side Vehicles**



**Chapter 10.05****WASHINGTON MODEL TRAFFIC ORDINANCE**

## Sections:

10.05.010 Purpose.

10.05.020 Adoption.

[Ord. 106, 1929; Ord. 40, 1916.]

**10.05.010 Purpose.**

To adopt the Washington Model Traffic Statutes to regulate traffic upon the public streets and ways within the city limits of the town of Mansfield, and repealing all ordinances and sections of ordinances in conflict therewith. [Ord. 190 § 1, 1980.]

**10.05.020 Adoption.**

The town council, of the town of Mansfield, does hereby adopt the “Washington Model Traffic Ordinance,” Chapter 46.90 RCW, herein referred to as the “MTO,” for the traffic ordinance of this town. [Ord. 190 § 3, 1980.]

**Chapter 10.10****HIGHWAY ACCESS AND CONNECTOR STREETS**

## Sections:

- 10.10.010 Streets designated as connecting highways.  
10.10.020 Highway access management regulations adopted.

**10.10.010 Streets designated as connecting highways.**

The following streets in the town of Mansfield, Washington, shall be the connecting link between permanent Highway Nos. 4 and 5 commencing at station OxOO on permanent Highway No. 4 running thence west on Waterville Boulevard to the intersection of Waterville Boulevard, and First Avenue thence following First Avenue in southwest direction to the intersection of First Avenue and Main Street thence following Main Street in a northwest direction to its intersection with permanent Highway No. 5. [Ord. 92 § 1, 1923.]

**10.10.020 Highway access management regulations adopted.**

A. Chapter 47.50 RCW is hereby adopted by reference to provide for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within the incorporated area of the town of Mansfield.

B. Pursuant to the requirements and authority of Chapter 47.50 RCW, there is hereby adopted by reference the provisions of Chapters 468-51 and 468-52 WAC, together with all future amendments, in order to implement the requirements of Chapter 47.50 RCW. [Ord. 453 §§ 1, 2, 2008.]

**Chapter 10.15****EMERGENCY ROAD RESTRICTIONS**

Sections:

10.15.010 Emergency winter weight restrictions.

**10.15.010 Emergency winter weight restrictions.**

A. Under authority of RCW 36.75.270, all vehicular traffic in the town of Mansfield, on posted roads, shall be restricted to the weights per tire as shown on the following table:

<b>Tire Size</b>	<b>Normal Winter Restrictions</b>	<b>Emergency Winter Restrictions</b>
6:00	1,400 lbs.	1,400 lbs.
6:50	1,600 lbs.	1,600 lbs.
7:00	1,800 lbs.	1,800 lbs.
7:50	2,250 lbs.	1,800 lbs.
8:25	2,800 lbs.	1,900 lbs.
9:00	3,400 lbs.	2,250 lbs.
10:00	4,000 lbs.	2,750 lbs.
11:00	4,500 lbs.	3,000 lbs.
12:00 and over	4,500 lbs.	3,000 lbs.
Extreme emergency		7,500 lbs. gross veh. weight

B. This shall become effective immediately and the same shall remain in effect for as long as posted.

C. The emergency and extreme emergency restriction shall be placed on any town road that, in the option of the town superintendent, should be restricted, without further action from the town council. [Ord. 326, 1990.]

**Chapter 10.20****WINTER PARKING**

## Sections:

- 10.20.010 Impeding snow removal.
- 10.20.020 Impounding vehicles.
- 10.20.030 Violation – Penalty.

**10.20.010 Impeding snow removal.**

No person, corporation or other entity shall park or stand any vehicle or item on any street, avenue or alley in the town of Mansfield that would impede snow removal during the months of November, December, January, February and March. [Ord. 221 § 1, 1986.]

**10.20.020 Impounding vehicles.**

The town marshal or other designated law enforcement official shall be authorized to remove and impound any vehicle or item which is placed or parked in violation of this chapter and is further authorized to hire or employ necessary personnel and/or equipment for such purpose. Any vehicle so impounded shall be released only upon payment of all actual costs of such removal and impoundment. [Ord. 221 § 2, 1986.]

**10.20.030 Violation – Penalty.**

Any person, corporation or other entity violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed the sum of \$250.00. [Ord. 221 § 3, 1986.]

**Chapter 10.25****SPEED LIMITS**

## Sections:

10.25.010 Speed limits on specific roads.

10.25.020 Violation, penalty.

**10.25.010 Speed limits on specific roads.**

A. Twenty-Five Miles per Hour. It shall be unlawful for the operator of any vehicle to operate same inside the incorporated limits of the town of Mansfield at a speed in excess of 25 miles per hour on the following described section of State Route 172:

M.P. 21.87 at County Road E-NE (Main Street) to M.P. 22.37 at Simpson Street (Railroad Avenue).

B. Thirty-Five Miles per Hour. The following sections shall be 35 miles per hour:

M.P. 21.74 at the West Corporate Limits (Fifth Avenue) to M.P. 21.87 at County Road E-NE (Main Street) and M.P. 22.37 at Simpson Street (Railroad Avenue) to M.P. 22.72 at the East Corporate Limits.

[Ord. 171 §§ 1, 1a, 1975; Ord. 169 § 1, 1975.]

**10.25.020 Violation, penalty.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than \$100.00, or by imprisonment in the town jail for a period not to exceed 30 days, or by both such fine and imprisonment. [Ord. 171 § 2, 1975; Ord. 169 § 2, 1975.]

**Chapter 10.30****SKATES, SKATEBOARDS, SCOOTERS AND BICYCLES**

## Sections:

10.30.010 Definitions.

10.30.020 Prohibited areas.

**Prior legislation:** Ord. 392.**10.30.010 Definitions.**

The following words and phrases when used in this chapter shall have the meaning set forth below, unless normal construction in the context shall clearly indicate to the contrary:

“Bicycle” shall have its ordinary meaning and includes a vehicle with two wheels tandem, a steering handle, a saddle seat, and pedals by which it is propelled.

“Riding a skateboard” means standing with one or both feet touching the skateboard, crouching, sitting or lying upon the skateboard while it is in motion.

“Roller skate” means a pair of shoes, mounted upon wheels, and is most often propelled by the user in an upright, standing position or kneeling.

“Rollerblade” means a pair of shoes, mounted upon a single line roller skate or blade, and is most often propelled by the user in an upright, standing position or kneeling.

“Scooter” shall have its ordinary meaning and includes a footboard mounted upon or between two or more small wheels and controlled by an upright steering handle.

“Skateboard” has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this chapter, “skateboard” includes “scooter” and “coaster.” [Ord. 482 § 1A, 2013; Ord. 479 § 1A, 2012.]

**10.30.020 Prohibited areas.**

It is unlawful for any person to operate or ride upon any skateboards, roller skates, rollerblades, scooters, coasters or bicycles upon any sidewalk within the “central business district” of the town of Mansfield. This includes sidewalks east and west of Main Street between Railroad Avenue and Second Avenue Highway 172 east and west of Main Street between Railroad Avenue and Second Avenue.

A. Yielding Right-of-Way. On any sidewalk outside the “central business district” as defined in this chapter, any person riding any skateboard, roller skates, rollerblades, scooter, coaster, or bicycle shall yield the right-of-way to any pedestrian or vehicle.

B. Violation – Penalty. Any person violating any provision of town of Mansfield Ordinance No. 469 shall be guilty of an infraction and shall be punished by the imposition of a monetary penalty of not more than \$25.00 for a first offense, \$50.00 for a second offense, and \$100.00 for a third or subsequent offense; further, the device ridden at the time of the violation shall be subject to impound by the sheriff’s department for a period of 10 days, 30 days for a second offense, and permanent confiscation on third offense. [Ord. 482 § 1B, 2013; Ord. 479 § 1B, 2012.]

**Chapter 10.35**  
**SNOWMOBILES**

Sections:

- 10.35.010 Adoption of Washington State Snowmobile Act.  
10.35.020 Additional regulations.  
10.35.030 Penalty for violation.

**10.35.010 Adoption of Washington State Snowmobile Act.**

Chapter 29 of the Washington Laws, 1971, First Extraordinary Session, is hereby adopted by reference. [Ord. 430 § 1, 2005; Ord. 189 § 1, 1980.]

**10.35.020 Additional regulations.**

A. Each snowmobile must have a muffler in good working order, and in constant operation to prevent excessive or unusual noise and annoying smoke; and no person shall use a muffler cut out, bypass or similar device. All snowmobiles shall have a headlight in operating order, and on at all times when operated on a city alley with limited access. All snowmobiles shall have a working taillight or stop light.

B. It is unlawful to drive, operate, or park a snowmobile on any sidewalk or street in the town.

C. Except as modified by this chapter, all motor vehicle rules and regulations adopted by the town shall, unless clearly inapplicable, apply to snowmobiles.

D. In use of the alleys, motor vehicles and pedestrians shall have the right-of-way with respect to snowmobiles. All snowmobiles shall operate to the extreme right-hand side of the alleys, single file, and shall stop at all intersections.

E. A valid driver's license or safety course certificate is needed to operate a snowmobile. All snowmobiles require an off-road vehicle license.

F. The maximum speed limit for snowmobiles in the town of Mansfield shall be 10 miles per hour. Snowmobiling is prohibited after 10:00 p.m., and before 8:00 a.m., at all times.

G. No one shall operate a snowmobile under the influence of intoxicating liquor, narcotics and/or habit-forming drugs. [Ord. 430 § 2, 2005; Ord. 189 § 2, 1980.]

**10.35.030 Penalty for violation.**

Any person convicted of violating any of the provisions of this chapter shall, for each violation, be fined in any sum not exceeding \$250.00, or imprisoned in the county jail, for not more than 90 days, or both such fine and imprisonment. [Ord. 430 § 3, 2005; Ord. 189 § 3, 1980.]

## Chapter 10.40

### ATVS, GOLF CARTS, AND SIDE-BY-SIDE VEHICLES

Sections:

- 10.40.010 General definitions.
- 10.40.020 Road designation.
- 10.40.030 ORV permits.
- 10.40.040 Operation.
- 10.40.050 Safety.
- 10.40.060 Joy-riding.
- 10.40.070 Towing.
- 10.40.080 Age requirements.
- 10.40.090 Accident reports.
- 10.40.100 Penalties.

**Prior legislation:** Ords. 428 and 461.

#### **10.40.010 General definitions.**

The following words and phrases have the designated definition, unless a different meaning is expressly provided, or the context otherwise clearly indicates:

“All-terrain vehicle” or “ATV” means any three-, four- or six-wheel nonhighway vehicle primarily used for cross-country travel on trails or on any one of the following, or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain, other than snowmobile. This does not include dirt bikes or go-carts.

“Nonhighway” means any road owned or managed by a public agency for which appropriations from the motor vehicle fund were not used for (1) original construction or reconstruction in the last 25 years; or (2) maintenance in the last four years.

“Operator” means each person who operates, or is in physical control of, any nonhighway vehicle.

“ORV use permit” means a permit issued for operation of an all-terrain vehicle under this chapter.

“Owner” means the person other than the lien holder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

“Person” means any individual, firm, partnership, association or corporation.

“Public roadway” shall mean the entire width of the right-of-way of any road or street designed and ordinarily used for travel or parking of motor vehicles within the town limits of Mansfield, Washington.

“Side-by-side vehicle or golf cart” means a nonhighway motorized vehicle having three or more wheels which is capable of carrying passengers and is designated for use, and is commonly used, as a means of transporting persons. [Ord. 477 § 1, 2012.]

#### **10.40.020 Road designation.**

All roads in the town of Mansfield are deemed nonhighway by definition and also includes the state highway from city limits to city limits as per RCW 46.09.360.

ATVs, golf carts, and side-by-side vehicles may use these nonhighway roads subject to the provisions in MMC 10.40.030 through 10.40.100. [Ord. 477 § 2, 2012.]

#### **10.40.030 ORV permits.**

No person shall operate any all-terrain vehicles, golf carts, or side-by-side vehicles within Mansfield, Washington, unless the off-road vehicle or side-by-side vehicle has been assigned an ORV use permit and displays a current ORV tag in accordance with Washington State RCWs.

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

- A. All-terrain vehicles, golf carts, or side-by-side vehicles owned and operated by the United States, another state, or political subdivision thereof;
- B. All-terrain vehicles, golf carts, or side-by-side vehicles owned and operated by this state, or by any municipality or political subdivision thereof;
- C. All-terrain vehicles, golf carts, or side-by-side vehicles owned by a resident of another state which have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.
- D. All-terrain vehicles, golf carts, or side-by-side vehicles being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency. [Ord. 477 § 3, 2012.]

#### **10.40.040 Operation.**

No person shall operate any ATV, golf cart, or side-by-side vehicle:

- A. In such a manner as to endanger the property of another, or at a rate of speed greater than reasonable and prudent under existing conditions. Unposted speed limits within the town of Mansfield, Washington, shall be 25 miles per hour.
- B. On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others, regardless of ownership.
- C. On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others, regardless of ownership.
- D. Without a spark arrester approved by the Department of Natural Resources.
- E. Muffler devices must comply with RCW 46.09.120(1)(E).
- F. On lands not owned by the operator or owner of the nonhighway vehicle in any area, or in such a manner, as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage or destroy trees, growing crops or other vegetation.
- G. Golf carts must have reflective tape on all sides and cannot be operated within the hours of dusk till dawn. [Ord. 477 § 4, 2012.]

#### **10.40.050 Safety.**

All persons operating ATVs, golf carts, and side-by-side vehicles shall:

- A. Obey all rules of the road that apply to automobile traffic in the town of Mansfield, Washington.
- B. Yield the right-of-way to all motor vehicles and pedestrians using the town streets.
- C. When traveling in groups, proceed in single file, and in no instance shall be allowed to travel abreast.
- D. Not operate an ATV, golf cart, or side-by-side vehicle in such a way as to endanger human life.
- E. Not operate an ATV, golf cart, or side-by-side vehicle in such a way as to run down or harass any wildlife or animal. [Ord. 477 § 5, 2012.]

#### **10.40.060 Joy-riding.**

- A. ATVs, golf carts, and side-by-side vehicles shall be operated in such a manner as to travel to and from the operator's intended point of destination only. [Ord. 477 § 6, 2012.]

#### **10.40.070 Towing.**

- A. ATVs, golf carts, and side-by-side vehicles that have a towing device shall abide by manufacturer's specification when towing approved devices. [Ord. 477 § 7, 2012.]

**10.40.080 Age requirements.**

No person under 16 years of age or who does not have a valid driver's license may operate an ATV, golf cart, or side-by-side vehicle within the town of Mansfield, Washington. [Ord. 477 § 8, 2012.]

**10.40.090 Accident reports.**

The operator of any ATV, golf cart or side-by-side vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the amount exceeding \$500.00 must file an accident report with the Douglas County sheriff's office. [Ord. 477 § 9, 2012.]

**10.40.100 Penalties.**

Violation of any provision of this chapter shall be an infraction, and any person found to have committed such infraction shall be assessed a fine consistent with the monetary penalty schedule for any Chapter 46.09 RCW infraction set forth in the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), as now exists or as may be hereafter amended. [Ord. 477 § 10, 2012.]

**Title 11**  
**(RESERVED)**



**Title 12**

**STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapters:**

<b>12.05</b>	<b>Sidewalks</b>
<b>12.10</b>	<b>Street Vacations</b>
<b>12.15</b>	<b>Street Standards</b>



**Chapter 12.05****SIDEWALKS**

## Sections:

- 12.05.010 Burden and expense of sidewalk construction.
- 12.05.020 Sidewalks required when.
- 12.05.030 Resolution and notice.
- 12.05.040 Delivery of notice.
- 12.05.050 Noncompliance with notice.
- 12.05.060 Cost assessment.
- 12.05.070 Assessment delivery.
- 12.05.080 Delinquent assessments.
- 12.05.090 Abutting properties chargeable.
- 12.05.100 Assessments additional and auxiliary.

**12.05.010 Burden and expense of sidewalk construction.**

The burden and expense of constructing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon. [Ord. 37 § 1, 1916.]

**12.05.020 Sidewalks required when.**

Whenever in the judgment of the streets and alleys committee the public convenience or safety requires that a sidewalk be constructed along either side of any street or other public place in the said town of Mansfield, said committee shall immediately report the fact to the town council of said town and if such council shall deem the construction of such sidewalk necessary or convenient for the public, it shall by resolution order such sidewalk constructed and shall cause a notice, in writing, to be served upon the owner of each lot, block or parcel of land immediately abutting upon that portion and side of such street or public place where said sidewalk is to be constructed, requiring him to construct such sidewalk in accordance with such resolution. [Ord. 37 § 2, 1916.]

**12.05.030 Resolution and notice.**

The resolution and notice provided for in MMC 12.05.020 shall describe each lot, block or parcel of land immediately abutting upon that portion of the street or other public place where said sidewalk is ordered to be constructed and shall specify the kind of sidewalk required, the size and dimensions of the same, the method and material to be used in construction and shall contain an estimate of the cost thereof, and the notice shall state that unless the sidewalk is constructed in compliance with the notice and within a reasonable time therein specified, which shall not be less than 30 days from the date of service of said notice, said sidewalk will be constructed by said town and the cost and expense thereof assessed against the property abutting thereon and described in such notice. [Ord. 37 § 3, 1916.]

**12.05.040 Delivery of notice.**

The notice provided for in MMC 12.05.030 shall be deemed served, if delivered to the owner or reputed owner of each lot, block or parcel of land affected, or to the authorized agent of such owner, or if a copy thereof be left at the usual place of abode of such owner in said town of Mansfield with a person of suitable age and discretion residing therein, or in case such owner is a nonresident of said town and his place of residence is known, a copy of such notice shall be mailed to such owner addressed to his last known place of residence or in case the place of residence of such owner is unknown, or if the owner of any lot, block or parcel of land affected is unknown, then such notice shall be served by its publication in two weekly issues of the official newspaper of said town, or if there be no official newspaper, then in any weekly newspaper published in said town. Such notice shall specify a reasonable time within which said sidewalk shall be con-

structed, which in the case of publication of the notice shall be not less than 60 days from the date of the first publication of such notice. [Ord. 37 § 4, 1916.]

**12.05.050 Noncompliance with notice.**

In case the notice provided for in MMC 12.05.040 shall not be complied with within the time therein specified, the streets and alleys committee of said town, together with the clerk of said town, shall proceed to construct such sidewalk forthwith and shall report to the town council of said town at its next regular meeting, or as soon thereafter as is practicable, an assessment roll showing each lot, block or parcel of land immediately abutting upon said sidewalk, the name of the owner thereof, if known, and apportion the costs of the said improvements to be assessed against each such lot, block or parcel of land, and said town council shall thereupon set a date for hearing any protests against such proposed assessment roll and shall cause a notice of the time and place of said hearing to be published for two successive weeks in the official newspaper of said town, or if there be no official newspaper, then in any weekly newspaper published in said town, the date of said hearing to be not less than 30 days from the date of the first publication of said notice. [Ord. 37 § 5, 1916.]

**12.05.060 Cost assessment.**

The town council shall, at the time of said hearing or at any adjournment thereof, by ordinance assess the cost of constructing said sidewalk against the property immediately abutting thereon in accordance with the benefits thereto, and such assessment shall become a lien upon the respective lots, blocks or parcels of land upon the taking effect of said ordinance and shall bear interest at the rate of six percent per annum from said date. [Ord. 37 § 6, 1916.]

**12.05.070 Assessment delivery.**

Upon taking effect of the ordinance provided for in MMC 12.05.060 a duplicate copy of said assessment roll shall be prepared by the town clerk and delivered to the town treasurer of said town with the town clerk's certificate that said copy is a true copy of the original roll and the same has been duly approved by ordinance. [Ord. 37 § 7, 1916.]

**12.05.080 Delinquent assessments.**

The town treasurer shall upon receipt of such roll publish a notice in the official paper of said town, or in such newspaper published in said town as the town council shall designate therefor, for two consecutive issues, that the said roll is in his hands for collection and that any assessment thereon may be paid at any time within 30 days from the date of the first publication of said notice without penalty or costs, and that unless payment be made within such time such assessment shall become delinquent. Any such assessment which shall not be paid within the time prescribed in such notice shall be delinquent from and after the expiration of such time and upon delinquency a penalty of five percent of such assessment shall attach to and become a part thereof. All delinquent assessments, together with penalties and interest, shall be certified forthwith by the town treasurer to the county treasurer of Douglas County, Washington, and by said county treasurer shall be entered upon the general tax rolls and collected as general taxes are collected. [Ord. 37 § 8, 1916.]

**12.05.090 Abutting properties chargeable.**

For the purposes of this chapter all property having a frontage on the side or margin of any street or public place shall be deemed abutting property, and such property shall be chargeable, as provided by this chapter, with all costs of construction of any form of sidewalk improvement between the margin of said street or other public place and the roadway lying in front of and adjacent to said property, and the term "sidewalk" as used in this chapter shall be construed to mean and include any and all structures or forms of improvement included in the space between the street margin and the roadway known as sidewalk area. [Ord. 37 § 9, 1916.]

**12.05.100 Assessments additional and auxiliary.**

This chapter shall not be construed as repealing or amending any ordinance or part thereof relating to the improvements of streets or public places in said town by special assessments commonly known as local improvement ordinances, but shall be considered as additional and auxiliary thereto. [Ord. 37 § 10, 1916.]

## Chapter 12.10

### STREET VACATIONS

Sections:

- 12.10.010 Definitions.
- 12.10.020 Initiation of vacation.
- 12.10.030 Petition for vacation.
- 12.10.040 Petition fees.
- 12.10.050 Survey, vicinity map, plat map and legal description.
- 12.10.060 Setting of hearing.
- 12.10.070 Staff report.
- 12.10.080 Notice of hearing.
- 12.10.090 Protest.
- 12.10.100 Compensation for vacation.
- 12.10.110 Appraisals.
- 12.10.120 Payment of compensation of conveyance.

**12.10.010 Definitions.**

A street or alley “vacation” means that the public is letting go of, or “vacating,” the public interest in the property pursuant to Chapter 35.79 RCW. After a street or an alley is vacated, the public no longer has the right to use the property for access. [Ord. 507, 2019.]

**12.10.020 Initiation of vacation.**

The owners of an interest in any real property abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the town council. In the alternative, the town council may itself initiate a vacation by resolution. The petition or resolution shall be filed with the town clerk. [Ord. 507 § 1, 2019.]

**12.10.030 Petition for vacation.**

The petition shall be in a form prescribed by the town. [Ord. 507 § 2, 2019.]

**12.10.040 Petition fees.**

Every petition for the vacation of any street or alley, or any part thereof, shall be accompanied by a fee in an amount established by resolution of the town to defray the administrative costs incurred in processing the petition and publishing, posting and mailing notices. The petitioner shall be responsible for any additional costs incurred by the town regardless of the outcome of the petition. [Ord. 507 § 3, 2019.]

**12.10.050 Survey, vicinity map, plat map and legal description.**

Every petition shall be accompanied by:

- A. A survey, containing an exact legal description of the portion of the road/alley to be vacated, prepared and sealed by a professional land surveyor, licensed in the state of Washington;
- B. A vicinity map showing the general area of the proposed vacation;
- C. A plat map prepared and sealed by a professional land surveyor, licensed in the state of Washington, indicating the specific parcels abutting the proposal street or alley to be vacated;
- D. The name and address of all property owners for properties that lie within 300 feet of the street or alley to be vacated;
- E. Flagging which indicates the boundaries of the street or alley shall be installed when the survey is conducted. [Ord. 507 § 4, 2019.]

**12.10.060 Setting of hearing.**

Upon receipt of the petition, the fee and all required documents, the town clerk shall make a determination whether the petition has been signed by the owners of more than two-thirds of the property owners abutting the part of the street or alley to be vacated. The town clerk shall then forward the petition and required documents to the mayor for further review and action. If the petition has been signed by two-thirds of such owners, the mayor shall forward the petition to the town council that shall, by resolution, set a time when the petition will be heard and determined by the town council. The hearing shall not be more than 60 days or less than 20 days after the date of the adoption of the resolution. Where the town council initiates the vacation by resolution, that resolution shall set a time when the proposed vacation will be heard by the town council. [Ord. 507 § 5, 2019.]

**12.10.070 Staff report.**

The mayor shall prepare a report concerning the proposed vacation that shall address the following criteria to be considered by the town council in determining whether to vacate the street or alley, and such other information as deemed appropriate by the mayor:

- A. Whether the vacation will benefit the public interest;
- B. That the proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes;
- C. That the street or alley is not a necessary part of a long-range circulation plan, pedestrian/bicycle plan, or utilities plan; and
- D. That the subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

In preparing the report, the mayor shall solicit comments from the law enforcement, fire, other town departments and other governmental agencies operating within the town which may be affected by the right-of-way vacation. The report shall be submitted to the town council, and to the petitioners, not less than five days before the hearing. [Ord. 507 § 6, 2019.]

**12.10.080 Notice of hearing.**

Upon the passage of the resolution setting the time for hearing the petition or proposal for vacation, the town clerk shall give at least 15 days' notice of the time, place and purpose of the hearing.

- A. Publishing written notice once in the town's official newspaper;
- B. Posting a placard in three of the most public places in town and a like notice in a conspicuous place at each end of the street or alley sought to be vacated. The placards shall be highly visible and at least 11 by 14 inches in size, and shall include a map showing the location of the street or alley proposed to be vacated; and
- C. Mailing written notice to all petitioners at the address on the petition and all owners of property abutting the street or alley proposed to be vacated, as shown on the records of the Douglas County assessor. In addition, notice shall be given to the owners of the property which lie within 300 feet beyond the street or alley to be vacated, measuring in both directions from the area to be vacated. [Ord. 507 § 7, 2019.]

**12.10.090 Protest.**

If 50 percent or more of the owners of the abutting property file written objections with the town clerk prior to the time of the hearing, the town shall not proceed with the proposed vacation. [Ord. 507 § 8, 2019.]

**12.10.100 Compensation for vacation.**

A. Where a vacation has been initiated by a petition, the owners of the property abutting the area vacated shall pay to the town of Mansfield, prior to the effective date of the ordinance vacating the area, a sum equal to one-half of the appraised value of the area vacated plus the full cost of physical closure and road repairs as set by the town council in the vacation resolution; provided, however, that where the vacation was initiated by the town or was required by the town as a condition of a permit or approval, or was acquired at public

expense, the owners of the property abutting the area vacated shall pay to the town a sum equal to the full appraised value of the area to be vacated.

B. Conveyance of other property acceptable to the town may be made in lieu of the required payment, whether required to mitigate adverse impacts of the vacation or otherwise. When the conveyance is made for street purposes, one-half of the fair market value of the land conveyed shall be credited to the required payment. When the conveyance is made in fee for purposes other than street purposes, the full appraised value of the land conveyed shall be credited to the required payment.

C. When the value of the in-lieu parcel is less than the required payment, the petitioners shall pay the difference to the town prior to the effective date and recording of the ordinance approving the vacation. When the value of the in-lieu parcel exceeds the required payment, the town shall pay the difference to the petitioners. [Ord. 507 § 9, 2019.]

#### **12.10.110 Appraisals.**

A. The mayor may determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser who has a MAI or SRA designation from the Appraisal Institute. To obtain such appraisal, the mayor shall present to the representatives of the petitioners a list of three such certified and designated appraisers from which the representatives of the petitioners shall select one appraiser. The petitioner shall pay for the appraisal. If the mayor is not satisfied with the appraisal, the mayor may order a second appraisal from a state-certified real estate appraiser who has a MAI or SRA designation from the Appraisal Institute. The town shall pay for the second appraisal.

B. The mayor shall use the appraisal having the higher value for the area vacated. The mayor shall determine the fair market value or full appraisal value of the real property proposed to be granted or dedicated to the town in lieu of cash payment under this section in accordance with the appraisal procedure in subsection A of this section.

C. Alternatively, at the discretion of the town, the value of the proposed vacation area may be determined using the Douglas County assessor's fair market assessed value for the parcels abutting on the proposed vacation area. [Ord. 507 § 10, 2019.]

#### **12.10.120 Payment of compensation of conveyance.**

After determining the appraised value of the street or alley to be vacated, pursuant to this section, the mayor shall notify the representatives of the petitioners of the amount of compensation. The payment shall be delivered to the mayor who, upon receipt of the payment, shall transmit to the town clerk for deposit in the street fund and shall make a written report of the payment to the town council. If the petitioner has been authorized to deliver an instrument granting or dedicating to the town a parcel or parcels of land in lieu of cash payment, the mayor, at the petitioner's expense, may obtain either a policy of title insurance insuring title of property in the town, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate, shall transmit it to the town council. [Ord. 507 § 11, 2019.]

**Chapter 12.15****STREET STANDARDS**

## Sections:

- 12.15.010 Design and construction standards.
- 12.15.020 Purpose.
- 12.15.030 Applicability.
- 12.15.040 Definitions.
- 12.15.050 Street standards – General.
- 12.15.060 Street classification.
- 12.15.070 Street specifications by classification.
- 12.15.080 Design – Street engineering.
- 12.15.090 Sidewalks.
- 12.15.100 Alleys.
- 12.15.110 Boundary streets.
- 12.15.120 Dead end streets.
- 12.15.130 Highway intersections.
- 12.15.140 Traffic impact analysis.
- 12.15.150 Improvements completed – Performance assurance.

**12.15.010 Design and construction standards.**

Minimum design and construction standards for streets and related facilities shall be as established in this chapter. [Ord. 380 § 1, 1998.]

**12.15.020 Purpose.**

The purpose of establishing general street standards for the town is to preserve and protect the public health, safety and welfare, to assure consistency in street construction associated with development, and facilitate implementation of the transportation element of the comprehensive plan. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.030 Applicability.**

These standards shall be applicable for all development within the town that proposes to use existing or new public or private streets and street rights-of-way. It is the responsibility of the developer to design and install required street improvements for new streets and for existing unimproved rights-of-way. The town, upon recommendation of the town engineer, may waive or modify the required improvements associated with the construction of one single-family dwelling on lots created prior to the effective date of these standards, and in a residential zoning district, when such lot adjoins an existing town street that is improved with a paved surface that is adequate to serve the proposed use and that is in essential conformance with the standards herein. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.040 Definitions.**

“Alley” means a strip of land permanently reserved or dedicated to public use providing vehicular and pedestrian travel to the rear side of properties, which abut and are served by a public street, to be used as a secondary means of access to the property.

“Alteration, plat” means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, which results in a significant adjustment of boundary lines, the addition of new lots or more land, deletion of existing lots or the removal of plat or lot restrictions or dedications which are shown on the recorded plat, or modifications to conditions of approval.

“Applicant” means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under the town code.

“Application” means a request for any permit or approval required from the town for proposed development or action, including, without limitation, building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

“Binding site plan” means a plan drawn to scale processed in accordance with the provisions of Chapter 58.17 RCW.

“Boundary” or “half street” means a public or private street which is constructed utilizing one-half the full required width of right-of-way or easement and permitted as an interim facility pending construction of the remaining width of the street on the adjacent property.

“Building” means any combination of materials constructed, placed or erected permanently on the ground or attached to something having a permanent location on the ground, for the shelter, support or enclosure of persons, animals or property, or supporting any use, occupancy or function. Excluded from this definition are all forms of vehicles even though immobilized, residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor nature. The terms “building” and “structure” are synonymous.

“Conceptual drainage plan” means a preliminary plan which discloses the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any bioswales, wetponds, or other water quality features, together with supporting documentation and calculations.

“Cul-de-sac” means a street closed at one end by a circular area of sufficient size for turning vehicles around.

“Dedication” means the deliberate conveyance of land by an owner in fee simple for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

“Developer” means any person, corporation, partnership or other entity who makes application for a proposal, permit, approval or action constituting development.

“Development” means any manmade use or change to improved or unimproved real estate including, without limitation: the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or other structures; mining; dredging; filling; stockpiling; grading and excavation; divisions/segregations of land; and plat alterations.

“Divide” means any transaction, not otherwise exempt or provided for under the provisions of the town code, which alters or affects the shape, size, or legal description of any land as defined herein.

“Driveway” means a private access way connected to a public street serving not more than three lots.

“Easement” means a right to use land, except tenancies and leasehold interests, for a specific purpose or purposes and held by persons other than the owner.

“Engineer” means an individual licensed as a civil engineer pursuant to Chapter 18.43 RCW.

“Improvements” means street grading or graveling, utility installation, recreational features, lot grading prior to building permit issuance, permanent plat and survey monuments, street pavement, curb and sidewalks, pedestrian ways, landscaping, and other required or necessary facilities.

“Land surveyor” means an individual licensed as a land surveyor pursuant to Chapter 18.43 RCW.

“Land” means, as a unit for determining subdivision, all contiguous real property in one ownership, but not including parcels of record and not including parcels separated by a public street. A parcel shall be considered of record if the instrument creating such parcel is recorded in the office of the Douglas County auditor, and if the creation of such parcel was in conformance with all development regulations, and all other applicable laws and regulations, in effect at the time of recording.

“Legally subdivided” means land divided in accordance with the development regulations and all applicable laws or regulations in force at the time of the division.

“Level of service” means a measure of traffic congestion along a street or at an intersection identified by a letter scale from A to F as calculated by a methodology endorsed by the Institute of Transportation Engineers.

“Lot” means a fractional part of divided land having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area, with frontage on a street or access easement.

“Lot area” means the total horizontal land area within the lot lines of a lot, exclusive of the following: public and private streets, and easements of vehicular access to other properties.

“On-site storm water management” means the design and construction of systems necessary to control storm water quantity or quality within the area being developed.

“Parcel” means a tract, lot or plat of land of any size which may or may not be subdivided or improved which was created in conformance with the development regulations and all other applicable laws and regulations in effect at the time of recording.

“Performance assurance” means a form of financial security posted to ensure timely and proper completion of improvements, compliance with the requirements of the town, or to warranty materials, workmanship of improvements, design and performance. Performance assurances include assignments of funds, cash deposits, surety bonds, and/or other forms of financial security acceptable to the town attorney.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

“Plat, final” means the final drawing of a subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in the development regulations and Chapter 58.17 RCW.

“Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision required by the development regulations and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval, conditional approval or disapproval of the general layout of a subdivision.

“Reserve easement” means a strip of land between a subdivision boundary and a street within an approved subdivision, the control of which strip is deeded to the town, the county or the state as a nonaccess right-of-way to control access and/or insure reciprocal development of a street when the adjoining property is developed.

“Revisions, plat” means a change prior to the recording of a previously approved preliminary plat, preliminary short plat or binding site plan which includes but is not limited to the addition of new lots, tracts or parcels.

“Right-of-way” means the platted, dedicated or reserved portion of a development for purposes of a street or alley for vehicular and/or pedestrian traffic.

“Segregation” means divisions of land which include subdivision, short subdivision, binding site plans, boundary line adjustments, and divisions by exemption.

“Short plat, final” means the final drawing of a short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in the development regulations and Chapter 58.17 RCW.

“Short plat, preliminary” means a neat and approximate drawing of a proposed short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a short subdivision required by the development regulations and Chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval, conditional approval or disapproval of the general layout of a short subdivision.

“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Street” means an improved and maintained right-of-way which provides vehicular circulation or principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.

“Street, private” means a street intended for the use of one or more private individuals as developed and maintained by those private individuals who benefit from its establishment.

“Street, public” means a street established and adopted by the proper authorities for the use of the general public, and over which every person has a right to pass and use for all purposes of travel or transportation to which it is adapted and developed.

“Subdivision” means the division or redivision of land into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, except as provided by the short subdivision of four or fewer lots.

“Survey” means a map prepared to the requirements specified by Chapter 58.09 RCW and Chapter 332-130 WAC.

“Traffic impact analysis” means a study of traffic impacts prepared by a qualified engineer and meeting the requirements of town engineer.

“Utilities” means any water, gas, sanitary or storm sewer, electrical, telephone, irrigation, drainage way, wire or television communication facility and/or service and all persons, companies, or governmental agencies furnishing the same. [Ord. 380 § 1 (Exh. A), 1998.]

#### **12.15.050 Street standards – General.**

Streets shall be designed and constructed to the specifications of the town engineer. Improvements to state highways, when required by the Washington State Department of Transportation, shall be constructed to the standards of that agency. Improvements to county roads, when required, shall be constructed to the standards of the Douglas County engineer. [Ord. 380 § 1 (Exh. A), 1998.]

#### **12.15.060 Street classification.**

Streets shall be classified as follows:

A. Arterial. Arterials are the major streets and correspondingly have the highest average daily traffic. Arterials are designed to carry a proportion of the total urban area traffic, and usually either serve traffic going from the central business district to outlying residential areas, or traffic entering and leaving the urban area. Arterials are as designated by the transportation element of the applicable comprehensive plan.

B. Collector. Collectors are designed to provide access service and traffic circulation within residential neighborhoods and commercial/industrial areas. They differ from arterials in that they may penetrate residential neighborhoods, distributing traffic from arterials to the ultimate destination or vice-versa. Collectors are as designated by the transportation element of the applicable comprehensive plan.

C. Local Access. Local access streets have a primary function of providing access to abutting land and to collector and arterial streets. They offer the lowest level of mobility and through traffic in residential neighborhoods should be deliberately discouraged. Local access streets are: (1) as designated by the transportation element of the comprehensive plan; and/or (2) streets serving new development via new or unimproved rights-of-way. [Ord. 380 § 1 (Exh. A), 1998.]

#### **12.15.070 Street specifications by classification.**

Standards for the construction of new streets and improvements to existing streets shall be as specified in Table A.

**Table A. Minimum Street Design Standards***All Dimensions Measured in Feet*

	<b>Arterial</b>	<b>Collector</b>	<b>Local Access</b>
Min. right-of-way width	80	60	50(i)
Min. improved width (ii)	44	40	36
Lane width (min.):			
Exterior	12	12	10
Interior	11	11	N/A
Two-way left turn	11	11	N/A
Exclusive turn	11	11	N/A
Parking	10	10(iii)	8
Exclusive bicycle lane	6	5	5
Sidewalk width (iv)	6(v)	5(v)	5(v)
Clear zone/side slopes	AASHTO or TRB Special Report No. 214		
Vertical clearance	16.5	16.5	16.5
Radius	WSDOT Design Man. (current ed.) or per town engineer		
Max. length dead-end	N/A	N/A	600
Turn-around radius	N/A	N/A	50

**Notes:**

- (i) Rights-of-way less than 60 feet in width may require additional utility easements.
- (ii) Measured face of curb to face of curb.
- (iii) May be reduced to eight feet when parking lane will not become travel lane in foreseeable future.
- (iv) Measured face of vertical curb to outside edge of sidewalk.
- (v) May be reduced by one foot when separated at least three feet from curb by a planting strip.

[Ord. 380 § 1 (Exh. A), 1998.]

**12.15.080 Design – Street engineering.**

A. Workmanship and materials shall be in accordance with the Washington State Department of Transportation Standard Specifications and the Design Standards of Road Construction. The minimum design speed shall be 10 miles per hour higher than the posted speed limit.

B. A plan and profile of the proposed street improvement prepared by an engineer shall be submitted to the town engineer for approval prior to final action on a development permit application and prior to construction. The plan and profile shall disclose, at a minimum, the following:

1. Plan.
  - a. Street alignment in stations of 100-foot intervals.
  - b. Bearings on street centerlines.
  - c. Curve data on all horizontal curves.
  - d. Right-of-way lines and width for existing and proposed streets and side streets.
  - e. All topography within the right-of-way limits disclosed at two-foot intervals.

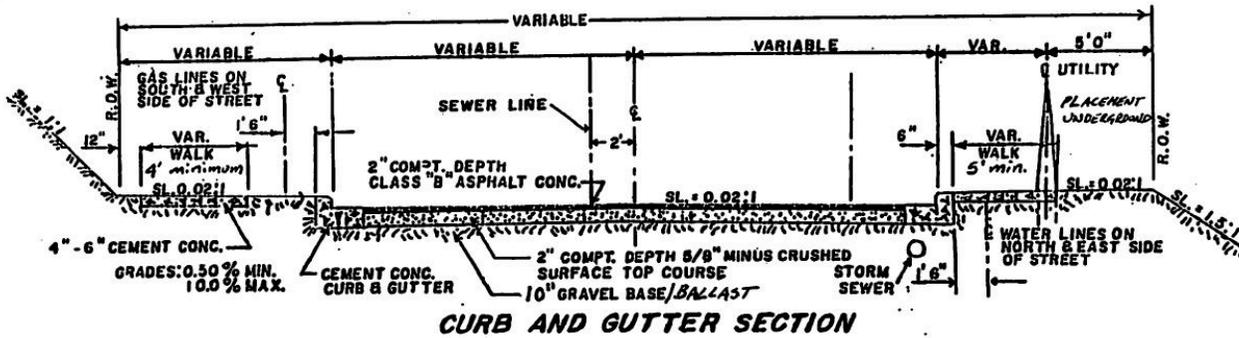
- f. The location of existing and proposed utilities.
- g. The names of all adjoining streets, subdivisions and short subdivisions.
- h. Typical section of proposed roads.
- i. Existing and proposed drainage structures.
- j. Intersection plans.

2. Profile.

- a. Original ground line.
- b. Stationing in 100-foot intervals.
- c. Control elevation on edge of sheet.
- d. Profile disclosing grade percents and vertical curves.

C. Provisions for storm water drainage and retention shall be incorporated into the design and construction of streets to the specifications of the town engineer. Storm water systems shall be designed by an engineer using the Type 2 SCS model for a storm event equal to or exceeding two inches of rainfall in a 90-minute time period. All storm water shall be disposed of in existing systems designed and with the capacity to accept the runoff or shall be retained on site.

D. Improvements shall be constructed in accordance with the specifications of the town engineer and the following minimum specifications:



[Ord. 380 § 1 (Exh. A), 1998.]

**12.15.090 Sidewalks.**

A. Sidewalks shall be required as follows:

- 1. Arterial. Sidewalks a minimum of 72 inches in width shall be installed along both sides of an arterial.
- 2. Collector. Sidewalks a minimum of 60 inches in width shall be installed along both sides of a collector.
- 3. Local access. Sidewalks a minimum of 60 inches in width shall be installed along both sides of a local access street.

B. If approved by the town engineer, sidewalk widths may be reduced by a maximum of 12 inches if separated a minimum of 36 inches from the curb to create a planting strip between the curb and the sidewalk. The improvement of any such strip with plantings and a permanently installed irrigation system shall be the responsibility of the developer. Maintenance of the planting strip shall be the responsibility of the abutting property owner and such responsibility shall be disclosed on any plat, permit and in property conveyance documents. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.100 Alleys.**

Alleys provided at the rear of lots shall have a minimum width of 20 feet and improved with an all-weather dustless surface. All plats, short plats, binding site plans and property conveyance documents shall disclose that the maintenance of an alley is the responsibility of adjoining property owners and not the town. Dead end alleys and those with severe changes in direction are prohibited. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.110 Boundary streets.**

A street lying along the boundary of a development may be dedicated/improved less than the required width if it is practical to require the dedication/improvement of the remaining portion at such time as development is proposed on the adjoining property. Boundary streets shall be dedicated at no less than one-half of the required right-of-way and improved to no less than one-half of the required full surface width or 22 feet, whichever is greater. The town may prohibit parking on boundary streets until such time as full improvement is made. A one-foot reserve access dedication to the appropriate governmental agency may be required along the exterior boundary of the half street to prohibit access from adjoining land until such time as the full street is improved. The town may also require installation of physical barriers precluding access until such time as the full street is improved. These same provisions shall apply to streets that terminate in a dead end at a property line. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.120 Dead end streets.**

Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be provided at the closed end with a turnaround having a minimum right-of-way radius of not less than 50 feet or with a wye or a "T" permitting comparable ease of turning. Such roads in excess of 600 feet in length shall be prohibited. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.130 Highway intersections.**

Where streets connect to state highways or county roads, design standards from the State Standard for Minor Intersections shall apply and require approval of the Washington State Department of Transportation or the county engineer, as applicable. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.140 Traffic impact analysis.**

A. A traffic impact analysis shall be submitted with a development permit application when it is determined by the town engineer that a development meets any of the following:

1. Generates 20 peak hourly trips or 200 average daily trips;
2. Significantly affects or exceeds the current or projected level of service of the roadway system adjacent to the development; or
3. The proposal would affect existing traffic problems in the local area of the project such as an area with a high accident rate, confusing intersection, or other problems identified by the town engineer; or
4. A traffic impact analysis may also be required by the town engineer or the mayor when it is determined that a development proposal may significantly impact adjacent areas, or in the discharge of their responsibilities in the administration of the State Environmental Policy Act.

B. Traffic impact analyses shall be prepared by a qualified engineer approved by the town engineer.

C. A traffic impact analysis shall contain the following information:

1. Introduction and Summary.
  - a. Purpose of report and study objectives.
  - b. Executive Summary.
    - i. Site location and study area.
    - ii. Development description.
    - iii. Principal findings.
    - iv. Conclusions.
    - v. Recommendations and proposed mitigation measures.
2. Proposed development and summary of the development proposal, including the following:
  - a. Land use and intensity.
  - b. Location.
  - c. Site plan.
  - d. Zoning.
  - e. Phasing and timing.

3. Area conditions including the following:
  - a. Study Area.
    - i. Area of influence.
    - ii. Area of significant traffic impact.
  - b. Study Area and Land Use.
    - i. Existing land uses.
    - ii. Existing zoning.
    - iii. Anticipated future development.
  - c. Site Accessibility.
    - i. Existing and future area roadway system.
    - ii. Traffic volumes and conditions.
    - iii. Transit service.
    - iv. Existing relevant transportation system management programs.
    - v. Other issues as determined by the town engineer.
4. Projected Traffic.
  - a. Site Traffic for Each Horizon Year.
    - i. Trip generation.
    - ii. Trip distribution.
    - iii. Modal split.
    - iv. Trip assignment.
  - b. Through Traffic (Each Horizon Year).
    - i. Method of projection.
    - ii. Nonsite traffic in study area including the method of projections, trip generation, trip distribution, modal split, and trip assignment.
    - iii. Through traffic.
    - iv. Estimated volumes.
  - c. Total traffic (each horizon year).
5. Traffic analysis including the following:
  - a. Site access.
  - b. Capacity and level of service.
  - c. Traffic safety.
  - d. Traffic signals.
  - e. Site circulation and parking.
6. Improvement Analysis.
  - a. Improvements to accommodate base traffic.
  - b. Additional improvements to accommodate site traffic.
  - c. Alternative improvements.
  - d. Status of improvements already funded, programmed, or planned.
  - e. Evaluation.
7. Findings.
  - a. Site accessibility.
  - b. Traffic impacts.
  - c. Need for any improvements and financing plan.
  - d. Compliance with applicable codes.
8. Recommendations and Proposed Mitigation.
  - a. Site access/circulation plan.
  - b. Roadway improvements including on-site, off-site and a phasing plan when appropriate.
  - c. Transportation system management actions including off-site, on-site and operational.
9. Conclusion. [Ord. 380 § 1 (Exh. A), 1998.]

**12.15.150 Improvements completed – Performance assurance.**

All improvements shall be completed prior to final development approval, final building, inspection, occupancy of any structure or building, or use of property authorized, whichever comes first. As an alternative to completion of improvements, not including final design, the town may authorize the developer to provide a performance assurance guaranteeing completion of improvements within a maximum of 12 months. Such agreements shall be on forms provided and approved by the town in the amount of 125 percent of the estimated cost of improvements. [Ord. 380 § 1 (Exh. A), 1998.]

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**Title 13**

**PUBLIC SERVICES**

**Chapters:**

<b>13.05</b>	<b>Electrical Construction</b>
<b>13.10</b>	<b>Privies and Cesspools</b>
<b>13.15</b>	<b>Utilities</b>
<b>13.20</b>	<b>Sewers</b>



**Chapter 13.05****ELECTRICAL CONSTRUCTION**

## Sections:

- 13.05.010 Compliance with the National Electrical Code.
- 13.05.020 Inspection of work.
- 13.05.030 Violation – Penalty.

**13.05.010 Compliance with the National Electrical Code.**

All electrical construction, all material and all appliances used in connection with electric work and the operation of all electrical apparatus in the buildings of the town of Mansfield, Washington, shall be in conformity with the rules and regulations set forth in what is known as the National Electrical Code, being rules and regulations and requirements for the installation of electrical wiring and apparatus for electric light, heat and power, as the same are now established, and the said rules and regulations, as may be interpreted by the Washington Surveying and Rating Bureau, together with any amendments and changes made from time to time, are hereby adopted and approved. [Ord. 33 § 1, 1915.]

**13.05.020 Inspection of work.**

Upon the completion of the “roughing in” and of the finished wiring in any building it shall be the duty of the corporation, copartnership or individual doing same to notify the local representative of the light and power company or plant intending to service such property, whose duty it shall be to at once have the work inspected, and if found in conformity with the code to issue a certificate of satisfactory inspection, which shall contain the date of such inspection and an outline of the result of such examination, nor shall current be turned on such installation until said certificate be issued; nor shall any changes, alteration or extension be made in the wiring of any building now or hereafter erected, after inspection without notifying the said local representative and securing additional certificate therefor. [Ord. 33 § 2, 1915.]

**13.05.030 Violation – Penalty.**

Any corporation, copartnership or person who shall fail, neglect or refuse to comply with the provisions of this chapter shall be fined in any sum not less than \$25.00, nor more than \$100.00. [Ord. 33 § 3, 1915.]

**Chapter 13.10****PRIVIES AND CESSPOOLS**

## Sections:

- 13.10.010 Privies and cesspools.
- 13.10.020 Distance from residences.
- 13.10.030 Size requirements.
- 13.10.040 Disinfected when.
- 13.10.050 Seat covers.
- 13.10.060 Liquid waste.
- 13.10.070 Bodily waste from sick persons.
- 13.10.080 Condemning privy vaults.
- 13.10.090 Dilapidated or defective privy vaults.
- 13.10.100 Cesspools.
- 13.10.110 Inspections necessary.
- 13.10.120 Cleaning and maintenance required.
- 13.10.130 Connections for dwellings.
- 13.10.140 Garbage receptacles.
- 13.10.150 Accumulation of offal and garbage.
- 13.10.160 Pigs and hogs.
- 13.10.170 Violation – Penalty.

**13.10.010 Privies and cesspools.**

From and after the passage of the ordinance codified in this chapter it shall be unlawful for any person to dig or use, or cause to be dug or used, any privy vault or cesspool or connect any plumbing with any cesspool, or build or cause to be built any privy building within the corporate limits of the town of Mansfield, except upon written permit from the city health officer. [Ord. 38 § 1, 1916.]

**13.10.020 Distance from residences.**

No such privy-vault, privy-building or cesspool shall be constructed within 20 feet of any house or residence, or building used as such, nor within two feet of the property line of such premises. [Ord. 38 § 2, 1916.]

**13.10.030 Size requirements.**

All vaults hereafter constructed must be not less than three feet wide from front to rear, three feet long and six feet in depth and must be closely joined to the privy-building, and a ventilating pipe of wood or other material of not less than six inches in diameter shall extend from the vault to two feet above the roof of the privy-building; the opening at the top of this pipe must be securely covered with copper wire fly screening. [Ord. 38 § 3, 1916.]

**13.10.040 Disinfected when.**

All privy-vaults, flush toilets and plumbing fixtures shall be disinfected whenever so ordered by the health officer. [Ord. 38 § 4, 1916.]

**13.10.050 Seat covers.**

The cover of the seat in privy-buildings must be securely fastened with hinges and kept closed at all times when the seat is not in use. [Ord. 38 § 5, 1916.]

**13.10.060 Liquid waste.**

No wash water, kitchen slops, or other liquid waste, garbage, tin cans, crockery or glass shall be emptied or thrown into any privy-vault. [Ord. 38 § 6, 1916.]

**13.10.070 Bodily waste from sick persons.**

No bodily waste or excreta from any person suffering from typhoid fever, dysentery or other serious bowel trouble shall be deposited in any privy or privy-vault without being previously disinfected in such manner as may be approved by the health officer in conformity with regulations of the State Board of Health. [Ord. 38 § 7, 1916.]

**13.10.080 Condemning privy vaults.**

The town health officer may condemn privy-vaults and order cesspools and flush toilets to replace them. [Ord. 38 § 8, 1916.]

**13.10.090 Dilapidated or defective privy vaults.**

All privy-vaults partially caved or otherwise defective in the judgment of the health officer, and all privy-buildings too old or dilapidated to be made to conform to the requirements of this chapter, and all cesspools without curbing, or inadequate in size or covering, or caved, or in any manner dangerous to the public health shall be condemned by the health officer and a new privy-vault, privy-building or cesspool shall be constructed within 10 days from the date of condemnation. In either case notice of condemnation must be posted on the premises and a copy served on the owner or his agent, or left at the residence of either. [Ord. 38 § 9, 1916.]

**13.10.100 Cesspools.**

All cesspools hereafter constructed shall be not less than six feet below the mouth of the house drain, nor less than four feet in diameter if of circular form, or four feet square if rectangular, and shall be covered with two feet of earth. [Ord. 38 § 10, 1916.]

**13.10.110 Inspections necessary.**

No privy-vault, privy-building or cesspool hereafter constructed or that may be ordered by the health officer to be repaired, shall be used, and no cesspool shall be covered until inspected and approved by the health officer, and the health officer shall inspect same within 24 hours, beginning at 8:00 a.m. after receiving notice that same is ready for inspection. [Ord. 38 § 11, 1916.]

**13.10.120 Cleaning and maintenance required.**

It is the duty of the owner or owners, or agents of property, or occupants, to keep all privy-vaults, privy-buildings and cesspools on property owned, managed or occupied by them, clean, and to properly clean them whenever notified by the health officer to do so, and any expense incurred in cleaning vaults or abating any nuisance shall be paid by the owner of the property, his agent or the occupant of the same, as the health officer may determine. [Ord. 38 § 12, 1916.]

**13.10.130 Connections for dwellings.**

No building shall be used as a dwelling house unless the same is provided with a privy-vault and building or is properly connected with a cesspool. [Ord. 38 § 13, 1916.]

**13.10.140 Garbage receptacles.**

Every residence, tenement, apartment house, lodging house, hotel, boarding house, restaurant or eating place, or any business or manufacturing concern, throwing off garbage or filthy waste, shall have proper and suitable conveniences, or water-tight, closely covered metal receptacles provided for receiving garbage or other refuse matter or filthy waste, which conveniences and receptacles must conform to the requirements of the health officer, and be cleaned and disinfected when so ordered by the health officer. [Ord. 38 § 14, 1916.]

**13.10.150 Accumulation of offal and garbage.**

No manure, animal offal, garbage, waste litter or rubbish shall be allowed to accumulate on the premises of any person or upon the streets or alleys of the town of Mansfield for a longer period than one week during

the period commencing with March 15th of each year and ending with November 1st each year, without removing the same or causing it to be destroyed by the person residing upon the premises and abutting streets and alleys. [Ord. 38 § 15, 1916.]

**13.10.160 Pigs and hogs.**

From and after the passage of the ordinance codified in this chapter it shall be unlawful for any person to keep and maintain a pig pen wherein pigs or hogs are kept, or to keep or have in their care any pigs or hogs within the corporate limits of the town. [Ord. 38 § 16, 1916.]

**13.10.170 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine in any sum not exceeding \$100.00 or by imprisonment, not to exceed 30 days in the city jail, or by both said fine and imprisonment. [Ord. 38 § 17, 1916.]

**Chapter 13.15****UTILITIES**

## Sections:

- 13.15.010 New connection fee/standby fee.
- 13.15.020 Late payment fee.
- 13.15.030 Door hanger fee.
- 13.15.040 Water reconnect fee.
- 13.15.050 Utility maintenance.
- 13.15.060 Water rates.
- 13.15.070 Sewer rates.
- 13.15.080 Modifications in rates.
- 13.15.090 Renter utility change application.
- 13.15.100 Landowner fees.
- 13.15.110 Deposits and the fund therefor.

**Prior legislation:** Ords. 101, 111, 145, 149, 160, 187, 203, 212, 215, 224, 227, 230, 334, 354, 360, 367.

**13.15.010 New connection fee/standby fee.**

A. Any water user wishing water turned on to an existing service shall pay a deposit fee of first and last month's utility fee plus a delinquency fee to the town treasurer, and upon presenting treasurer's receipt to the water superintendent, the water shall then be turned on. The deposit fee is refundable to the utility customer one year after current status on account with no delinquencies or if the utility customer moves and account is paid in full.

B. Any new water meter installation to a nonestablished service shall require a hook-up fee for a three-quarter-inch meter of \$3,000 plus the cost of materials or a two-inch meter of \$5,000 plus the cost of materials to be paid in advance to the town treasurer before installation. An upgrade to an existing service will be billed time and materials. Three thousand dollars will be charged for sewer. The owner is responsible to pay from the main line. Any premises with an existing water and sewer meter that has been removed but has previously had a meter installed will be charged \$350.00 for water and \$250.00 for sewer for reinstallation.

C. Any water user wishing the services to be discontinued shall notify the water superintendent, who shall turn off the water and report said shutoff to the treasurer. A \$10.00 on three-quarter-inch meter and \$10.00 on two-inch meter per month service fee will be charged while the service is discontinued. A \$10.00 per month standby service fee will be charged to any sewer service not in regular use.

D. Any service that would require an extension of existing water, sewer mains, street repairs and all expenses of engineering and construction to establish mains will be the developer and/or homeowner's expense. [Ord. 521 § 1, 2021; Ord. 506 § 1, 2019; Ord. 501 § 1, 2017; Ord. 490 § 1, 2015; Ord. 467 § 1, 2010; Ord. 451 § 1, 2007; Ord. 445 § 1, 2006; Ord. 433 § 1, 2006; Ord. 418 § 1, 2005; Ord. 412 § 1, 2004; Ord. 403 § 1, 2002; Ord. 387 § 1, 1999; Ord. 383 § 1, 1998; Ord. 378 § 1, 1997; Ord. 371 § 1, 1996; Ord. 370 § 1, 1996; Ord. 369 § 1, 1996.]

**13.15.020 Late payment fee.**

All charges for water shall be due and payable at the office of the town treasurer in City Hall, on the first day of the month, and must be paid before the tenth of that same month following the use of service to avoid a penalty of \$35.00 additional fee per month. Immediately after the tenth of each month, the treasurer shall notify the water superintendent that they are unpaid and the water superintendent shall have authority to cut off the water if not paid after the proper delinquency notice has been sent. [Ord. 521 § 2, 2021; Ord. 506 § 2, 2019; Ord. 501 § 2, 2017; Ord. 490 § 2, 2015; Ord. 467 § 2, 2010; Ord. 451 § 2, 2007; Ord. 445 § 2, 2006;

Ord. 433 § 2, 2006; Ord. 418 § 2, 2005; Ord. 412 § 2, 2004; Ord. 403 § 2, 2002; Ord. 387 § 2, 1999; Ord. 383 § 2, 1998; Ord. 378 § 2, 1997; Ord. 371 § 2, 1996; Ord. 370 § 2, 1996; Ord. 369 § 2, 1996.]

**13.15.030 Door hanger fee.**

Payments not received by 3:00 p.m. at the Town Hall by the tenth day of the month will receive a door hanger notifying customer of utility shut-off in two business days. The door hanger fee is \$50.00. [Ord. 521 § 3, 2021; Ord. 506 § 3, 2019; Ord. 501 § 3, 2017; Ord. 490 § 3, 2015; Ord. 467 § 3, 2010; Ord. 451 § 3, 2007; Ord. 445 § 3, 2006; Ord. 433 § 3, 2006.]

**13.15.040 Water reconnect fee.**

If water is shut off, customer must pay the full account balance, deposit if not currently on account, and all late and door hanger fees plus an additional \$50.00 water reconnect charge by 3:00 p.m. Monday through Friday. If customer requests reconnection of services after working hours (3:00 p.m. to 7:00 a.m. upon availability) a fee of \$100.00 will be charged. [Ord. 521 § 4, 2021; Ord. 506 § 4, 2019; Ord. 501 § 4, 2017; Ord. 490 § 4, 2015; Ord. 467 § 4, 2010; Ord. 451 § 4, 2007; Ord. 445 § 4, 2006; Ord. 433 § 4, 2006.]

**13.15.050 Utility maintenance.**

If customer requests a meter to be turned off/on for maintenance the fee of \$25.00 will apply per each off/on request Monday through Friday (7:00 a.m. to 3:00 p.m. upon availability). A fee of \$50.00 will apply per each off/on request after working hours. [Ord. 521 § 5, 2021; Ord. 506 § 5, 2019; Ord. 501 § 5, 2017.]

**13.15.060 Water rates.**

A. In town residential shall pay a minimum monthly base rate for water of \$28.75 with a 40,000 gallon monthly usage, three-quarter-inch meter.

B. Out of town residential shall pay a base rate of \$34.20 with a 40,000 gallon monthly usage, three-quarter-inch meter.

C. In town commercial shall pay a minimum monthly base rate of \$28.75 with a 40,000 gallon monthly usage, three-quarter-inch meter.

D. Out of town commercial shall pay a base rate of \$59.30 with a 40,000 gallon monthly usage, three-quarter-inch meter.

E. Two-inch meters shall maintain a monthly base rate of \$177.25 and will be allowed 198,000 gallon monthly usage.

F. Excess water charges shall be assessed for the water usage greater than the applicable minimum use set forth above in the amount of \$0.55 per 1,000 gallons for three-quarter-inch meters. For two-inch meter excess water charges will be \$0.55/1,000 gallons thereafter.

G. Multiple Uses. Where more than one family, firm, business, commercial establishment, association, corporation, or entity is served by the same water meter the water service charge shall be the same as if each unit were separately connected thereto. Excess water charges will be based on size of meter, and the water allowance will be the same as the classification times the number of units.

H. Bulk water will be \$16.50 per 1,000 gallons.

I. Meters will be read within five working days before the twenty-fifth of the month. If weather does not permit meter reading the monthly read(s) will be averaged.

J. In the event of leak or failure of a private water system or an obvious meter failure or reading error resulting in excess consumption, the town clerk/treasurer may provide an adjustment through an administrative determination based on the normal or average consumption for a single month as determined over a year. This is a one-time exemption for a specific meter. This one-time adjustment does not constitute a gift beyond the powers granted to the town and the city shall not receive direct benefits and consideration exchanged for such a policy.

K. Accessibility. Customers supplied by meters shall keep their premises adjacent to the meter free from all materials of any kind which will prevent the employee of the town from having access to the meter.

L. Meter Protection. It is unlawful for any person to tamper, disconnect, damage or remove any meter after installation. Consumers shall take every reasonable precaution to protect the meter from injury or damages. The town reserves the right to charge customers the cost of replacement for damage due to their negligence. [Ord. 521 § 6, 2021; Ord. 506 § 6, 2019; Ord. 501 § 6, 2017; Ord. 490 § 5, 2015; Ord. 467 § 5, 2010; Ord. 451 § 5, 2007; Ord. 445 § 5, 2006; Ord. 433 § 5, 2006; Ord. 418 § 3, 2005; Ord. 412 § 3, 2004; Ord. 403 § 3, 2002; Ord. 387 § 3, 1999; Ord. 383 § 3, 1998; Ord. 378 § 3, 1997; Ord. 371 § 3, 1996; Ord. 370 § 3, 1996; Ord. 369 § 3, 1996.]

#### **13.15.070 Sewer rates.**

A. Residents in or out of the city limits shall pay a flat rate of \$59.90 per month for sewer service.

B. Commercial services shall pay a flat rate of \$59.90 per month for sewer service.

C. Other Rate Categories. The Mansfield school shall be charged a flat rate for sewer of \$173.00 per month. The Mansfield Manor Apartments shall be charged a flat rate of \$887.55 per month for sewer. [Ord. 521 § 7, 2021; Ord. 506 § 7, 2019; Ord. 501 § 7, 2017; Ord. 490 § 6, 2015; Ord. 467 § 6, 2010; Ord. 451 § 6, 2007; Ord. 445 § 6, 2006; Ord. 433 § 6, 2006; Ord. 418 § 4, 2005; Ord. 412 § 4, 2004; Ord. 403 § 4, 2002; Ord. 387 § 4, 1999; Ord. 383 § 4, 1998; Ord. 378 § 4, 1997; Ord. 371 § 4, 1996; Ord. 370 § 4, 1996; Ord. 369 § 4, 1996.]

#### **13.15.080 Modifications in rates.**

The above rates for water and sewer set forth shall be effective November 1, 1999, and shall be amended biannually (every other year) thereafter, according to the increase in the Consumer Price Index, U.S. City Average for all items as averaged from July to July statistics for the preceding 24 months. All periodic increases in rates shall become effective January 1st of each year following verification by the town council. [Ord. 387 § 5, 1999.]

#### **13.15.090 Renter utility change application.**

All applications for use of water shall be made in writing, signed by the owner of the lands and property where such water/sewer is intended to be used, or by the occupant thereof giving a legal description of said lands and property, and shall be filed with the clerk; each applicant must state fully all the purposes for which the water/sewer is to be used, must agree to conform to the rules and regulations now or hereafter to be adopted by the city council, and to the terms, conditions and provisions of this chapter and any amendments thereto. [Ord. 521 § 8, 2021; Ord. 506 § 8, 2019; Ord. 501 § 8, 2017; Ord. 490 § 7, 2015; Ord. 467 § 7, 2010; Ord. 451 § 7, 2007; Ord. 445 § 7, 2006; Ord. 436 § 7, 2006; Ord. 423 § 5, 2005.]

#### **13.15.100 Landowner fees.**

All fees for water/sewer services shall be billed to the landowner unless landowner has agreed for the renter to be billed. If the renter fails to keep account current or leaves an ending balance when no longer renting the property the landowner shall be responsible to the town of Mansfield for the payment of all fees so assessed. This provision is directed toward those persons owning and renting property wherein persons other than the owner are using the facilities and receiving the benefit of municipal service. [Ord. 521 § 9, 2021; Ord. 506 § 9, 2019; Ord. 501 § 9, 2017; Ord. 490 § 8, 2015; Ord. 467 § 8, 2010; Ord. 451 § 8, 2007; Ord. 445 § 8, 2006; Ord. 436 § 8, 2006; Ord. 423 § 6, 2005.]

#### **13.15.110 Deposits and the fund therefor.**

The deposit amount shall be set at an amount equal to two months the currently charged rate for water, sewer and garbage plus one month delinquency fee.

A fund shall be established to hold all deposits and shall be called Fund No. 411 – Deposit fund. [Ord. 349, 1993.]

## Chapter 13.20

### SEWERS

Sections:

- 13.20.010 Purpose and policy.
- 13.20.020 Definitions.
- 13.20.030 Unsanitary disposal of wastes prohibited.
- 13.20.040 Discharge of sewage into natural outlet.
- 13.20.050 Use of private sewage disposal facilities restricted.
- 13.20.060 Private sewage disposal systems – Abandonment and connection to public sewer.
- 13.20.080 Private sewage disposal systems – Additional requirements.
- 13.20.090 Connection to available public sewer required after notice.
- 13.20.110 Permit required to make connection to public sewer.
- 13.20.130 Expense of connection borne by owner – Liability for damage.
- 13.20.140 Separate sewer for each building.
- 13.20.150 Use of old sewers.
- 13.20.160 Specifications.
- 13.20.170 Use of backwater valve required.
- 13.20.180 Elevation, location, depth, alignment and changes in direction.
- 13.20.190 Excavation of trenches and backfill.
- 13.20.200 Joints and connections.
- 13.20.210 Connection to public sewer – Notice of readiness and supervision.
- 13.20.220 Barricades, lights and restoration.
- 13.20.230 Termination and closure of unused connections.
- 13.20.240 Inappropriate connections prohibited.
- 13.20.250 Storm water, etc., prohibited in sanitary sewer.
- 13.20.260 Storm water, etc., discharged to storm sewer, combined sewer or natural outlet.
- 13.20.270 Harmful wastes prohibited in public sewer.
- 13.20.280 Grease, oil, and sand interceptors required – Specifications.
- 13.20.290 Maintenance of grease, oil, and sand interceptors.
- 13.20.300 Preliminary treatment required for certain wastes – Approval of facilities.
- 13.20.310 Maintenance of preliminary treatment facilities.
- 13.20.320 Monitoring stations.
- 13.20.330 Tests and analysis – Standards.
- 13.20.340 Industrial wastes – Special agreement for treatment.
- 13.20.350 Industrial wastes – Screening of coarse solids.
- 13.20.360 Right of access for inspection.
- 13.20.370 Damaging sewer system.
- 13.20.380 Liability for damage.

**13.20.010 Purpose and policy.**

This chapter sets forth uniform requirements for dischargers into the town sewage works and enables the town to protect public health in conformity with all applicable local, state and federal laws relating thereto.

The objectives of this chapter are the following:

- A. To promote the health, safety and welfare of those persons within the town's public sewer system by requiring use of the sewage works;

B. To prevent the introduction into the sewage works of pollutants that will interfere with the normal operation of the sewage works that would not receive adequate treatment and which would pass through the sewage works into receiving waters and/or the atmosphere or otherwise be incompatible with the sewage works;

C. To ensure that the quality of sludge from the sewage works is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

D. To protect sewage works personnel who may be affected by sewage in the course of their employment and to protect the general public;

E. To enable the town to comply with all its permits, conditions, sludge use and disposal requirements and any other federal or state laws to which the sewage works is subject. [Ord. 384 § 10.05.010, 1999.]

### **13.20.020 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as set forth in this section.

“Apartment” means any single dwelling unit designed for occupancy in the same building with other units and having separate kitchen facilities in each said unit and includes multiple residence units having such facilities.

“BOD” (denoting biochemical oxygen demand) means the quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

“Cooling water” or “uncontaminated cooling water” or “noncontact cooling water” means water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, and that contains no additives, pollutants, toxics, or dangerous wastes.

“Domestic water” or “domestic water system” means that water, and water systems in which it is carried, which is for human consumption and normal household and business or industrial uses provided from the town’s supply.

Dwelling Unit, Multiple. “Multiple dwelling unit” means a building or arrangement of buildings or portions thereof, used or intended to be used as the home of two or more families or householders living independently of each other.

Dwelling Unit, Single-Family. “Single-family dwelling unit” means a building arranged or designed to be occupied by not more than one family or householder.

“Garbage” means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Garbage, Properly Shredded. “Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

“Industrial user” means industrial facility that generates industrial wastes and discharges those wastes to the sewer.

“Industrial wastes” means the liquid wastes from industrial processes, as distinct from sanitary sewage.

“Large industrial or commercial user” means an industry or commercial establishment discharging sewage or industrial wastes in excess of 5,000 gallons per day on an average annual flow basis, or as determined by the town to be discharging water, sewage, wastewater, or industrial waste with unusual BOD, chemical oxygen demand, suspended solids, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

“Milligrams per liter” (abbreviated as mg/l) means the weight of any substance expressed in milligrams contained within one liter.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

“Person” means any individual, firm, company, association, society, corporation or group.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, industrial establishments, together with such groundwaters, surface waters and storm waters as may be present.

“Sewage treatment plant” means any arrangement of devices and structure used for treating sewage.

“Sewage works” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

Sewer, Building. “Building sewer” means the extension of sewer from the building drain to the public sewer or other place of disposal. A building sewer shall be owned, constructed, installed, operated, and maintained by a person and is not a portion of the public sewer.

Sewer, Combined. “Combined sewer” means a sewer receiving both surface runoff and sewage.

Sewer, Private. “Private sewer” means the sewer line and disposal system owned, constructed, installed, operated and maintained by a person where connection with the public sewer system is not required, and is not regulated by this chapter.

Sewer, Public. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sewer, Sanitary. “Sanitary sewer” means a sewer which carries sewage and industrial waste to the sewage treatment plant and to which storm waters, surface waters, and groundwaters are not intentionally admitted.

Shall and May. The word “shall” is mandatory. The word “may” is permissive.

“Slug” means any discharge of industrial wastes which in concentration of any given component or in quantity of flow is more than five times the average 24-hour concentration or average 24-hour flow during the industrial user’s normal operation. The industrial monitoring records from a similar period of operation shall be used to determine the average 24-hour concentration of flow under normal operations.

“Storm sewer” or “storm drain” means a sewer which carries storm waters, surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water. For the purposes of this chapter, the town’s “industrial drain” is a storm sewer.

“Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage, industrial wastes, or other liquids, which are removable by laboratory filtering, are determined by quantitative standard laboratory procedures, and are expressed in milligrams per liter.

“Town” means the town of Mansfield.

“Uniform Plumbing Code” means the materials and procedures set forth in appropriate specification of the latest version of the Uniform Plumbing Code developed by the International Association of Plumbing and Mechanical Officials.

“Water and sewer superintendent” or “superintendent” means the water and sewer superintendent of the town, or his authorized deputy, agent or representative.

“Watercourse” means a channel in which a flow of water occurs either continuously or intermittently. [Ord. 384 § 10.05.020, 1999.]

### **13.20.030 Unsanitary disposal of wastes prohibited.**

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste. [Ord. 384 § 10.05.030, 1999.]

### **13.20.040 Discharge of sewage into natural outlet.**

It is unlawful to discharge to any natural outlet or storm sewer within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable

treatment has been provided in accordance with subsequent provisions of this chapter. [Ord. 384 § 10.05.040, 1999.]

**13.20.050 Use of private sewage disposal facilities restricted.**

Except as provided in this chapter, it is unlawful to construct any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except that existing private sewage facilities may be maintained until public sewage disposal system becomes available. Temporary, portable toilets for construction sites, special events, parks and other locations may be used upon the granting of a permit by the mayor or his designee. [Ord. 384 § 10.05.050, 1999.]

**13.20.060 Private sewage disposal systems – Abandonment and connection to public sewer.**

At such time as a public sewer becomes available to a property served by a private disposal system, as provided in MMC 13.20.090, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material at the expense of the property owner. Abandonment of the private disposal system shall comply with all recommendations of the county health district. [Ord. 384 § 10.05.060, 1999.]

**13.20.080 Private sewage disposal systems – Additional requirements.**

No statement contained in this chapter shall be construed to interfere with any additional requirement that may be imposed by the health officer. [Ord. 384 § 10.05.080, 1999.]

**13.20.090 Connection to available public sewer required after notice.**

The owner of each house, building, or property used for human occupancy, employment, recreation, commercial or industrial activity, or other purpose, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 30 days after date of official notice to do so. [Ord. 384 § 10.05.090, 1999.]

**13.20.110 Permit required to make connection to public sewer.**

No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the water and sewer superintendent. [Ord. 384 § 10.05.110, 1999.]

**13.20.130 Expense of connection borne by owner – Liability for damage.**

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner or applicant of the premises in question. The owner shall indemnify the town against any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. [Ord. 384 § 10.05.130, 1999.]

**13.20.140 Separate sewer for each building.**

A separate and independent building sewer shall be provided for every building; except, that where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Further requirements for a separate sewer are as follows:

A. In making all connections with the public sewer system, each property capable of the title transfer and each residence or business located on any one property and not joined with other property thereon inseparable shall be considered as an individual consumer and each individual consumer shall be supplied through a separate service connection; provided, however, that in case of duplexes or business or apartments not being

capable of separate title transfer, the owner thereof may nevertheless by arrangement with the town provide for the property multiple service connections to serve each of the various units located thereon. All buildings, although joined together by party wall or similar attachment if capable of separate title transfer, shall have, for each divisible part thereof, separate service connections.

B. No new service connection shall be made to any building or other structure unless it is used predominately for a residence, employment or other public use unless the owner of the land on which the building or structure sits has a building used for a residence, employment or other public use on the same land and the building is in conformity with state, county, and town regulations governing its uses.

C. If a building sewer is to serve more than one property by joint agreement of the owners, the town shall approve any document containing such agreement, insuring that all properties involved shall have perpetual use of the building sewer, and having provisions for maintenance and for access for repair purposes, shall be signed by the recorded owners.

D. This agreement document shall be notarized and recorded with the superintendent and shall be referred to as an "easement." [Ord. 384 § 10.05.140, 1999.]

#### **13.20.150 Use of old sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this title. [Ord. 384 § 10.05.150, 1999.]

#### **13.20.160 Specifications.**

A. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joint testing and backfilling the trench, shall all conform to the requirements of the Uniform Building Code and the Uniform Plumbing Code or other applicable rules and regulations of the ordinances and resolutions of the town. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the latest version of the Standard Specifications for Road, Bridge and Municipal Construction (developed by the Washington State Department of Transportation and the Washington State Chapter of American Public Works Association), the American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9 shall apply.

B. The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than is provided by the Uniform Plumbing Code described in this section. [Ord. 384 § 10.05.160, 1999.]

#### **13.20.170 Use of backwater valve required.**

A. A backwater valve shall be installed in all building sewers constructed after the effective date of the ordinance codified in this chapter. The backwater valve shall be of the type and design as to effectively prevent the backflow of sewage from the public sewer through the building sewer, caused by plugging of the public sewer or through normal operation of the public sewer, including cleaning activities. The backwater valve shall be installed at the location in the building sewer such that access to the valve will be on the private property and no construction within the public right-of-way will be required to access, install, operate or maintain the backwater valve.

B. All costs associated with the purchase, installation, operation, and maintenance of the backwater valve shall be borne by the owner or person responsible for the building sewer. Effective operation of the backwater valve shall be the responsibility of the owner.

The owner shall indemnify the town against any loss or damage that may be associated by the failure to install, maintain, or replace a backwater valve, or the failure of an installed valve. [Ord. 384 § 10.05.170, 1999.]

#### **13.20.180 Elevation, location, depth, alignment and changes in direction.**

Whenever possible, the building sewer shall be brought to the building at an elevation consistent with the level of the sanitary sewer. No building sewer shall be laid parallel or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building

sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made with properly curved pipe and fittings, and cleanouts shall be provided as required by the specifications. [Ord. 384 § 10.05.180, 1999.]

**13.20.190 Excavation of trenches and backfill.**

All excavation required for the installation of a building sewer shall be open trench work, unless otherwise approved by the superintendent. Pipe laying and backfill shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the ordinances and resolution of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the latest version of the Standard Specifications for Road, Bridge, and Municipal Construction (developed by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association), the American Society of Testing Material and the Water Environment Federation Manual of Practice No. 9 shall apply; except that no backfill shall be placed until the work has been inspected. [Ord. 384 § 10.05.190, 1999.]

**13.20.200 Joints and connections.**

- A. All joints and connections shall be made gastight and watertight.
- B. The connection of the side sewer into the public sewer shall conform to the requirements of the building and the plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the Standard Specifications for Road, Bridge, and Municipal Construction (developed by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association), the American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9.
- C. All joints in vitrified clay pipe, or other approved nonmetallic pipe or between such pipe and metals, shall be made in the manner approved by the superintendent. [Ord. 384 § 10.05.200, 1999.]

**13.20.210 Connection to public sewer – Notice of readiness and supervision.**

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent. Additional requirements for the connection include the following:

- A. The superintendent shall inspect all connections, including piping, valves, and other appurtenances connected thereto, and the premises served thereby, within two working days, if possible and/or at regular intervals and as often as necessary. The superintendent's inspection shall not occur until after the building inspector has completed his inspection of the building.
- B. No building sewer trench shall be filled or any sewer covered until the work shall have been inspected and approved by the superintendent.
- C. If the superintendent finds the work or materials used are not in accordance with previous approval or permit, the superintendent shall notify the person doing the work and/or owner or occupant of the premises by letter and posting of notice on the property.
- D. If any work done under a permit granted as provided herein is not done in accordance with the provisions of this chapter and the plans and specifications approved by the town, or when any building sewer is constructed, laid, connected or repaired and does not comply with the provisions of this chapter, or where it is determined by the town that a building sewer is obstructed, broken, or inadequate and is a menace to health, or is liable to cause damage to the sewer system, or subsection C of this section is violated, then, after notice by the superintendent, the contractor, owner or person doing the work, as the case may be, refuses to properly construct, repair, or complete such work within the time specified in such notice the town shall disallow connection to the public sewer system until such time that all such work allowed under the permit has been done in accordance with the provisions of this chapter. [Ord. 384 § 10.05.210, 1999.]

**13.20.220 Barricades, lights and restoration.**

All excavation for building sewer installation shall be guarded with barricades and lights and such other precautions as are reasonably adequate to protect the public from accident and injury. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. [Ord. 384 § 10.05.220, 1999.]

**13.20.230 Termination and closure of unused connections.**

Before a building is abandoned or demolished, the connections to the sewer shall be removed and the stub capped. If a building is destroyed, the connection to the sewer shall be removed and the stub capped within 30 days. A building remaining unoccupied for more than 180 days shall have the sewer connection blocked. [Ord. 384 § 10.05.230, 1999.]

**13.20.240 Inappropriate connections prohibited.**

No person shall make connection of roof downspouts, exterior foundation drains, areaways drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. [Ord. 384 § 10.05.240, 1999.]

**13.20.250 Storm water, etc., prohibited in sanitary sewer.**

No person who constructs and installs a building sewer after the effective date of the ordinance codified in this chapter shall discharge or cause to be discharged any storm water, surface water, groundwater, roof, runoff, subsurface drainage, or cooling water to any sanitary sewer. [Ord. 384 § 10.05.250, 1999.]

**13.20.260 Storm water, etc., discharged to storm sewer, combined sewer or natural outlet.**

Storm water and all other unpolluted drainage from all building sewers constructed and installed after the effective date of the ordinance codified in this chapter shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged, upon approval of the superintendent, to a storm sewer or a natural outlet. [Ord. 384 § 10.05.260, 1999.]

**13.20.270 Harmful wastes prohibited in public sewer.**

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- B. Any water or waste containing fats, grease, or oils, whether emulsified or not, in excess of 100 mg/l, or contains substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit;
- C. Any gasoline, benzene, naphtha, fuel or other flammable or explosive liquid, solid or gas;
- D. Any garbage that does not meet the definition of properly shredded garbage;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewer or other interference with the proper operation of the sewage works;
- F. Any waters or wastes having a pH lower than five or higher than 11 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- G. Any waters or wastes containing toxic or poisonous substances in sufficient quantity, either single or by interaction with other wastes, to injure or interfere with any sewage treatment process or constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l;
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance;

J. Any cleaning or disinfectant chemicals which destroy or retard the organisms which are essential to the efficient operation of the sewage works and sewage treatment plant; any such cleaning or disinfectant chemical proposed for use together with its chemical composition shall be submitted to the superintendent for evaluation prior to usage;

K. Any septic tank waste or recreational vehicle holding tank waste;

L. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

M. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;

N. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state and federal regulations;

O. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the sewage at the sewage treatment plant exceeds the limits established by the superintendent;

P. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant;

4. Unusual flow or concentration of wastes constituting "slugs" as defined herein;

Q. Waters or wastes containing substances which are not amenable to treatment by the sewage treatment plant, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

1. In the event of the discharge or proposed discharge to the sewage works of any waters or wastes which contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, sewage treatment plant, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

a. Reject the wastes;

b. Require pretreatment to an acceptable condition for discharge to the public sewer;

c. Require control over the quantities and rates of discharge; and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

2. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant(s) and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws. To adequately assess the impact of the sewage works, sewage treatment plant, or receiving waters, or the potential hazard to life, or the potential to constitute a public nuisance, written notification shall be given to the superintendent. Written notification shall be provided for discharges or proposed discharges as follows:

a. Accidental Discharges. The superintendent shall be notified immediately of any accidental discharge. Formal written notification discussing the circumstances and remedies shall be submitted to the superintendent within five days of the occurrence. For the purposes of this provision, "accidental discharge" means the inadvertent and unavoidable discharge of any waters or wastes, which contain the substances or possess the characteristics enumerated in this section including slug discharges.

b. Slug Discharges. The superintendent shall be notified in writing at least five days in advance of any planned slug discharge. [Ord. 384 § 10.05.270, 1999.]

**13.20.280 Grease, oil, and sand interceptors required – Specifications.**

A. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. [Ord. 384 § 10.05.280, 1999.]

**13.20.290 Maintenance of grease, oil, and sand interceptors.**

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, to provide continuously efficient operation at all times. [Ord. 384 § 10.05.290, 1999.]

**13.20.300 Preliminary treatment required for certain wastes – Approval of facilities.**

A. The admission into the public sewers of any water or wastes:

1. Having a five-day biochemical oxygen demand greater than 300 mg/l; or
2. Containing more than 350 mg/l of suspended solids; or
3. Containing any quantity of substances having the characteristics described in MMC 13.20.270; or
4. Having an average daily flow greater than two percent of the average daily sewage flow of the town; shall be subject to the review and approval of the town.

B. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 mg/l and the suspended solids to 350 mg/l; or
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in MMC 13.20.270; or
3. Control the quantities and rates of discharge of such waters or wastes.

C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the appropriate state regulatory agency if required, and no construction of such facilities shall be commenced until said approvals are obtained in writing. [Ord. 384 § 10.05.300, 1999.]

**13.20.310 Maintenance of preliminary treatment facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. [Ord. 384 § 10.05.310, 1999.]

**13.20.320 Monitoring stations.**

As determined by the town, large industrial commercial users will be required to install monitoring stations. If monitoring stations are required, the town shall be installed. Monitoring stations shall be constructed by, and at the expense of, the large industrial or commercial use, in accordance with general plans, and a list of acceptable equipment provided by the town. Once installed, the town will own, operate and maintain all monitoring stations. Upgrades in equipment needed to accommodate growth of the user, or replacement of damaged equipment resulting from negligence of the user, shall be at the expense of the large industrial or commercial user. Large industrial or commercial users shall provide unrestricted town access to all monitoring stations shall be based upon the volume, strength and other characteristics of the discharges (as determined through monitoring, measurements, tests, and analyses), and costs associated with the operation and maintenance of the monitoring stations. [Ord. 384 § 10.05.320, 1999.]

**13.20.330 Tests and analysis – Standards.**

All measurements, tests, and analyses of the volume strength and characteristics of discharges to which references are made in MMC 13.20.290.B and 13.20.300 shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined through samples collected at, or measurements made at, the monitoring stations. In the event that no monitoring station has been required, the nearest downstream manhole shall be considered to be the point where sample collection or measurements are to be made. Sampling shall be carried out by customary accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite or whether a grab sample should be taken. [Ord. 384 § 10.05.330, 1999.]

**13.20.340 Industrial wastes – Special agreement for treatment.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and the industrial user whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial user. [Ord. 384 § 10.05.340, 1999.]

**13.20.350 Industrial wastes – Screening of coarse solids.**

Each and every industrial plant, and such other commercial user as the superintendent may deem necessary, shall install, operate and maintain satisfactory screens or other devices, approved by the superintendent to screen coarse solids from industrial waste before water is discharged to sewers. [Ord. 384 § 10.05.350, 1999.]

**13.20.360 Right of access for inspection.**

A. The superintendent, his representative and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary inspection work on private properties, the superintendent or his representative shall observe all safety rules applicable to the premises established by the person and the person shall be held harmless for injury or death to the town employees and the town shall indemnify the person against loss and damage to its property by the town employees and against liability claims and demands for personal injury or property damage asserted against the person and growing out of the inspection, except as may be caused by negligence or failure of the person or company to maintain safe conditions.

C. The superintendent, his representative and other duly authorized employee of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. In the event free access during proper hours to all buildings and premises served by the domestic sewage system is denied, the superintendent shall obtain warrants for inspection of pipes, fixtures and the manner in which the provisions of this chapter are being complied with. [Ord. 384 § 10.05.360, 1999.]

**13.20.370 Damaging sewer system.**

No authorized person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public sewer and sewage disposal systems. [Ord. 384 § 10.05.370, 1999.]

**13.20.380 Liability for damage.**

Any person who violates any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation.

annum upon the total amount of such cost and penalty shall be assessed against services by the sewer and shall become a lien thereon. [Ord. 384 § 10.05.380, 1999.]

**Title 14**  
**(RESERVED)**



**Title 15**

**BUILDINGS AND CONSTRUCTION**

**Chapters:**

<b>15.05</b>	<b>Fire Limits</b>
<b>15.10</b>	<b>Building Codes</b>
<b>15.15</b>	<b>Permit Fees</b>
<b>15.20</b>	<b>Inspection Services</b>



**Chapter 15.05****FIRE LIMITS**

## Sections:

- 15.05.010 Fire limits.
- 15.05.020 Building within the fire limits.
- 15.05.030 Outside walls.
- 15.05.040 Moving buildings into the fire limits.
- 15.05.050 Nuisances.
- 15.05.060 Violation – Penalty.

**15.05.010 Fire limits.**

Blocks 7, 8, 13 and 14 of the original town of Mansfield, according to the official plat thereof, filed in the office of the auditor of Douglas County are hereby declared to constitute the “fire limits” of the town of Mansfield. No building or structure of any sort, kind or description shall be erected, altered, enlarged, repaired or moved into the area included in said “fire limits,” without first obtaining a permit, as hereinafter provided. [Ord. 29 § 1, 1914.]

**15.05.020 Building within the fire limits.**

Any person or persons, firm or corporation desiring to erect, alter, enlarge or repair any building or structure within, or to be constructed within, the “fire limits” shall file with the town clerk a written application, accompanied with a fee of \$5.00 for any building fronting on any street in said “fire limits” and \$1.00 for any building not fronting on street. Such application shall describe the location of such building or proposed building, and shall include a description or specification of the building proposed to be erected, or of the alteration, enlargement or repair which the applicant desires to make; such description or specification need be no more specific than is necessary to show whether or not the building proposed to be erected, enlarged, altered or repaired, will be in accordance with the provisions of this chapter, and upon the filing of said application, together with the fee aforesaid, the clerk shall examine same, and if he finds that the building proposed to be erected, altered, enlarged or repaired, will conform with the requirements of this chapter, he shall thereupon issue to the applicant the permit applied for. If application is made to move into the “fire limits” any building already constructed, the clerk shall make a personal inspection of same, and if he finds such building to conform with the requirements of this chapter, he shall issue permit therefor. Objection may be filed with the clerk to the issuing of any permit, either issued or applied for; provided, that if a permit has been issued, objection thereto must be filed before any expense has been incurred by reason thereof. If any application for permit is rejected the fee herein provided for shall be returned to applicant; it is further provided, that appeal shall lie to the town council from any decision of the town clerk, either in issuing or refusing any permit, but the town council shall have no authority to grant a permit for the erection, alteration, enlargement or repair of any building within the “fire limits” unless same conforms to the provisions of this chapter. [Ord. 29 § 2, 1914.]

**15.05.030 Outside walls.**

All buildings or structures hereafter erected within the “fire limits” herein established shall have their outside or party walls made of brick, stone, cement, concrete or some other noncombustible material, and such outside or party wall shall extend from the foundation to one foot above the top of the roof of such buildings. The roof shall be covered with metal or some other noncombustible material or prepared rubbed roofing; provided, that it be treated with roof paint at least once each year, that such outside or party wall shall be so constructed as to separate from all and every part of the adjoining building any woodwork of the interior or exterior of such buildings, that the outside or party walls of all brick, stone, cement or concrete buildings shall be of the following thickness:

For a one-story building, not less than eight inches.

For a two-story building, the first story shall be not less than 12 inches, the second story not less than eight inches.

For buildings more than two stories all stories except the top shall be not less than 12 inches thick and the top story not less than eight inches thick.

Frame buildings covered with sheet iron or corrugated iron are not deemed fireproof buildings; but such buildings may be constructed within said “fire limits” for use as warehouses and sheds, provided they are not more than 12 feet in height, measured from the ground to the apex of the roof; and provided further, that such buildings shall not abut upon Hamilton, Douglas or Main Street or Railroad, First or Second Avenue. [Ord. 29 § 3, 1914.]

**15.05.040 Moving buildings into the fire limits.**

No permit shall be granted to move any building already constructed, into the “fire limits,” unless such building shall conform to the requirements of MMC 15.05.030. No building situated within said “fire limits” which is not constructed in accordance with the requirements of MMC 15.05.030, shall be in any manner added to or enlarged; provided, that no permit shall be required to alter or repair any building within said limits, which does not add to or enlarge the same, and which does not change the character of the materials of which it is constructed; and further provided, that nothing in this section shall prohibit issuing a permit to alter or repair a building in such manner as to make it fireproof. [Ord. 29 § 4, 1914.]

**15.05.050 Nuisances.**

Any building hereafter constructed, added to or enlarged, within the said “fire limits,” which does not conform to the requirements of this chapter shall be deemed a nuisance, and an action may be instituted by the town of Mansfield to abate the same. [Ord. 29 § 5, 1914.]

**15.05.060 Violation – Penalty.**

Every person or persons who shall erect, construct, build, alter, enlarge, repair or move any building or structure, without a permit, where a permit is required under this chapter, or who shall cause the same to be done or who shall fail to comply with the terms of any permit, authorizing the erection, alteration, enlargement, moving or repairing of any building or structure, or who shall cause the same to be done, or any person or persons who shall violate or cause to be violated any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$5.00 nor more than \$100.00. Each day any person or persons shall continue to erect, alter, enlarge, repair or move any building or structure contrary to the provisions of this chapter, or who shall cause the same to be done, shall be deemed and taken as a separate offense and misdemeanor, and a separate fine may be assessed upon such person or persons for each day he or they continue so to do. Any person or persons having erected, altered, enlarged, repaired or moved any building or structure contrary to the provisions of this chapter, or caused the same to be done, shall be guilty of a separate and distinct misdemeanor for each day he or they shall permit each building to remain erected, or in such other condition, to which it was altered, enlarged, repaired or moved contrary to the provisions of this chapter. [Ord. 29 § 6, 1914.]

**Chapter 15.10**  
**BUILDING CODES**

Sections:

Article I. State Codes, International Codes and the Uniform Plumbing Code

- 15.10.010 Adoption by reference.
- 15.10.020 International Building Code – Amendments.
- 15.10.030 International Residential Code – Amendments.

Article II. Permits and Inspections

- 15.10.040 Permit required – Generally.
- 15.10.050 Permit – Legal site required.
- 15.10.060 Building permit – Plans required.
- 15.10.070 Permit – Issuance.
- 15.10.080 Permit – Expiration.
- 15.10.090 Permit – Extension.
- 15.10.100 Permit – Fees.
- 15.10.110 Permit – Fees – Value determination.
- 15.10.120 Building permit – Plan review fees.
- 15.10.130 Permit – Fees – Work commenced without permit – Penalty.
- 15.10.140 Inspections – Required.
- 15.10.150 Inspections – Responsibility of owner.
- 15.10.160 Unauthorized covering or concealing work.

Article III. Enforcement

- 15.10.170 Recorded notice of noncompliance.
- 15.10.180 Utility purveyors – Suspension of service.

Article IV. Appeals

- 15.10.190 Board of appeals – Designation, authority, and procedures.

Article V. Conflicts

- 15.10.200 Order of precedence.

**Prior legislation:** Ords. 168, 192, 426.

**Article I. State Codes, International Codes and the Uniform Plumbing Code**

**15.10.010 Adoption by reference.**

A. The following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074, are hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipping, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

1. The International Building Code published by the International Code Council (ICC), with the following appendices and amendments set forth in Chapter 51-50 WAC as the same now exists or may hereafter be amended:

- a. Appendix C, Group U, Agricultural Buildings;
- b. Appendix I, Patio Covers; and
- c. Appendix J, Grading.

2. The International Residential Code published by the International Code Council (ICC), with the following appendices and amendments set forth in Chapter 51-51 WAC as the same now exists or may hereafter be amended:

- a. Appendix G, Swimming Pools, Spas and Hot Tubs; and
- b. Appendix H, Patio Covers.

3. The International Mechanical Code published by the International Code Council (ICC), with the appendices and amendments set forth in Chapter 51-52 WAC as the same now exists or may hereafter be amended.

4. The International Fire Code published by the International Code Council (ICC), with the appendices and amendments set forth in Chapter 51-54 WAC as the same now exists or may hereafter be amended. The following appendices are specifically adopted:

- a. Appendix B, Fire Flow for Buildings;
- b. Appendix C, Fire Hydrant Locations and Distribution;
- c. Appendix D, Fire Apparatus Access Roads;
- d. Appendix E, Hazard Categories;
- e. Appendix F, Hazard Ranking;
- f. Appendix G, Cryogenic Fluids – Weight and Volume Equivalents;
- g. Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions;
- h. Appendix I, Fire Protection Systems – Noncompliant Conditions;
- i. Appendix J, Emergency Responder Radio Coverage.

5. Except as provided in RCW 19.27.170, the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO), with the appendices and amendments set forth in Chapters 51-56 and 51-57 WAC as the same now exist or may hereafter be amended.

6. The Washington State Energy Code set forth in Chapter 51-11 WAC as the same now exists or may hereafter be amended.

B. In case of conflict among the codes adopted in subsections (A)(1), (2), (3) and (5) of this section, the first named code shall govern over those following.

C. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials is hereby adopted. [Ord. 483 § 1.01, 2013.]

### **15.10.020 International Building Code – Amendments.**

A. Section 105.2, regarding work exempt from permits, is amended as follows:

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. One-story detached accessory structures used as tool and storage sheds, tree supported play structures, playhouses and similar uses, not including sleeping accommodations, plumbing or any type of residential use, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Oil derricks.

4. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools installed entirely above ground.
10. Greenhouse structures having sides and roof covered by shade cloth, polyvinyl, polyethylene or similar flexible synthetic material that are used solely for commercial horticultural production; provided, that such greenhouse structures shall not be used for conducting wholesale or retail sales, sales of services, or for human occupancy.
11. Swings and other playground equipment accessory to detached one-and two family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches in height.

B. Section 1006.3 is amended to add a new subsection 6: "Accessible restrooms and dressing rooms." [Ord. 483 § 1.02, 2013.]

#### **15.10.030 International Residential Code – Amendments.**

A. Section R105.2, regarding work exempt from permits, is amended as follows:

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. One-story detached accessory structures used as tool and storage sheds, tree supported play structures, playhouses and similar uses, not including sleeping accommodations, plumbing or any type of residential use, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools installed entirely above ground.

8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
10. Greenhouse structures having sides and roof covered by shade cloth, polyvinyl, polyethylene or similar flexible synthetic material that are used solely for commercial horticultural production; provided, that such greenhouse structures shall not be used for conducting wholesale or retail sales, sales of services, or for human occupancy.
11. Decks that are not more than 30 inches above adjacent grade at any point and do not serve the exit door required by IRC section R311.4. Adjacent grade shall mean the grade within 36 inches horizontally of the deck.
12. Door or window replacement if same sized items are used and the structural integrity is unchanged. When updated, the doors or windows need to meet current energy code requirements.
13. Roof coatings as long as the existing sheeting is not replaced. Maximum of two layers of composite shingles allowed. If two layers of composite material are installed, material must be removed prior to new material installation. The covering of existing ventilation is not allowed.
14. Alterations to an existing residence that is not more than fifty percent (50%) of square feet of building and no load bearing structural changes. Any load bearing wall changes need a building permit.

[Ord. 483 § 1.03, 2013.]

## **Article II. Permits and Inspections**

### **15.10.040 Permit required – Generally.**

A permit issued by the town is required for any work regulated by this title. [Ord. 483 § 2.01, 2013.]

### **15.10.050 Permit – Legal site required.**

A permit shall be issued only for a legal lot as defined by and created in conformance with the town code. [Ord. 483 § 2.02, 2013.]

### **15.10.060 Building permit – Plans required.**

Every applicant for a building permit shall submit two sets of legible plans drawn to scale, including a plot plan, foundation plan, building elevation plan, floor plan, floor and roof framing plan or truss layout, a section view showing structural and construction details, and other plans and documents as the building official determines to be necessary for complete review. For work that is small and insignificant, some or all of the required plans may be waived, as determined by the building official. [Ord. 483 § 2.03, 2013.]

### **15.10.070 Permit – Issuance.**

If the work described in a complete permit application, together with the plans, specifications and other supporting information, conform to the requirements of this title and all other applicable requirements, and that all required fees have been paid, then the permit shall be issued by the responsible official. [Ord. 483 § 2.04, 2013.]

### **15.10.080 Permit – Expiration.**

A permit shall expire by limitation and become null and void if the authorized work is not commenced within one year from the date of issuance, or if the authorized work is suspended or abandoned for a period of one year at any time after the work is commenced. The work shall require a new permit in order to proceed. [Ord. 483 § 2.05, 2013.]

**15.10.090 Permit – Extension.**

The holder of a nonexpired permit may apply for an extension of time when work is unable to commence within one year after permit issuance due to circumstances beyond the control of the permit holder. The building official may extend the time limitation for commencing work not more than one year. No permit shall be extended more than once. [Ord. 483 § 2.06, 2013.]

**15.10.100 Permit – Fees.**

Permit fees shall be imposed as provided by applicable codes and/or as adopted by the town council. [Ord. 483 § 2.07, 2013.]

**15.10.110 Permit – Fees – Value determination.**

Building permit fees shall be calculated using the value of improvements determined by the building official. [Ord. 483 § 2.08, 2013.]

**15.10.120 Building permit – Plan review fees.**

Every applicant for a building permit shall pay plan review fees. Plan review fees are in addition to building permit fees and shall be equal to 65 percent of the applicant's building permit fee. Plan review fees for commercial projects valued over \$100,000 shall be paid at the time of plan submittal. When plan submittals are incomplete, changed or deferred so as to require additional plan review, additional fees may be charged. When an applicant cancels or postpones the permit application prior to plan review commencing, plan review fees shall be reduced by 80 percent. Plan review fees shall not be refunded or cancelled if plan review has commenced prior to application cancellation or postponement. All unpaid review fees and expenses shall constitute a lien on the subject property until paid in full. No permits shall be issued for the subject property until all plan review fees and expenses are paid in full. [Ord. 483 § 2.09, 2013.]

**15.10.130 Permit – Fees – Work commenced without permit – Penalty.**

A special investigation shall be made before a permit is issued for any work for which a permit is required by this title that has commenced without first obtaining said permit. An investigation fee of \$500.00 or triple the permit fee, whichever is greater, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. This fee is an additional, punitive fee and shall not apply to any county permit fee that may subsequently be issued. Payment of the investigation fee does not vest the illegal work with any legitimacy, nor does it establish any right to a county permit for continued development of that project. If the work remains illegal for 90 days after service of a stop work order, it shall be considered hazardous and dangerous, and be abated in conformance with the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition. [Ord. 483 § 2.10, 2013.]

**15.10.140 Inspections – Required.**

All work shall be inspected as required by this title. [Ord. 483 § 2.11, 2013.]

**15.10.150 Inspections – Responsibility of owner.**

The owner shall retain, preserve and prominently display at the worksite the inspection card issued by the building official containing a record of inspections approved. The owner shall be responsible for arranging for inspections. The owner, or the owner's representative, shall notify the building official when the work is ready for inspection and request that an inspection be conducted. A request for inspection shall be made at least one business day prior to the date inspection is desired. Inspections shall be scheduled by the building official based upon workload and the location of inspection sites. It shall be the duty of the owner to provide access to the work and a means for inspection. Work scheduled for inspection shall be complete and ready for inspection when the building official arrives at the site. In the event that the work is not ready for inspection or the work is not accessible, then a reinspection fee shall be assessed. Follow-up inspections shall not be performed until the reinspection fee is paid. [Ord. 483 § 2.12, 2013.]

**15.10.160 Unauthorized covering or concealing work.**

No work shall be covered or concealed until inspected as required by this title. No work shall be performed beyond the work indicated on the inspection card and approved by the building official. [Ord. 483 § 2.13, 2013.]

**Article III. Enforcement****15.10.170 Recorded notice of noncompliance.**

A notice of noncompliance may be recorded in the Douglas County auditor's office when a property owner has failed to comply with the provisions of this title after receiving written notice of the violation and an order to comply from the building official. The recorded notice of noncompliance shall include the name(s) of the property owner(s), property tax parcel number, property street address (if any), property legal description and the violations of this title. [Ord. 483 § 3.01, 2013.]

**15.10.180 Utility purveyors – Suspension of service.**

Any violation of this title, including occupancy of a structure without final approval, shall subject the permit holder, owner and/or occupier of the structure to suspension of utilities serving the structure. The building official may notify utility purveyors of violations of this title for the purpose of suspending utility services. [Ord. 483 § 3.02, 2013.]

**Article IV. Appeals****15.10.190 Board of appeals – Designation, authority, and procedures.**

A. The town mayor is hereby designated as the town of Mansfield board of appeals.

B. The board of appeals has the authority to determine the suitability of alternate materials and methods of construction or fire safety protection, and to provide for reasonable interpretations of the IBC, IRC, IFC and this title: provided, that the board of appeals does not have the authority to interpret the administrative provisions of this code, nor shall the board of appeals have the authority to waive the requirements of this code or the codes. The board of appeals has broad authority and discretion to impose conditions determined necessary to implement the purposes of this title.

C. Appeals to the board of appeals shall be in writing and filed with the town clerk within 10 days of the decision or action being appealed. All appeals to the board of appeals shall be open record appeals. Decisions of the board of appeals shall be in writing and filed with the building official and served on the appellant(s) and respondent(s), if any. The board of appeals may adopt rules and procedures for conducting appeal proceedings. There shall be no administrative appeal of a decision of the board of appeals and such decision shall be final and conclusive unless appealed to the superior court. [Ord. 483 § 4.01, 2013.]

**Article V. Conflicts****15.10.200 Order of precedence.**

State Building Code Act, Chapter 19.27 RCW, establishes the following order of precedence among the documents adopted as parts of the state building code:

- International Building Code, standards and amendments – Chapter 51-50 WAC;
- International Residential Code;
- International Mechanical Code, standards and amendments – Chapter 51-52 WAC;
- International Fire Code, standards and amendments – Chapter 51-54A WAC;
- Uniform Plumbing Code, standards and amendments – Chapter 51-56 WAC.

Where there is a conflict between codes, an earlier named code takes precedence over a later named code. In the case of a conflict between the duct insulation requirements of the International Mechanical Code and the duct insulation requirements of the energy code, the energy code, or, if applicable, a local jurisdiction

energy code, shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Organization and numbering: These rules are written to allow compatible use with the International Building Code. All sections which are amended, deleted, or added are referenced. [Ord. 483 § 5, 2013.]

**Chapter 15.15****PERMIT FEES**

## Sections:

15.15.010 Fees adopted.

15.15.020 Fee schedule.

**15.15.010 Fees adopted.**

The town council hereby adopts the following fee schedule for issuance of building, mechanical, plumbing, grading, and other miscellaneous permits. [Ord. 459 § 1, 2009.]

**15.15.020 Fee schedule.**

Building permit and plan review fees will be based on 1997 UBC Table 1A shown below.

Fee table listed below:

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof
Plan review fee to be calculated at 65% of building permit fee	
<b>Stock/Same-As Plan Review</b>	
No change	\$100.00
Minor change	\$200.00
<b>Mobile Home, Manufactured Home, and Factory-Built Units</b>	
Single unit placed in an approved mobile home park	\$300.00

<b>TOTAL VALUATION</b>	<b>FEE</b>
Double units placed in an approved mobile home park	\$400.00
Triple units placed in an approved mobile home park	\$500.00
Each additional unit placed in an approved mobile home park	\$75.00
Used as temporary storage or as an accessory structure	\$220.00
<b>Residential Single Stop Fees</b>	
Plumbing – New single-family (included in building permit fee)	–
Plumbing: 1 – 5 fixtures	\$75.00
Plumbing: 6 – 10 fixtures	\$115.00
Plumbing: Greater than 10 fixtures	\$135.00
Mechanical - New single-family (included in building permit fee)	–
New HVAC system in existing home	\$150.00
Tank decommission	\$75.00
Demolition	\$75.00
Fence (6 feet and over)	\$75.00
Wood and gas stove inserts	\$75.00
<b>Other Fees</b>	
Reinspection fee	\$75.00
Inspections outside of normal business hours	\$100.00 hourly – 2-hour minimum, billed directly to applicant
Inspections for which no fee is specifically indicated	\$75.00 hourly
Additional plan review fees due to revisions	\$100.00 hourly – billed directly to applicant

[Ord. 459 § 2, 2009.]

**Chapter 15.20**

**INSPECTION SERVICES**

Sections:

15.20.010 Agreement with Douglas County.

**15.20.010 Agreement with Douglas County.**

This aforementioned agreement be approved and that the mayor be authorized to execute this agreement in behalf of the town. [Ord. 193, 1980.]

**Title 16**

**LAND DIVISIONS**

**Chapters:**

<b>16.04</b>	<b>General Provisions</b>
<b>16.08</b>	<b>Definitions</b>
<b>16.12</b>	<b>Design Standards and Public Improvements</b>
<b>16.16</b>	<b>Major Subdivisions</b>
<b>16.20</b>	<b>Short Subdivisions</b>
<b>16.24</b>	<b>Binding Site Plans</b>
<b>16.28</b>	<b>Final Plats</b>
<b>16.32</b>	<b>Boundary Line Adjustments</b>
<b>16.36</b>	<b>Plat Alterations</b>



**Chapter 16.04****GENERAL PROVISIONS**

## Sections:

- 16.04.010 Short title.
- 16.04.020 Authority.
- 16.04.030 Purpose.
- 16.04.040 Scope.
- 16.04.050 Administration.
- 16.04.060 Floods and flood control.
- 16.04.070 Additional requirements.
- 16.04.080 Fees.
- 16.04.090 Relationship to other regulations.
- 16.04.100 Violations.

**16.04.010 Short title.**

This title shall be known as the Mansfield land division code and shall supplement and implement the state regulations of plats, subdivisions and dedications found in Chapter 58.17 RCW. [Ord. 398 § 1 (Exh. A), 2001.]

**16.04.020 Authority.**

Regulation of the division of land, and the attachment of reasonable conditions thereto, is a valid exercise of the police power as granted to the town by the state in Chapter 58.17 RCW, as currently exists now, or may hereafter be amended. [Ord. 398 § 1 (Exh. A), 2001.]

**16.04.030 Purpose.**

The purpose of this title includes but is not limited to regulating the division of land and furthering the public health, safety and general welfare by:

- A. Providing for the platting, division, dedication and recording of land;
- B. Implementing the goals and policies of the Mansfield urban area comprehensive plan;
- C. Accomplishing the orderly development of land within the town through regulations and standards governing major subdivisions, short subdivisions, binding site plans, boundary line adjustments and plat alterations as defined herein;
- D. Promoting the public health, safety and general welfare;
- E. Implementing the provisions and intent of the town of Mansfield zoning code;
- F. Providing for safe, convenient and adequate potable water supplies, sanitary wastes (sewerage), drainage ways, roads, streets, alleys and other public ways, transit stops, open spaces, parks and recreation areas, playgrounds, schools and school grounds, and other features to assure safe walking conditions for students who walk to and from school and other public facilities;
- G. Preventing overcrowding of land by providing adequate open spaces and balanced, attractive communities;
- H. Providing for adequate and safe ingress and egress to and from property;
- I. Lessening congestion and promoting safe and convenient travel by the public on sidewalks, pathways, streets and highways;
- J. Providing for minimum levels of light, air, and open space;
- K. Promoting the conservation of energy and resources through energy efficient land use and design;
- L. Promoting the efficient use of land;

M. Insuring that the general taxpaying public is not burdened with those developments that are more appropriately the responsibility of the original developer and safeguarding the interests of the public, the developer and future property owners; and

N. Requiring uniform monumenting of land divisions and conveyance of lots, tracts and parcels by accurate legal description. [Ord. 398 § 1 (Exh. A), 2001.]

**16.04.040 Scope.**

A. This title shall apply to the division of any land for sale, lease, transfer or building development into two or more parcels, only by any means specifically provided for herein. It shall also apply to boundary line adjustments, binding site plans, plat alterations, plat vacations, and any other lot line alteration and/or redivision of land.

B. The provisions of this title shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots or tracts each of which is 20 acres or larger; provided, that for purposes of computing size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
3. Divisions made by testamentary provisions, the laws of descent;
4. Divisions of land into lots or tracts by means of a binding site plan as follows:
  - a. Divisions of land into lots or tracts classified for industrial or commercial use when the town has approved a binding site plan or the use of land in accordance with town ordinances;
  - b. A division for the purpose of leasing when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the town has approved a binding site plan for the use of land in accordance with town ordinances; provided, that the sale or transfer of such lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this title and shall be restrained by injunctive action and be illegal as provided in this title;
5. A division made for the purpose of minor adjustment of boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division; nor create any lot, tract, parcel or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
6. Divisions of land into lots or tracts if:
  - a. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;
  - b. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
  - c. The town has approved the binding site plan for all such land;
  - d. Such approved binding site plan is recorded in the county assessor's office; and
  - e. The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the Town of Mansfield, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units thereon or their owners' associations have a membership or other legal interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

f. The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by the town:

i. In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or

ii. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

iii. If not approved pursuant to subsection (B)(6)(f)(i) or (ii) of this section, then pursuant to such other procedures as the town may have established for the approval of a binding site plan. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.050 Administration.**

The mayor of the town of Mansfield, or his/her designee, is the administrator of this title and shall be responsible for the proper administration and interpretation of the regulations herein. The administrator may prepare and require the use of such forms that may be deemed necessary to the administration of this title. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.060 Floods and flood control.**

The town may deny a proposed land division because of flood, inundation or regulated wetlands if the town finds that such condition poses a threat to the public health, safety or general welfare. Where any portion of the proposed land division lies within the special flood hazard area, the town shall impose a condition on the preliminary approval requiring the project proponent to conform to the flood hazard requirements of the town. In such cases, no development permit associated with the proposed land division shall be issued by the town until said requirements have been met. The town may require dedication of land to any public body and/or the construction of improvements and may impose other conditions necessary to protect against flooding or inundation. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.070 Additional requirements.**

The standards and requirements established or referenced by this title are minimum requirements. These standards may be increased and additional requirements may be imposed for the purpose of mitigating identified probable significant adverse environmental impacts pursuant to the State Environmental Policy Act, Chapter 43.21C RCW as now established or hereafter amended. Such additional requirements may include, but shall not be limited to, off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and monetary contributions to any town fund established to finance the provision of public services required by the subdivision. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.080 Fees.**

Any person developing land regulated by this title shall pay fees for the processing and handling of applications as established by the town council and updated from time to time. At the town's discretion, outside professional assistance, including but not limited to engineering, planning and legal services, may be utilized to review and administer development permit applications, the cost of which will be borne by the applicant, if the costs are over and beyond the application fee. When the town determines that these outside professional assistance costs will exceed the application fees, it shall notify the applicant in the letter of complete application that additional professional assistance fees are likely. The applicant shall place a deposit with the town, in an amount determined appropriate by the town, but not less than \$2,000, prior to any necessary public hearing being scheduled. The town will draw on this deposit when costs accrued exceed the application fee, and at no time shall the balance of the deposit be less than \$1,000. If the balance is less than the minimum balance the applicant shall reimburse the account to the minimum balance within 30 days of notice given by the town, or the processing of the permit shall cease until such time as the required deposit is received from the applicant. Upon receiving preliminary approval from the town, the deposit account shall be increased, where necessary,

to reach an amount that is equal to five percent of the total estimated construction costs as approved by the town engineer, the balance of which shall not drop below \$2,000. Final approval of a development permit application shall not be considered where there are outstanding fees and costs remaining to be paid by the applicant. Upon final approval, the town shall return any remaining deposit to the applicant. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.090 Relationship to other regulations.**

A. Other laws, ordinances, regulations and plans have a direct impact on the development of land. As part of the overall development regulations for the town of Mansfield, this title recognizes and incorporates the standards, provisions and regulations contained in other rules, regulations and ordinances of the town, including but not limited to the zoning code, the development standards code, the Mansfield urban area comprehensive plan, the technical specifications guidebook, the Uniform Building Code, etc., as they exist now or as they may hereafter be amended. These laws, regulations and ordinances pertain to items including but not limited to streets, sidewalks, water systems, sanitary sewer systems, storm drainage facilities, and including the laws, ordinances, regulations and plans of federal, state and local agencies. As such, approvals granted pursuant to this title shall only occur in compliance with these other regulatory tools as well as the comprehensive plan and any other applicable planning documents.

B. Where provisions of other official controls and regulations overlap or conflict with provisions of this title, whether federal, state or local, the more restrictive provisions shall govern.

C. Neither this chapter nor any administrative decision made under it:

1. Exempts the permittee from procuring other required permits or complying with the requirements and conditions of such a permit; or

2. Limits the right of any person to maintain against the permittee at any time, any appropriate action, at law or in equity, for relief from damages caused by the permittee arising from the permitted activity. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.04.100 Violations.**

A. Whenever any parcel of land is divided into two or more lots, tracts, or parcels of land and any person, firm or corporation or any agent of any of them sells, leases, transfers, or offers or advertises for sale, lease, transfer any such lot, tract, or parcel without having a final plat of such land division filed for record with the Douglas County auditor's office, the town attorney shall commence an action to restrain and enjoin further division or sale, lease, transfers or offers for sale, lease or transfer and compel compliance with all provisions of this title on those lands which previously have been subdivided, sold, leased, transferred or offered for sale, lease or transfer in noncompliance with this title. The costs of such action, including attorney's fees, shall be levied against the person, firm, corporation or agent selling, leasing, or transferring the property.

B. No building permit, health district permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of this title of local regulations adopted pursuant thereto unless the authority authorized to issue such permits finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

C. All purchaser's or transferee's property shall comply with the provisions of this title and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of this title, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this title, as well as costs of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming this property to these requirements, rescind the sale or transfer and recover costs of investigation, suit and reasonable attorney's fees occasioned thereby.

D. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who sells, offers for sale, leases, or transfers any lot, tract, or parcel of land prior to compliance with this title is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000

or by imprisonment in jail for a term not exceeding 90 days, or by both such fine and imprisonment. Each violation or each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title is deemed a separate and distinct offense. If performance of an offer of agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary approval of a land division, but prior to recording the final plat is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this title, the offer or agreement does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this title shall be deposited in an escrow account and no disbursement to sellers is permitted until the final plat is recorded. This prohibition of property transfers prior to compliance with this title shall apply equally to transfers prior to completion of all types of land divisions and/or redivisions governed herein.

E. In addition to such penalties as provided herein, all violations of any provision of this title or any incorporated standards, or conditions of any permit issued hereunder, are made subject to the provisions of the town's "development permit procedures and administration" ordinance.

F. All violations of this title and standards required thereby are determined to be detrimental to the public health, safety and welfare and are public nuisances. All conditions which are determined by the administrator to be in violation of this title or standards required thereby shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in town's "development permit procedures and administration" ordinance.

G. In the event an applicant for a land division or redivision governed herein fails and refuses to install required improvements in the time required by any preliminary or final approval, the town may withhold further building or other development permits, make demand against any bonds, collect moneys deposited in escrow to secure installation of improvements, initiate a local improvement district, or take such other action as may be necessary to cause the improvements to be made. [Ord. 398 § 1 (Exh. A), 2001.]

**Chapter 16.08****DEFINITIONS**

## Sections:

16.08.010	Undefined words and phrases.
16.08.015	Alley.
16.08.030	Binding site plan.
16.08.035	Block.
16.08.040	Bond.
16.08.045	Boundary line adjustment.
16.08.050	Building envelope.
16.08.055	CC&Rs.
16.08.065	Commercial-industrial land division.
16.08.075	Common open space.
16.08.085	Concurrent or concurrency.
16.08.090	Condominium.
16.08.095	Contiguous land.
16.08.100	Council.
16.08.110	Cul-de-sac.
16.08.115	Dedication.
16.08.120	Developed street.
16.08.130	Easement.
16.08.133	Engineer, city/town.
16.08.135	Engineering design standards.
16.08.140	Fill.
16.08.145	Final approval.
16.08.150	Final plat.
16.08.155	Frontage.
16.08.160	Grade.
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#### **16.08.010 Undefined words and phrases.**

A. Except where specifically defined in this chapter, all words used in this title shall carry their customary meanings. These definitions are used in addition to those found in other ordinances, laws and/or regulations of the town, including without limitation those found in the zoning code, the development standards code, etc. The definition of any word or phrase not listed in the definitions that is in question when administering this title shall be defined from one of the following sources. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

1. Any town of Mansfield resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master program or other formally adopted land use plan;
2. Any statute or regulation of the state of Washington;
3. Legal definitions from Washington common law or a law dictionary;
4. The common dictionary.

B. Words used in the present tense include the future; the plural includes the singular; the word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision; the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.” [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.08.015 Alley.**

“Alley” means a passage or way open to public travel and dedicated to public use affording generally a secondary access to abutting lots and not intended for general traffic circulation. Alleys are not considered streets under the terms of this title. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.08.030 Binding site plan.**

“Binding site plan,” means a drawing to a scale specified by town ordinance which:

- A. Identifies and shows the areas, locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
- B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land as are established by the town council; and
- C. Contains provisions making any development be in conformity with the site plan. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.08.035 Block.**

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.040 Bond.**

“Bond” means any form of security acceptable to the town attorney and in an amount consistent with the provisions of these regulations. All bonds shall be approved by the town council wherever a bond is required by these regulations. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.045 Boundary line adjustment.**

“Boundary line adjustment” means a minor adjustment of one property line between two lots in which no third party ownership or additional building site results; provided, that the reconfiguration does not impact easements, utilities, access or some other significant impact that would warrant a plat alteration. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.050 Building envelope.**

“Building envelope” refers to the buildable area of a lot after applicable setbacks, easements and other restrictions on the lot are taken into account. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.055 CC&Rs.**

“CC&Rs” means covenants, conditions and restrictions by which the declarant or other party or parties executing the CC&Rs impose contractual obligations upon the present and future owners and assignees of real property. CC&Rs are connected with land or other real property, and run with the land, so that the grantee of such land is invested with and bound by the CC&Rs. CC&Rs include but are not limited to “declarations” for condominiums in accordance with Chapters 64.32 and 64.34 RCW. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.065 Commercial-industrial land division.**

“Commercial-industrial land division” means the division of land for the purpose of sale, lease, or transfer of ownership intended for the development of commercial and/or industrial uses. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.075 Common open space.**

“Common open space” means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision and designed and intended for the use or enjoyment of the public. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.085 Concurrent or concurrency.**

“Concurrent” or “concurrency” means that improvements are in place at the time of development, or that a financial commitment is in place to complete the improvements within six years. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.090 Condominium.**

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapter 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.095 Contiguous land.**

“Contiguous land” means land adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have separate tax numbers or were purchased at different times, in different sections, are in different government lots or are separated from each other by private roads and/or easements. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.100 Council.**

“Council” means and refers to the town council. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.110 Cul-de-sac.**

“Cul-de-sac” means a local or residential street with only one outlet and having a turnaround for the safe and convenient reversal of direction. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.115 Dedication.**

“Dedication” means a deliberate appropriation of land by an owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.120 Developed street.**

“Developed street” means a right-of-way developed to the minimum standards established by the town. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.130 Easement.**

“Easement” means authorization by a property owner for the use by another, for a specified purpose, of a designated portion of his property. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.133 Engineer, city/town.**

“Engineer, city/town” means the engineering firm selected by the town and appointed by the mayor and approved by the town council as the town’s official engineer. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.135 Engineering design standards.**

“Engineering design standards” is synonymous with “engineering standards” and means the town’s engineering, design and construction standards and specifications governing the construction of public and private improvements serving developments, as determined by the town engineer and public works superintendent from time to time. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.140 Fill.**

“Fill,” means any sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.145 Final approval.**

“Final approval” means the final official action taken by the responsible town official, board or hearing body on the final plan, subdivision, or dedication or portion thereof that has previously received preliminary approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.150 Final plat.**

“Final plat” means the final drawing of the land division and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title, and all other applicable codes and ordinances. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.155 Frontage.**

“Frontage” means that portion of a lot abutting on a public street and ordinarily regarded as the front of the lot. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.160 Grade.**

“Grade” means the slope of a street specified in percentage terms. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.165 Homeowner’s association.**

“Homeowner’s association” means an incorporated nonprofit organization operating under recorded land agreements, including but not limited to CC&Rs, through which:

- A. Each lot owner is automatically a member;
- B. Each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining commonly owned property; and
- C. A charge, if unpaid, becomes a lien against the real property. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.170 Improvements.**

“Improvements” means the facilities and infrastructure of a land development, including but not limited to the streets, sidewalks, street lights, fire hydrants, storm water facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division, as approved by the necessary town departments. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.175 Land division.**

“Land division” means the creation of any lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, and is inclusive of all types of land divisions defined and described in the \_\_MC, including, without limitation, short subdivisions, major subdivisions, binding site plans and plat alterations. Land division includes the redivision of previously divided land. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.190 Lot depth.**

“Lot depth” means the horizontal distance from the midpoint of the front property line to the midpoint of the rear property line. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.192 Lot, flag.**

“Flag lot” means lots or parcels that the town has approved with less frontage on a public street than is generally required by this title. The panhandle or flag portion of the lot is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.200 Lot improvement.**

“Lot improvement” means a physical betterment of real property, or any part of such betterment, including any building, structure, or improvement of land. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.205 Lot of record.**

“Lot of record” means any undeveloped lot or parcel of land shown on an officially recorded plat or short plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot. The term “lot of record” as used herein does not imply that the lot conforms to the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW and this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.210 Lot width.**

“Lot width” means the dimension of the lot line at the street right-of-way line; or, in an irregularly shaped lot, the dimension across the lot at the building setback line; or, in a corner lot, the narrow dimension of the lot at a street or building setback line. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.215 Meander line.**

“Meander line” means a line along a body of water intended to be used solely as a reference for surveying. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.220 Monument, permanent control.**

“Monument, permanent control” means a five-eighths-inch rebar, one-inch iron pipe or a brass or aluminum cap set in a concrete collar with the surveyor’s name and professional license number. If brass or aluminum caps are used, a piece of iron scrap shall be embedded in the concrete collar for magnetic detection. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.225 Model home.**

“Model home” means a dwelling unit used initially for display purposes that typifies the type of units that will be constructed in a subdivision. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.230 Owner.**

“Owner” means any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest to the land proposed to be subdivided. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.235 Person.**

“Person” means and includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.240 Plat.**

“Plat” means a map or representation of a land division showing the general division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.245 Plat administrator, administrator.**

“Plat administrator” or “administrator” means and refers to the mayor, his or her designee, or any other official appointed in writing by the mayor to be responsible for the administration and enforcement of this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.250 Preliminary approval.**

“Preliminary approval” means the final action of the town granting approval to a land division, subject to applicable conditions that must be fully satisfied prior to final plat approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.255 Preliminary plat.**

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants and other elements of a subdivision consistent with the requirements of this title and Chapter 58.17 RCW as now exists or as may hereafter be amended, which shall furnish a basis for the approval or disapproval of the general layout of subdivision. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.260 Prior division of land.**

“Prior division of land” means any of the following:

A. A division initiated by sale, lease, transfer or option contract executed prior to the date of adoption of the ordinance codified in this title, which presently remains a binding and enforceable commitment as between the parties thereto, their successors, or assigns. If the applicable instrument does not specifically designate separated units of property but does describe separate and defined lots, tracts, parcels, sites or divisions of land which are contiguous, they shall constitute prior division of land; provided, that any division executed

prior to the effective date of the ordinance codified in this title was in full and complete compliance with the then applicable subdivision ordinances and laws of the state of Washington;

B. A taxation parcel of any size which is surrounded by prior divisions of land as defined by subsection A of this section;

C. A taxation parcel of any size which was created prior to the date of adoption of the ordinance codified in this title, for the purpose of creating divisions of land which were exempt from platting requirements. Taxation parcels which were administratively created by the assessor's office solely for tax purposes include senior citizen segregations administratively affected by one other than the landowner or agent; and segregations for tax exemption purposes. Such segregations for taxation purposes are not considered to be prior divisions of land for purposes of the ordinance codified in this title;

D. A taxation parcel created in the assessor's office for description purposes because of section lines if it conforms with zoning lot size and width requirements in effect at the time of application for exemption;

E. A division of land created by a public right-of-way traversing the land. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.265 Private street/private access street.**

"Private street or private access street" means every way or place in private ownership that is not deeded to the town and which is used for travel of vehicles by the owner or those persons having express or implied permission by the owner, but not by other persons, providing primary access from a public right-of-way to a lot, parcel or tract of land. Such private streets are generally delineated and designated by a private easement, they are not maintained by the town or any other public agency (government unit), and they shall meet the applicable requirements of this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.270 Proof of ownership.**

"Proof of ownership" means a photocopy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property. Where proof of ownership is required by this title, the director shall have the discretion to require a current title insurance policy. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.275 Public street.**

"Public street" means an approved street, whether improved or unimproved, held in public ownership or control (either through deed or easement conveyance) and intended to be open as a matter of right to public vehicular travel. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.280 Public works superintendent.**

"Public works superintendent" means the official appointed by the mayor to serve as the director of the town's public works department. The public works superintendent is also known and referred to as the water superintendent. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.285 Required improvement.**

"Required improvement" means and includes, but is not limited to, any drainage system, roadway, signs, sidewalk, parks, open space, community facilities, lot improvement, sewer or water system, fire protection, or other facility for which the town's responsibility is already established. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.290 Right-of-way.**

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road or alley, utility line, water or sewer main, shade trees or other similar uses, whether improved or not improved. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.295 Roadway.**

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic generally between curb lines on an improved surface. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.305 Short plat.**

“Short plat” means a neat and accurate drawing of a short subdivision, prepared for filing for record with the county assessor, and containing all elements and requirements as set forth by this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.310 Sketch plat.**

“Sketch plat” means a sketch preparatory to the preparation of a preliminary plat. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.320 Street, dead end.**

“Street, dead end” means a street or portion thereof with only one vehicular traffic outlet. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.325 Subdivider, platter or project proponent.**

“Subdivider, platter or project proponent” means any person, firm, or corporation undertaking the division or redivision of a lot, block, or other parcel of land. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.330 Subdivision, major.**

“Subdivision” or “major subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.335 Subdivision, phased.**

“Subdivision, phased” means a subdivision that is developed in increments over a period of time, pursuant to RCW 58.17.140 and this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.340 Subdivision, short.**

“Subdivision, short” means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.345 Undeveloped, substandard street.**

“Undeveloped street” or “substandard street” means a right-of-way not developed to the minimum standards established by the town. [Ord. 398 § 1 (Exh. A), 2001.]

**16.08.350 Zoning, zoning code.**

“Zoning” or “zoning code” refers to the town of \_\_\_\_ zoning code. With regard to zoning related matters such as lot size, etc., all regulations of this code must be consistent with the zoning code, as currently exists or hereafter may be amended. [Ord. 398 § 1 (Exh. A), 2001.]

## Chapter 16.12

### DESIGN STANDARDS AND PUBLIC IMPROVEMENTS

Sections:

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#### Article I. Design Standards

##### **16.12.010 Design standards required.**

All required improvements shall be designed and constructed in conformance with the Mansfield urban area comprehensive plan, the applicable facility plans, applicable rules, regulations and ordinances, any applicable engineering design standards, and shall be made by the developer at his or her expense. All improvements shall be designed, reviewed and constructed as set forth in the town's development standards code. [Ord. 398 § 1 (Exh. A), 2001.]

##### **16.12.015 Design and construction standards.**

A. All streets, street surfaces, sidewalks, curbs and gutters, grading, rights-of-way, property line monuments, storm water drainage facilities, and utilities shall be constructed to meet or exceed the minimum specifications contained in this title, the town's development standards code and in the most recent edition of the town's technical specifications manual, where applicable.

B. The provisions of this chapter are minimum standards. The town may require more stringent standards to be followed if, in the circumstances of a particular project, more stringent standards or different materials or equipment are necessary to protect the public health, safety or welfare, or to prevent or mitigate potential adverse environmental impacts. If more stringent standards are required to be met, then the town shall provide timely written notification of the more stringent standards with a written explanation as to the reasons therefor. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.020 Town plans.**

All land divisions and site plans shall be in accordance with adopted plans of the town of Mansfield, including but not limited to the comprehensive land use plan, the comprehensive water system plan, the comprehensive sewer system plan, and any street plans, as they exist now or as they may be amended. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.025 Basic requirements.**

For all land divisions authorized by this title the following basic improvements shall be required and implemented concurrent with development of the land division:

A. Provide public streets, water utility service and wastewater utility service to each lot created that is adequate to serve future development at the density authorized by the applicable comprehensive plan and zoning classification and that meets the standards of all applicable town policies, rules, regulations, codes and guidelines;

B. Provide adequate control of storm water runoff resulting from development at the density authorized by the applicable comprehensive plan and zoning classification that meets the standards of all applicable town policies, rules, regulations, codes and guidelines;

C. Provide adequate measures to mitigate for any adverse environmental impacts as identified by the town's environmental and critical area plans and regulations, and the State Environmental Policy Act. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.030 Future subdivisions and access.**

All land divisions shall be designed to accommodate the future division of adjoining lands by providing for adequate future access and utility service. Pedestrian and bicycle access to schools, parks, shorelines, recreation areas, and open spaces shall be provided by walkways where street access is unsafe or inadequate. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.035 Lots and blocks.**

A. Block Dimensions. The lengths, widths and shapes of blocks shall be determined with regard given to the following:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Needs for convenient access, circulation, control and safety of street traffic; and
3. Limitations and opportunities of topography;
4. Block lengths shall not exceed 1,000 feet;
5. Blocks shall be arranged so as to minimize the number of intersections and access points on collector arterial streets.

B. Lot Dimensions. Lot size, width, depth, shape and orientation shall conform to the zoning standards applicable to the area within which the property is located. Sufficient area for the proposed use, setbacks and other area requirements shall be accommodated.

1. Through Lot. No residential lots shall have street frontage along two opposite boundaries unless justified by topographical features or the need to provide separation of the lots from arterials, railways, commercial activities or similar uses. An easement of at least 10 feet, and across which there shall be no right of access, shall be provided along the line of lots abutting the arterial or other area of disadvantageous use.

2. Flag Lot. Flag lots may be permitted to accommodate buildable area which does not have standard frontage on a public street and where access to the buildable area is not feasible by any other standard land division methods or lot design. In general, flag lots are only allowed to encourage infill development, preserve natural areas or to allow development of land-locked (buildable) areas. The narrow (access) portion of the flag lot shall not be used to grant access to other property not having frontage on a public street.

3. Lot Access/Frontage. Lot access and frontage shall be provided as follows:

a. Every lot shall be provided with frontage on a public street or an approved private street, as provided for herein, that connects to an existing public street.

b. The lot frontage of a flag lot as provided for herein shall be at least 20 feet in width. The building site portion of the flag lot shall meet the dimensional standards of the applicable zone, including minimum lot size. The length, width and improvement of the access to the building site shall comply with the requirements of the Uniform Fire Code and the town fire marshal.

c. Land divisions abutting arterial streets shall be designed to provide access from interior streets. Access to arterial streets by individual lots shall only be permitted with specific findings demonstrating compelling need based on lot size, shape, topography or other property characteristics and addressing public safety.

d. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

e. Private streets and driveways shall connect with a public street at or near right angles to the street being connected with.

4. Cul-de-sac (Turnaround) Lots. No more than four lots may be located exclusively on the turnaround of a cul-de-sac. The minimum lot width for lots on cul-de-sac turnarounds shall be 50 feet measured at the required setback line.

5. Parks and Recreation Areas. Pursuant to RCW 58.17.110 and related statutes, the town may require land divisions to designate up to five percent of their land area, exclusive of streets, as either private or public parks and recreation areas, the nature of which shall be clearly indicated on the plat, provided the following minimum standards are met:

a. Not less than a contiguous minimum of 10,000 square feet shall be so allocated;

b. The acquisition of land required by the town for public parks or recreation areas, other than streets and alleys, shall be obtained by deed from the developer prior to final approval of the plat;

c. As an alternative to dedication of public parks and recreation areas, the developer may be required to contribute to the town for park purposes to benefit the area, up to five percent of the developed value of the lots to be sold in the plat. Payment of cash in lieu of land for park purposes in the area shall be made by the developer to the town before final approval is given. The moneys, to be exclusively used for park development purposes, shall be deposited in a special park fund to be dedicated by the town to benefit the area being developed. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.12.040 Fire protection.**

A. Water sources and facilities adequate for fire protection purposes shall be provided in every land division by the developer.

B. Fire protection facilities, including fire hydrants and appurtenances, shall be provided in accordance with the Uniform Fire Code and under the direction and approval of the fire marshal. Such facilities shall be included in the improvement plans as approved by the town engineer. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.12.045 Easements.**

Easements for water, wastewater, storm sewer, electrical and communications utilities shall be dedicated whenever necessary to provide for access to service, repair and maintain the respective utilities.

A. Easements shall be of a minimum width necessary to assure access by personnel and equipment necessary to complete normal maintenance and repairs. In no case shall the easements for domestic water and/or sanitary sewer systems be less than 15 feet in width.

B. Easements shall be both recorded on the final plat map and dedicated on a town easement grant form and recorded at the Douglas County auditor's office. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.12.050 Natural vegetation, streams and natural drainage ways.**

A. Valuable natural features such as trees, streams, wetlands, and wildlife habitat shall be preserved to the greatest extent feasible.

B. Streams and natural drainage ways shall not be obstructed or constricted as a result of development. Development along streams may be required to obtain additional local, state or federal permits including but not

limited to: floodplain management, shorelines management permit, water quality variance, and/or wetlands. All structures shall be constructed so that the first habitable floor is at least one foot above the flood zone A (100-year) flood elevation at the construction site. Construction of permanent structures within the floodway portion of the floodplain or natural drainage way shall be prohibited. If a development is to take place near streams or natural drainage ways, the subdivider shall provide engineering proof that his development will not obstruct or cause changes in the stream or natural drainage way. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.055 Natural hazards.**

Where subdivision and development of land may pose a hazard to the subdivision or nearby properties because of steep slopes, unstable soils, excessive storm water runoff or soil erosion, the subdivider shall have the burden of presenting evidence satisfactory to the town that the hazard can be adequately mitigated. In the absence of such evidence, subdivision of such land shall be denied. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.060 Roadway buffer/tree reserves.**

The town may require a roadway buffer/tree reserve along streets having an average daily traffic count of 3,000 or more. A tree easement grant shall be both recorded on the final plat map and dedicated on a town easement grant form and recorded at the Douglas County auditor's office. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.065 Street signs.**

A. All street name and traffic control signs shall be installed by the subdivider, at no cost to the town of Mansfield, and in accordance with the most recent edition of the town's development standards code and technical specifications manual and the manual of traffic control devices.

B. Street names shall be unique to a particular street, and to prevent confusion by emergency services along with others, similar names on future streets shall not be used.

C. Addresses to lots shall be assigned by the town at the time of preliminary plat approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.070 Earth moving.**

Land divisions shall be so designed that a minimum of earth moving will be required to provide sites for building development. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.075 Residential lot abutting nonresidential district.**

Where residential land divisions adjoin a use district other than residential, the lots abutting such district shall, to the greatest extent possible, orient the rear lot lines to the nonresidential district boundary. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.080 Commercial or industrial lot abutting residential or recreational district.**

Where land divisions occurring within a commercial or industrial district abut residential and/or recreational use districts, the lots adjoining such district shall orient the rear lot lines to the district boundary, and access to the commercial or industrial properties shall not be through properties within a use district designated for noncommercial and/or nonindustrial activities. [Ord. 398 § 1 (Exh. A), 2001.]

## **Article II. Public Improvements**

**16.12.085 Installation requirements.**

A. The subdivider shall be financially responsible for installation of all public facilities required for approvals of land divisions in this title, and for certain maintenance and warranting of all work and materials for a period of two years following installation and acceptance by the town, as described in the town's development standards code.

B. All improvements shall be fully completed prior to the final approval of a land division unless an alternative performance assurance device, a contractual agreement, an agreement and partial funding for a local

improvement district (LID), or bond between the developer and the town has been executed and approved in accordance with this title.

C. Installation shall be completed within one year after preliminary approval and before any building permits are issued to any lot within the development area.

D. The subdivider may propose a phased installation so long as each phase can be constructed as a complete operational unit without interfering with the operations of earlier phases. Any proposal to phase shall be made prior to the start of any work and must be accepted by the town. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.090 Design and review.**

All required public improvements and private streets shall be designed by a licensed civil engineer to meet or exceed the minimum specification of the town's development standards code, technical specifications manual, etc., and shall be approved by the administrator, with assistance, as determined necessary by the administrator, from the town engineer, town attorney, town planner and/or any other professional service purveyor. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.095 Construction approval.**

Preliminary approval or approval of final plans of public improvement by the town, whichever occurs last, shall constitute approval to start construction of required public improvements. [Ord. 398 § 1 (Exh. A), 2001.]

**16.12.100 Off-site improvements and unimproved abutting streets.**

A. All off-site improvements and unimproved abutting streets necessary to the development shall be constructed, except as noted in subsection B of this section. Latecomer's agreements, in accordance with applicable state statutes and associated town implementing ordinances, may be drawn for those portions of off-site improvements and abutting streets built by the subdivider that benefit other properties.

B. Off-site improvements not immediately required to support the development may be deferred, as determined by the town, with an approved surety and/or waiver of protest of a future local improvement district established for construction of the improvement or other such agreement. [Ord. 398 § 1 (Exh. A), 2001.]

**Chapter 16.16****MAJOR SUBDIVISIONS**

## Sections:

- 16.16.010 Purpose.
- 16.16.020 Scope.
- 16.16.030 Application requirements.
- 16.16.040 Review process.
- 16.16.050 Application review reports.
- 16.16.060 Approval criteria.
- 16.16.070 Effective period of preliminary major subdivision approval.
- 16.16.080 Modifications to an approved preliminary major subdivision.

**16.16.010 Purpose.**

The purpose of this chapter is to regulate the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within the town. The procedures regulating major subdivisions are established to promote orderly and efficient division of land and to comply with the provisions of Chapter 58.17 RCW and all applicable comprehensive plan provisions and zoning and land use codes and ordinances as adopted by the town of Mansfield. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.020 Scope.**

Major subdivisions shall include any land being divided into five or more parcels, lots, tracts, sites or divisions, and shall meet the requirements of this title. Major subdivisions shall require improvements so that any development will be in compliance with all applicable provisions of the town's rules, regulations, ordinances and the Mansfield urban area comprehensive plan and all other officially adopted planning documents that may apply. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.030 Application requirements.**

Applications for major subdivisions shall be made on forms provided by the town and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by the town's "development permit procedures and administration" ordinance, the following information shall be submitted:

- A. A legal description of the tract;
- B. Total acreage of the land to be divided and the average land area in square feet of the proposed lots;
- C. The location of the property as to quarter/quarter section;
- D. The existing zoning district(s) within which the tract is situated;
- E. A map of the town or portion thereof that effectively depicts the location of the proposed land division;
- F. A title certificate consisting of a report showing all encumbrances on the property and all parties having any full or partial interest(s) in the property to be subdivided including their address and telephone number;
- G. The names and addresses of all affected property owners within 350 feet of the subject property, including all contiguous property under the ownership or control of the applicant;
- H. Copies of any domestic and/or irrigation water rights that the proposed development properties have;
- I. A statement of the improvements to be installed and the names of the applicable utility purveyors;
- J. Evidence of the ability to comply with water and sewer requirements of the town as they now exist or may hereafter be amended;
- K. A completed environmental checklist in accordance with SEPA, the town SEPA procedures and associated guidelines;
- L. The dimensions and area of each proposed lot or parcel to accurately demonstrate that each lot or parcel contains sufficient area to satisfy minimum zoning and health requirements. The area of land contained in

access easements, access panhandles or pipestem configurations shall not be included in the lot size computations;

M. A copy of any CC&Rs, deed restrictions or other agreements pertaining to or affecting the property;

N. Current research describing all existing easements or other existing restrictions on or immediately adjacent to the proposed subdivision;

O. A preliminary storm water drainage plan in conformance with the town requirements and the applicable engineering design and construction standards, including any soil test information as may be deemed necessary by the public works director;

P. A preliminary grading and reclamation plan if a significant amount of earth, as determined by the town, is to be removed, imported or relocated on the site;

Q. Ten copies of preliminary specifications for roads, utilities and other proposed improvements to be constructed on the subdivision in conformance with pertinent town regulations, along with a cost estimate of the proposed improvements to be constructed on the subdivision;

R. Ten copies of the preliminary plat prepared by a registered land surveyor using acceptable drafting standards. The preliminary plat shall consist of one or more sheets drawn to a scale of one inch equals 100 feet or a comparable scale appropriate to the illustration of required detail. The document shall be submitted in such form that when the maps and written data are considered together they fully and clearly disclose the following information:

1. The name of the proposed major subdivision together with the words "Preliminary Subdivision";
2. The name and address of the applicant;
3. The name, address, stamp and signature of the professional land surveyor who prepared the preliminary plat;
4. The name, address, stamp and signature of the professional engineer who prepared any information for/on the preliminary plat;
5. The legal description of land contained within the proposed subdivision, as recorded in the records of the Douglas County auditor;
6. The date prepared or revised, scale, north arrow, quarter section, section, township, range, and Washington State coordinate system reference;
7. Identification of all land intended to be cleared, and the location of the proposed access to the site for clearing and grading during site development or construction;
8. A vicinity sketch sufficient to define the location and boundaries of the proposed major subdivision with respect to surrounding property, streets, and other major constructed and natural features; and
9. Except as otherwise specified in this chapter, the preliminary plat shall contain the following existing geographic features, drawn lightly in relation to proposed geographic features:
  - a. The boundary lines of the proposed subdivision and all land immediately adjacent extending 100 feet in all directions for the proposed plat perimeter, including the names of adjoining property owners and land divisions. Should the application involve the redivision of any or all of an existing platted area, the original plat shall be shown with dotted lines in their proper relationship with the new arrangements to the proposed plat;
  - b. All adjacent land owned by the applicant on which future applications may be submitted, together with general information as to the location and estimated extent of each additional plat which may be submitted;
  - c. Location of existing monuments, markers and boundary lines of the tract to be subdivided;
  - d. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within 200 feet of the property to be divided;
  - e. The location, widths and purposes of any existing easements lying within or adjacent to the proposed land division;

- f. The location, size and invert elevations of sanitary sewer lines and storm water management facilities lying within or adjacent to the proposed land division or those which will be connected to as part of the proposed land division;
  - g. The location and size of existing water system facilities including all fire hydrants lying within or adjacent to the proposed land division or those which will be connected to as part of the proposed land division;
  - h. The location, size and description of any other underground and overhead facilities lying within or adjacent to the proposed land division;
  - i. The location of known or suspected critical areas as described in the town's rules, regulations and ordinances, including without limitation soil or geological hazard areas, water bodies, creeks, wetlands, and areas subject to flooding, ponding, or unstable grounds;
  - j. The location, size, density and description of all existing vegetation and trees that have an 18-inch diameter trunk as measured four feet above ground level;
  - k. The location of existing sections and municipal corporation boundary lines lying within or adjacent to the proposed land division;
  - l. The location of any wells and septic systems existing within the proposed land division;
  - m. Contour lines of at least five-foot intervals or sufficient intervals to show the topography of the land to be subdivided referenced to mean sea level datum of the National Oceanic Survey (USGS and GS);
  - n. The location of any existing structures lying within the proposed land division. Existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines; and
  - o. The location of municipal boundaries, section lines, township lines and other important features existing upon, over or under the land proposed to be subdivided;
10. The preliminary plat shall show the following proposed geographic features:
- a. The boundaries in bold solid lines, the dimensions and the area of all proposed lots, tracts or parcels, and the proposed identifying number or letter to be assigned to each lot, tract, parcel and/or block. If the applicant desires to develop the plat in phases, the phases shall be shown on the preliminary plat;
  - b. The right-of-way location and width, the proposed name, and the proposed cross-sections and centerline profiles of each street, alley, or other public or private way to be created and the estimated tentative grades of such streets;
  - c. The location, width and purpose of each easement to be created;
  - d. The boundaries, dimensions and area of public and common park and open space areas;
  - e. Identification of all areas proposed to be dedicated for public use, together with the purpose and any condition of dedication;
  - f. Proposed final contour lines at intervals of five feet for average slopes exceeding five percent, or at intervals of two feet for average slopes not exceeding five percent. Final contours shall be indicated by solid lines. Contour lines shall be labeled in intervals not to exceed 20 feet;
  - g. The building envelopes, as defined herein and in the town's zoning code, shall be indicated for each lot;
  - h. Proposed monumentation;
  - i. Proposed location and description of all water system improvements, including all proposed fire hydrants;
  - j. Proposed location and description of all sewer system improvements, including profiles and, if needed, all pump stations and their connections to the existing system;
  - k. Proposed location and description of all storm water management system improvements;
  - l. Proposed location and description of all other utilities such as power, communications, natural gas, etc.;
  - m. If the proposed subdivision would affect any irrigation district, an explanation of how it provides for the necessary irrigation provisions as prescribed by RCW 58.17.310.

- n. Proposed house address system;
  - o. On the proposed street cross-sections, show proposed bicycle and pedestrian pathways and sidewalks (if applicable);
  - p. Proposed type and location of street lighting (if applicable);
  - q. Proposed type and location of landscaping (if applicable);
  - r. Proposed location and typical cross-section of trails (if applicable);
  - s. Proposed location and description of transit stops and shelters (if applicable);
  - t. Proposed restrictions or conditions on development (if applicable);
11. Upon review of an application, the administrator may require additional pertinent information as needed to satisfy any regulatory requirements;
12. The preliminary plat depicting a major subdivision shall be prepared in accordance with the following requirements:
- a. The preliminary plat shall be prepared by a land surveyor licensed by the state of Washington. The surveyor shall certify on the preliminary plat that it is a true and correct representation of the lands actually surveyed. The preparation of the preliminary plat shall comply with the Survey Recording Act, Chapter 58.09 RCW as now adopted or hereafter amended. Upon surveying the property, the surveyor shall place temporary stakes on the property to enable the town to locate and appraise features of the preliminary plat in the field.
  - b. All geographic information portrayed by the preliminary plat shall be accurate, legible and drawn to a horizontal scale of 50 feet or fewer to the inch, except that the location sketch and typical street cross-sections may be drawn to any other appropriate scale.
  - c. A preliminary plat shall be 18 inches by 24 inches in size, allowing one-half-inch borders, and if more than one sheet is needed, each sheet shall be numbered consecutively and an index sheet showing the entire property and orienting the other sheets, at any appropriate scale, shall be provided. In addition to other map submittals, the applicant shall submit one copy of each sheet reduced to eight and one-half inches by 11 inches in size. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.16.040 Review process.**

- A. Applications for a major subdivision shall be processed according to the procedures set forth in the town's "development permit procedures and administration" ordinance for "quasi-judicial review."
- B. The town shall solicit comments on the proposed major subdivision from the public works superintendent, fire chief or designee, local utility providers, law enforcement provider, building official, school district, Douglas County departments, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.
- C. Based on comments from town departments and applicable agencies and other information, the town shall review the application subject to the criteria of MMC16.16.060. A proposed major subdivision shall only be approved when consistent with all applicable provisions of the town's rules, regulations, ordinances, policies and plans.
- D. Pursuant to RCW 58.17.140, preliminary major subdivision applications shall be approved, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period.
- E. If an environmental impact statement is required as provided in Chapter 43.21C RCW and the town's State Environmental Policy Act procedures ordinance, the 90-day period for major subdivisions shall not include the time spent preparing and circulating the environmental impact statement by the town. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.050 Application review reports.**

The following reports shall be submitted to the hearing examiner for consideration and shall be attached to and made a part of the hearing examiner's record and decision:

A. Administrator. The administrator or his/her designee shall submit a report that shall include, but not be limited to, whether the proposed subdivision follows all zoning regulations, critical areas regulations, development standards, ordinances, the comprehensive plan and documents submitted pursuant to the State Environmental Policy Act (SEPA).

B. Public Works Superintendent. The public works superintendent shall submit recommendations regarding the proposal's effects on all public works under his/her jurisdiction and shall consult with the town's consulting engineer to develop recommendations as to the engineering adequacy of the proposed subdivision including, but not limited to:

1. The proposed street system, sewage disposal system, storm sewer system and water supply system;
2. Requirements needed to minimize flood hazard and damage including utilities located and constructed to minimize or eliminate flood damage and to insure that an adequate drainage system is provided to reduce exposure to flood damage shall be attached to and made a part of the planning commission's report for transmittal to the town council;
3. Improvements required pursuant to this title;
4. Any easements required.

C. Contracted Fire Marshal and Town Fire Chief. The contracted fire marshal and town fire chief shall submit a report on:

1. The adequacy of access for emergency vehicles;
2. Location of the fire hydrants and adequacy thereof;
3. Adequacy of water supply for fire protection purposes;
4. Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.

D. Chelan-Douglas Health District. The Chelan-Douglas health district shall be requested to submit a report on matters related to the proposed subdivision and which may affect the public health. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.060 Approval criteria.**

The following criteria are the minimum measures by which all proposed major subdivisions will be considered:

A. Proposed major subdivisions shall be given preliminary approval, including preliminary approval subject to conditions, upon written finding by the hearing examiner, pursuant to the town's "development permit procedures and administration" ordinance, that all of the following have been satisfied:

1. The proposed major subdivision conforms to all applicable town plans and regulations, including but not limited to the following:

- a. The Mansfield urban area comprehensive plan;
- b. The Mansfield zoning code;
- c. The Mansfield development standards;
- d. The Mansfield critical areas ordinance;
- e. The Mansfield technical specifications guidebook;

2. Utilities and other public services necessary to serve the needs of the proposed major subdivision shall be made available concurrent with development, including open spaces, drainage ways, streets, alleys, other public ways, potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks and other improvements that assure safe walking conditions for students who walk to and from school;

3. Where applicable, the probable significant adverse environmental impacts of the proposed land division, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with the town's SEPA procedures ordinance, Chapter 197-11 WAC and Chapter 43.21C RCW;

4. Approving the proposed major subdivision will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare.

B. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 58.17.120 as now adopted and hereafter amended, a proposed major subdivision may be denied because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Where any portion of the proposed major subdivision lies within a flood control zone, as specified by Chapter 86.16 RCW, the town shall not approve the preliminary major subdivision without prior written approval of the Washington Department of Ecology. In such cases, no development permit associated with the proposed major subdivision shall be issued by the town until flood control problems have been resolved.

C. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 36.70A.070(6)(b) as now adopted and hereafter amended, a proposed major subdivision shall be denied if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.070 Effective period of preliminary major subdivision approval.**

Preliminary major subdivision approval shall be effective for five years following final action by the hearing examiner. A final plat meeting all requirements of this chapter shall be submitted to the town council for final approval, pursuant to Chapter 16.28 MMC, within five years of the date of the preliminary major subdivision approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.16.080 Modifications to an approved preliminary major subdivision.**

A. Minor modifications to a previously approved preliminary major subdivision, not involving the location or relocation of a lot, tract or parcel lot line and not involving the location or relocation of a street, may be requested by the applicant and approved by the town subject to the provisions for “limited administrative review” in the town’s “development permit procedures and administration” ordinance. Before approving such amendment, the administrator shall make written findings and conclusions that the following exist:

1. The modification will not be inconsistent or cause the land division to be inconsistent with the findings, conclusions, and decision of the town to preliminarily approve the major subdivision;
2. The modification will not cause the major subdivision to violate any applicable town policy or regulation;
3. The modification does not adversely impact public health and safety, the environment, or the delivery of services to the site;
4. The original intent of the approved preliminary major subdivision is not altered.

B. Modifications that exceed the criteria above shall be processed as a new application. [Ord. 398 § 1 (Exh. A), 2001.]

**Chapter 16.20****SHORT SUBDIVISIONS**

## Sections:

- 16.20.010 Purpose.
- 16.20.020 Scope.
- 16.20.030 Application requirements.
- 16.20.040 Review process.
- 16.20.050 Application review issues.
- 16.20.060 Approval criteria.
- 16.20.070 Effective period of preliminary short subdivision approval.
- 16.20.080 Modifications to an approved preliminary short subdivision.
- 16.20.090 Short subdivision amendment.
- 16.20.100 Accumulative short subdivisions.

**16.20.010 Purpose.**

The purpose of this chapter is to regulate the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within the town. The procedures regulating short subdivisions are established to promote orderly and efficient division of land and to comply with the provisions of Chapter 58.17 RCW and all applicable comprehensive plan provisions and zoning and land use codes and ordinances as adopted by the town of Mansfield. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.020 Scope.**

A. Short subdivisions shall include any land being divided into four or fewer parcels, lots, tracts, sites or divisions, and which land has not been divided in a short subdivision within the previous five years, and shall meet the requirements of this title. Short subdivisions shall require improvements so that any development will be in compliance with all applicable provisions of the town's rules, regulations, ordinances and the Mansfield urban area comprehensive plan and all other officially adopted planning documents that may apply.

B. Land within a short subdivision may not be further divided using the short subdivision process within a period of five years from the date of recording of a final short plat with the Douglas County auditor without the filing of a final plat in accordance with the provisions established in this title for major subdivisions. However, when the short subdivision contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of four lots within the original short subdivision boundaries. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.030 Application requirements.**

A. Applications for short subdivisions shall be made on forms provided by the town and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by the town's "development permit procedures and administration" ordinance, the information identified in MMC 16.16.030, Application requirements, shall be submitted.

B. Upon review of an application, the town may require additional pertinent information as needed to satisfy any regulatory requirements. For short subdivisions, the town may waive the requirements of MMC 16.16.030, Application requirements, pertaining to showing existing and/or proposed public improvements during the preliminary review process when it is determined by the town that required improvements will, in general, be simple, straightforward extensions of existing facilities. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.040 Review process.**

A. Applications for a short subdivision shall be processed according to the procedures set forth in the town's "development permit procedures and administration" ordinance for "full administrative review."

B. The town shall solicit comments on the proposed short subdivision from the public works superintendent, fire chief or designee, local utility providers, law enforcement provider, building official, school district, Douglas County departments, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.

C. Based on comments from town departments and applicable agencies and other information, the town shall review the application subject to the criteria of MMC 16.16.060. A proposed short subdivision shall only be approved when consistent with all applicable provisions of the town's rules, regulations, ordinances, policies and plans.

D. Pursuant to RCW 58.17.140, preliminary short subdivision applications shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing thereof unless the applicant consents to an extension of such time period. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.20.050 Application review issues.**

The following issues, as minimum criteria, shall be reviewed by the administrator, subsequent to distributing the short subdivision application to the entities identified within this chapter, to determine the feasibility of development of the short subdivision. The administrator shall document, in a brief written report, the disposition of these issues for each application for short subdivision, which documentation is to be made a part of the record and decision on the short subdivision application:

A. Whether the proposed short subdivision follows all zoning regulations, critical areas regulations, development standards, ordinances, the comprehensive plan and documents submitted pursuant to the State Environmental Policy Act (SEPA), if applicable.

B. Whether the proposed short subdivision complies with the town's public improvement requirements including, but not limited to:

1. The proposed street system, sewage disposal system, storm sewer system and water supply system;
2. Requirements needed to minimize flood hazard and damage including utilities located and constructed to minimize or eliminate flood damage and to insure that an adequate drainage system is provided to reduce exposure to flood damage shall be attached to and made a part of the planning commission's report for transmittal to the town council;
3. Improvements required pursuant to this title; and
4. Any easements required.

C. Whether the proposed short subdivision complies with the minimum fire protection standards including, but not limited to:

1. The adequacy of access for emergency vehicles;
2. Location of the fire hydrants and adequacy thereof;
3. Adequacy of water supply for fire protection purposes; and
4. Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.

D. Whether the proposed short subdivision complies with and/or has any effects on matters related to any public health issues. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.20.060 Approval criteria.**

A. The criteria described in MMC 16.16.060, Approval criteria, are the minimum measures by which all proposed short subdivisions will be considered. Proposed short subdivisions shall be given preliminary approval, including preliminary approval subject to conditions, upon written finding by the administrator, pursuant to the town's "development permit procedures and administration" ordinance that all of the items in MMC 16.16.060 have been satisfied.

B. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 58.17.120 as now adopted and hereafter amended, a proposed short subdivision may be denied because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Where any portion of the proposed

short subdivision lies within a flood control zone, as specified by Chapter 86.16 RCW, the town shall not approve the preliminary short subdivision without prior written approval of the Washington Department of Ecology. In such cases, no development permit associated with the proposed short subdivision shall be issued by the town until flood control problems have been resolved.

C. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 36.70A.070(6)(b) as now adopted and hereafter amended, a proposed short subdivision shall be denied if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.070 Effective period of preliminary short subdivision approval.**

Preliminary short subdivision approval shall be effective for two years following final action by the administrator. A final plat meeting all requirements of this chapter shall be submitted to the town for final approval, pursuant to Chapter 16.28 MMC, within two years of the date of the preliminary short plat approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.080 Modifications to an approved preliminary short subdivision.**

A. Minor modifications to a previously approved preliminary short subdivision, not involving the location or relocation of a lot, tract or parcel lot line and not involving the location or relocation of a street, may be requested by the applicant and approved by the town subject to the provisions for “limited administrative review” in MMC 18.85.130. Before approving such amendment, the administrator shall make written findings and conclusions that the following exist:

1. The modification will not be inconsistent or cause the short subdivision to be inconsistent with the findings, conclusions, and decision of the town to preliminarily approve the land division;
2. The modification will not cause the short subdivision to violate any applicable town policy or regulation;
3. The modification does not adversely impact public health and safety, the environment, or the delivery of services to the site;
4. The original intent of the approved preliminary short subdivision is not altered.

B. Modifications that exceed the criteria above shall be processed as a new application. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.090 Short subdivision amendment.**

A. Once a short subdivision has been recorded with the Douglas County auditor, it can be amended or vacated in whole or part, subject to the limitations described in MMC 16.20.020 and in RCW 58.17.060. All proposed alterations or vacations that include public dedications shall be processed in accordance with Chapter 16.36 MMC (Plat Alterations). If the proposed alteration does not involve a public dedication, the altered short subdivision shall be processed in accordance with this section.

B. The amended short plat must comply with all of the procedures and requirements of this chapter; however, a new survey shall not be required except for new lines created by the amended short plat.

C. The title of the altered short plat shall be “Short Subdivision No. \_\_\_\_\_ Amending Short Subdivision No. \_\_\_\_\_.”

D. Minor errors not involving a change in lines may be corrected by the survey or upon approval of the administrator by recording an affidavit with the Douglas County auditor specifically referencing the short plat by number and the correction. [Ord. 398 § 1 (Exh. A), 2001.]

**16.20.100 Accumulative short subdivisions.**

Accumulative short subdivisions are not permitted. The short subdivision process may not be utilized to apply for a series of short subdivisions within two years from any application, thereby circumventing the major subdivision procedures. [Ord. 398 § 1 (Exh. A), 2001.]

**Chapter 16.24****BINDING SITE PLANS**

## Sections:

- 16.24.010 Purpose.
- 16.24.020 Scope.
- 16.24.030 Application requirements.
- 16.24.040 Review process.
- 16.24.050 Application review issues.
- 16.24.060 Approval criteria.
- 16.24.070 Condominiums.
- 16.24.080 Effective period of preliminary binding site plan approval.
- 16.24.090 Modifications to an approved preliminary binding site plan.
- 16.24.100 Binding site plan amendment – Commercial or industrial development.
- 16.24.110 Vacating a binding site plan.

**16.24.010 Purpose.**

The purpose of this chapter is to clearly delineate the criteria used by the town of Mansfield to review and approve binding site plans. A binding site plan is intended to provide an alternative means of dividing land, pursuant to RCW 58.17.035. The binding site plan process provides a means for certain types of land divisions to be processed administratively, based upon the town's adopted development standards and regulations. Binding site plans tie a future development to an approved set of conditions and site layout. [Ord. 398 § 1 (Exh. A), 2001.]

**16.24.020 Scope.**

This chapter shall be limited and only apply to one or more of the following:

- A. The sale or lease of commercially or industrially zoned property;
- B. The leasing of property when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land; and
- C. The division of land into lots or tracts for condominiums as described in this chapter. [Ord. 398 § 1 (Exh. A), 2001.]

**16.24.030 Application requirements.**

Applications for binding site plans shall be made on forms provided by the town and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by the town's "development permit procedures and administration" ordinance, the following information shall be submitted:

- A. All of the information identified in MMC16.16.030, Application requirements;
- B. Inscriptions or attachments setting forth the limitations and conditions of development;
- C. As determined necessary by the town, the following additional items may be required, particularly for those types of binding site plans identified in MMC 16.24.020(B) and (C):
  - 1. Off-street parking plans;
  - 2. Maintenance plans;
  - 3. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation landscaping structures to be installed, the type of vegetation by common name, and the installed and mature height of all vegetation;
  - 4. A written explanation of the design concept, planned features of the development, measures taken to meet the purposes of the development, the proposed sequence and timing of development, the provisions of

ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the development shall be submitted with the binding site plan;

5. As determined by the town, plan, if applicable to the development, an outline of the documents of the owner's association, bylaws, deeds, covenants and agreements governing ownership, maintenance and operation of the development shall be submitted with the binding site plan;

6. Schematic plans and elevations of proposed building(s) with samples of all exterior finish materials and colors, the type and location of all exterior lighting, signs and accessory structures;

7. A description of commonly held properties and their purpose, function and improvements; and

8. For a binding site plan for residential condominiums, it shall conform to the requirements of Chapter 64.34 RCW. The applicant shall submit a sworn declaration from a registered land surveyor licensed in the state of Washington that all requirements of RCW 64.34.232 as now adopted and hereafter amended, have been satisfied. The town shall not be responsible for verification that the proposal complies with Chapter 64.34 RCW but may rely upon the representation of the licensed surveyor;

D. Upon review of an application, the town may require additional pertinent information as needed to satisfy any regulatory requirements. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.24.040 Review process.**

A. Applications for a binding site plan shall be processed according to the procedures set forth in the town's "development permit procedures and administration" ordinance for "full administrative review."

B. The town shall solicit comments on the proposed binding site plan from the public works superintendent, fire chief or designee, local utility providers, law enforcement provider, building official, school district, Douglas County departments, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.

C. Based on comments from town departments and applicable agencies and other information, the town shall review the application subject to the criteria of MMC 16.16.060. A proposed binding site plan shall only be approved when consistent with all applicable provisions of the town's rules, regulations, ordinances, policies and plans.

D. Preliminary binding site plan applications shall be approved, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.24.050 Application review issues.**

The following issues, as minimum criteria, shall be reviewed by the administrator, subsequent to distributing the binding site plan application to the entities identified within this chapter, to determine the feasibility of development of the binding site plan. The administrator shall document, in a brief written report, the disposition of these issues for each application for binding site plan, which documentation is to be made a part of the record and decision on the binding site plan application:

A. Whether the proposed binding site plan follows all zoning regulations, critical areas regulations, development standards, ordinances, the comprehensive plan and documents submitted pursuant to the State Environmental Policy Act (SEPA), if applicable.

B. Whether the proposed binding site plan complies with the town's public improvement requirements including, but not limited to:

1. The proposed street system, sewage disposal system, storm sewer system and water supply system;

2. Requirements needed to minimize flood hazard and damage including utilities located and constructed to minimize or eliminate flood damage and to insure that an adequate drainage system is provided to reduce exposure to flood damage shall be attached to and made a part of the planning commission's report for transmittal to the town council;

3. Improvements required pursuant to this title; and

4. Any easements required.

C. Whether the proposed binding site plan complies with the minimum fire protection standards including, but not limited to:

1. The adequacy of access for emergency vehicles;
2. Location of the fire hydrants and adequacy thereof;
3. Adequacy of water supply for fire protection purposes; and
4. Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.

D. Whether the proposed binding site plan complies with and/or has any effects on matters related to any public health issues. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.24.060 Approval criteria.**

A. The criteria described in MMC 16.16.060, Approval criteria, are the minimum measures by which all proposed binding site plans will be considered. Proposed binding site plans shall be given preliminary approval, including preliminary approval subject to conditions, upon written finding by the administrator, pursuant to the town's "development permit procedures and administration" ordinance that all of the items in MMC 16.16.060 have been satisfied.

B. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 58.17.120 as now adopted and hereafter amended, a proposed binding site plan may be denied because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Where any portion of the proposed binding site plan lies within a flood control zone, as specified by Chapter 86.16 RCW, the town shall not approve the preliminary binding site plan without prior written approval of the Washington Department of Ecology. In such cases, no development permit associated with the proposed binding site plan shall be issued by the town until flood control problems have been resolved.

C. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 36.70A.070(6)(b) as now adopted and hereafter amended, a proposed binding site plan shall be denied if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.24.070 Condominiums.**

For the purpose of approval of condominium developments, the provisions of this title regarding short subdivisions and major subdivisions shall not apply if:

A. A land division is proposed as a condominium and does not result in the subdivision of land into separately owned lots in accordance with the definition for short or major subdivisions, but subjects a portion of a lot, tract, or parcel to Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;

B. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;

C. The town of Mansfield has approved a binding site plan for all such land;

D. The binding site plan is recorded with the Douglas County auditor's office; and

E. The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the Town of Mansfield, and in accordance with such other government permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall

be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all persons, businesses, corporations, partnerships or other entities now or hereafter having any interest in the land described herein.

[Ord. 398 § 1 (Exh. A), 2001.]

**16.24.080 Effective period of preliminary binding site plan approval.**

Preliminary binding site plan approval shall be effective for two years following final action by the administrator. A final plat meeting all requirements of this chapter shall be submitted to the town for final approval, pursuant to Chapter 16.28 MMC, within two years of the date of the preliminary binding site plan approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.24.090 Modifications to an approved preliminary binding site plan.**

A. Preliminary binding site plan approvals, except those for commercial or industrial development, shall not be modified after the administrator has issued the preliminary binding site plan approval. Any modifications proposed by the applicant once preliminary binding site plan approval has been given will require a new application be filed and the requirements of this chapter be complied with in full.

B. Minor modifications to a previously approved preliminary binding site plan for commercial or industrial development, not involving the location or relocation of a lot, tract or parcel lot line and not involving the location or relocation of a street, may be requested by the applicant and approved by the town subject to the provisions for "limited administrative review" in the town's "development permit procedures and administration" ordinance. Before approving such amendment, the administrator shall make written findings and conclusions that the following exist:

1. The modification will not be inconsistent or cause the binding site plan to be inconsistent with the findings, conclusions, and decision of the town to preliminarily approve the binding site plan;
2. The modification will not cause the binding site plan to violate any applicable town policy or regulation;
3. The modification does not adversely impact public health and safety, the environment, or the delivery of services to the site;
4. The original intent of the approved preliminary binding site plan is not altered.

C. Modifications to a previously approved preliminary binding site plan for commercial or industrial development that exceeds the criteria above shall be processed as a new application. [Ord. 398 § 1 (Exh. A), 2001.]

**16.24.100 Binding site plan amendment – Commercial or industrial development.**

A. Once a binding site plan for commercial or industrial development has been recorded with the Douglas County auditor, it can be amended. The amended binding site plan for commercial or industrial development must comply with all of the procedures and requirements of this chapter; however, a new survey shall not be required except for new lines created by the amended binding site plan for commercial or industrial development.

B. The title of the altered binding site plan for commercial or industrial development shall be "Short Subdivision No. \_\_\_\_\_ Amending Short Subdivision No. \_\_\_\_\_."

C. Minor errors not involving a change in lines may be corrected by the survey or upon approval of the administrator by recording an affidavit with the Douglas County auditor specifically referencing the short plat by number and the correction. [Ord. 398 § 1 (Exh. A), 2001.]

**16.24.110 Vacating a binding site plan.**

Binding site plans may be vacated subject to the following provisions:

A. Prior to issuance of any building or other site development permits, including but not limited to clearing and grading permits, a binding site plan may be vacated as a whole only. Vacating a binding site plan releases

all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated with the submission of a letter of intent to vacate the binding site plan to the town. The letter shall become binding upon its acceptance by the administrator. If the binding site plan has been recorded with the Douglas County auditor, notice of the vacation shall be recorded on forms acceptable to the Douglas County auditor.

B. After issuance of any building or other site development permits, including but not limited to clearing and grading permits, the process for vacation of all or part of a binding site plan is identical to the process for initial binding site plan approval. [Ord. 398 § 1 (Exh. A), 2001.]

## Chapter 16.28

### FINAL PLATS

Sections:

- 16.28.010 Preparation of a final plat.
- 16.28.020 Accompanying documents.
- 16.28.030 Final approval – Short subdivisions and binding site plans.
- 16.28.040 Final approval – Major subdivisions.
- 16.28.050 Time limitation on final plat submittal.
- 16.28.060 Effect of final approval.
- 16.28.070 Final plat filing and distribution.
- 16.28.080 Transfer of ownership.
- 16.28.090 Building and occupancy permits.

#### **16.28.010 Preparation of a final plat.**

The final plat depicting a major subdivision, short subdivision or binding site plan shall be prepared in accordance with the provisions of MMC 16.16.030, Application requirements, and the following additional requirements:

- A. The final plat shall be submitted as a reproducible drawing prepared on mylar;
- B. A final plat shall contain the following information:
  - 1. The name of the land division;
  - 2. Legal description of the property being divided;
  - 3. Numeric scale, graphic scale, true north point and date of preparation of the final plat;
  - 4. The lot lines of the land division, referenced to town (USC&GS) datum and based on an accurate traverse, with angular and linear dimensions and bearings;
  - 5. The exact location, width and name of all streets, alleys and other private and public ways within and adjacent to the land division;
  - 6. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
  - 7. True courses and distances to the nearest established street lines, or sections or quarter section corner monuments which shall accurately locate the land division;
  - 8. Section lines accurately tied to the lines of the plat by distances and courses;
  - 9. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
  - 10. All house address numbers as assigned by the town;
  - 11. Delineation of the building envelope of each lot;
  - 12. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
  - 13. The accurate location of each permanent control monument;
  - 14. All plat meander lines or reference lines along bodies of water shall be established as above, but not farther than 20 feet from the ordinary high water line of such body;
  - 15. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;
  - 16. Accurate outlines of any area to be reserved by deed covenant for common use of owners of property within the land division, together with the purposes of such reservation;
  - 17. Any restrictions or conditions on the lots, parcels or tracts within the land division, as required by the town or at the discretion of the property owner, including but not limited to critical area buffers;
  - 18. The auditor's file number of all documents and conveyances recorded with the Douglas County auditor associated with preliminary or final plat approval;
  - 19. The name and seal of the Washington State licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct

representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

20. A signed, notarized certification stating that the land division has been made with the free consent and in accordance with the desires of all persons with ownership and/or security interests in the property. If the land division includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the land being divided. The owner shall waive all claims against the town, on behalf of the owner and the owner’s successors and assigns, which may be occasioned by the establishment and/or construction of any streets, roads, storm drainage improvements or other improvements;

21. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the town as a condition of approval. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant;

22. Signature blocks for the appropriate certifications of the town clerk/treasurer, public works superintendent, and administrator, as follows:

TOWN CLERK/TREASURER’S CERTIFICATE: I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the Town, and that all special assessments on any property herein contained dedicated as streets, alleys, or for any other public use, have been duly paid, satisfied or discharged, this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_

Town Clerk/Treasurer

PUBLIC WORKS SUPERINTENDENT’S CERTIFICATE: I hereby certify to the best of my knowledge that this final plat is in compliance with the certificate of improvements issued pursuant to the \_\_\_\_\_ Municipal Code and is consistent with all applicable Town improvement standards and requirements in force on the date of preliminary plat approval, this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_

Public Works Superintendent

ADMINISTRATOR’S CERTIFICATE: I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, that this final plat is in substantial conformance with the preliminary plat approval and any conditions attached thereto, which preliminary plat was approved by the Town of \_\_\_\_\_ Administrator (for short subdivisions and binding site plants)/Hearing Examiner (for major subdivisions) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Administrator

23. A form for the approval of the Douglas County treasurer, as follows:

TREASURER’S APPROVAL:

All taxes one year in advance on all unimproved property in the subdivision, and any delinquent assessments for which the land within the subdivision may be liable, have been duly paid and satisfied or discharged. Examined and approved this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_

Douglas County Treasurer

24. A form for the certificate of the Douglas County auditor, as follows:

RECORDING CERTIFICATE:

Filed for record at the request of the Town of Mansfield this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
at \_\_\_\_\_ minutes past \_\_\_\_\_M., and recorded in Volume \_\_\_\_\_ of Plats, page \_\_\_\_\_  
Records of Douglas County, Washington.

Douglas County Recording Number \_\_\_\_\_.

\_\_\_\_\_

Douglas County Auditor

25. Any additional pertinent information as required at the discretion of the town.

C. All signatures or certifications appearing on a final plat shall be in reproducible black ink. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.020 Accompanying documents.**

The following documents and information shall accompany the final plat depicting a major subdivision, short subdivision or binding site plan:

A. In cases where any restrictive deed covenants or CC&Rs will apply to lots or parcels within a land division, a typewritten copy of such covenants, bearing all necessary signatures, shall be submitted along with the final plat. Where the recordation of specific deed restrictions or CC&R provisions have been required as a condition of preliminary approval, the director shall approve and sign the deed restriction or CC&Rs prior to final plat approval.

B. The final plat shall be accompanied by a current (within 30 days) title company certification of:

- 1. The legal description of the total parcel sought to be divided;
- 2. Those individuals or corporations holding an ownership interest and any security interest (such as deeds of trust or mortgages) or any other encumbrances affecting the title of said parcel. Such individuals or corporations shall sign and approve the final plat prior to final approval;
- 3. Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate;
- 4. Any easements or restrictions affecting the property to be divided with a description of purpose and referenced by the auditor’s file number and/or recording number; and
- 5. If lands are to be dedicated or conveyed to the town as part of the land division, an ALTA title policy may be required by the town.

C. All maintenance, performance and guarantee bonds or other guarantees as may be required by the town in accordance with this title and all applicable provisions of the MMC to guarantee the acceptability and/or performance of all public improvements. For all improvements allowed by the town to be constructed after final plat approval, reproducible as-built drawings, as determined by the town, shall be submitted within 15 days of completion of construction.

D. The final plat shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes, showing the original or reestablished corners, with the descriptions of the same, and the actual traverse showing error or closure and method of balancing. A sketch showing all distances, angles and calculations required to de-

termine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 10,000 feet.

E. The applicant shall provide the public works director with a computer disk containing a complete set of the final plat maps and as-built drawings on CADD© or other GIS-compatible software as acceptable to the public works director.

F. All documents submitted under this section shall contain the name of the land division and the name and address of the developer. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.28.030 Final approval – Short subdivisions and binding site plans.**

A. Requests for final approval for a final short subdivision or final binding site plan shall be submitted to the town within two years of the date of the preliminary short subdivision or preliminary binding site plan approval, and shall consist of an application to be made on forms provided by the department and the following items:

1. A final plat meeting the requirements of MMC 16.28.010;
2. The accompanying documents described in MMC 16.28.020; and
3. Applicable fees as established from time to time by the town council.

B. The short subdivision or binding site plan shall be given final approval by the administrator upon satisfaction of all of the conditions of preliminary approval and all requirements of this title and other applicable town rules, regulations, ordinances, policies and plans. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.28.040 Final approval – Major subdivisions.**

A. Requests for final approval of a preliminary major subdivision shall be submitted within five years of the date of the preliminary major subdivision approval, and shall consist of an application to be made on forms provided by the department and the following items:

1. A final plat meeting the requirements of MMC 16.28.010;
2. The accompanying documents described in MMC 16.28.020;
3. With the exception of the administrator's certificate and the recording certificate, the applicant shall obtain all signatures and certifications on the face of the plat in accordance with MMC 16.28.010; and
4. Applicable fees as established from time to time by the town council.

B. The administrator shall forward the request for final approval to the town council along with recommendations for approval or disapproval based on the following:

1. The adequacy of the proposed means of sewage disposal and water supply;
2. The compliance of the proposal with all terms of the preliminary approval granted;
3. The approval of the town engineer and public works superintendent.

C. The town council shall consider the request for final major subdivision approval as a regular agenda item at its next regular council meeting that occurs at least 14 calendar days after a request for final approval was received. The procedure for considering final approval shall be consistent with the council's rules of procedure and shall serve to provide argument and guidance for the council's decision; however, no new evidence or testimony shall be given. The town council shall approve the subdivision proposed for final approval upon finding that it conforms to all terms of the preliminary approval and that the subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and all local ordinances in place at the time of preliminary plat approval.

D. Upon approval of the final major subdivision, the town council shall authorize the administrator to sign and certify the final plat as provided for in MMC 16.28.010.

E. Pursuant to RCW 58.17.140, final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing thereof unless the applicant consents to an extension of such time period. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.050 Time limitation on final plat submittal.**

The original and two copies of a final plat for a short subdivision, binding site plan or major subdivision meeting all applicable requirements, including the conditions of preliminary approval, shall be submitted to the town within the time limits established below. No extensions shall be granted. A major subdivision, short subdivision or binding site plan that is granted preliminary approval but is not filed for final approval within the applicable time period shall be null and void. The town shall not be responsible for notifying the applicant of an impending preliminary plat expiration.

A. For short subdivisions and binding site plans, the preliminary approval shall expire unless the applicant submits a proposed final short subdivision or binding site plan in proper form for final approval within two years after preliminary approval.

B. For major subdivisions the preliminary approval shall expire unless the applicant submits a proposed final major subdivision in proper form for final approval within five years after preliminary approval. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.060 Effect of final approval.**

Any lots in a final major subdivision, short subdivision or binding site plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A land division shall be governed by the terms of the final approval, and by the statutes, ordinances and regulations in effect on the date of preliminary approval for a period of five years after final approval unless the town council finds that a change in conditions creates a serious threat to the public health or safety of residents within or outside the land division. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.070 Final plat filing and distribution.**

The administrator shall distribute the original and copies of the approved final land division as follows:

A. The original shall be taken by the town to the county auditor for filing, along with the appropriate filing/recording fee that is to be paid for by the applicant.

B. Prior to the issuance of any building or development permits for the site, one recorded reproducible copy shall be transmitted to the town. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.080 Transfer of ownership.**

Whenever any parcel of land lying within the town is divided under the provisions of this chapter, no person, firm, or corporation shall sell or transfer any such lot, tract, or parcel without having first received final approval of the land division, and having recorded the final plat depicting the approved major subdivision, short subdivision or binding site plan with the Douglas County auditor. It is the responsibility of the applicant to ensure that the final plat has been fully certified and filed for record with the Douglas County auditor prior to transferring ownership of any land. [Ord. 398 § 1 (Exh. A), 2001.]

**16.28.090 Building and occupancy permits.**

A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved land division prior to a determination by the fire chief or designee that adequate fire protection and access for construction needs exist.

B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved land division until the applicant complies with all requirements of the final approval.

C. No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved land division prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the public works superintendent and the administrator. [Ord. 398 § 1 (Exh. A), 2001.]

**Chapter 16.32****BOUNDARY LINE ADJUSTMENTS**

## Sections:

- 16.32.010 Purpose.
- 16.32.020 Scope.
- 16.32.030 Application submittal and contents.
- 16.32.040 Review process.
- 16.32.050 Approval criteria.
- 16.32.060 Recording.

**16.32.010 Purpose.**

The purpose of this chapter is to clearly delineate the criteria used by the town of \_\_\_\_ to review boundary or lot line adjustments. Boundary line adjustments provide a procedure for minor or insignificant changes in property lines. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the subdivision requirements set forth in this title. [Ord. 398 § 1 (Exh. A), 2001.]

**16.32.020 Scope.**

A. The following actions shall be governed by the provisions of this chapter, provided the adjustment is consistent with all applicable zoning, health, building, or similar regulations:

1. Minor boundary changes between two adjoining, previously platted lots/parcels;
2. To correct a controversy regarding the location of a lot line;
3. To remedy property use constraints caused by adverse topographical features; or
4. To permanently consolidate adjoining, previously platted lots under single ownership that results in no more than a total of two parcels. Where additional previously platted lots under the same ownership remain, adjacent to the two parcels created, no additional parcels shall be created within a five-year period unless said lots are considered, reviewed and approved through the plat alteration, major subdivision or short subdivision provisions of this title, as applicable.

B. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable town of Mansfield land use codes and regulations, or to actions requiring the replat, amendment, alteration, or vacation of an approved final land division. When permanently consolidating previously platted lots under single ownership into three or more lots, or when permanently consolidating previously platted lots that are under different ownerships, regardless of the number of resulting parcels, the provisions of the plat alteration, major subdivision or short subdivision provisions of this title shall apply, as applicable. [Ord. 398 § 1 (Exh. A), 2001.]

**16.32.030 Application submittal and contents.**

Applications for boundary line adjustments shall be made on forms provided by the town and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by the town's "development permit procedures and administration" ordinance, the following information shall be submitted:

- A. The original legal description(s) of the entire property(ies) together with new, separate legal descriptions for each parcel, labeling them specifically as parcel A, parcel B, etc.;
- B. All parcel numbers of affected lots;
- C. The location of the property as to quarter/quarter section;
- D. The existing zoning district(s) within which each parcel is situated;
- E. Three copies of a clean and legible drawing suitable for recording showing the following:
  1. The proposed lines for all affected lots, indicated by bold solid lines;

2. The existing lot lines proposed to be changed, indicated by light broken lines;
  3. All boundary lines shall be referenced with proper bearings and distances;
  4. The location and dimensions of all structures/improvements existing upon the affected lots, including any existing on-site septic systems, and the distance between each such structure/improvement and the proposed lot/boundary lines, with structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;
  5. A north arrow and scale;
  6. The location and dimensions of any easements within or adjacent to any affected lots;
  7. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;
  8. The area and dimensions of each existing lot and for each adjusted lot following the proposed adjustment;
  9. The location of all existing and proposed water, sewer and storm drainage facilities;
- F. For proposals including complex drawings or property descriptions, the town may require the drawing be done by a licensed land surveyor, in which case the surveyor's certificate and all certificates and other information as may be required shall be included;
- G. The drawing shall be attached to or shall include on the face of it, a formal legal declaration of the boundary line adjustment, signed and notarized by all legal owners of the subject properties;
- H. A title certificate consisting of a report showing all encumbrances on the property and all parties having any full or partial interest(s) in the property to be subdivided including their address and telephone number;
- I. A copy of any CC&Rs, deed restrictions or planned unit development agreements pertaining to or affecting the property; and
- J. Any other information as deemed necessary to clarify or complete the application shall be included.
- [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.32.040 Review process.**

- A. Applications for a binding site plan shall be processed according to the procedures set forth in the town's "development permit procedures and administration" ordinance for "limited administrative review."
- B. Based on comments from the public works superintendent, public health official, Douglas County assessor and other applicable agencies and departments, the administrator shall approve the proposed boundary line adjustment only upon finding that the standards of MMC 16.32.050 have been satisfied. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.32.050 Approval criteria.**

In reviewing any boundary line adjustment, the administrator shall determine that all of the criteria stated below are met. If the administrator finds that any of the criteria are not met during the boundary line adjustment review, he/she shall deny the boundary line adjustment application and inform the applicant of the applicable review process.

- A. The boundary line adjustment does not create any additional building site, lot, tract, parcel, or division;
- B. The boundary line adjustment does not result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the town's zoning and land use codes and regulations, and state and local health codes and regulations;
- C. The boundary line adjustment results in conformance with setback and density limitations in accordance with the requirements of the town's zoning and land use regulations;
- D. The boundary line adjustment does not diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles or pedestrians, utilities, and fire protection for any lot, tract, parcel, site, or division;
- E. The boundary line adjustment does not diminish or impair any public or private utility easement or deprive any parcel of access or utilities;

F. The boundary line adjustment does not create unreasonably restrictive or hazardous access to the property;

G. The boundary line adjustment does not increase the nonconforming aspects of an existing nonconforming lot relative to the town's zoning and land use regulations;

H. The boundary line adjustment does not replat or vacate a land subdivision, or revise or amend the conditions of approval of any land division; and

I. The boundary line adjustment does not amend the conditions of approval for previously platted property. [Ord. 398 § 1 (Exh. A), 2001.]

**16.32.060 Recording.**

A. Upon taking action on the application, the administrator shall notify the applicant. If the boundary line adjustment is approved, the applicant shall then record with the Douglas County auditor the certificate or document issued by the town indicating approval of the boundary line adjustment, together with the legal document(s) transferring title, any applicable restrictive covenants, and the survey, if one was required and has not yet been recorded.

B. If the final documents are not recorded within 90 days of the notice of approval, the boundary line adjustment shall automatically become null and void.

C. A boundary line adjustment does not become effective until the applicant has recorded the documents required for recording with the Douglas County auditor. The original recorded documents shall be returned to the town, and it must bear the county auditor's stamp to verify recording. No building or other site development permits shall be acted upon until the recorded document(s) has been returned to town. [Ord. 398 § 1 (Exh. A), 2001.]

## Chapter 16.36

### PLAT ALTERATIONS

Sections:

- 16.36.010 Purpose.
- 16.36.020 Scope.
- 16.36.030 Application submittal and contents.
- 16.36.040 Review process.
- 16.36.050 Approval criteria.
- 16.36.060 Recording.

**16.36.010 Purpose.**

The purpose of this chapter is to regulate the alteration of an existing land division or any portion thereof, except as provided for in Chapter 16.32 MMC, Boundary Line Adjustments. The procedures regulating plat alterations are established to promote orderly and efficient redivision of land on a small scale and to comply with the provisions of Chapter 58.17 RCW and all applicable comprehensive plan provisions and zoning and land use codes and ordinances as adopted by the town of Mansfield. [Ord. 398 § 1 (Exh. A), 2001.]

**16.36.020 Scope.**

A. The following actions shall be plat alterations, as provided for under this chapter, provided the action is proposed only where the subject property is wholly contained within a single, existing short subdivision or major subdivision, and where there is no increase in the total number of lots contained within the existing land division:

1. Any alteration, reorientation and/or reconfiguration of existing platted lots, except as provided for in Chapter 16.32 MMC, Boundary Line Adjustments;
2. To permanently consolidate previously platted lots under single ownership into three or more lots, provided the subject property is wholly contained within a single, existing short subdivision or major subdivision;
3. To permanently consolidate previously platted lots under single ownership where two parcels have already been created within the last five years.

B. Any questions as to the applicability of this chapter shall be resolved in favor of utilizing the short subdivision or major subdivision process as opposed to using the process outlined herein. [Ord. 398 § 1 (Exh. A), 2001.]

**16.36.030 Application submittal and contents.**

Applications for plat alterations shall be made on forms provided by the town and shall be signed by the property owner. To be considered a complete application, in addition to the applicable fee and the information required by the town's "development permit procedures and administration" ordinance, the following information shall be submitted:

- A. The legal description(s) of the entire property together with an indication of those parcels affected by the proposed alteration;
- B. All parcel numbers of affected lots;
- C. The location of the property as to quarter/quarter section;
- D. The existing zoning district(s) within which each parcel is situated;
- E. Five copies of a legible, scaled drawing showing the following:
  1. The proposed lines for all affected lots, indicated by bold solid lines;
  2. The existing lot lines proposed to be changed, indicated by light broken lines;
  3. All boundary lines shall be referenced with proper bearings and distances;

4. The location and dimensions of all structures/improvements existing upon the affected lots, including any existing on-site septic systems, and the distance between each such structure/improvement and the proposed lot/boundary lines, with structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

5. A north arrow and scale;

6. The location and dimensions of any easements within or adjacent to any affected lots;

7. The location, right-of-way widths, pavement widths and names of all existing or platted streets, whether public or private, and other public ways within or adjacent to the affected lots;

8. The area and dimensions of each lot following the proposed adjustment;

9. The location of all existing and proposed water, sewer and storm drainage facilities;

F. For proposals including complex drawings or property descriptions, the director may require the drawing be done by a licensed land surveyor, in which case the surveyor's certificate and all certificates and other information as may be required shall be included;

G. The notarized signatures of a majority of those persons having ownership interest of lots, tracts, parcels, sites or divisions in the subject land division or portion to be altered;

H. If the land division is subject to restrictive covenants which were filed in conjunction with the land division, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants; provided, that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the land division or portion thereof; and

I. Any other information as deemed necessary to clarify or complete the application shall be included. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.36.040 Review process.**

A. Applications for a plat alteration shall be processed according to the procedures set forth in the town's "development permit procedures and administration" ordinance for "quasi-judicial review."

B. The administrator shall solicit comments on the proposed plat alteration from the public works superintendent, fire chief or designee, local utility providers, police chief, building official/inspector, school district, adjacent jurisdictions, if the proposal is within one mile of another town or jurisdiction, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.

C. Based on comments from town departments and applicable agencies and other information, the hearing examiner shall review the application subject to the criteria of MMC 16.16.060. A proposed plat alteration shall only be approved when consistent with all applicable provisions of the town's rules, regulations, ordinances, policies and plans. [Ord. 398 § 1 (Exh. A), 2001.]

#### **16.36.050 Approval criteria.**

A. The criteria described in MMC 16.16.060, Approval criteria, are the minimum measures by which all proposed plat alterations will be considered. Proposed plat alterations shall be given approval, including approval subject to conditions, upon written finding by the hearing examiner, pursuant to the "development permit procedures and administration" ordinance, that all of the items in MMC 16.16.060 have been satisfied, including the requirements for public improvements, and that the public use and interest in the proposed plat alteration are served.

B. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 58.17.120 as now adopted and hereafter amended, a proposed plat alteration may be denied because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. Where any portion of the proposed plat alteration lies within a flood control zone, as specified by Chapter 86.16 RCW, the town shall not approve the plat alteration without prior written approval of the Washington Department of Ecology. In such cases, no de-

velopment permit associated with the proposed plat alteration shall be issued by the town until flood control problems have been resolved.

C. Notwithstanding approval criteria set forth in subsection A of this section, in accordance with RCW 36.70A.070(6)(b) as now adopted and hereafter amended, a proposed plat alteration shall be denied if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. [Ord. 398 § 1 (Exh. A), 2001.]

**16.36.060 Recording.**

A. When conditions of approval of a proposed plat alteration include public improvements, said improvement shall be in place or bonded for as provided in the town's development standards code.

B. After approval of the alteration, the applicant shall submit a revised drawing on stable base mylar or equivalent material, stamped by a licensed surveyor, which complies with the applicable portions of MMC 16.28.010 and 16.28.020.

C. The approved, original drawing shall be taken by the town to the county auditor for filing, along with the appropriate filing/recording fee that is to be paid for by the applicant.

D. If the final documents are not submitted to the town for recording pursuant to this chapter within one year of the notice of approval, the plat alteration shall automatically become null and void. No extensions shall be granted. The town shall not be responsible for notifying the applicant of an impending plat alteration expiration.

E. A plat alteration does not become effective until it has been recorded with the county auditor, and no building or other site development permits shall be acted upon until the recorded plat has been returned to the town. [Ord. 398 § 1 (Exh. A), 2001.]

**Title 17**

**ENVIRONMENT**

**Chapters:**

**17.05 Resource Lands and Critical Areas**

**17.10 State Environmental Policy Act Implementation**



**Chapter 17.05****RESOURCE LANDS AND CRITICAL AREAS**

Sections:

17.05.010 Resource lands and critical areas policy plan adopted.

**17.05.010 Resource lands and critical areas policy plan adopted.**

The document entitled town of Mansfield resource lands and critical areas policy plan, which is attached to the ordinance codified in this chapter and marked as “Exhibit A” and by this reference made a part herein as if set forth in full, is hereby adopted. [Ord. 339 § 1, 1992.]

**Chapter 17.10**

**STATE ENVIRONMENTAL POLICY ACT IMPLEMENTATION**

Sections:

Article I. General Provisions – Initiation of Process

- 17.10.010 Authority.
- 17.10.020 Purpose and adoptions by reference.
- 17.10.030 Definitions.
- 17.10.040 Designation of responsible official.
- 17.10.050 Lead agency determination and responsibilities.
- 17.10.060 Additional timing considerations.
- 17.10.070 Agency compliance.
- 17.10.080 Fees.
- 17.10.090 Forms.

Article II. Categorical Exemptions and Threshold Determination

- 17.10.100 Purpose and adoptions by reference.
- 17.10.110 Flexible thresholds for categorical determinations.
- 17.10.120 Use of exemptions.
- 17.10.130 Categorical exemptions - General.
- 17.10.140 Environmental checklist.
- 17.10.150 Mitigated DNS.

Article III. EIS Preparation

- 17.10.160 Purpose and adoptions by reference.
- 17.10.170 Who shall prepare.
- 17.10.180 Using existing documents.

Article IV. Commenting

- 17.10.190 Purpose and adoptions by reference.
- 17.10.200 Public notice.
- 17.10.210 Responsibility for consulted agency duties.

Article V. Decisions

- 17.10.220 Purpose and adoptions by reference.
- 17.10.230 Provisions are supplemental.
- 17.10.240 Conditions.
- 17.10.250 Denials.
- 17.10.260 Policies guiding decisionmaking.
- 17.10.270 Appeals.
- 17.10.280 Notice of actions – Statute of limitations.

**Article I. General Provisions – Initiation of Process****17.10.010 Authority.**

The town adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This chapter contains the town's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter. [Ord. 385 Art. I, § 1, 1999.]

**17.10.020 Purpose and adoptions by reference.**

This article contains the basic requirements that apply to the SEPA process. The town adopts the following sections of Chapter 197-11 WAC by reference:

- 197-11-040 Definitions.
- 197-11-050 Lead Agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-158 GMA project review – Reliance on existing plans and regulations.
- 197-11-210 SEPA/GMA integration.
- 197-11-220 SEPA/GMA definitions.
- 197-11-228 Overall SEPA/GMA integration procedures.
- 197-11-230 Timing of an integrated GMA/SEPA process.
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
- 197-11-235 Documents.
- 197-11-238 Monitoring.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions. [Ord. 385 Art. I, § 2, 1999.]

**17.10.030 Definitions.**

A. Adopted by Reference. This subsection contains uniform usage and definitions of terms under SEPA. The town adopts the following WAC sections by reference, as supplemented by WAC 197-806-040:

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.

197-11-722 Consolidated appeal.  
 197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decision maker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).  
 197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
 197-11-776 Phased review.  
 197-11-778 Preparation.  
 197-11-780 Private project.  
 197-11-782 Probable.  
 197-11-784 Proposal.  
 197-11-786 Reasonable alternative.  
 197-11-788 Responsible official.  
 197-11-790 SEPA.  
 197-11-792 Scope.  
 197-11-794 Significant.  
 197-11-796 State agency.  
 197-11-797 Threshold determination.  
 197-11-799 Underlying governmental action.

B. Additional Definitions. In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

“Department” means any division, subdivision or organizational unit of the town established by ordinance, rule or order.

“Early notice” means the town’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance (DNS) procedures).

“Ordinance” means the ordinance, resolution or other procedures used by the town to adopt regulatory requirements.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology. [Ord. 385 Art. I, § 3, 1999.]

**17.10.040 Designation of responsible official.**

A. For public proposals initiated by the town, and for private proposals, the mayor shall be the responsible official.

B. For all proposals for which the town is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement, and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that are adopted by reference in MMC 17.10.020. [Ord. 385 Art. I, § 4, 1999.]

**17.10.050 Lead agency determination and responsibilities.**

A. The town, after receiving an application for or initiating a proposal that involves a nonexempt action, shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the town is aware that another agency is in the process of determining the lead agency.

B. When the town is the lead agency for a proposal, the mayor shall be the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise the preparation of the EIS.

C. When the town is not the lead agency for a proposal, the town shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on this proposal. The town shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the town may conduct supplemental environmental review under WAC 197-11-600.

D. If the town receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 calendar days of receipt of the determination, or the town must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the town shall be initiated by the mayor.

E. The town is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official approves the agreement.

F. The town, as lead agency for a private project, shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

G. The town shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW. [Ord. 385 Art. I, § 5, 1999.]

**17.10.060 Additional timing considerations.**

For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the town’s staff recommendation to any appropriate review authority, such as the planning commission, town council or hearing examiner. [Ord. 385 Art. I, § 6, 1999.]

**17.10.070 Agency compliance.**

This chapter contains the rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The town adopts the following WAC sections by reference:

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agencies for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agency for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status. [Ord. 385 Art. I, § 7, 1999.]

#### **17.10.080 Fees.**

The town shall require the following fees for its activities in accordance with the provisions of this chapter:

A. **Threshold Determination.** For every environmental checklist the town will review when it is lead agency, the town shall collect a fee from the proponent of the proposal 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. When the threshold determination requires a public notice of a DNS or DS, an additional fee shall be collected from the proponent. For each additional public notice required under this chapter or under Chapter 197-11 WAC, the town shall collect an additional fee from the proponent. Fees shall be established by resolution of the town council.

B. **Environmental Impact Statement.**

1. 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(s) 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. Fees shall be established by resolution of the town council.

2. 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 persons or entities other than the town. The consultant shall bill such costs and expenses directly to the applicant. The applicant shall post bond or otherwise ensure payment of such costs. Such consultants shall be approved by the responsible official and shall be selected by mutual agreement of the town and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection A or B of this section which remain after incurred costs are paid.

C. **Consulted Agency.** The town shall not collect a fee for performing its duties as a consulted agency unless authorized in an agreement with the lead agency.

D. **Copies.** The town may charge any person or agency for copies of any documents prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. [Ord. 385 Art. I, § 8, 1999.]

#### **17.10.090 Forms.**

The town adopts the following forms and sections by reference:

- 197-11-960 Environmental checklist.

- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action. [Ord. 385 Art. I, § 9, 1999.]

## **Article II. Categorical Exemptions and Threshold Determination**

### **17.10.100 Purpose and adoptions by reference.**

This article contains the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an environmental impact statement (EIS) to be prepared. This article also contains rules for evaluating the impacts of proposals not requiring an EIS. The town adopts the following WAC sections by reference, as supplemented in this chapter:

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination. [Ord. 385 Art. II, § 1, 1999.]

### **17.10.110 Flexible thresholds for categorical determinations.**

A. The town establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

1. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to four dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 10,000 square feet;
3. For office, school, commercial, recreational service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 4,000 square feet and up to 20 parking spaces;
4. For parking lots in WAC 197-11-800(1)(b)(iv): up to 20 parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v): up to 100 cubic yards.

B. Whenever the town establishes new exempt levels under this chapter, it shall send them to the Department of Ecology under WAC 197-11-800(1)(c). [Ord. 385 Art. II, § 2, 1999.]

### **17.10.120 Use of exemptions.**

A. The town, after receiving an application for a proposed action or in the case of town initiated proposals, shall determine whether the proposed action and/or the proposal is exempt. The town’s determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The town shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the town shall make certain the proposal is properly defined and shall identify the governmental approvals required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the town shall determine the lead agency, even if the proposed action that triggers the town’s consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the town may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The town shall not give authorization prior to compliance for:

- a. Any nonexempt action;
  - b. Any action that would have an adverse environmental impact; or
  - c. Any action that would limit the choice of reasonable alternatives.
2. The town may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose until the nonexempt action(s) were approved; and
3. The town may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. [Ord. 385 Art. II, § 3, 1999.]

#### **17.10.130 Categorical exemptions - General.**

The town adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including MMC 17.10.110 and 17.10.120:

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions. [Ord. 385 Art. II, § 4, 1999.]

#### **17.10.140 Environmental checklist.**

A. Except as provided in subsection C of this section, a completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a proposed action, permit, license, certificate or other approval not specifically exempted in this chapter; except, that a checklist is not needed if the town and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The town shall use the environmental checklist to determine the lead agency and, if the town is the lead agency, for making the threshold determination.

B. For private proposals, the town will require the applicant to complete the environmental checklist. For town proposals, the town shall complete the environmental checklist for that proposal.

C. For projects submitted as planned actions under WAC 197-11-164, the town shall use its existing environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as a part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a modified checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use. [Ord. 385 Art. II, § 5, 1999.]

#### **17.10.150 Mitigated DNS.**

A. As provided in this article and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarification of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow or be concurrent with the submission of an application and environmental checklist for a nonexempt proposal for which the town is lead agency; and
2. Precede the town's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 10 working days. The response shall:

1. Be written;
2. State whether the town currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the town to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the town shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days after receiving the changed or clarified proposal:

1. If the town indicated all specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the town may issue and circulate a DNS under WAC 197-11-340(2) if all necessary mitigation measures have been identified.

2. If the town indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the town shall make a threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" or reference to specific codes and laws are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. A mitigated DNS is issued under either WAC 197-11-340(2), requiring a 14-day comment period and public notice, or WAC 197-11-355(5), which may require no additional comment period beyond the comment period on the notice of application.

F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the town.

G. The town's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the town to consider the clarifications or changes in its threshold determination. [Ord. 385 Art. II, § 6, 1999.]

### **Article III. EIS Preparation**

#### **17.10.160 Purpose and adoptions by reference.**

This article contains the rules for preparing environmental impact statements. The town adopts the following WAC sections by reference, as supplemented by this article:

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS timing.

197-11-408 Scoping.

197-11-410 Expanded scoping (Optional).

197-11-420 EIS preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 EIS contents on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other considerations.

197-11-450 Cost-benefit analysis.

197-11-455 Issuance of draft EIS.

197-11-460 Issuance of final EIS. [Ord. 385 Art. III, § 1, 1999.]

**17.10.170 Who shall prepare.**

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the responsible official. Before the town issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by town staff, the applicant if approved by the responsible official, or by consultants approved by the responsible official and selected by the town and the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the town will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the town's procedure for EIS preparation, billing procedures, financial arrangements for the consultant, and shall include approval process clarification for the DEIS and FEIS prior to distribution.

C. The town may require an applicant to provide information the town does not possess, including specific investigations which will aid the decision making process. This may include information the town may request under another ordinance or statute. [Ord. 385 Art. III, § 2, 1999.]

**17.10.180 Using existing documents.**

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the town's own environmental compliance. The town adopts the following WAC sections by reference:

197-11-164 Planned actions – Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.

197-11-172 Planned actions – Project review.

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental Environmental Impact Statement – Procedures.

197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.

197-11-635 Incorporation by reference – Procedures.

197-11-640 Combining documents. [Ord. 385 Art. III, § 3, 1999.]

**Article IV. Commenting****17.10.190 Purpose and adoptions by reference.**

This article contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The town adopts the following WAC sections by reference, as supplemented in this article:

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-510 Public notice.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency cost to assist lead agency. [Ord. 385 Art. IV, § 1, 1999.]

**17.10.200 Public notice.**

A. Whenever possible, the town shall integrate the public notice required under this section with existing notice procedures for the town's nonexempt permit(s) or approval(s) required for the proposal.

B. Whenever the town issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the town shall give public notice as follows:

1. If a SEPA document is issued concurrently with the notice of application, the public notice requirements for the notice of application will suffice to meet the SEPA public notice requirements.

2. If no public notice is otherwise required for the permit or approval, the town shall give notice of the DNS or DS by at least one of the following methods as determined by the responsible official:

- a. Publication in the official legal newspaper of the town;
- b. Posting the property for site-specific proposals;
- c. Posting notice on a public notice bulletin board or in a public notice register in Town Hall;
- d. Publishing notice in a newspaper of general circulation in the general area where the proposal is located;
- e. Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered;
- f. Notifying the news media;
- g. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- h. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (either general lists or lists for specific proposals for subject areas).

3. Whenever the town issues a DS under WAC 197-11-360(3), the town shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

C. If a DNS is issued using the optional DNS process, the public notice requirements for the notice of application as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements.

D. Whenever the town issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt action; and at least one of the following methods as determined by the responsible official:

- a. Publication in the official legal newspaper of the town;
- b. Posting the property, for site-specific proposals;
- c. Publishing notice in a newspaper of general circulation in the general area where the proposal is located;
- d. Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered;
- e. Notifying the news media;
- f. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
- g. Publishing notice in agency newsletters and/or sending notice to agency mailing lists (general lists or specific lists for proposals or subject areas);

2. The town may require an applicant to complete the public notice requirements for the applicant's proposal at applicant's expense. Affidavit(s) of fulfilling public notice requirements shall be submitted to the responsible official by the applicant. [Ord. 385 Art. IV, § 2, 1999.]

#### **17.10.210 Responsibility for consulted agency duties.**

A. The responsible official shall be responsible for preparation of written comments for the town and responds to consultation requests prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The responsible official shall be responsible for the town's compliance with WAC 197-11-550 whenever the town is a consulted agency and is authorized to develop operating procedures that will ensure the responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the town. [Ord. 385 Art. IV, § 3, 1999.]

## Article V. Decisions

### 17.10.220 Purpose and adoptions by reference.

This article contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations. The town adopts the following WAC sections by reference:

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation. [Ord. 385 Art. V, § 1, 1999.]

### 17.10.230 Provisions are supplemental.

The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the town. [Ord. 385 Art. V, § 2, 1999.]

### 17.10.240 Conditions.

The town may attach conditions to a permit or approval for a proposal so long as:

A. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

B. Such conditions are in writing; and

C. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

D. The town has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

E. Such conditions are based on one or more policies in MMC 17.10.260 and cited in the notice of action, license or other decision document. [Ord. 385 Art. V, § 3, 1999.]

### 17.10.250 Denials.

The town may deny a permit or approval for a proposal on the basis of SEPA so long as:

A. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

B. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

C. The denial is based on one or more policies identified in MMC 17.10.260 and identified in writing in the decision document. [Ord. 385 Art. V, § 4, 1999.]

### 17.10.260 Policies guiding decisionmaking.

The town designates and adopts by reference the following policies as the basis for the town's exercise of authority pursuant to this section:

A. The town shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

2. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

4. Preserve important historic, cultural and natural aspects of our national heritage;

5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

B. The town recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

C. The town adopts by reference the goals, policies and purposes in the following town documents, as they now exist or may be hereafter amended:

1. Mansfield zoning regulations and subdivision regulations;
2. Douglas County regional policy plan;
3. Mansfield comprehensive plan, including:
  - a. Transportation element;
  - b. Capital facilities plan;
4. Douglas County resource lands and critical areas policy plan;
5. Douglas County wellhead protection plan;
6. Douglas County comprehensive plan. [Ord. 385 Art. V, § 5, 1999.]

**17.10.270 Appeals.**

An appeal of environmental determinations made or lacking under SEPA or this chapter shall be filed pursuant to MMC 18.85.210. [Ord. 385 Art. V, § 6, 1999.]

**17.10.280 Notice of actions – Statute of limitations.**

A. The town, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published at the expense of the applicant by the responsible official, applicant or proponent pursuant to RCW 43.21C.080. [Ord. 385 Art. V, § 7, 1999.]

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**Title 18**

**ZONING**

**Chapters:**

<b>18.05</b>	<b>General Provisions</b>
<b>18.10</b>	<b>Definitions</b>
<b>18.15</b>	<b>Use Districts</b>
<b>18.20</b>	<b>R1 – Single-Family District</b>
<b>18.25</b>	<b>R2 – Multifamily District</b>
<b>18.30</b>	<b>CBD – Central Business District</b>
<b>18.35</b>	<b>P – Public District</b>
<b>18.40</b>	<b>I – Industrial District</b>
<b>18.45</b>	<b>Mixed Commercial/High Density Residential (MCR)</b>
<b>18.50</b>	<b>District Use Chart</b>
<b>18.55</b>	<b>General Use Regulations and Standards</b>
<b>18.60</b>	<b>Off-Street Parking Requirements</b>
<b>18.65</b>	<b>Conditional Use Permits</b>
<b>18.70</b>	<b>Nonconforming Uses and Structures</b>
<b>18.75</b>	<b>Enforcement</b>
<b>18.80</b>	<b>Variances</b>
<b>18.85</b>	<b>Development Permit Procedures and Administration</b>



**Chapter 18.05****GENERAL PROVISIONS**

## Sections:

- 18.05.010 Title.
- 18.05.020 Purpose.
- 18.05.030 Authority.
- 18.05.040 Compliance.
- 18.05.050 Scope.
- 18.05.060 Interpretation – Conflicting provisions.
- 18.05.070 Relationship to other regulations.
- 18.05.080 Severability.
- 18.05.090 Administration.

**18.05.010 Title.**

This chapter shall be known as the “Mansfield zoning code.” [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.020 Purpose.**

The general purposes of this code are to promote the public health, safety, general welfare and interest in the town by:

- A. Establishing a desirable pattern of land use that reflects the needs of the residents of the town;
- B. Insuring the efficient use of public investment in community facilities, roads and utilities;
- C. Providing clear and stable guidelines for public and private development;
- D. Providing flexible means to stimulate creativity while maintaining sufficient control to achieve the objectives of the town’s comprehensive plan;
- E. Establishing adequate building setbacks and regulations to insure adequate light, air and open space as well as preventing the spread of fire;
- F. Providing for residential, commercial, recreational and industrial sites that satisfy the needs of the residents of the town;
- G. Preventing and abating conditions considered by the town and its residents to be nuisances that degrade the value of property and quality of life;
- H. Furthering the goals and policies of the town’s comprehensive plan;
- I. Complying with the provisions of Chapter 35.63 RCW and the Growth Management Act, both as amended. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.030 Authority.**

The ordinance codified in this code is adopted pursuant to the provisions of Chapters 35.63 and 36.70A RCW, both as amended, which empower the town to enact a zoning ordinance and provide for its administration and amendment. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.040 Compliance.**

After the effective date of the ordinance codified in this code, no building or structure shall be erected, reconstructed, altered, or relocated; nor shall any building, structure, or premises be used for any purpose unless such action is in compliance with the provisions of this code. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.050 Scope.**

This code shall apply to all lands located within the town of Mansfield to the extent authorized under the Constitution and laws of the state of Washington and of the United States. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.060 Interpretation – Conflicting provisions.**

The provisions of this code shall be held to constitute the minimum requirements for the protection of the public health, safety and welfare of the people of the town of Mansfield. It is not the intent of this code to interfere with, abrogate or annul any private easement, covenant or other agreement between parties; provided, that where this code or other official codes or ordinances impose greater restriction upon the use of land or buildings, or requires a larger space than is imposed or required by said private codes, the provisions of the official codes shall control. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.070 Relationship to other regulations.**

Other official ordinances, regulations and plans have a direct impact on the development of land in the town. These include, but are not necessarily limited to, the Mansfield urban area comprehensive plan, capital facilities plan, subdivision ordinance, environmental (critical areas) ordinance, the Uniform Building Code, and other ordinances, regulations and plans of other agencies. The number and type of such ordinances may vary over time. Wherever provisions of these or other official regulations overlap or conflict with provisions of this zoning code, the more restrictive provisions, to the extent lawful, shall govern, and the zoning code provisions will be met as a minimum. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.080 Severability.**

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid by any reason by a court of competent authority, such decision shall not affect the validity of the remaining portion of this code. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.05.090 Administration.**

The mayor or his/her designee shall have the authority and duty to administer the provisions of this code. The mayor or his/her designee may adopt, and revise as required, such instructions, policies and forms as are necessary to carry out the provisions of this code. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.10****DEFINITIONS**

Sections:

18.10.010 Definitions generally.

18.10.020 Definitions.

**18.10.010 Definitions generally.**

For the purpose of this code, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined. The word “shall” is always mandatory, words in present tense include the future, the singular includes the plural, and plural includes the singular. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.10.020 Definitions.**

“Accessory dwelling” is a separate living unit (apartment) integrated within a single-family dwelling, or one located as a detached accessory dwelling located on the same lot as a single-family dwelling.

“Accessory use” or “accessory building” means a use, structure, building, or portion of a building, devoted to an activity or use subordinate to the principal use of the premises, but located on the same lot as the principal use.

“Administrator” or “zoning administrator” means the mayor of the town of Mansfield or his/her designee.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four people with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six persons may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.110).

“Agriculture” means the tilling of soil, raising of crops and horticulture, except that vegetable gardens occupying less than 5,000 square feet and up to 10 fruit trees are exempt from this definition.

“Alley” means a public or private way or easement permanently reserved as a secondary means of access to abutting property, generally running down the middle of a block of lots not intended for general circulation.

“Animal shelter” means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild.

“Applicant” means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under town codes and ordinances.

“Application” means a request for any permit or approval required from the town for proposed development or action, including, without limitation, building permits, conditional uses, binding site plans, short subdivisions, major subdivisions, variances, site plan development permits, site plan reviews and site specific zoning district reclassifications.

“Automobile-oriented use” means any use of land which provides a service directly to a motor vehicle; or which provides goods or services to the occupants of a motor vehicle while seated therein; or which is a freestanding eating establishment characterized by over-the-counter service of preprepared or quickly prepared food which is ready to eat and packaged primarily for consumption in vehicles or off premises. For the purpose of this chapter, automobile-oriented uses shall include, but not be limited to, such uses as service stations, car washes, drive-in banks, drive-in laundries or dry cleaners, and free-standing drive-in or carry-out eating establishments. Automobile-oriented uses shall not be interpreted to include vehicle sale, rental and service establishments.

“Automobile wrecking yard” means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

”Bed and breakfast” means an owner-occupied single-family dwelling in which not more than three bedrooms for not more than six guests total are rented for money or other consideration to the traveling public. Only one meal, breakfast, may be served at a bed and breakfast.

”Boarding house,” ”lodging house” or ”rooming house” means a dwelling unit having only one kitchen, and used for the lodging (with or without meals) (permanent or semi-permanent) for compensation, of at least two but not more than five persons in addition to the related family members or operator of such dwelling unit.

”Buildable area” means that portion of the land that remains on a lot after the minimum open space requirements (coverage, yards, and setbacks) have been excluded from the building site.

”Building” means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

”Building coverage” means the amount of land covered, occupied or permitted to be covered/occupied by a building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation.

”Building height” means the vertical distance measured from the average elevation of the native grade adjacent to the building foundation, to the highest point of the roof, excluding chimneys, antennas, and other secondary roof structures.

”Building line” means a line, fixed parallel to the lot line, beyond which a building cannot extend.

”Bus stop” means a facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses.

”Bus terminal” means a facility used for the storage and service of buses.

”Comprehensive plan” means the urban area comprehensive land use plan of the town of Mansfield.

”Conditional use” means certain uses which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons, may be allowed in certain use districts only by the granting of a conditional use permit as described in this chapter.

”Congregate care home” means any home or other institution which is advertised, announced or maintained for the express or implied purpose of providing lodging, meal service or personal care for three or more elderly and/or people with functional disabilities, not related by blood or marriage to the operator, whether or not they receive public assistance. Such facilities shall be licensed by the state and shall include congregate care facilities that are facilities operated under contract with the state.

”Convalescent center” or ”nursing home” means a facility other than a home used to house and provide nursing, dietary and other personal services for the elderly and people with functional disabilities.

”County” means Douglas County.

”Day care center” means a person or agency that provides care for 13 or more children during part of the 24-hour day. For the purposes of this code a day care center may include preschool activity.

Day Care Center, Mini. ”Mini day care center” means a person or agency providing care during part of the 24-hour day to 12 or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through 12 children in the family abode of such person or persons. For the purposes of this code a mini day care center may include preschool activity.

Day Care, Family Home. ”Family home day care” means a person regularly providing care during part of the 24-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed. For the purposes of this code a day care home may include preschool activity.

”Density” means the average number of dwelling units per acre.

”Developer” means any person, corporation, government agency, partnership or other entity that makes application for a proposal, permit, approval or action governed by the codes and ordinances of the town.

”Development” means any manmade use or change to improved or unimproved real estate, including, without limitation, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of

any buildings or any other structures; mining, filling, stockpiling; excavation and grading; and divisions of land.

“Drive-in use” means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in a motor vehicle, that provides for the ordering and pick-up of food from the window of a vehicle.

“Duplex” means a single structure containing two dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of multi-story building, by common ceiling and floor.

“Dwelling” means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple-family or apartment dwellings and manufactured homes, as defined herein.

“Dwelling, multifamily” means a building containing more than two individual dwelling units. (Also, see definition for “Multifamily.”)

Dwelling, Single-Family. “Single-family dwelling” means a detached building containing one dwelling unit.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation.

“Engineer” means an individual licensed as a civil engineer pursuant to Chapter 18.48 RCW as now exists or may be hereafter amended.

“Essential public facilities” include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

“Farmers market” means a site used for the retail sale of fresh agricultural products, grown either on or off site, but may include as incidental and accessory to the principle use, the sale of factory sealed or prepackaged food products and some limited nonfood items. This definition does not include the regular sale of livestock.

“Fence” means any arrangement of wood, metal, wire or other material running around, along, or by the side of any open area to prevent or restrict passage or to mark a boundary; provided, that fences composed solely of live shrubbery or plantings shall not be included under this definition.

“Floor area” means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including hall, stairways, elevator shafts and basements. Minimum floor area calculations shall not include attached or detached garages, porches, decks or balconies.

Garage, Private. “Private garage” means an accessory building in which motor vehicles are stored or kept, that is used in connection with residential purposes.

“Grade” (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building (per Uniform Building Code).

Grade, Average. “Average grade” means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site.

Grade, Natural. “Natural grade” means the elevation of the ground surface in its natural state, before human-made alterations.

“Group home” means a place for dependent or predelinquent children, which provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents).

“Halfway house” means a home for juvenile delinquents or adult offenders leaving correctional and/or mental institutions or rehabilitation centers for alcohol and/or drug users.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010.

“Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by state dangerous waste regulation, Chapter 173-303 WAC.

“Hazardous waste treatment” means the physical, chemical or biological processing of dangerous wastes to make them less dangerous, safer for transport, amenable for storage, or reduced in volume.

Hazardous Waste Treatment/Storage Facility, Off-Site. “Off-site hazardous waste treatment and storage facility” means those treatment and storage facilities which treat and store waste from generators on properties other than those on which the off-site facilities are located. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

Hazardous Waste Treatment/Storage Facility, On-Site. “On-site hazardous waste treatment and storage facility” means those treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property. These facilities must comply with the state siting criteria adopted in accordance with RCW 20.105.210.

“Home occupation” means a lawful occupation carried on entirely within a residence as a clearly secondary use involving the occupant(s) and conducted in such a manner as to not manifest any outward appearance or characteristic of a business in the ordinary meaning of the term.

“Hotel” means any building containing six or more guestrooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

“Housing for people with functional disabilities” means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities and housing for any supported living arrangement, as herein defined.

“Industrial park” means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

“Impervious surface” means any material or structure that prevents the natural absorption of water into the earth.

“Junkyard” means any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop off stations.

Kennel, Commercial. “Kennel” means any premises or building (including a residence) in which dogs or other domestic animals are housed, kept, groomed, bred, boarded, trained and/or sold, all for compensation at a profit (a commercial enterprise).

Kennel, Hobby. “Hobby kennel” means a noncommercial kennel, associated with a residence, in which one breeding pair of dogs or other domestic animals (and their young) are housed, kept, groomed, bred, sold or trained by their owner.

“Livable space” means that part of a dwelling unit that meets all building code requirements for sleeping quarters.

“Livestock” means horses, sheep, goats, cows, hogs, poultry, rabbits and other similar animals.

“Lot” means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory building, together with all yards, open spaces and setbacks required by this code. It is the basic development unit; an area with fixed boundaries shown on a final plat or short plat officially recorded in the Douglas County auditor’s office.

“Lot area” means the total land space or area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public and private rights-of-way, and may be expressed in square feet or acres.

Lot, Corner. “Corner lot” means a lot that abuts two or more intersecting streets.

“Lot coverage” means the amount of land covered or permitted to be covered by buildings or other improvements that create impervious surfaces, and by driveways and parking areas, usually measured in terms of percentage of total lot area.

“Lot depth” means the horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

Lot, Interior. "Interior lot" means a lot that has frontage on one street only.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means that boundary of a lot that is located along an existing or dedicated public street.

Lot Line, Rear. "Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length that is either parallel to the front lot line, or intersects the two other lot lines at points most distant from the front lot line.

Lot Line, Side. "Side lot line" means any property line not a front or rear lot line.

Lot, Through. "Through lot" means a lot that fronts on two parallel or nearly parallel streets.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured at the front building line.

"Manufactured home" means a structure constructed after June 15, 1976, and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, bearing the appropriate insignia indicating such compliance, and designed primarily for residential occupancy by human beings.

Manufactured Home, Designated. "Designated manufactured home" means a manufactured home that meets the following:

1. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences.

"Manufactured/mobile home park" means an area of land occupied or designed to be occupied by two or more manufactured/mobile homes, used for permanent dwelling or sleeping purposes, on a lease basis and operated as a single development.

"Micro-brewery/winery" means a plant where beer and/or wine are annually produced on a scale of 250,000 gallons or less.

"Mini-storage" means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste).

"Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and 32 feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries, commonly referred to as a single wide.

"Modular (factory-built) home" means a residential structure which is constructed in a factory in accordance with applicable building codes and bearing the appropriate insignia indicating such compliance, transported to the building site in modules and assembled on site on a permanent foundation.

"Motel" means a hotel designed to accommodate the automobile tourist and provide parking conveniently located near each guestroom. Facilities may include kitchenettes in the room for temporary cooking use.

"Multifamily" means three or more living units under the same ownership where land has not been divided, i.e., triplex, quadraplex and apartment units.

"Multiple use building" means a building containing uses for more than one land use classification.

"Nonconforming buildings or structure" means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this code, which does not conform with the requirements of this code.

"Nonconforming lot" means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this code, which does not conform with the dimensional or area requirements of this code.

“Nonconforming use” means an activity in a structure or on a tract of land that was legally in existence prior to the effective date of the ordinance codified in this code, which does not conform with the use regulations of the use district in which it is located.

“Nursery (greenhouse)” means a facility, structure or use of land for the commercial production of bedding plants, street stock or associated horticultural products.

“Open space” means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like; generally the front, rear and side yards of a lot.

Open Space, Common. “Common open space” means that portion of a lot or parcel not developed, built upon or occupied by buildings, parking areas, driveways and the like; other than minimal appurtenances such as walkways designed and intended to make such open space usable and accessible, and the use of which is intended for and accessible to all of the persons residing in the development of which the open space is a part.

Open Space, Usable. “Usable open space” means undeveloped or unbuilt portions of land designed and maintained in a manner which makes such open space accessible and usable by and for the persons for whom the space is intended.

“Parking area” means an open area, other than a street or alley, which contains one or more parking spaces and the aisles which provide access to such spaces.

Parking, Off-Street. “Off-street parking” means an area devoted to the parking of vehicles and located within the boundaries of a lot.

“Parking space” means an unobstructed space or area, other than a street or alley, which is permanently reserved and maintained, for the parking of one motor vehicle.

“People with functional disabilities” means:

1. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

a. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living; or

b. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; or

c. Having a physical or mental impairment which substantially limits one or more of such person’s major life activities; or

d. Having a record of having such an impairment; and

2. A person being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

“Planning commission” means the town of Mansfield planning commission.

“Preschool” means a place where prekindergarten children are taught that meets all state and town requirements to conduct such activity.

“Principal use” means the specific and primary purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

“Professional office” means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations.

“Property line” means a line bounding and indicating the ownership, or intended ownership, of a parcel of land.

“Recreational facilities” means a structure or use designed to provide indoor or outdoor recreation opportunities for the public.

“Recreational vehicle” means a portable structure such as a motor home, travel trailer, equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as temporary living quarters for travel, recreation and vacation uses.

“Recreational vehicle park” means a parcel or tract of land under single ownership or control having designated areas for rent to one or more persons for temporary parking or placement of a recreational vehicle, as opposed to permanent year-round occupancy.

“Recreational vehicle site” means a plot of ground within a recreational vehicle park available for accommodation of a recreational vehicle.

“Recycling center” means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations).

“Recycling drop station” means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc.) in enclosed containers which are collected and emptied on a regular basis without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent or bug attraction.

“Residential care facility” means a facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.010.

“Riding stable” means facilities designed or intended for the keeping of horses for public hire, rent, training or equestrian events.

“Right-of-way” means the platted, dedicated, or reserved portion of a development for purposes of a street or alley for vehicular and/or pedestrian access.

“Setback” means the required distance between structures and all lot lines. The term “setback” is synonymous with the term “yard.”

“Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business, or profession.

“Small appliance” means indoor household appliances weighing 50 pounds or less that can be hand-carried by one person.

Small Engine Repair. “Repair, small engine” includes the repair of lawn mowers, chainsaws and similar size equipment.

“Storage facilities, bulk” means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of a large size.

“Street” means a public right-of-way for roadway, sidewalk and utility installation.

Street, Arterial. “Arterial street” means a roadway designed to carry a high proportion of the total urban area traffic, and usually either serves traffic going from the central business district to outlying residential areas, or traffic entering and leaving the urban area. They also provide a connection to collector streets, and provide intra-community continuity while maintaining identifiable neighborhoods.

Street, Collector. “Collector street” means a roadway designed to provide access service and traffic circulation within residential neighborhoods and commercial/industrial areas. They differ from the arterial streets in that they may penetrate residential neighborhoods, distributing traffic from arterials to the ultimate destination or vice-versa.

Street, Local Access. “Local access street” means a roadway designed to provide access to abutting land and to collector and arterial streets. They offer the lowest level of mobility, particularly to through traffic in residential neighborhoods.

“Structural alteration” means any change to the supporting members of a structure, including, but not limited to, foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls.

“Structure” means anything constructed or erected on the ground, or which is attached to something located on the ground. The term includes buildings, radio and TV towers, sheds and signs. The term does not include residential fences and retaining walls less than three feet in height, rockeries, sidewalks and other paved surfaces, and similar improvements of a minor character.

“Supported living arrangement” means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living,

and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

“Temporary use” means a use located on a lot, for a period not to exceed six months, with the intent to discontinue such use after the time period expires.

“Town” means the town of Mansfield.

“Town council” means the town council of the town of Mansfield.

“Town engineer” means an engineer selected by the mayor.

“Use” means the purpose for which land or a structure is primarily designed, arranged or intended; or for which it is primarily occupied or maintained.

“Use district” means a specific zoned area or district designated on the official zone map. Such area is subject to all the regulations applicable to the districts that are contained in this code.

“Variance” means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this code would pose undue hardship unnecessary in carrying out the spirit of this code.

“Vocational school” means a school for educating, training or retraining persons in a trade, vocation or other technical field.

“Warehouse” means a structure used for the storage of goods and materials.

“Yard” means an open space on a lot, lying between the property line and building line, which is unobstructed from the ground upward except as otherwise provided for in this code.

Yard, Front. “Front yard” means a yard extending across the full width of the lot, and lying between the front line of the lot and the building setback line.

Yard, Rear. “Rear yard” means a yard extending across the full width of the lot and lying between the back line of the lot and the building setback line, and typically abutting platted alleys. Corner lots with two front yards shall designate one rear yard area; and, when applicable, the yard abutting a platted alley shall be the rear yard.

Yard, Side. “Side yard” means a yard between the side line of the lot and the nearest point of the building, exclusive of eaves and cornices on pitched roofs, and extending from the front yard to the rear yard.

Yard, Street Side. “Street side yard” means a yard area that is adjacent to a public street right-of-way, but that does not provide the primary vehicular access to the residential structure, and that does not serve as the street address for the residence.

“Zoning district” means a section of the town designated in this chapter in which requirements of the use of land and building and development standard are prescribed.

“Zoning envelope” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and other bulk regulations.

“Zoning map” means the map delineating the boundaries of districts that, along with the zoning text of this code, comprise the zoning ordinance of the town. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.15****USE DISTRICTS**

## Sections:

- 18.15.010 Use districts and regulations established.  
18.15.020 Zoning map.  
18.15.030 Interpretation of zoning map.

**18.15.010 Use districts and regulations established.**

To carry out the purpose of this code, the town is divided into the following districts:

R1: Single-Family District.

R2: Multifamily District.

CBD: Central Business District.

P: Public District.

I: Industrial District.

MCR: Mixed Commercial/High Density Residential.

These use districts and standards specific to each district are established for use throughout the town and are described in the different sections of this code. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of this code. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.15.020 Zoning map.**

The location and boundaries of the districts designated in this chapter are established as shown on the map entitled the "Mansfield zoning map." The zoning map shall be dated with the effective date of the ordinance codified in this title, and signed by the mayor and the clerk of the town of Mansfield. The signed map shall be maintained on file with the clerk of the town of Mansfield and is made a part of this chapter. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.15.030 Interpretation of zoning map.**

Where uncertainty exists as to the boundaries of districts as shown on the Mansfield zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following the corporate limits of the town shall be construed as following the corporate limits of the town;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;

E. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the Mansfield zoning map shall be determined by the scale of the map;

G. Where physical or cultural features existing on the ground are at variance with those shown on the Mansfield zoning map or in other circumstances not covered by subsections A through E of this section, the administrator shall interpret the district boundaries. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.20

### R1 – SINGLE-FAMILY DISTRICT

Sections:

- 18.20.010 Purpose.
- 18.20.020 Permitted, accessory, conditional and prohibited uses.
- 18.20.030 Design standards.
- 18.20.040 Development criteria.

**18.20.010 Purpose.**

The purpose of the single-family zoning district is to provide an area for low density residential uses, particularly single-family homes and duplexes, consistent with the goals and policies of the Mansfield urban area comprehensive plan. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development. In compliance with the single-family land use category in the comprehensive plan, the maximum density allowed in the R1 – single-family zoning district is four units per acre. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.20.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.20.030 Design standards.**

All residential dwellings of any type shall meet the following provisions as minimum standards in the R1 zoning district.

- A. The maximum height of all structures shall be 30 feet.
- B. All residential dwellings shall contain a minimum 720 square feet of livable floor area, excluding decks, porches, patios or other attached accessory structures.
- C. The roofs of all structures shall have at least a 3:12 roof pitch, and shall be of a composition or wood shake or shingle, or coated metal material.
- D. The first finished floor level of a single story residence shall be 15 inches or less above the exterior grade of the lot. Manufactured homes shall be pit-set or backfilled to achieve this.
- E. Siding materials shall be wood, masonite, masonry, stucco, vinyl or other comparable materials, and for manufactured homes shall extend to the top of the foundation or skirting.
- F. The minimum width of the main body of the home, as assembled on site, shall not be less than 24 feet, as measured across the narrowest portion.
- G. A manufactured home shall have a foundation or skirting that is similar in appearance to foundations of housing built on site. Permanent, perimeter masonry or concrete foundations are strongly encouraged.
- H. Accessory buildings or structures, clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four vehicles. Detached accessory structures shall not exceed 1,000 square feet in gross floor area. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.20.040 Development criteria.**

All development in the R-1 single-family zoning district shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum Lot Sizes – Existing Platted Lots.

1. Single-family residence = 7,000 square feet [one standard/average size lot in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50 feet x 140 feet); or two standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5 feet x 117 feet)].

2. Duplex structure = 13,000 square feet [two standard/average size lots in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50 feet x 140 feet); or three standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5 feet x 117 feet)].

B. Minimum Lot Sizes – New Developments.

1. Single-family residence = 8,500 square feet.

2. Duplex structure = 13,000 square feet.

C. Minimum lot width: 50 feet.

D. Maximum lot coverage: not more than 35 percent of the area of any lot may be covered by buildings or structures.

E. Maximum density: four units per acre.

F. The keeping of livestock and poultry for personal use shall meet the following minimum provisions:

1. The minimum pasture area necessary to keep animals shall be as follows:

a. Fourteen thousand square feet for one or two larger animals such as ponies, horses, mules, cows, etc., with an additional 7,000 square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three. Young animals under one year of age are exempt.

b. Four thousand five hundred square feet for smaller animals such as sheep, goats, etc., with a maximum number of two animals per pasture with an additional 2,300 square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three. Young animals under six months of age are exempt.

c. A maximum of six rabbits, turkeys or geese (or any combination thereof up to six total) will be permitted per ownership. A maximum of 12 chickens or ducks (or any combination thereof up to 12 total) will be permitted per ownership. Young animals under six months of age are exempt.

d. Pigs will not be allowed within the town limits except in the case of potbelly pigs that are treated as a household, family pet, and except as provided for in conjunction with youth development projects authorized in subsections G and H of this section.

e. Exotic or unique animals will be classified within one of the above categories according to similar size, weight or type of animal, as determined by the administrator, and subject to the applicable regulations.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with the health district regulations.

3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and/or any domestic or irrigation wells.

4. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry or other similar animals or birds shall be located a minimum of 50 feet from any off-premises dwellings. Rabbit hutches are exempt from this requirement.

5. "Pastures" are defined as that area that is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform top cover (vegetation). Said vegetation shall not include noxious weeds.

G. Temporary projects (six months or less) associated with youth development organizations such as 4-H or FFA are exempt from the minimum pasture requirements herein; however, once yearly, by November 15th, these projects must be registered with the town on a standard form which lists the name and address of the youth, the name of the youth organization, the number and type of animal(s) as well as location, and a parent

or guardian signature. (All other applicable provisions of subsection F of this section, particularly subsections (F)(2) through (5) of this section, will be enforced for youth development projects.)

H. Youth development organization projects which involve the raising of cattle for a period of more than six months will require a special approval by the planning commission at their regularly scheduled meeting, with possible conditions including but not limited to pasture size, location, fencing, etc. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.25****R2 – MULTIFAMILY DISTRICT**

## Sections:

- 18.25.010 Purpose.
- 18.25.020 Permitted, accessory, conditional and prohibited uses.
- 18.25.030 Design standards.
- 18.25.040 Development criteria.

**18.25.010 Purpose.**

The purpose of the multifamily zoning district is to provide an area for moderate density residential uses such as duplex and apartment units, as well as single-family residences, consistent with the goals and policies of the Mansfield urban area comprehensive plan. In compliance with the multifamily land use category in the comprehensive plan, the maximum density allowed in the R2 – multifamily zoning district is 10 units per acre. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.25.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.25.030 Design standards.**

All residential dwellings of any type shall meet the following provisions as minimum standards in the R2 zoning district:

- A. The maximum height of all structures shall be 40 feet.
- B. All residential dwellings shall contain a minimum 600 square feet of livable floor area, excluding decks, porches, patios or other attached accessory structures.
- C. The roofs of all structures shall have at least a 3:12 roof pitch, and shall be of a composition or wood shake or shingle, or coated metal material.
- D. The first finished floor level of a single story residence shall be 15 inches or less above the exterior grade of the lot. Manufactured homes shall be pit-set or backfilled to achieve this.
- E. Siding materials shall be wood, masonite, masonry, stucco, vinyl or other comparable materials, and for manufactured homes shall extend to the top of the foundation or skirting.
- F. The minimum width of the main body of the home, as assembled on site, shall not be less than 20 feet, as measured across the narrowest portion.
- G. A manufactured home shall have a foundation or skirting that is similar in appearance to foundations of housing built on site. Permanent, perimeter masonry or concrete foundations are strongly encouraged.
- H. Landscaping for multifamily dwellings shall be as follows:
  - 1. Landscape plans shall be submitted as a part of the development permit process. Said plans shall be reviewed by the planning commission, which shall make a recommendation for approval, modification or denial to the administrator who makes the final decision.
  - 2. All landscaping must be in place prior to issuing a certificate of occupancy, and it must be maintained to assure long term viability of plantings.
  - 3. Landscaping and/or fencing shall be provided along any side and rear property lines immediately adjacent to a single-family residence.
  - 4. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is

to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

I. For duplexes, multifamily dwellings and conditional uses, visual screening from public view of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Whenever feasible, trash areas will be located outside of a front yard area and away from any property lines adjacent to a single-family residence.

J. Storm water shall be retained and disposed of on site in an approved system designed for such runoff.

K. Accessory buildings or structures shall be clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four vehicles. Detached accessory structures shall not exceed 1,000 square feet in gross floor area, when developed in conjunction with a single-family dwelling. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.25.040 Development criteria.**

All development in the R2 multifamily zoning district shall meet all of the applicable provisions of this code, as well as the following requirements:

##### **A. Minimum Lot Sizes – Existing Platted Lots.**

1. Single-family residence = 7,000 square feet [one standard/average size lot in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50 feet x 140 feet); or two standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5 feet x 117 feet)].

2. Duplex structure = 13,000 square feet [two standard/average size lots in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50 feet x 140 feet); or three standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5 feet x 117 feet)].

##### **B. Minimum Lot Sizes – New Developments.**

1. Single-family residence = 8,500 square feet.

2. Duplex structure = 13,000 square feet.

C. Minimum lot sizes – multifamily structure: 13,000 square feet for the first two units, and an additional 1,200 square feet for each additional unit after that.

D. Minimum lot width: 70 feet.

E. Maximum lot coverage: not more than 40 percent of the area of any lot may be covered by buildings or structures.

F. Maximum density: 10 units per acre.

G. The keeping of livestock and poultry for personal use shall meet the following minimum provisions:

1. The minimum pasture area necessary to keep animals shall be as follows:

a. Fourteen thousand square feet for one or two larger animals such as ponies, horses, mules, cows, etc., with an additional 7,000 square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three. Young animals under one year of age are exempt.

b. Four thousand five hundred square feet for smaller animals such as sheep, goats, etc., with a maximum number of two animals per pasture with an additional 2,300 square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three. Young animals under six months of age are exempt.

c. A maximum of six rabbits, turkeys or geese (or any combination thereof up to six total) will be permitted per ownership. A maximum of 12 chickens or ducks (or any combination thereof up to 12 total) will be permitted per ownership. Young animals under six months of age are exempt.

d. Pigs will not be allowed within the town limits except in the case of potbelly pigs that are treated as a household family pet, and except as provided for in conjunction with youth development projects authorized in subsections G and H of this section.

e. Exotic or unique animals will be classified within one of the above categories according to similar size, weight or type of animal, as determined by the administrator, and subject to the applicable regulations.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with the health district regulations.

3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and/or any domestic or irrigation wells.

4. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry or other similar animals or birds shall be located a minimum of 50 feet from any off-premises dwellings. Rabbit hutches are exempt from this requirement.

5. "Pastures" are defined as that area that is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform top cover (vegetation). Said vegetation shall not include noxious weeds.

H. Temporary projects (six months or less) associated with youth development organizations such as 4-H or FFA are exempt from the minimum pasture requirements herein; however, once yearly, by November 15th, these projects must be registered with the town on a standard form which lists the name and address of the youth, the name of the youth organization, the number and type of animal(s) as well as location, and a parent or guardian signature. (All other applicable provisions of subsection G of this section, particularly subsections (G)(2) through (5) of this section, will be enforced for youth development projects.)

I. Youth development organization projects which involve the raising of cattle for a period of more than six months will require a special approval by the planning commission at their regularly scheduled meeting, with possible conditions including but not limited to pasture size, location, fencing, etc. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.30

### CBD – CENTRAL BUSINESS DISTRICT

Sections:

- 18.30.010 Purpose.
- 18.30.020 Permitted, accessory, conditional and prohibited uses.
- 18.30.030 Design standards.
- 18.30.040 Development criteria.

**18.30.010 Purpose.**

The purpose of the central business district is to provide an area for existing and future retail and wholesale commercial activities. This district establishes opportunities for safe, aesthetically pleasing, accessible commercial development which contributes to a sound economic base for the community. It is intended that this district be a quality environment that appeals to all manner of consumers, including pedestrian shoppers, and is therefore appealing to new businesses. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.30.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.30.030 Design standards.**

All uses shall meet the following provisions as minimum standards in the CBD central business district. These standards are to be applied during the building permit application process for new structures. In the case of a change in use for an existing structure that does not require a building permit, these standards shall be met prior to the commencement of business operations. When a use continues under a new owner, compliance with these provisions must occur within the first six months under new ownership, provided the use is closed for no longer than 30 days. If the use is closed for more than 30 days when there is a change in ownership, compliance with these standards shall occur prior to commencing business. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the town for approval, approval with conditions, modification or denial.

A. The maximum height of all structures shall be 40 feet from the natural grade to the ridgeline of the roof.

B. Parking and loading standards for development in the CBD shall be as provided for in Chapter 18.60 MMC, Off-Street Parking Requirements.

C. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Trash and service areas will be located to the rear of the structure.

D. Storm water shall be retained and disposed of on site in an approved system designed for such runoff.

E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in MMC 18.30.040, Development criteria. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.

F. Display and any other exterior lighting shall be of low intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than 30 days) advertising displays

placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to the structure, either flush with the building or perpendicular to the building, provided they are at least eight feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two feet by four feet.

H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc., shall be provided by the owner/operator for each building or use. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

I. A caretaker's residence shall be a secondary, subordinate part of the commercial building, located on a second floor of a building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.30.040 Development criteria.**

All development shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

B. Maximum lot coverage: Not more than 60 percent of the area of any lot may be covered by buildings or structures.

C. Minimum setbacks – Front: None.

D. Minimum setbacks – Side: None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 10 feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

E. Minimum setbacks – Rear: None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.35

### P – PUBLIC DISTRICT

Sections:

- 18.35.010 Purpose.
- 18.35.020 Permitted, accessory, conditional and prohibited uses.
- 18.35.030 Design standards.
- 18.35.040 Development criteria.

#### **18.35.010 Purpose.**

The purpose of the P – public district is to help further the enhancement of existing, publicly held properties, and to promote privately owned properties to develop into community-oriented uses, particularly those of a recreational nature. Providing adequate land area for needed public and recreational land uses is integral in maintaining the pattern and ratio of land uses within the community. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.35.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.35.030 Design standards.**

All uses shall meet the following provisions as minimum standards in the P public district. These standards are to be applied during the appropriate permit application process for new uses or structures. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the town for approval, approval with conditions, modification or denial.

A. The maximum height of all structures shall be 40 feet from the natural grade to the ridgeline of the roof.

B. Parking and loading standards for development in the P district shall be as provided for in Chapter 18.60 MMC, Off-Street Parking Requirements.

C. Visual screening of trash, service, maintenance or other similar areas shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash.

D. Storm water shall be retained and disposed of on site in an approved system designed for such runoff.

E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by providing landscaping and/or fencing on said adjoining property lines, and any structures will meet the setback requirements required in MMC 18.35.040, Development criteria.

F. Display and any other exterior lighting shall be of low intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than 30 days) advertising displays placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to the structure, either flush with the building or perpendicular to the building, provided they are at least eight feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two feet by four feet.

H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc., shall be provided for each building or use. For existing buildings, this shall be implemented if there is a change in the use/user. Continuing users are encouraged to also provide these amenities to enhance the appearance of the P public district.

I. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

J. All yard areas shall be landscaped with a mixture of trees, shrubs and other plants, with access points being left such that there is adequate site distance for ingress and egress.

K. Graveled pedestrian/bike pathways, consistent with ADA requirements, shall be developed to facilitate connections between the uses in the district and between the different districts. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.35.040 Development criteria.**

All development shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

B. Maximum lot coverage: Not more than 40 percent of the area of any lot may be covered by buildings, structures or impervious surfaces.

C. Minimum setbacks – Front: 10 feet from the property line when no parking areas are to be located in the front yard area.

D. Minimum setbacks – Side and rear: 10 feet from the property line. Where an alley exists, the setback shall be five feet from the property line/alley right-of-way. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.40

### I – INDUSTRIAL DISTRICT

Sections:

- 18.40.010 Purpose.
- 18.40.020 Permitted, accessory, conditional and prohibited uses.
- 18.40.030 Design standards.
- 18.40.040 Development criteria.

#### **18.40.010 Purpose.**

The purpose of the industrial zoning district is to provide an area that protects existing industrial uses, as well as establishing opportunities for further industrial development. This district supplies sufficient areas, organized in a concentrated, positive working environment, to accommodate a broad range of industrial type activities. It is intended that this district provide flexibility in development that encourages usual as well as innovative activities which enhance the economic stability of the community, while still providing protection to the immediate, surrounding properties. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.40.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.40.030 Design standards.**

All uses shall meet the following provisions as minimum standards in the I industrial district. These standards are to be applied during the appropriate permit application process for new uses or structures. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the town for approval, approval with conditions, modification or denial.

A. The maximum height of all structures shall be 40 feet from the natural grade to the ridgeline of the roof. Grain elevators are not subject to height restrictions under this title.

B. Parking and loading standards for development in the I district shall be as provided for in Chapter 18.60 MMC, Off-Street Parking Requirements.

C. Visual screening of trash, service, maintenance or other similar areas shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash.

D. Storm water shall be retained and disposed of on site in an approved system designed for such runoff.

E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in MMC 18.40.040, Development criteria. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.

F. Display and any other exterior lighting shall be of low intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

G. Signs. Signs shall conform to the following:

1. Single business or building unless designed in conjunction with a multiple business industrial center: One freestanding or monument sign for each lot not located in a multi-occupancy or building complex. The sign shall not exceed a maximum area of 50 square feet, nor exceed a height of 20 feet. Signs shall be unlighted or provided with indirect illumination. One attached sign, unlighted or with low intensity lighting, placed flat against the wall of the main building, having a surface area not greater than 32 square feet, is

permitted. In lieu of a freestanding or monument sign the attached sign may be increased in area to the total square footage of the freestanding or monument sign plus the square footage of the attached sign for a total of 82 square feet.

2. Multiple (two or more) businesses, or industrial centers: One freestanding or monument park identification sign not exceeding 80 square feet, nor exceeding a height of 20 feet. If four or more buildings, offices or business are proposed the freestanding or monument sign may be increased by 10 square feet for each business; however, the total sign area shall not exceed 200 square feet. Identification signs may list the names of the occupants of the multiple industrial center. Individual occupancy or buildings are not permitted separate freestanding signs.

a. One additional freestanding sign or monument sign is permitted per center or complex if the premises extends through a block to face on two or more parallel or nearly parallel roads or the sign has a minimum separation of 800 feet. Freestanding or monument signs are prohibited on roads abutting a residential district.

b. One wall identification sign shall be permitted for each principal building or occupancy, which does not exceed an area of 32 square feet. Identification signs shall be attached flat against the building and shall not project above the eaves of the roof or the top of the parapet or beyond the eave lines or beyond the outer limits of the wall.

c. Individual occupancy signs within a multiple occupancy or building complex shall be consistent with the building architecture and similar in color, design, size, and graphics.

3. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain.

H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc., shall be provided for each building or use. For existing buildings, this shall be implemented if there is a change in the use/user. Continuing users are encouraged to also provide these amenities to enhance the appearance of the industrial district.

I. Parking areas and buildings which are not built on the property line or adjacent to an existing building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

J. All yard areas shall be landscaped with a mixture of trees, shrubs and other plants, with access points being left such that there is adequate site distance for ingress and egress.

K. Storage of all raw materials, machinery, equipment or other similar items shall be screened on all sides from public view by sight-obscuring landscaping and/or fencing. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.40.040 Development criteria.**

All development shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

B. Maximum lot coverage: Not more than 60 percent of the area of any lot may be covered by buildings, structures or impervious surfaces.

C. Minimum setbacks – Front: 10 feet from the property line when no parking areas are to be located in the front yard area.

D. Minimum setbacks – Side and rear: 10 feet from the property line. Where an alley exists, the setback shall be five feet from the property line/alley right-of-way. When an industrial use abuts any other zoning district, the setback requirement shall be 25 feet. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.45****MIXED COMMERCIAL/HIGH DENSITY RESIDENTIAL (MCR)**

## Sections:

- 18.45.010 Purpose.
- 18.45.020 Permitted, accessory, conditional and prohibited uses.
- 18.45.030 Design standards.
- 18.45.040 Development criteria.

**18.45.010 Purpose.**

The purpose of the mixed commercial/high density residential district is to provide areas within the community that have a high degree of flexibility in allowed uses that recognizes the need for economic development within Mansfield. This district is intended to encourage a mix of light intensity, people-oriented commercial uses with high density residential uses. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.45.020 Permitted, accessory, conditional and prohibited uses.**

Permitted, accessory, conditional and prohibited uses in this district shall be as identified in Chapter 18.50 MMC, District Use Chart. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable town of Mansfield rules and regulations are complied with. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.45.030 Design standards.**

All uses shall meet the following provisions as minimum standards in this district. These standards are to be applied during the building permit application process for new structures. In the case of a change in use for an existing structure that does not require a building permit, these standards shall be met prior to the commencement of business operations. When a use continues under a new owner, compliance with these provisions must occur within the first six months under new ownership, provided the use is closed for no longer than 30 days. If the use is closed for more than 30 days when there is a change in ownership, compliance with these standards shall occur prior to commencing business. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the administrator for approval, approval with conditions, modification or denial.

A. The maximum height of all structures shall be 40 feet from the natural grade to the ridgeline of the roof.

B. Parking and loading standards for development in the MCR shall be as provided for in Chapter 18.60 MMC, Off-Street Parking Requirements.

C. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Trash and service areas will be located to the rear of the structure.

D. Storm water shall be retained and disposed of on site in an approved system designed for such runoff.

E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in MMC 18.45.040, Development criteria. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.

F. Display and any other exterior lighting shall be of low intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than 30 days) advertising displays placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to

the structure, either flush with the building or perpendicular to the building, provided they are at least eight feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two feet by four feet.

H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc., shall be provided by the owner/operator for each building or use. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

I. New multifamily residential uses may be developed provided they are developed in conjunction with a commercial enterprise and at least 50 percent of the overall total floor area is devoted to said commercial enterprise(s), and further provided, all other requirements of this code shall be met.

J. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four vehicles. Detached accessory structures shall not exceed 1,000 square feet in gross floor area when built in conjunction with a single-family dwelling allowed by this chapter. Detached accessory buildings or structures may exceed 1,000 square feet in gross floor area when built in conjunction with multifamily developments as allowed in this chapter.

K. When residences that exist at the effective date of the ordinance adopting this chapter are changed to a commercial use consistent with this chapter it shall not be reverted back to a residential use. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.45.040 Development criteria.**

All development shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

B. Maximum lot coverage: Not more than 60 percent of the area of any lot may be covered by buildings or structures.

C. Minimum setbacks – Front: None.

D. Minimum setbacks – Side: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is 10 feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

E. Minimum setbacks – Rear: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is 25 feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

F. Density: When new multifamily residential uses are developed consistent with this chapter there is no limitation on density; provided, that the floor area devoted to multifamily use is only 50 percent of the overall floor area of the structure, with the remaining 50 percent floor area devoted to commercial enterprise(s) consistent with this chapter. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.50****DISTRICT USE CHART**

## Sections:

18.50.010 Purpose.

18.50.020 District use chart.

**18.50.010 Purpose.**

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a zoning district that is not listed in the use chart as either permitted, accessory or conditional use, unless the administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the town of Mansfield rules and regulations. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.50.020 District use chart.**

The use chart located on the following pages is made a part of this section. The following acronyms have the following meanings, as used in the use chart that is part of this section:

PRM = Permitted use.

ACC = Accessory use.

CUP = Conditional use.

## Mansfield District Use Chart

	R1	R2	CBD	P	I	MCR
<b>RESIDENTIAL USES</b>						
Single-Family Dwelling	PRM	PRM			PRM <sup>1</sup>	PRM <sup>1</sup>
Accessory Dwelling	ACC	ACC				
Caretaker's Residence			ACC		ACC	ACC
Duplex Dwelling	PRM	PRM				PRM
Multifamily Dwelling, Including Retirement Apartment With Common Dining/Cooking Facilities		PRM				PRM <sup>2</sup>
Manufactured Home	PRM	PRM				
Manufactured Home, Designated	PRM	PRM			PRM <sup>1</sup>	PRM <sup>1</sup>
Modular Home (Factory-Built)	PRM	PRM				
Mobile Home						
Manufactured/Mobile Home Park		CUP				
Assisted Living Facility		CUP				CUP
Convalescent Home/Nursing Home		CUP				CUP
Boarding/Lodging House	CUP	CUP				
Group Home	CUP	CUP				
Halfway House		CUP				
Family Home Day Care	ACC	ACC	ACC <sup>3</sup>			ACC <sup>3</sup>
Mini Day Care		CUP	CUP		ACC	CUP
Day Care Center		CUP	CUP		ACC	CUP
Garage, Private	ACC	ACC				ACC <sup>1</sup>
Home Occupation	CUP	CUP				
Bed and Breakfast	CUP	CUP				
<b>PUBLIC/SEMI PUBLIC USES</b>						
Churches (Parsonages)	CUP	CUP				
Clinic, Medical, Dental, Etc.			PRM			PRM
Community Club, Grange		CUP	PRM	PRM		PRM
Detention Facility					CUP	
Fire/Police Station			PRM	PRM	PRM	
Essential Public Facilities (Unlisted)				CUP		
Hospital			PRM			PRM

**Mansfield District Use Chart (continued)**

	<b>R1</b>	<b>R2</b>	<b>CBD</b>	<b>P</b>	<b>I</b>	<b>MCR</b>
Instructional Child Care (Preschool)	CUP	CUP	CUP		CUP	CUP
Post Secondary Education Facility			CUP	CUP	CUP	CUP
Libraries				PRM		PRM
Municipal Buildings			PRM	PRM	PRM	PRM
Municipal Shop Buildings					PRM	
Parks	CUP	CUP	CUP	PRM	CUP	CUP
Post Office			PRM			PRM
Public Utility Facilities	CUP	CUP	CUP	PRM		
Recycling Drop-Off/Center				CUP	PRM	
Schools, Public Primary and Secondary	CUP	CUP		CUP		
Schools, Private	CUP	CUP		CUP		
Trade/Vocational School				CUP	PRM	CUP
Bus Stop	PRM	PRM	PRM	PRM	PRM	PRM
<b>AGRICULTURAL USES</b>						
Agricultural Building					PRM	
Ag-Related Industry					PRM	
Animal Clinic, Hospital					PRM	
Commercial Composting					CUP	
Farm Equipment Sales/Service					PRM	
Feed Lot						
Home Fruit Stand	ACC	ACC				
Horse Boarding/Training					CUP	
Grain Elevators					PRM	
Kennels, Commercial					PRM	
Kennels, Hobby	ACC	ACC			PRM	
Livestock, Commercial						
Livestock, Personal	PRM	PRM				
Nursery, Commercial/Retail			PRM		PRM	
Nursery, Wholesale					PRM	
Agriculture Packing/Storage Facility					PRM	
Riding Stable					CUP	
Row Crop Production						

**Mansfield District Use Chart (continued)**

	<b>R1</b>	<b>R2</b>	<b>CBD</b>	<b>P</b>	<b>I</b>	<b>MCR</b>
Slaughterhouse					CUP	
Vineyard						
Winery					CUP	
<b>COMMERCIAL USES</b>						
Auto/Truck Sales and Service			CUP		PRM	CUP
Car Rental			CUP		PRM	CUP
Car Wash			CUP		PRM	CUP
Commercial Copiers/Printers			PRM			PRM
Convenience Store			PRM			PRM
Financial/Lending Institution (Bank, Etc.)			PRM			PRM
Food/Beverage Service			PRM			PRM
Gas/Service Station			CUP		PRM	CUP
Hotels/Motels		CUP	CUP			PRM
Manufactured Home Sales					PRM	
Micro Brewery			CUP		CUP	CUP
Mini-Storage, Commercial Users					PRM	
Mini-Storage, Personal Users			CUP		PRM	CUP
Newspaper Publishing			PRM		PRM	PRM
Personal Services (Barber, Salon, Dry Cleaner, Etc.)	Home Occ.	Home Occ.	PRM			PRM
Professional Services (Lawyer, Psychiatrist, Etc.)	Home Occ.	Home Occ.	PRM			PRM
Repair Services, Electronics/Appliances	Home Occ.	Home Occ.	PRM		PRM	PRM
Repair Services, Automobile			CUP		PRM	CUP
Restaurant			PRM		PRM	PRM
Retail Stores (Grocery, Food, Etc.)			PRM			PRM
RV/Boat Sales and Service			CUP		PRM	CUP
Tavern, Etc.			PRM			PRM
<b>INDUSTRIAL USES</b>						
Airports/Airfields					PRM	
Apparel Manufacture, Wholesale					PRM	
Apparel Manufacture, Dressmaker			PRM			PRM

**Mansfield District Use Chart (continued)**

	<b>R1</b>	<b>R2</b>	<b>CBD</b>	<b>P</b>	<b>I</b>	<b>MCR</b>
Asphalt Paving Plant					CUP	
Beverage Industry					PRM	
Canning/Packing Foods					PRM	
Cement/Concrete Plant					CUP	
Chemical Manufacture					CUP	
Electronic Product Manufacture/Assembly			CUP		PRM	CUP
Hardware Product Manufacture/Assembly					PRM	
Medical/Scientific Product Manufacture/Assembly					PRM	
Fabricated Metal Products					PRM	
Food Processing					PRM	
Furniture Products Manufacture/Assembly					PRM	
Glass Products Manufacture/Assembly					PRM	
Gravel Pit (Extraction, Crushing, Screening, Etc.)						
Hazardous Waste Storage					CUP	
Hazardous Waste Treatment					CUP	
Leather Products Manufacture/Assembly					CUP	
Machinery/Heavy Equipment Manufacture/Assembly					PRM	
Paperboard Containers Manufacture					PRM	
Plastic Products Manufacture/Assembly					PRM	
Prefabricated Wood Products					PRM	
Printing, Publishing, Binding			PRM		PRM	PRM
Rendering Plants						
Rubber Products						
Sheet Metal/Welding Shops					PRM	
Wrecking/Junk Yard					CUP	
<b>RECREATIONAL USES</b>						
Bowling Alleys			PRM			PRM
Campground, Tents and RVs				CUP		
Drive-in Theater						
Fairgrounds				CUP		

**Mansfield District Use Chart (continued)**

	<b>R1</b>	<b>R2</b>	<b>CBD</b>	<b>P</b>	<b>I</b>	<b>MCR</b>
Game, Card, Arcade Room			CUP			CUP
Golf Course, Driving Range				CUP		
Gun/Sportsmen's Club				CUP		
Exercise Facility			PRM			PRM
Miniature Golf			PRM	CUP		PRM
Playfields	CUP	CUP		PRM		PRM
Theaters			PRM			PRM
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)				CUP		
Roller Skating Rink			CUP	CUP		PRM
Video Rental			PRM			PRM

- 1 Only those existing as of September 2003.
- 2 Only as authorized in Chapter 18.45 MMC.
- 3 Within existing residential structures.

[Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.55****GENERAL USE REGULATIONS AND STANDARDS**

## Sections:

- 18.55.010 Purpose.
- 18.55.020 General requirements.
- 18.55.030 Building height measurement.
- 18.55.040 Swimming pools.
- 18.55.050 Fences.
- 18.55.060 Yards and setbacks.
- 18.55.070 Residential performance standards.
- 18.55.080 Storage standards.
- 18.55.090 Preservation of public and private open space.
- 18.55.100 Resource disclosure statement.
- 18.55.110 Access easement and driveway requirements.
- 18.55.120 Public right-of-way, ingress and egress.
- 18.55.130 Light and glare.
- 18.55.140 Storm water drainage.
- 18.55.150 Accessory dwellings.

**18.55.010 Purpose.**

The purpose of the general regulations is to provide a concise reference to requirements that are common to many different zoning districts, thereby providing a more efficient utilization of this title. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.020 General requirements.**

In order to provide for orderly development and to ensure the public, health, safety, and welfare of the community, land use activity, buildings or structures shall not be erected, moved or utilized on any lot, tract or parcel of land except in compliance with this chapter and other applicable ordinances and codes. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.030 Building height measurement.**

Building height shall be determined as follows:

A. Building Height. Any building or structure or portion thereof hereafter erected in any use district shall not exceed the maximum height specified in the district, except as provided in subsection B of this section, or as enumerated elsewhere in this title.

B. The following types of structures or structural parts are not subject to the building height limitation of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers; flagpoles, grain elevators, monuments, radio or television antennas, communication towers and associated antennas, water towers, windmills and other similar projections. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.040 Swimming pools.**

Above and below ground swimming pools are subject to the required yard and setback requirements of the underlying district and shall be enclosed by a solid or woven wire fence at least 42 inches high with a locking entry gate. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.050 Fences.**

In any use district, the following minimum standards shall apply to fences:

**A. Fence Heights.**

1. Front yard: 42 inches maximum height as measured from the finished grade of the lot within 10 feet of the front lot line.

2. Side yard: A maximum of 42 inches in height as measured from the established street grade within 10 feet of the front lot line, at which point it may be a maximum of six feet in height as measured from the finished grade of the lot.

3. Rear yard: Six feet maximum height from the finished grade of the lot.

B. Double frontage lots within a residential district and located on a collector or arterial road may construct a fence six feet high on the front lot line adjacent to the arterial or collector. The fence height shall be measured from the established road grade. The following criteria shall be met:

1. Vehicular access is prohibited from the arterial or collector roadway for the affected lot;

2. A gate is located for each affected lot and is designed for pedestrian access only; and

3. The fence shall be maintained and kept in good repair. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.060 Yards and setbacks.**

The minimum yards and setbacks for permitted, accessory and conditional uses in all districts, except as enumerated elsewhere in this title and specific district regulations, shall be as follows:

A. Front Yard. No building or structure shall be erected nearer than 55 feet from the deeded center line of any public or private road or highway, nor 25 feet from the property line of any public or private road or highway, whichever distance is greater, except as provided below:

1. On local access roads in residential subdivisions where sidewalks have been installed, the minimum front yard shall be 25 feet from the front property line.

2. Boundary Roads. No building or structure shall be erected nearer than 55 feet from the deeded, monumented or anticipated centerline of a boundary half road right-of-way or 25 feet from the property line whichever is greater, except as provided in subsection (A)(1) of this section.

3. On corner lots with frontage on two public streets, no building or structure shall be erected nearer than 25 feet from the property line adjacent to the narrower of the two frontages, and no building or structure shall be erected nearer than 15 feet from the property line adjacent to the wider of the two frontages.

B. Side Yard. No building or portion thereof shall be erected closer than five feet to any side property line.

C. Rear Yard. No building or structure used for residential purposes shall be erected within 15 feet of any rear property line. Detached garages or other detached accessory structures (pertinent to any residence) may be erected within five feet of any side or rear property line if the structure is a minimum distance of 10 feet from any other building or structure. Not more than 50 percent of a required rear yard area shall be covered by buildings or structures.

D. Cornices, eaves, gutters, sunshades and other similar architectural features may project not more than two feet into a required yard. Chimneys are considered a part of a structure or a building and are not permitted to project into a required yard.

E. Cul-de-Sacs or Irregular Lots. No building or structure shall be erected where the front building setback line measures less than 60 feet wide, except when located in a manufactured home park or if specifically approved as a part of a planned residential development.

F. Agricultural Buffer. When divisions of property for residential lots, planned developments, multifamily developments or manufactured home parks are created adjacent to an agricultural district, the front, side and rear yard setbacks for any structure used for human habitation shall be increased to a distance of 100 feet as measured horizontally from the agricultural district boundary. Other buffering methods may be utilized to reduce the setback as approved by the planning commission and may include berms, landscaping, fencing or a combination thereof. At no time shall the buffer be reduced to less than 60 feet.

G. The required front yard may be reduced by the administrator for a primary residential dwelling and accessory dwellings if the following apply:

1. The front yard may be reduced to 20 feet from the road right-of-way or 50 feet from the deeded centerline of the road, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of one foot of fall/rise in seven feet of distance from the front lot line;

2. The front yard may be reduced to 15 feet from the road right-of-way or 45 feet from the deeded road centerline, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of one foot of fall/rise in four feet of distance from the front lot line;

3. The front yard may be reduced to 12 feet from the road right-of-way or 42 feet from the deeded road centerline, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of two feet of fall/rise in five feet of distances from the front property line;

4. The front yard may be reduced if a residential dwelling(s) located on an immediately abutting or adjoining lot(s) has a front yard of less than the required depth for the district. The required front yard in these instances is determined by averaging the front yard(s) with less than the required depth and the front yard requirement of the district. The front yard setback required in the district shall be used in calculating the setback for an abutting or adjoining lot in the following circumstances:

a. Where no residential dwelling exists on a lot(s) adjacent to the lot proposed for development;

b. Where a residential dwelling exists on a lot(s) adjacent to the lot proposed for development and the existing residential dwelling(s) is (are) located at a depth greater than the front yard requirement of the district;

5. If the front yard requirement is to be reduced under the conditions specified in this subsection, all driveways and entrances to garages and carports entering on to a road with a reduced setback shall be parallel or nearly parallel to the road by providing an area or hammerhead for a turnaround in order to avoid the backing of vehicles directly onto the road, and to allow vehicles to be completely outside of a structure before entering the established road right-of-way.

a. In all cases the setback or approaches allowed under these exceptions shall be approved by the administrator in order to ensure safe travel on adjoining roads and streets; and

b. The natural grade of the lot shall be maintained as much as possible. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.55.070 Residential performance standards.**

All residential dwellings shall meet the following provisions as a minimum standard. Manufactured home placement in approved parks is excluded from these provisions.

A. Width. The minimum width of the main body of the home, as assembled on the site, shall not be less than 20 feet, as measured across the narrowest portion, except in the R-1 district that distance shall be 24 feet.

B. Siding Materials. Siding materials shall be wood, masonite, masonry, stucco, vinyl, or other comparable materials. The exterior siding material shall extend to the top of the foundation or skirting.

C. Foundation. Manufactured homes shall have a foundation or skirting that is similar in appearance to the foundations of site-built housing.

D. Floor Level. The first finished floor level of a single story residence shall be 15 inches or less above the finished grade of the lot. Manufactured homes shall be recessed (pit-set) to achieve this. Residential dwellings located on a sloping lot shall meet the following provisions:

1. Up to 50 percent of the perimeter of the residence may be backfilled or bermed with soil; and

2. The fill or berm shall extend outward a minimum of 10 feet from the residence into the front yard setback and a minimum of five feet in the side and rear yard area of the residence. The fill or berm shall be sloped away from the residence with a slope of one-quarter of one inch to one foot, 10 feet out from the residence in the front yard or rear yard and two feet from the side yards. The remaining area shall have a slope of three horizontal feet to one vertical foot. A retaining wall may be constructed to satisfy the 3:1 slope requirement provided it meets the minimum requirements of the Uniform Building Code.

E. Accessory Attached or Detached Storage/Garage/Carport. In addition to other applicable provisions of this code, the following minimum provisions shall be met:

1. Single or Duplex Dwellings. If an accessory carport, storage or garage building is constructed in conjunction with a residential dwelling, it shall contain a minimum of 300 square feet of floor area. If an accessory carport is constructed to meet this requirement the carport shall be designed and constructed in a manner that will allow the carport to be converted to a garage or storage building in the future. Carports shall be designed to include an enclosed storage area with a minimum of 60 square feet of floor area and a minimum height of six feet.

2. Multifamily Dwellings. At least one covered parking stall shall be provided for each multifamily dwelling unit together with a minimum of 20 square feet of storage area. The storage area shall measure at least six feet high and shall be accessible from outside of the dwelling unit. Storage may be provided in conjunction with the required covered parking, combined with the multifamily building complex or other means as approved by the planning commission.

F. When a dwelling is occupied prior to construction of the detached accessory structure, adequate surety shall be posted to ensure completion of the detached accessory structure, pursuant to the development permit procedures and administration ordinance. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.55.080 Storage standards.**

The following minimum provisions for storage shall be met:

A. General. All permitted storage shall be considered accessory. Storage of materials shall be located entirely within an enclosed building or shall be screened from view of the surrounding properties with a sight-obscuring fence and/or landscaping, except as otherwise required by this title.

1. No storage of materials shall be located within any required front yard.

2. Storage of scrap lumber, metals, glass and other material sold or offered for sale is prohibited within residential classifications.

B. Recreational Vehicles. Off-street storage or off-street parking areas shall be provided for all recreational vehicles, including, without limitation, boats, motor homes, travel trailers, or similar type recreational vehicles.

1. The storage of recreational vehicles shall be prohibited within a required front yard in a residential district or on the public right-of-way.

2. No more than a total of five cars, trucks, boats and recreational vehicles per dwelling may be located outside of an enclosed building on any lot in a R-1 district.

C. The temporary occupancy of not more than two recreational vehicles per lot is permitted for a time period not exceeding 60 days in any 12-month period; provided, that the following minimum standards are met:

1. Each unit is parked in an off-road space outside of any required front yard area;

2. No rental or lease fees are charged for temporary use or occupancy; and

3. The recreational vehicle(s) shall be hooked up to city water and sewer, and the occupants shall obtain garbage pick-up service for the duration of any stay that exceeds 14 successive days.

D. Refuse Storage. All outdoor trash, garbage and refuse storage areas associated with multifamily, commercial, public and/or industrial uses shall be screened on all sides from public view and at a minimum, be enclosed with a five-and-one-half-foot-high wood, concrete or masonry wall, or sight-obscuring fence and landscaping on all sides.

1. Refuse storage shall be prohibited within a required front yard and within required rear or side yards when adjacent to a residential district.

2. Refuse storage areas shall be designed in accordance with the overall architectural theme of the associated building or structure. Single-family and duplex dwellings shall be exempt from this provision. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.090 Preservation of public and private open space.**

Where required, all required open space shall be identified as a separate tract or parcel and preserved in perpetuity for that purpose as shown in a development plan. Appropriate land use restrictions shall be contained in all deeds to ensure that the open space is permanently preserved. Deed restrictions shall be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of open space for uses other than that allowed in this chapter.

A. On-Site/Open Space Recreation. The developer shall choose one or a combination of the following methods of administering on-site recreation:

1. A homeowners association may be formed for the purpose of maintaining the on-site/open space recreation and other open space. The association shall adopt, in a form acceptable to the town attorney, covenants and restrictions that would ensure preservation and perpetual maintenance;

2. A public agency which agrees to maintain the on-site recreation area, open space and/or any buildings, structures, or other improvements which have been placed on it; or

3. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and as approved by the town. The entity shall have the authority and responsibility for the maintenance and protection of the on-site recreation and all improvements located in the open space.

B. No on-site recreation may be altered or put to a change in use in a manner inconsistent with this chapter or the final development plan unless the hearing examiner approves an amendment to the final development plan. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the on-site recreation, and all rights to enhance these covenants against any use permitted are expressly reserved.

C. Transfer of Ownership. Title to open space/recreation areas shall be transferred concurrent with the recording of the plat or short plat of the development. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.100 Resource disclosure statement.**

A note shall be placed on all development permits, including without limitation a final plat, final short plat or final binding site plan and noted in the deed of record for each lot when a subdivision, short subdivision, binding site plan or other development is located within 500 feet of a designated agricultural or mineral resource area. The property owner shall sign an affidavit acknowledging the following statement and shall record it with the county auditor for disclosure in the deed and mortgage records of the subject property. The statement shall essentially read as follows:

The subject property is located near designated agricultural lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other types of development for certain periods of limited duration. Such activities may include but are not limited to noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with Town, county, state and/or federal law, shall not be subject to legal action as public nuisances.

[Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.110 Access easement and driveway requirements.**

Individual residential driveway access shall be prohibited on all new lots when created on a road which has been designated as an arterial, unless the town engineer approves access by an easement designed and constructed to serve two or more lots. In all districts the following criteria shall apply to all new lots and/or upon the construction of new commercial, industrial or residential buildings served via a private easement.

A. The width of an easement serving two or more lots, tracts or parcels of land shall not be less than 30 feet. The improved surface width shall not be less than 20 feet.

B. The travel surface shall be improved with an all-weather surface, designed and constructed to withstand the imposed load of fire fighting apparatus.

- C. The length of an easement shall not exceed 450 feet, excluding turnaround.
- D. Easements greater than 150 feet in length shall be improved with an approved turnaround (e.g., hammerhead) for emergency vehicles.
- E. Easements shall not have a grade that is greater than 12 percent, unless otherwise approved by the town engineer.
- F. The radius at any intersection shall not be less than 30 feet.
- G. All easements shall intersect the town street at an angle of between 75 and 90 degrees. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.120 Public right-of-way, ingress and egress.**

Ingress and egress to all commercial, industrial, multifamily, and conditional use developments shall have access to a public road with a right-of-way of not less than 60 feet in width (or to the dedicated one-half thereof).

A. Ingress and egress to a lot, tract or parcel shall be a minimum of 150 feet from the intersecting roads as measured from the property corner. Access shall be prohibited on all roads designated as a local access road that abut a residential or agricultural district.

B. Points of ingress and egress to a lot, tract, or parcel shall have a minimum separation from each other of 100 feet as measured from the edge of the driveway, unless otherwise approved by the town engineer. In addition, the applicant shall demonstrate that additional driveways are needed due to the amount of traffic generated by the project, traffic distribution patterns, impacts to the transportation system and public safety. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.130 Light and glare.**

Parking lot lights, security lights, or any exterior lighting shall be of low intensity and designed to project toward the property, or shall be shielded to keep light from directly projecting over property lines. Single-family residential dwellings are exempt from this provision. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.140 Storm water drainage.**

All storm water runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage other properties, and it shall meet the following standards and provisions:

A. Storm water systems shall be designed by an engineer using the Type 2 SCS model for a storm event equal to or exceeding two inches of rainfall in a 90-minute time period. (This standard is based on the information contained in the Douglas County comprehensive storm water management plan.) Storm water retention, collection and disposal systems shall be reviewed and approved by the town engineer.

B. Conceptual storm drainage plans and supporting documentation prepared in accordance with subsection A of this section shall accompany an application for a development permit. Final plans and supporting documentation, including a maintenance plan, shall be submitted for approval by the town engineer as a component of final plans prepared subsequent to preliminary development approval. Final plans shall include documents for approval by the town engineer and town attorney, and recording with the county auditor, that specify the funding mechanism that will be instituted by the developer to assure financial resources are available for system maintenance and repair.

C. All storm water plans shall be implemented and systems constructed prior to final development approval. Performance assurance in lieu of actual construction may be provided. The engineer of record for the developer/applicant shall submit verification to the town that the storm water systems were constructed in accordance with the approved plans.

D. All costs incurred by the town attorney and the town engineer for the review of plans and verifications, and conducting inspections shall be reimbursed by the developer.

E. Ownership, maintenance and repair of storm water management systems are not the responsibility of the town. Systems shall be maintained in accordance with the approved plan. Storm water systems shall be maintained in a husband-like manner and shall remain free of structures, impediments, debris, junk, fill, weeds and other materials that may reduce system efficiency. Any alterations to systems shall be designed by an engineer and approved by the town in accordance with the provisions of this section. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.55.150 Accessory dwellings.**

Where permitted, accessory dwellings shall comply with the following minimum provisions:

A. Accessory dwellings shall be limited to a maximum of 850 square feet in floor area and must connect, whenever feasible, to the utilities (water, power, sewer) of the primary single-family dwelling.

B. All other applicable provisions of the zoning district and general regulations shall apply to the accessory dwelling, including without limitation minimum floor area, setbacks, lot coverage, etc.

C. Manufactured or mobile homes will not be allowed as accessory dwelling units.

D. There shall not be more than one accessory dwelling located on a lot in addition to the primary single-family residence, and for the purposes of calculating residential density, shall not count as a dwelling unit. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.60****OFF-STREET PARKING REQUIREMENTS**

## Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Required off-street parking.
- 18.60.040 Off-street loading.
- 18.60.050 Off-site parking facilities.
- 18.60.060 Performance standards.
- 18.60.070 Development standards.
- 18.60.080 Reduction of off-street parking requirements.

**18.60.010 Purpose.**

It is the purpose of this chapter to provide adequate numbers of off-street parking spaces, vehicular ingress, egress and loading facilities in order to reduce on-street parking, increase traffic safety, maintain smooth traffic flow and reduce the visual impact of parking lots. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.60.020 Applicability.**

Off-street parking and loading facilities shall be available prior to occupancy of a site, commencement of commercial/industrial activities, changes in use or major alteration/enlargement of the site, use or structure. All required parking spaces shall be permanently available and maintained for parking purposes only.

For the purposes of these requirements, “major alteration or enlargement” shall mean a change of use or an addition that would increase the number of parking spaces or loading berths required by this chapter by more than 10 percent of the total number required prior to the alteration or enlargement. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.60.030 Required off-street parking.**

A. The total number of off-street parking spaces required shall be calculated based on the total floor area of the proposed use (unless otherwise specified). The total floor area is defined as the gross floor area minus the following spaces:

1. Elevator shafts and stairways.
2. Public restrooms.
3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes.
4. Permanently designated corridors.

B. The following categories shall be used in defining various types of land uses and activities:

1. Residential: Single-family, duplex and multifamily dwelling units.
2. Community services: Churches, funeral homes, convalescent/nursing homes, clubs, lodges, grange halls, museums, art museums, municipal buildings, etc.
3. General retail: Grocery store, pharmacies, hardware, liquor, furniture, department, clothing stores, etc.
4. General service: Mini-marts, gas/service stations, beauty salons, espresso stands, eating and drinking establishments, etc.
5. Transient services: Hotels, motels, bed and breakfasts, boarding houses, etc.
6. Professional office: Law, doctor, real estate, accounting, insurance offices, financial institutions, etc.
7. Industrial facilities: Wholesale trade, warehousing, processing and manufacturing plants, auto recycling and heavy equipment repair shops, etc.

C. The required number of parking spaces for each land use/activity category shall be as follows:

Residential	2 spaces/unit
Community Services	1 space/200 square feet
Retail Commercial	1 space/300 square feet
Service Commercial	1 space/100 square feet
Transient Services	1 space/room
Professional Office	1 space/200 square feet
Industrial Facilities	1 space/500 square feet of retail area and 1 space/1,000 square feet of gross floor area

1. Off-street parking requirements for uses not specifically defined above shall be determined by the administrator based upon the requirement for similar uses.

2. In calculating the required number of parking spaces for facilities containing more than one use, the ratio for each use shall be applied to the total square footage for each use and then added together for the required number of parking spaces. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.60.040 Off-street loading.**

Off-street loading shall be provided for all commercial/industrial establishments which are engaged in retailing or wholesaling of merchandise requiring frequent loading or unloading from trucks or other large vehicles.

A. Loading Space Size. The required spaces shall be of adequate size to accommodate the maximum size of vehicles loading or unloading at the site.

B. Loading Space Location. The required loading and related maneuvering space shall be located on the property served and in no case shall be allowed on public right-of-way. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.60.050 Off-site parking facilities.**

If the required off-street parking is proposed off site, the applicant shall provide a written contract with affected landowners stating that required off-street parking will be provided in a manner consistent with the provisions of this chapter. All contracts shall be approved by the town and then recorded with the Douglas County auditor as a deed restriction encumbering the title(s) of all properties involved. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.60.060 Performance standards.**

Parking areas associated with single-family dwellings shall be exempt from the provisions of this chapter, except as provided in MMC 18.60.030.

A. Lighting. Lighting shall illuminate any off-street parking or loading spaces used at night. When provided, lighting shall be directed toward the property only.

B. Barrier Free Parking. Accessible parking shall be provided, in accordance with the Washington State Barrier Free Code.

C. Maintenance. The owner of a required parking area shall maintain the paved surface and any required landscaping, irrigation and drainage facilities in a manner complying with this chapter and the approved site plan. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.60.070 Development standards.**

All off-street parking areas shall be constructed in the following manner:

- A. Surfacing. Off-street parking areas shall be surfaced with asphalt, concrete, or similar pavement.
- B. Parking Space Dimension. Nine feet in width by 18 feet in length.
- C. The minimum area requirement for each parking space, together with access and maneuvering areas, shall not be less than 400 square feet per parking space or stall (see Figures 1 and 2).
- D. Storm Water Drainage. All storm water shall be accommodated pursuant to MMC 18.55.140.
- E. Border/Barricades. Each parking space adjacent to buildings, walls, landscaped areas, street rights-of-way and/or sidewalks shall be provided with a concrete curb or bumper at least six inches in height at or within two feet of the front of such space.
- F. All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official to indicate individual parking stalls. Directional arrows shall be clearly drawn on paved surfaces in order to provide a safe pattern of traffic movement.
- G. Entrances and Exits. All points of ingress and egress to parking areas shall have a minimum separation of 100 feet and are subject to approval by the town engineer.
- H. In all commercial, industrial and multifamily developments, parking areas shall be arranged to avoid any vehicles from backing onto any street or public right-of-way. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.60.080 Reduction of off-street parking requirements.**

Any development that dedicates additional right-of-way for transit facilities, or provides transit facilities on site, may reduce the off-street parking requirements by 15 percent. Local transit improvements may include, but are not limited to, shelters, benches, bus turnouts and similar improvements that directly benefit the users of the development. All improvements, including any dedication of right-of-way, shall be approved by the local transit authority prior to receiving a reduction in parking requirements.

Figure I. Off-Street Parking  
Minimum Standards – One-Way Parking

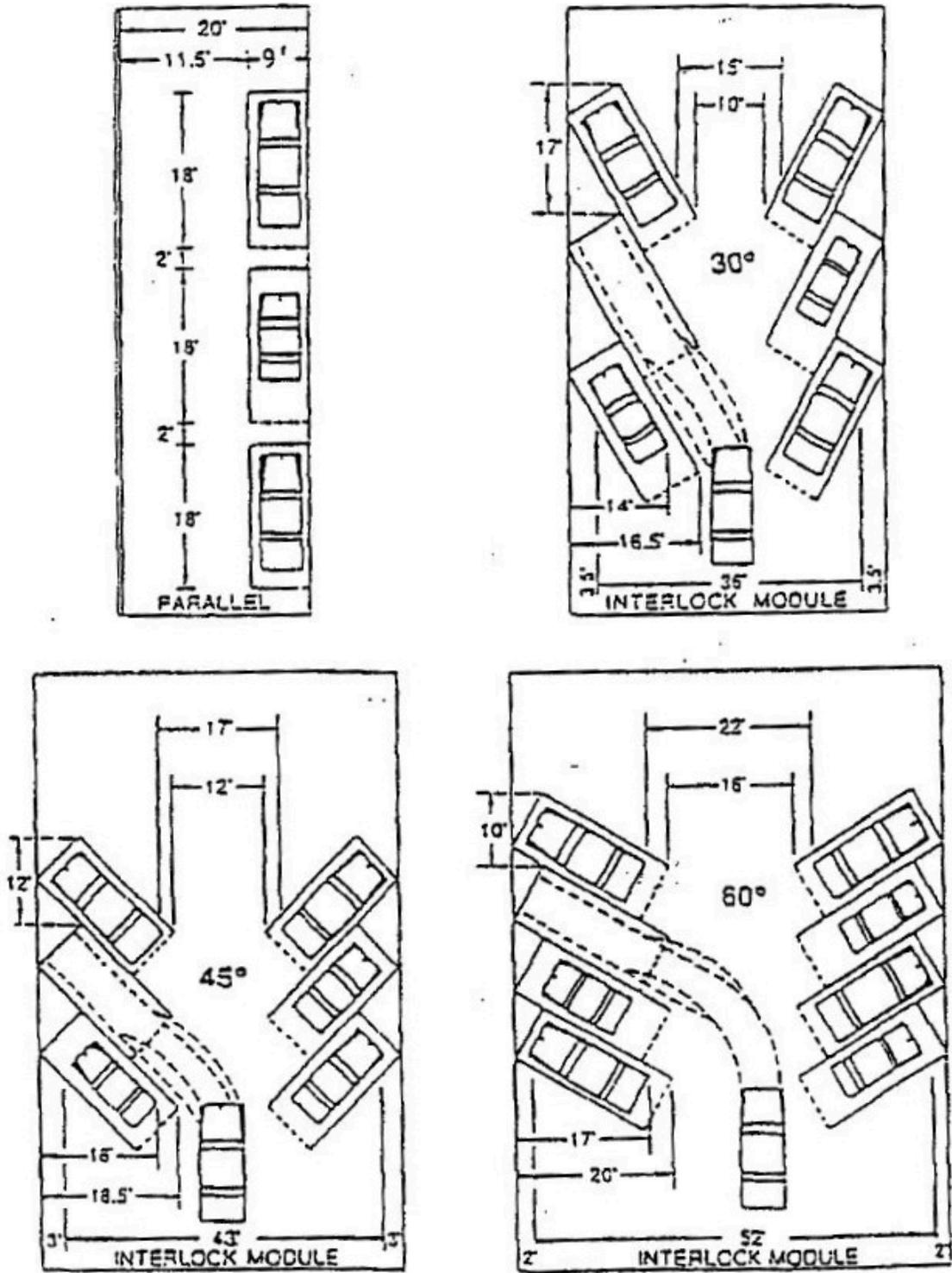
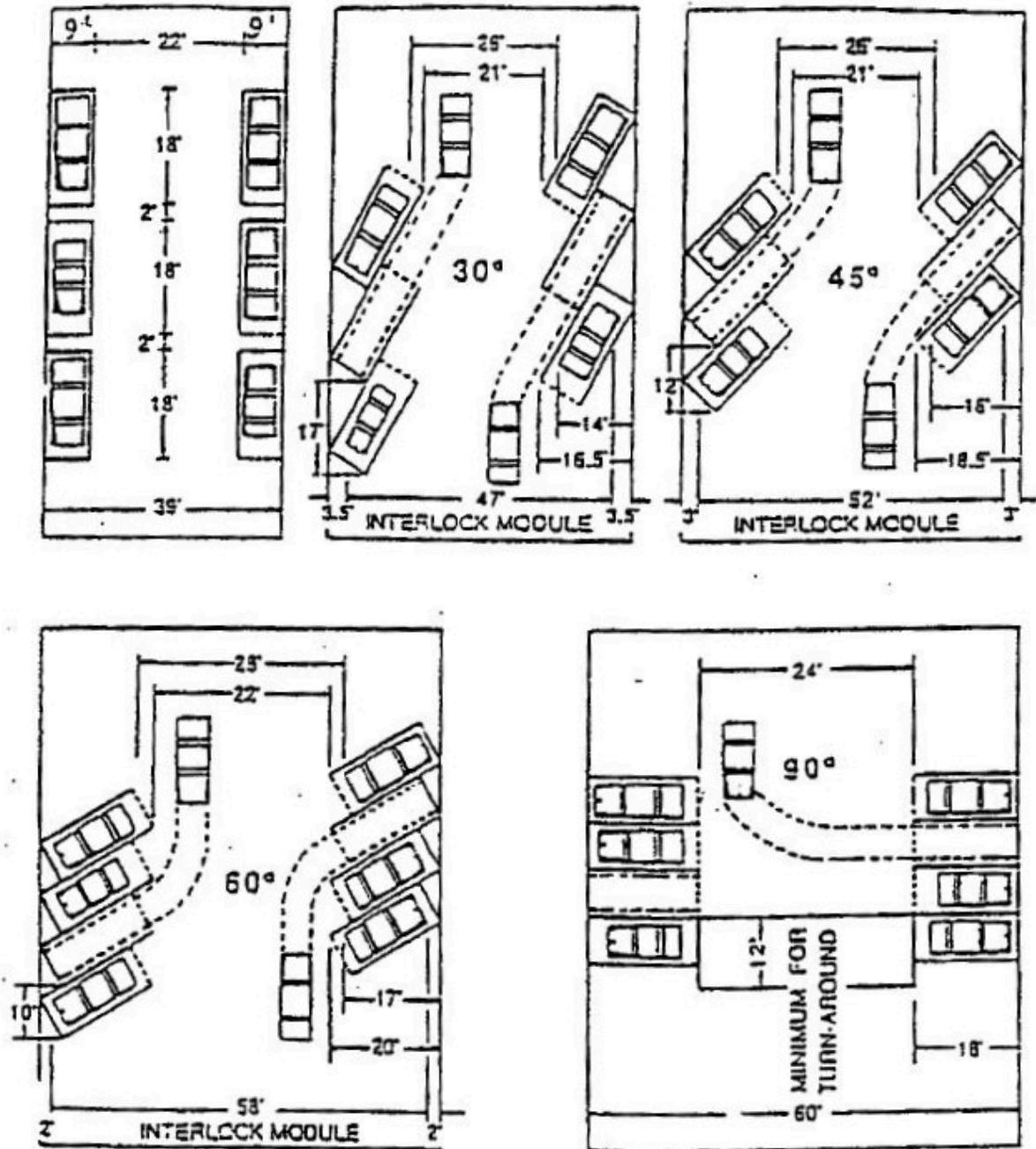


Figure 2. Off-Street Parking  
Minimum Standards – Two-Way Parking



[Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.65

### CONDITIONAL USE PERMITS

Sections:

- 18.65.010 Purpose.
- 18.65.020 Authorization.
- 18.65.030 Evaluation criteria.
- 18.65.040 Governing standards.
- 18.65.050 Alterations to existing uses.
- 18.65.060 Revisions to permits.
- 18.65.070 Compliance.
- 18.65.080 Instructional child care/preschool.
- 18.65.090 Churches, schools, hospitals and government buildings.
- 18.65.100 Utilities, communication and transmission facilities.
- 18.65.110 Recreational vehicle park or campgrounds.
- 18.65.120 Essential public facilities.
- 18.65.130 Bed and breakfast facilities.
- 18.65.140 Home occupations.
- 18.65.150 Manufactured home park.

#### **18.65.010 Purpose.**

Conditional uses are those uses and activities that may be appropriate, desirable, convenient or necessary in the district within which they are allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established. This chapter describes the criteria for review, authority for action on and minimum conditions applied to certain uses. The requirements of this chapter and the authorization to conduct a conditional use do not supersede, and in fact rely upon, other requirements and standards of this title and other codes. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.020 Authorization.**

The hearing examiner is authorized to approve, approve with conditions or deny permits for conditional uses as specified in this chapter. Uses designated in this title as conditional shall be permitted, enlarged or altered only upon approval of the hearing examiner in accordance with the standards and procedures specified in this title and other applicable provisions of town codes.

A. The town shall not accept an application for a conditional use permit which was the subject of a prior application that was denied during the previous 12 months unless there has been substantial modification or reduction in the intensity of the proposal as determined by the administrator.

B. A conditional use permit review is categorized as “quasi-judicial review” under the provisions of the development permit procedures and administration ordinance. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.030 Evaluation criteria.**

The following minimum criteria shall be used to evaluate conditional uses:

A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.

B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.

C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.

D. The proposed use will be served adequately by facilities and services such as highways, streets, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.

E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.

F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.

G. Proposed ingress and egress, driveway widths, parking, and street improvements shall be approved pursuant to applicable town codes and to the satisfaction of the town engineer.

H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects.

I. Conditional use permits shall comply with all town codes and all other applicable local, state, or federal regulations. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.040 Governing standards.**

A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of town codes, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in town codes. The hearing examiner may, in addition to the standards and regulations specified in town codes, establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding properties, the neighborhood and the town as a whole. These conditions may address the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the coverage or height of buildings;
- C. Mitigating traffic impacts through on-site and off-site improvements;
- D. Increasing the number of off-street parking and loading requirements;
- E. Limiting the number, location, design and size of signs and illumination devices;
- F. Increasing required landscaping components to reduce noise and visual impacts including glare;
- G. Specifying time limits for construction and operation;
- H. Requiring performance assurance, bonding or other financial guarantees;
- I. Specifying time frames for compliance review; and

J. Other conditions deemed appropriate to address the requirements and intent of this chapter, town codes and the comprehensive plan. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.050 Alterations to existing uses.**

A change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional and existed prior to the effective date of the ordinance codified in this title shall conform to the provisions of this chapter. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.060 Revisions to permits.**

Minor revisions to an approved conditional use may be approved by the administrator when the revisions may affect the precise placement or dimensions of buildings but do not change approved uses, affect the basic building character or arrangement, increase the site area, increase the total floor area or required off-street parking spaces by more than five percent, increase the density or intensity of residential or recreational uses or alter specific conditions of approval. Requests for minor revisions shall be considered through the process for full administrative review pursuant to the development permit procedures and administration ordinance.

Requests for revisions determined by the administrator not to be minor in nature shall be processed for quasi-judicial review pursuant to the development permit procedures and administration ordinance and this chapter. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.070 Compliance.**

The property owner/operator of any conditional use shall maintain compliance with the standards of this title and of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of town codes not expressly modified by the permit shall be processed as a violation pursuant to Chapter 18.80 MMC. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.080 Instructional child care/preschool.**

The following minimum conditions shall apply:

- A. A landscape screen or fence shall be provided which is sufficient to visually separate the child care use from adjacent residences and to ensure child safety as prescribed by the administrator;
- B. The gross floor area of the room(s) used shall provide at least 35 square feet per child;
- C. Any likely inconvenience or nuisance generated by the facility such as noise, dust, lighting or traffic congestion shall be considered and adequate measures taken to protect nearby uses;
- D. Any outside play area must be completely enclosed with a fence at least 42 inches high. Fencing shall comply with the minimum provisions set forth in Chapter 18.55 MMC; and
- E. An appropriate off-street patron loading area shall be designated and located on the same lot as the facility. Loading areas shall be designed and located so that vehicles using these spaces do not project into any public right-of-way or necessitate vehicular maneuvering on a road. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.090 Churches, schools, hospitals and government buildings.**

The following minimum conditions shall apply:

- A. The property shall have a minimum lot size of one acre and be located within 1,000 feet of a designated collector or arterial street.
- B. Ingress and egress to the facility shall be subject to Chapter 18.55 MMC and approved by the town engineer.
- C. Minimum lot frontage shall be 100 feet.
- D. Adequate buffering devices such as berms, landscaping, or topographic characteristics shall be used in order to mitigate and protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
- E. One monument sign not larger than 50 square feet in area and 10 feet in height and one flush mounted wall sign with an area not greater than 12 square feet are permitted. In lieu of a monument sign, a flush mounted wall sign with an area not greater than 62 square feet may be substituted.
- F. Off-street parking and loading shall be in accordance with Chapter 18.60 MMC. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.100 Utilities, communication and transmission facilities.**

The following minimum conditions shall apply:

- A. Facilities shall be designed and constructed in accordance with all applicable provisions of town ordinances and codes;
- B. Outside storage of material is prohibited in residential and planned area districts. The facility and site shall be designed to be compatible with the surrounding neighborhood. The hearing examiner may authorize outdoor storage in other districts. Outdoor storage must be obscured from view with fencing and perimeter landscaping;
- C. Facilities shall be landscaped with a combination of trees, shrubs and living ground cover. A minimum of 18 percent of the site shall be landscaped;

D. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be screened and landscaped with a combination of fencing, trees, shrubs and ground cover;

E. The site shall be maintained in a clean and orderly manner free of weeds; and

F. The planning commission on finding that the waiver will not result in adverse impact from noise, light, glare, drainage or other detrimental effects to adjacent property may waive the minimum lot size of the district. This waiver shall not be construed as an exemption from the requirements of Chapter 58.17 RCW. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

### **18.65.110 Recreational vehicle park or campgrounds.**

The following minimum conditions shall apply to all recreational vehicle (RV) parks and campgrounds:

#### **A. Location.**

1. Any parcel of property being considered for an RV park or a campground shall have at least 125 feet of direct frontage on a public road.

2. RV parks and campgrounds shall not be permitted in any area found unsuitable for such development due to poor drainage, physical topography, soil characteristics, rock formations, or other features that may be harmful to the public health, safety, or general welfare.

#### **B. Site Requirements.**

##### **1. Size of RV Spaces.**

a. The minimum area of an RV/camp space shall be 1,250 feet.

b. The maximum number of RV/camp spaces shall be 15 per acre of project site area.

c. The minimum width of an RV/camp space shall be 25 feet.

##### **2. Yard Requirements and Spacing.**

a. All RV units/camp sites and park/campground buildings shall observe the applicable zoning district requirements pertaining to setbacks from public roads.

b. There shall be a minimum distance of five feet between an individual RV unit/camp space and an adjoining interior park street.

c. There shall be a minimum distance of five feet between an RV unit/camp space and the interior line of a perimeter buffer.

d. There shall be a minimum distance of 10 feet between RV units and between an RV unit/camp space and unattached structures.

e. An RV unit may be located on a side space line; provided, that a minimum separation of 10 feet is maintained between units.

C. **Street System.** All RV park/campground streets and access roads shall be designed and constructed to the specifications of the town engineer. The street system within an RV park/campground shall be privately owned, constructed, and maintained. General standards are as follows:

1. Access junctions with public streets shall be as approved by the appropriate public agency. Ingress and egress shall be designed to prohibit traffic discharging into a residential district on any public street not classified as an arterial.

2. Interior streets shall have the following minimum paved widths:

#### **No On-Street Parking**

One-Way Streets: 12 feet

Two-Way Streets: 22 feet

#### **On-street Parking One Side Only**

One-Way Streets: 20 feet

Two-Way Streets: 30 feet

3. Street termini shall be provided with a loop to permit relative ease of turning.

4. Additional ingress/egress routes for emergency access to a public street shall be required for parks designed for 100 or more RV/camp spaces.

#### D. Off-Street Automobile Parking Facilities.

1. Off-street parking shall be provided at the rate of one space for each RV/camp site. The hearing examiner may require additional off-street parking space as deemed appropriate to accommodate the parking needs of an RV park or campground.

2. There shall be at least four off-street parking spaces provided for the RV park or campground office, together with one additional parking space for each 25 RV/camp spaces.

#### E. Utilities.

1. Sanitary sewer and grey water systems shall be connected to the town's sanitary sewer system.

2. All utilities such as domestic water, irrigation water, fire protection, storm drainage systems, etc., shall be installed in accordance with established guidelines. All power and communication lines shall be placed underground.

#### F. Sewage Disposal Requirements.

1. Provisions for the disposal of grey water shall be made at 50-foot radii from those sites not connected to the park/campground sewer system.

2. Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout the park. Utility buildings shall be located within 300 feet of those spaces that are not provided with individual sewer connections. The hearing examiner upon recommendation by the health district shall determine the number of toilets and showers.

3. Sanitary Dump Stations. A conveniently located dump station for the disposal of self-contained sewage shall be provided in RV parks with 25 or more spaces. Additional dump stations may be required in parks having 100 or more RV spaces. All dump stations shall be designed and developed to the standards of the Chelan-Douglas health district and the department of health.

#### G. Fire Protection Standards.

1. All RV park or campground proposals shall be reviewed by the fire chief to insure adequate ingress and egress and internal circulation for emergency vehicles.

2. The fire chief shall review all RV park or campground proposals to determine what fire protection measures are necessary for the park/campground. The provisions of the Uniform Fire Code shall apply for purposes of satisfying the required fire flows.

#### H. Solid Waste.

1. The storage, collection and disposal of solid waste in an RV park or campground shall be accomplished so as to prevent fire and health hazards, rodent, insect breeding, accidents, and odor. Upon the recommendation of the health district, the operator of an RV park/campground may be required to enter into a contract for regular collection with an approved solid waste disposal firm.

2. Approved solid waste containers shall be located not more than 150 feet from any RV/camp site.

3. Collection areas shall be screened with a view obscuring fence and properly identified.

#### I. Perimeter Buffer Yards, Landscaping and Fencing.

1. The external boundaries of an RV park/campground shall be developed with at least a 20-foot width buffer consisting of a mix of evergreen and deciduous trees, shrubs and ground cover, all supported by a permanently installed irrigation system. The buffer shall include a berm at least five feet in height above the grade of adjoining lands and constructed with slopes no greater than two horizontal units to one unit vertical.

2. The hearing examiner may require perimeter fencing to further mitigate visual and land use impacts including the potential for trespass, and the protection of adjoining properties.

J. Open Space and Recreation Areas. A minimum of 20 percent of the project site shall be devoted to open space and recreation. Required buffer yards, parking areas, and RV/camp spaces shall not constitute open space or recreational areas. Usable recreation area shall be provided at a rate of not less than 500 square feet for each RV/camp site in the park or 10 percent of the total area of the park, whichever is greater. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts such as tennis, badminton, etc.) shall be calculated as one and one-quarter square feet toward each square foot of usable recreation area required.

K. Lighting.

1. All lighting shall be designed so as to eliminate light and glare spillover onto adjoining properties.
2. Community structures shall be adequately lit at night.
3. Adequate lighting shall be provided at the park entrance.

L. Signs. One monument sign not exceeding 50 square feet in area and 10 feet in height shall be permitted along the public road frontage to the park/campground. Signs shall be externally illuminated.

M. Required Plan. All applications for an RV park/campground shall be made on forms provided by the town and shall, at a minimum, include scaled drawings and descriptions disclosing the following information: location of existing and proposed buildings, RV/camp spaces, domestic and irrigation water distribution, sewage collection system, electrical and communication lines, solid waste collection areas, fire hydrants, public and private roads, ingress-egress routes, storm water drainage system, location of lighting and signs, perimeter buffer and site boundaries and recreation areas and open space. Contour information shall be provided at two-foot intervals for slopes of zero percent to 10 percent and five-foot intervals for slopes greater than 10 percent. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.120 Essential public facilities.**

Essential public facilities (EPF) shall comply with the following review criteria and requirements:

- A. EPF siting shall conform with the comprehensive plan;
- B. Facility siting and design shall be based on supporting the needs of the 20-year projected population as demonstrated by the applicant;
- C. Facility siting and design shall be in accord with local, state and federal siting standards;
- D. A fiscal analysis of the long-term and short-term public costs shall be submitted by an EPF applicant and shall include a strategy to mitigate identified disproportionate financial burdens on the town or the county that may result from facility siting;
- E. The facility shall be designed with surrounding land use, existing zoning classification, and the present and projected population density of surrounding areas;
- F. An analysis of the likelihood of associated development being induced or precluded by the siting of an essential public facility shall be submitted by an EPF applicant and shall include an analysis of the urban nature of the facility, the existing urban growth near the facility site, the compatibility of the facility to continued urban growth and the location of the facility in relation to any nearby urban growth areas;
- G. Essential public facilities shall not be located on designated resource lands or critical areas, open spaces and historic, archaeological and/or cultural sites unless it can be demonstrated that facility design and operation will not be incompatible to these designated areas;
- H. Facility, design and operation for specific facilities shall include mitigation measures necessary to alleviate identified adverse environmental impacts;
- I. EPF shall not adversely impact existing public facilities and services;
- J. Public hearings for permits required by town, federal or state laws may be combined with any public hearings required by the town; and
- K. Effective and timely notice and an opportunity to comment on a proposed EPF shall be provided to citizens, affected agencies, and Douglas County. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.65.130 Bed and breakfast facilities.**

The following minimum conditions shall apply:

- A. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes;
- B. The bed and breakfast facility shall be the principal residence of the operator;
- C. One sign nonilluminated or lighted with external direct lighting not to exceed 16 square feet in area shall be permitted;

D. Driveways accessing a bed and breakfast shall be approved by the fire chief and shall have a minimum easement width of 30 feet with an improved all-weather surface of 20 feet and be constructed at an acceptable grade;

E. One off-street parking space shall be provided for each room available for patrons in addition to the off-street parking spaces required for the underlying district. Patron parking shall not be located within any required front or side yard or setback area;

F. Outdoor activity shall be limited to the hours of 9:00 a.m. to 10:00 p.m., unless otherwise approved by the hearing examiner. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.140 Home occupations.**

The following minimum conditions shall apply:

A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

B. Home occupations shall occupy not more than 25 percent of the total floor area of the primary residence, or one accessory building to a maximum of 500 square feet of floor area.

C. Any occupation, which may produce waste products of a quality or quantity not normally associated with residential use, shall not qualify as a home occupation. Vehicle and equipment repair and maintenance are prohibited.

D. No exterior structural alterations shall be made to the building that changes its character from a residential dwelling or other structures normally associated within the zoning district.

E. Not more than one person outside of the resident family may be employed.

F. No merchandise, stock, equipment or materials shall be sold, displayed, stored, altered or repaired in any exterior portion of the premises which is associated with the home occupation and/or building.

G. The home occupation shall not generate materially greater traffic volumes than would normally be expected in the residential neighborhood.

H. The home occupation shall be conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, and lighting; or the emission of noise, vibration, dust, glare, heat, smoke, or odors.

I. Off-street parking spaces shall be required by the hearing examiner for the occupation in addition to the spaces required for the primary use.

J. Any sign indicating such proposed use shall not be more than four square feet in area (576 square inches). The sign shall be attached flush against the wall of the dwelling. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.65.150 Manufactured home park.**

The following minimum conditions shall apply:

A. Density and Stall Standards.

1. Site Size: Not be less than two acres in size.

2. Density: Eight units per acre maximum.

3. Stall Size: The minimum stall size shall be not less than 4,000 square feet in area, and shall be of a size and shape that will provide reasonable area of private use, convenient placement of an occupied manufactured home and the following standards.

4. Each stall shall be identified with an individual site number in logical numerical sequence, and shown on the official approved site plan for the manufactured home park.

5. Stall Dimension.

a. Minimum stall width: 40 feet.

b. Minimum lot depth/length: 80 feet.

6. Stall coverage: Not more than 50 percent of the area of any stall shall be covered by buildings or structures including the home, and carports, awnings, decks, ramadas and other accessory structures.

7. Manufactured home size and width: Manufactured home size and width shall be the same as required in the underlying zoning district. Occupied recreational vehicles (RV) shall be prohibited.

B. Yard and Setbacks. The minimum required yards and setbacks for manufactured homes and accessory structures, including awnings and ramadas, shall be:

1. Exterior site perimeter boundary: A minimum of twenty (20) feet from the exterior site perimeter boundary.

2. Front yard: A minimum of 25 feet from any public or private road right-of-way located on the exterior boundaries of the site. The minimum required front yard setback from an interior access road shall not be less than 20 feet.

3. Side yard: A minimum of five feet from a side stall, except as set forth in subsection (B)(1) of this section.

4. Rear yard: A minimum of 15 feet from a rear stall line, except as established in subsection (B)(1) of this section.

5. Manufactured home spacing: No manufactured home including decks, awnings or ramadas shall be located within 10 feet of another manufactured home.

C. Road and Driveway Standards. A manufactured home park shall have direct access from a public road and shall meet the following standards:

1. Interior Roadway Design. The interior access road serving the manufactured home park shall have a minimum right-of-way width of not less than 40 feet of which 32 feet shall be improved with an asphalt surface, curbs and gutters. One side of the street shall be designated for guest parking, unless off-access street guest parking is provided. If all on-street parking is prohibited, the improved street width may be reduced to 28 feet. The road system within the manufactured home park shall be privately owned, constructed and maintained.

2. Individual Access Driveways. All driveways shall be improved with an asphalt or concrete surface and measure a minimum of 20 feet wide.

D. Off-Street Parking.

1. Resident Parking. A minimum of two off-street parking spaces shall be provided within each stall. RV storage areas shall be provided and designated on the approved site plan unless the storage of such vehicles is prohibited by the park owner/operator.

2. Guest and Service Parking. Guest and service area parking shall be provided within the boundaries of the park in the amount of one space for each four manufactured home stalls. Such parking areas shall be located along the side of the access road or located within satellite parking areas.

3. Satellite Parking Areas. Satellite parking areas may be provided within a manufactured home park for required parking spaces enumerated within this section provided they are approved by the hearing examiner in accordance with Chapter 18.60 MMC and the following requirements:

a. Satellite parking areas shall be improved with an asphalt or concrete surface and each space shall be striped, signed and reserved for the intended use;

b. The number of parking spaces provided shall not exceed eight parking stalls per satellite parking area;

c. Required off-street parking shall meet the minimum dimensional requirements set forth in Chapter 18.60 MMC;

d. Satellite parking areas shall be distributed throughout the manufactured home park and shall be located a minimum of 500 feet apart when located along the same interior road;

e. Satellite parking areas shall be landscaped; and

f. Satellite parking areas shall not interfere with, or impede traffic on designated road rights-of-way and the town engineer shall approve access and design and construction of such facilities.

E. Pedestrian/Bicycle Access. A pedestrian circulation system shall be provided in accordance with Chapter 18.55 MMC.

F. Required Open Space/Amenities. A minimum of 8,000 square feet or 10 percent of the manufactured home park, whichever is greater, shall be developed and reserved for common open space. Required buffer yards, parking areas, service buildings, park maintenance and laundry facilities, and manufactured home stalls shall not constitute open space or recreation area. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts) shall be calculated as one and one-quarter square feet toward each square foot of usable recreation area required. Required open space shall meet the provisions of this chapter and shall be preserved in perpetuity.

G. Open Space/Amenities Design Requirement. Open space shall be designed subject to the following criteria:

1. The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area;

2. Common open space shall be concentrated and centrally located in large usable areas within the development and designed for active and passive recreation, unless otherwise allowed herein;

3. A minimum of 60 percent of the total required open space may be located in a central/concentrated area provided the total required open space is greater than one-half acre in size. The remaining 40 percent may be located throughout the site as streetscape, clubhouses, recreational facilities, and/or used for a natural trail system or other uses approved by the hearing examiner;

4. Required open space shall be improved into a park-like setting with a vegetative cover/lawn grass, unless otherwise approved by the hearing examiner;

5. Common open space may contain such complementary recreational structures and/or improvements as are necessary and appropriate for the benefit and enjoyment of residents of the manufactured home park; provided, that the building coverage of such buildings or structures shall not exceed 35 percent of the minimum required open space if under one-half acre in size and 50 percent of the minimum required open space if greater than one-half acre in size; and

6. Required open space shall not exceed a five percent grade. The common open space shall be located on a public/private road or street and have a minimum frontage of 40 feet in width if less than two acres in size. Sites two acres and larger shall have a minimum frontage width of 60 feet.

H. Landscaping/Fencing. All required landscaping shall be a minimum of 10 feet wide for side and rear boundaries and 20 feet for the front boundary or perimeter road rights-of-way.

1. Perimeter Side and Rear Boundary. An ornamental wall or fence measuring a minimum of five feet in height shall be placed along the side and rear property lines. Type 1 landscaping shall be required. Fences shall comply with the minimum provisions in Chapter 18.55 MMC;

2. Perimeter Front Boundary or Perimeter Road Right-of-Way. An ornamental wall or fence measuring a minimum of four feet in height and a combination of trees, shrubs and ground cover shall be planted between the wall and the public/private road right-of-way. Fences shall comply with the minimum provisions in Chapter 18.55 MMC; and

3. Accessory service buildings or structures constructed for the use and enjoyment of the manufactured home park residents shall be landscaped.

4. The hearing examiner may specify modifications to the above minimum standards to mitigate impacts to neighboring properties.

I. Utilities. All manufactured home parks shall have adequate utilities and meet the following:

1. Underground Installation. Utilities shall be installed underground.

2. Water Supply. A supply of safe and potable water meeting the approval of the Chelan-Douglas health district shall be provided to each stall, and to community buildings as appropriate.

3. Sewage Disposal. All sewage and wastewater shall be connected to an approved public or community sewage system.

4. Storm Water Drainage System. A detailed on-site drainage system disposal plan for the entire project shall be designed and implemented in accordance with Chapter 18.55 MMC.

5. Fire Protection. Fire protection measures shall be provided as required by the Uniform Fire Code, town codes and the fire marshal.

J. Sale and/or Transfer of Stalls or Lots. It shall be unlawful to offer for sale, sell or transfer ownership of any portion of a manufactured home park or individual manufactured home lots, stalls or other properties located within the boundaries of an approved manufactured home park.

K. Permits and Enforcement.

1. It is unlawful for any person to construct a new manufactured home park or enlarge an existing manufactured home park in the incorporated areas of the town without an approved conditional use permit meeting the requirements of this chapter and other applicable provisions of town codes. Redevelopment of an existing manufactured home park involving 50 percent or more of the stalls and/or park area shall comply with these provisions.

2. It shall be the responsibility of the park owner/operator to assure that valid placement and building permits are obtained for the placement of manufactured homes and other associated buildings and accessory structures within the park. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.70

### NONCONFORMING USES AND STRUCTURES

Sections:

- 18.70.010 Purpose.
- 18.70.020 Establishment.
- 18.70.030 Nonconforming applicability.
- 18.70.040 Nonconforming lot.
- 18.70.050 Nonconforming use.
- 18.70.060 Nonconforming buildings/structures.
- 18.70.070 Nonconforming mineral extraction.
- 18.70.080 Procedures for reconstruction of a nonconforming use and change from a nonconforming use to another nonconforming use – Expansion of a nonconforming use or building/structure.
- 18.70.090 Discontinuance.
- 18.70.100 Completion of a building/structure/activity.
- 18.70.110 Abatement of public nuisance.

**18.70.010 Purpose.**

The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated. Ultimately it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building, or lot. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.70.020 Establishment.**

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the town. Determination of the nonconforming status of a lot, use, building or structure shall be made by the administrator. Property owners asserting nonconforming status shall submit such information as the administrator deems necessary to substantiate or document the claim to the nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of nonconforming status. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.70.030 Nonconforming applicability.**

A. Provisions contained within this chapter do not supersede or relieve a property owner from compliance with:

1. The requirements of the Uniform Building and Fire Codes; and
2. The provisions of the development regulations that are beyond the specific nonconformance addressed by this chapter.

B. Single residential dwellings lawfully permitted and established within a commercial district prior to adoption of this chapter may be maintained, repaired, or reconstructed in accordance with the provisions of this chapter, provided the dwelling meets the applicable standards of Chapters 18.25 and 18.55 MMC. Permit applications under this subsection are not subject to the procedures of MMC 18.70.080 and are classified as a limited administrative review pursuant to the development permit procedures and administration ordinance.

C. The sale or transfer of a nonconforming use or building/structure does not alone affect the right to continue the nonconforming use or use of a nonconforming building/structure.

D. Buildings/structures, lots, required improvements, uses and/or developments which were not legally established or existing as of the effective date of this title retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions of all town codes.

E. The term “nonconforming use” refers only to a single existing use and does not include all uses to which the property could have been used for under a prior zoning ordinance or zoning classification. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.040 Nonconforming lot.**

Any building/structure shall conform to all current regulations of the zoning district in which such lot is located, including, without limitation, minimum lot size, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access and road improvement. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.050 Nonconforming use.**

A. Generally. A nonconforming use lawfully established under this title and which became or becomes nonconforming by amendment to this title may continue as long as it remains otherwise lawful. Any change or expansion of the nonconforming use shall be made in accordance with the provisions of MMC 18.70.020 and 18.70.080.

B. Continuation When Damaged or Destroyed. The following provisions shall apply when a nonconforming use is damaged, demolished or destroyed by any means:

1. When a nonconforming use and associated building/structure are damaged by any means, and reconstruction costs do not exceed 75 percent of the value of the building/structure determined by using the most recent ICBO construction tables, the nonconforming use may be replaced as it was prior to the damage. If the building/structure was also nonconforming, the building/structure may be rebuilt as it was immediately prior to the damage or in a manner that is more conforming in accordance with MMC 18.70.060(C).

2. When the reconstruction costs of a nonconforming use and associated building/structure exceed 75 percent of the value of the building/structure determined by using the most recent ICBO construction tables, the administrator shall determine whether or not the nonconforming use shall be allowed to continue in accordance with the provisions of MMC 18.70.080. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.060 Nonconforming buildings/structures.**

A. Generally. Any legal nonconforming building/structure may continue so long as it remains otherwise lawful. A nonconforming building/structure other than a required site improvement may be included in and/or changed as a part of any development, or modification to development, subject to review and approval under the procedures and provisions of this title. Provided, that nothing in this section shall authorize the expansion or change of a nonconforming structure except as otherwise provided for in this chapter. Required site improvements, including parking and signs, are subject to the more specific policies on nonconforming parking and signs in this title which shall govern and control.

B. Maintenance of a Nonconforming Building/Structure. Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming building/structure, including the replacement of walls, fixtures and plumbing; provided, that the value of the work and materials in any 12-month period does not exceed 25 percent of the value of the building/structure prior to such work determined by using the most recent ICBO construction tables. This chapter is not intended to apply to the rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units or physically expand the building/structure.

C. Reconstruction of a Nonconforming Building/Structure When Damage Does Not Exceed 75 Percent of Its Value. When a nonconforming building/structure is damaged, demolished or destroyed by any means

and reconstruction costs do not exceed 75 percent of the value of the building/structure determined by using the most recent ICBO tables, the town may issue a development permit(s) allowing the building/structure to be rebuilt as it was immediately prior to the damage or in a manner that is more conforming. Provided, no reconstruction of a nonconforming building/structure shall be performed without issuance of a development permit(s) as appropriate. The property owner shall provide the information necessary to reasonably assure the administrator that the reconstruction complies with this section. The administrator may approve reconstruction in conformance with the submitted and verifiable plans or in a manner that is more conforming to the applicable provisions of town codes and the district in which the building/structure is located. If the administrator determines that the proposed reconstruction amounts to an expansion of the nonconforming building/structure, the owner must file an application for review by the hearing examiner under the provisions of MMC 18.70.080.

D. Reconstruction of a Nonconforming Building/Structure When Damage Exceeds 75 Percent of Its Value. The following provisions shall apply when the reconstruction costs for a damaged, removed, demolished or destroyed nonconforming building/structure exceeds 75 percent of its value determined by using the most recent ICBO construction tables:

1. When a damaged, removed, demolished or destroyed nonconforming building/structure was used for an approved or existing use, any reconstruction of the building/structure shall occur in accordance with the provisions of this title and other applicable development regulations of the town.

2. When a damaged, removed, demolished or destroyed nonconforming building/structure was used for a nonconforming use it may be replaced as it was before or in a manner that is more conforming upon approval by the hearing examiner in accordance with MMC 18.70.080.

E. Expansions to structures that are nonconforming with respect to a required yard may not encroach any further into the required yard, and are limited to extensions adding no more than 25 percent of the length of the existing wall, subject to other applicable requirements of the town. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.070 Nonconforming mineral extraction.**

A. Nonconforming mineral extraction and/or mining may continue operations, provided the following provisions have been submitted for review by the administrator:

1. Documentation verifying the nonconformity asserted;

2. Site, grading and operation plans disclosing the boundaries of the mineral extraction operation, phasing plan, and restoration plan.

B. The expansion of mineral extraction areas including the enlargement of the perimeter boundary, change in access or addition of processing shall be permitted only upon the review and approval of the hearing examiner in accordance with this chapter. Requests for expansion are classified as quasi-judicial pursuant to the development permit procedures and administration ordinance and subject to the standards of this title and other town codes. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.080 Procedures for reconstruction of a nonconforming use and change from a nonconforming use to another nonconforming use – Expansion of a nonconforming use or building/structure.**

The following procedures shall be followed to change a nonconforming use to a different nonconforming use, expand a nonconforming use throughout a building/structure, expand a nonconforming structure or use throughout a lot or onto an adjoining lot, or replace a nonconforming use and/or building/structure damaged by any means beyond 75 percent of its predamaged value as determined by using the most recent ICBO construction tables:

A. Applications submitted under this section are classified for quasi-judicial review described in the development permit procedures and administration ordinance.

B. The hearing examiner may grant the relief requested if they find all of the following:

1. That the expansion, change, reconstruction or replacement requested would not be contrary to the public health, safety or welfare; and
2. That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district; and
3. That the significance of the hardship asserted by the applicant is more compelling than, and reasonably overbalances, the public interest resulting from the denial of the relief requested; and
4. That the use or building/structure was lawful at the time of its inception; and
5. That nearby properties will not be significantly adversely impacted by approving the requested expansion, change, reconstruction or replacement.

C. The hearing examiner shall deny the proposed expansion, change, reconstruction or replacement if they find that one or more of the provisions in subsection B of this section are not met.

D. When approving a change in, or the expansion, reconstruction or replacement of, a nonconforming use or building/structure, the hearing examiner may attach conditions to the proposed change, expansion, reconstruction or replacement or any other portion of the development in order to assure that the development is improved, arranged, designed and operated to be compatible with the objectives of the comprehensive plan, applicable development regulations and neighboring land uses and transportation systems. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.090 Discontinuance.**

- A. A nonconforming use or building/structure shall be discontinued when it is:
1. Succeeded by another use or building/structure that is more conforming; or
  2. Discontinued and not reestablished within six months; or
  3. Damaged and a complete application for reconstruction or replacement is not made within six months of such damage; or
  4. Damaged, demolished, removed or destroyed, by any means, to the extent that reconstruction or replacement costs exceed 75 percent of its value determined by using the most recent ICBO construction tables and the reconstruction or replacement of the nonconforming use and/or building/structure is denied by the hearing examiner in accordance with the provisions in MMC 18.70.080.

B. When a nonconforming use becomes discontinued, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use. Any subsequent use shall conform to the provisions of the district in which it is located. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.100 Completion of a building/structure/activity.**

Nothing contained in this chapter shall require any change in plans, construction, alterations, or designated uses of a building/structure specified in a complete application for a development permit submitted prior to the adoption of this chapter. Improvements and uses authorized by a signed document of the town council, or any permit issued by the town prior to the effective date of the ordinance codified in this title may be developed as set forth in the permit. If the permit becomes invalid prior to development of improvements or uses, the provisions of this chapter shall then be in full force and effect on the subject property. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

#### **18.70.110 Abatement of public nuisance.**

Regardless of any provision in this title, any nonconforming use or structure found to be a public nuisance may be terminated as provided by law. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

## Chapter 18.75

### ENFORCEMENT

Sections:

- 18.75.010 Purpose.
- 18.75.020 Compliance required.
- 18.75.030 Notice of violation and order.
- 18.75.040 Violation – Civil enforcement and penalties.
- 18.75.050 Violation – Criminal penalties.
- 18.75.060 Approval revocation, suspension and modification.

**18.75.010 Purpose.**

The purpose of this chapter is to ensure compliance, abate noncompliance and punish violations of this code. The provisions of this chapter shall be applied and interpreted to accomplish this purpose. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.75.020 Compliance required.**

No person, corporation, partnership, association, or other legal entity shall fail or refuse to comply with, or interfere with or resist the enforcement of the provisions of this code and/or any condition of approval imposed by the town council, planning commission, hearing examiner or administrator, or a lawful land use order or directive of a town official. Any such act or failure to act shall constitute a violation under this chapter. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.75.030 Notice of violation and order.**

Upon the determination that one or more violations have been committed, the administrator shall issue a notice of violation and order.

A. The notice of violation and order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the violation(s) and, when applicable, the contractor(s);
2. The street address or a legal description sufficient for identification of the property;
3. The tax parcel number(s) of the property;
4. A description of each violation, including applicable sections of this code and/or conditions of approval;
5. An order that the use, acts or omissions which constitute violation(s) must cease;
6. A statement of the corrective action required for each violation, with a date by which such action must be completed;
7. A warning: “The failure or refusal to complete corrective action by the date required may result in enforcement action, civil penalties and/or criminal penalties as provided in Town codes”; and
8. A statement of the right to appeal to the hearing examiner.

B. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). Service of the notice of violation and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person’s last known address. Service by mail shall be deemed completed three days after mailing.

C. The appeal of a notice of violation and order shall be filed with the administrator within 10 days after service on the appellant. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.75.040 Violation – Civil enforcement and penalties.**

The failure or refusal to complete corrective action by the date set forth in a notice of violation and order shall subject the person(s) to whom the notice of violation and order was directed to the following enforcement actions and penalties:

A. The administrator may revoke, modify or suspend any permit, variance, subdivision, or other land use or development approval issued for the subject property.

B. A civil penalty of \$50.00 per day per violation until corrective action is completed.

C. The town may enter upon the subject property and complete all corrective action. The actual costs of labor, materials and equipment, together with all direct and indirect administrative costs, incurred by the town to complete the corrective action shall be paid by the record owner(s) and shall constitute a lien against the subject property until paid. A notice of claim of lien shall be recorded with the county auditor. Interest shall accrue on the amount due at the rate of 12 percent per annum. In any action to foreclose the lien against the subject property, all filing fees, title search fees, service fees, other court costs and reasonable attorney's fees incurred by the town shall be awarded as a judgment against the record owner(s) and shall be foreclosed upon the subject property together with the principal and accrued interest.

D. The town may obtain temporary, preliminary and permanent injunctive relief from the superior court.

E. Subsections A through D of this section are cumulative remedies and the taking of action under one subsection does not constitute an election of remedies by the town. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.75.050 Violation – Criminal penalties.**

Any person or any managing director, officer or partner of a corporation, partnership, association or other legal entity, who willfully fails or refuses to complete corrective action to correct a violation by the date set forth in a notice of violation and order shall be guilty of a misdemeanor and shall be punished by not more than 90 days in jail or a \$1,000 fine, or both. Failure or refusal to complete corrective action shall be a separate offense as to each violation in the notice of violation and order. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.75.060 Approval revocation, suspension and modification.**

A. A permit, variance, subdivision or other land use or development approval may be revoked, suspended or modified on one or more of the following grounds:

1. Failure to complete corrective action as required pursuant to a notice of violation and order.

2. The approval was obtained through fraud.

3. The approval was obtained through inadequate or inaccurate information.

4. The approval was issued contrary to law.

5. The approval was issued under a procedural error that prevented consideration of the interests of persons directly affected by the approval.

6. The approval is being exercised or implemented contrary to the terms or conditions of the approval or contrary to law.

7. The use for which the approval was issued is being exercised in a manner that is detrimental to public health, safety or welfare.

8. Interference with the performance of federal, state, county or town official duties.

B. A permit, variance, subdivision, or other land use or development approval shall be revoked, suspended or modified by the administrator, with the consent of the authority which issued the approval (i.e., planning commission, town council, hearing examiner, building official, fire marshal). Action shall be taken through the issuance of a notice and order. The notice and order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the action;

2. The street address or a legal description sufficient for identification of the property;

3. The tax parcel number(s) of the property;

4. The action ordered, and the grounds for the action, including applicable sections of town codes and/or conditions of approval;

5. A statement of the corrective action required, if any, with a date by which such action must be completed;

6. A warning: "The failure or refusal to comply with the foregoing revocation, suspension or modification of a permit, variance, subdivision, or other land use or development approval may result in enforcement action, civil penalties and/or criminal penalties as provided in Town codes"; and

7. A statement of the right to appeal to the hearing examiner.

C. The notice and order shall be served upon each record owner, taxpayer and occupier. Service of the notice and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three days after mailing.

D. An appeal of a notice and order shall be filed with the administrator within 10 days after service on the appellant.

E. After the time period for appeal has expired the notice and order shall be recorded with the county auditor. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.80****VARIANCES**

## Sections:

- 18.80.010 Authorization.  
18.80.020 Evaluation criteria.  
18.80.030 Action on variances.

**18.80.010 Authorization.**

The hearing examiner is authorized to grant variances from the requirements of the zoning code where it can be shown that, owing to special and unusual circumstances related to specific property, the literal interpretation or specific application of this title would cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located, increase densities above that established for the district, or reduce/eliminate standards of other town codes. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.80.020 Evaluation criteria.**

Variances may be granted if it can be demonstrated that all of the following criteria are met:

A. The strict application of the bulk, dimensional or performance standards set forth in the applicable district or in this title precludes a reasonable permitted use of the property; and

B. The hardship asserted by the applicant is specifically related to the property and is the result of unique conditions such as irregular lot shape or size, topography or natural features over which the applicant has no control; and

C. The hardship asserted by the applicant results from the application of this title to the property and not the result of deed restrictions or the actions of the applicant or owner; and

D. The requested variance will not constitute a grant of special privilege not enjoyed by other properties in the same neighborhood or district, and is the minimum relief necessary for the preservation of a property right substantially the same as possessed by owners of property in the same neighborhood or district; and

E. The granting of the variance will not be detrimental to the purposes of this title, be injurious to property in the same neighborhood or district in which the property is located, cause substantial adverse impact on the public interest or be otherwise detrimental to the objectives of the comprehensive plan. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**18.80.030 Action on variances.**

The hearing examiner may approve, conditionally approve or deny a request for a variance. The hearing examiner may, in granting a variance, establish conditions determined necessary to:

A. Protect the interests of surrounding properties and the general public health, safety, welfare and interest;

B. Accomplish the objectives and intent of this title, other applicable regulations and the comprehensive plan; and

C. Mitigate potential adverse impacts of the proposal. [Ord. 443 § 1 (Exh. A), 2006; Ord. 407 § 1 (Exh. A), 2003; Ord. 389 § 2 (Exh. A), 2000.]

**Chapter 18.85**

**DEVELOPMENT PERMIT PROCEDURES AND ADMINISTRATION**

Sections:

Article I. Purpose, Applicability and Definitions

- 18.85.010 Purpose and applicability.
- 18.85.020 Definitions.

Article II. Application Forms

- 18.85.030 Application forms.

Article III. Application Process

- 18.85.040 Application process.
- 18.85.050 Preapplication meetings.
- 18.85.060 Consolidated application process.
- 18.85.070 Plan review.
- 18.85.080 Determination of completeness.
- 18.85.090 Application vesting.
- 18.85.100 Notice of application.

Article IV. Application Review

- 18.85.110 Application review criteria.
- 18.85.120 Application review classification.
- 18.85.130 Limited administrative review of applications.
- 18.85.140 Full administrative review of applications.
- 18.85.150 Quasi-judicial review of applications.
- 18.85.160 Legislative review of applications.
- 18.85.170 Notice of final decision.

Article V. Appeals

- 18.85.180 Appeals.
- 18.85.190 Administrative appeals.
- 18.85.200 Judicial appeals.
- 18.85.210 SEPA appeals.

Article VI. Performance Assurance and Guarantee

- 18.85.220 Purpose.
- 18.85.230 Performance assurance.
- 18.85.240 Criteria.
- 18.85.250 Maintenance bond.
- 18.85.260 Exemptions.

Article VII. Comprehensive Plan and Development Regulation Amendment Process

- 18.85.270 Purpose.
- 18.85.280 Authority.
- 18.85.290 Types of amendments – Classification.
- 18.85.300 Amendment time frame and occurrence.
- 18.85.310 Initiation of an amendment or revision – Docket notice procedure.
- 18.85.320 Review and evaluation of docket notices.
- 18.85.330 Amendment review cycle and action.
- 18.85.340 Emergency amendments.
- 18.85.350 Transmittal to state.

Article VIII. Hearing Examiner

- 18.85.360 Purpose.
- 18.85.370 Hearing examiner.
- 18.85.380 Appointment of examiner.
- 18.85.390 Examiner – Qualifications.
- 18.85.400 Deputy examiner – Qualifications and duties.
- 18.85.410 Examiner – Conflict of interest and freedom from improper influence.
- 18.85.420 Examiner – Authority and duties.
- 18.85.430 Report by town staff.
- 18.85.440 Public hearing.
- 18.85.450 Examiner’s decision and recommendation – Findings required.
- 18.85.460 Appeal of examiner’s decision.
- 18.85.470 Examiner’s report.
- 18.85.480 Multiple applications.

**Article I. Purpose, Applicability and Definitions**

**18.85.010 Purpose and applicability.**

A. The purpose of this chapter is to prescribe the manner in which permits for development and construction are classified and processed, and the general procedures and practices for development permit administration.

B. The purpose of Articles I through V of this chapter is to enact the processes and timelines for local land development permitting. The objectives of these articles are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.

C. This chapter shall apply to permit applications for land development including, without limitation: building permits, conditional uses, binding site plans, planned developments, land divisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

D. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the comprehensive plan and subarea plans, the city of Mansfield resource lands and critical areas policy plan, Douglas County regional policy plan, Uniform Building Code, and the laws, ordinances, regulations and plans of federal, state and local agencies. [Ord. 391 Art. I, § A, 2000.]

**18.85.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

“Application” means a request for any land use permit required from the town for proposed development or action, including, without limitation, building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing. [Ord. 391 Art. I, § B, 2000.]

**Article II. Application Forms****18.85.030 Application forms.**

A. An application shall be made using the appropriate form adopted by the town.

B. Each adopted application form shall, at a minimum, include the following:

1. That the application form be filled out legibly, in blue or black ink, either hand printed or typewritten.
2. The name, mailing address and telephone number of each applicant.
3. The name, mailing address and telephone number of the applicant’s representative, if any.

4. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s).

5. The name, mailing address, telephone number and contractor registration number of the applicant’s prime contractor, if any.

6. The parcel number, legal description and assessor’s parcel map for each parcel which is the subject of the proposed development.

7. The signatures of each applicant or the applicant’s representative, and each property owner if different than the applicant(s).

8. Any other information, documents or materials, as determined by the town, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.

C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this chapter or by Chapter 36.70B RCW. Where a determination or notice to the “applicant” is required by this chapter or Chapter 36.70B RCW, “applicant” shall mean the person or entity so designated.

D. Each application shall contain the following statement:

This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made.

[Ord. 391 Art. II, § A, 2000.]

**Article III. Application Process****18.85.040 Application process.**

The application process shall consist of the following components:

- A. Preapplication meetings.
- B. Plan review.
- C. Determination of completeness.

- D. Notice of application.
- E. Application review.
- F. Notice of final decision. [Ord. 391 Art. III, § A, 2000.]

**18.85.050 Preapplication meetings.**

A. All prospective applicants shall participate in a preapplication meeting. The town may waive the requirement of a preapplication meeting where proposed development is subject to limited administrative review.

B. The purpose of the preapplication meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate development information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.

C. The preapplication meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.

D. The preapplication meeting shall take place at the town's offices, unless the town and the applicant agree upon another location. The length of the preapplication meeting shall be determined by the complexity of the development proposed by the applicant.

E. Within 20 days after the preapplication meeting, the town shall prepare and send the applicant a written summary of the meeting, and a list of any specific documents, information, legal descriptions or other requirements that must be submitted with the application. Such list shall be in addition to the requirements set forth in the appropriate application form.

F. An applicant may request one or more additional preapplication meeting if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial preapplication meeting.

G. Application forms shall be made available to the applicant following a preapplication meeting. [Ord. 391 Art. III, § B, 2000.]

**18.85.060 Consolidated application process.**

A. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

B. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

C. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

D. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed. [Ord. 391 Art. III, § C, 2000.]

**18.85.070 Plan review.**

A. A plan review shall be conducted to determine if the application is complete. Plan review shall determine if adequate information is provided in or with the application in order to begin processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form or from the preapplication meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

B. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other ap-

plicable town ordinances. Town staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signage, utilities and any other applicable requirements. [Ord. 391 Art. III, § D, 2000.]

**18.85.080 Determination of completeness.**

A. Within 28 days after receiving an application, the town shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete.

B. An application shall be determined complete only when it contains all of the following information and materials:

1. A fully completed and signed application.

2. Applicable review fees.

3. All information and materials required by the application form.

4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.

5. A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.

6. Any additional information and materials identified at the preapplication meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.

7. Any supplemental information or special studies identified by the town.

C. For applications determined to be incomplete, the town shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within 14 days after its receipt of the additional requirements, information or materials, the town shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness.

D. A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

E. A determination of completeness shall not preclude the town from requesting additional information or studies if new information is required or a change in the proposed development occurs. [Ord. 391 Art. III, § E, 2000.]

**18.85.090 Application vesting.**

An application shall become vested on the date a determination of completeness is made under this chapter. Thereafter the application shall be reviewed under the ordinances, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the town, the application shall not be considered vested until a new determination of completeness on the changes is made under this chapter. [Ord. 391 Art. III, § F, 2000.]

**18.85.100 Notice of application.**

A. Within 14 days after issuing a determination of completeness, the town shall issue a notice of application. The notice shall include, but not be limited to, the following:

1. The date of application, the date of the determination of completeness, and the date of the notice of application.

2. A description of the proposed project action, a list of permits required for the application, and if applicable, a list of any studies requested.

3. The identification of other required permits not included in the application, to the extent known by the town.

4. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed.

5. A statement of the public comment period, which shall be 14 days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights.

6. The date, time, location and type of hearing, if applicable, and scheduled at the date of the notice of application.

7. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development.

8. Any other information determined by the town to be appropriate.

B. Posting the Notice of Application. The notice of application shall be posted on the subject property for the duration of the public comment period. The applicant shall be responsible for posting and maintaining the posting throughout the entire public comment period. The location and manner of posting shall be determined at the preapplication meeting and shown on the applicant's site plan. The applicant shall obtain the notice of application sign(s) and post(s) from the town upon payment of all applicable fees. The sign location and condition shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the town. After the public comment period, the applicant shall sign an affidavit of posting before a notary public, using the form adopted by the town, and file the affidavit of posting with the town, together with a photograph of the notice of application sign(s) posted at the site. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

C. The notice of application is not a substitute for any required notice of a public hearing.

D. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:

1. Application for a single-family residence, accessory uses or other minor construction building permits.

2. Application for a lot line adjustment.

3. Any application for which limited administrative review is determined applicable.

E. A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application. [Ord. 391 Art. III, § G, 2000.]

#### **Article IV. Application Review**

##### **18.85.110 Application review criteria.**

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or subarea plan adopted under Chapter 36.70A RCW shall be determinative. [Ord. 391 Art. IV, § A, 2000.]

##### **18.85.120 Application review classification.**

A. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels: limited administrative review, full administrative review, quasi-judicial review, and legislative review.

B. If this chapter or other town ordinance provides that a proposed development is subject to a specific type of review, or that law requires a different review procedure, then the application for such development shall be processed and reviewed accordingly. If this chapter does not provide for a specific type of review or

if a different review procedure is not required by law, then the town shall determine the type of review to be used for the type and intensity of the proposed development.

C. Any public meeting or required open hearing may be combined by the town with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the town and within the time limits of this chapter and Chapter 36.70B RCW. [Ord. 391 Art. IV, § B, 2000.]

#### **18.85.130 Limited administrative review of applications.**

Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are interpretation of codes and ordinances, single-family building permits, temporary use permits and accessory dwelling units. The town may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the town is final. There is no administrative appeal of a limited administrative review decision. [Ord. 391 Art. IV, § C, 2000.]

#### **18.85.140 Full administrative review of applications.**

A. Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are short subdivisions, administrative subdivisions, and site plan review, multifamily, commercial, industrial and/or office building permits.

B. The review procedure under full administrative review shall be as follows:

1. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application.

2. Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the town may approve, approve with conditions, or deny the application. The town shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

a. A statement of the applicable criteria and standards in the development codes and other applicable law.

b. A statement of the findings of the review authority, stating the application's compliance or non-compliance with each applicable criterion, and assurance of compliance with applicable standards.

c. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable law.

d. A statement that the decision is final unless appealed as provided in Article V of this chapter "Appeals" to the town council within 14 calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.

e. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the town's representative to contact to arrange inspection.

3. The decision may be appealed to the town council pursuant to Article V of this chapter "Appeals." [Ord. 391 Art. IV, § D, 2000.]

#### **18.85.150 Quasi-judicial review of applications.**

A. Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for code interpretation reviews, subdivisions, conditional use permits, planned residential developments, variances, and other similar applications.

- B. The review procedure under quasi-judicial review shall be as follows:
1. A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.
  2. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.
  3. At least 10 days before the date of a public hearing the town shall issue public notice of the date, time, location and purpose of the hearing.
  4. At least seven days before the date of the public hearing, the town shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The town shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.
  5. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded on either audio or audio-visual tape. If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.
  6. Within 10 working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).
  7. The hearing body may approve, approve with conditions or deny the application and shall mail the notice of its decision to the applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:
    - a. A statement of the applicable criteria, standards and law;
    - b. A statement of the findings the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards;
    - c. A statement that the decision is final unless appealed pursuant to Article V of this chapter "Appeals" to the town council within 14 days of the issuance of the decision. The appeal closing date shall be listed.
    - d. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the town representative to contact to arrange inspection. [Ord. 391 Art. IV, § E, 2000.]

**18.85.160 Legislative review of applications.**

A. Legislative review shall be used when the proposed development involves the creation, implementation or amendment of town policy or law. In contrast to the other procedure types, legislative review may apply to a relatively large geographic area containing several property owners. This type of review shall be used for comprehensive plan, subarea plan, zoning and/or development code review, amendments and updates and site-specific zoning district reclassifications.

B. Legislative review shall be conducted as follows:

1. Legislative review requires at least one public hearing before the planning commission and one public meeting before the town council.
2. The application shall contain all information and material requirements required by the appropriate application form and any preapplication meeting.
3. At least 10 days before the date of the first planning commission hearing the town shall issue public notice of the date, time, location and purpose of the hearing. The notice shall include notice of the SEPA threshold determination issued by the town.
4. At least seven days prior to the hearing the town shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report

and recommendation to the applicant or the applicant's designated representative, and planning commission members. The town shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

5. Following the public hearing and in accordance with RCW 35.63.100, the recommendation of the planning commission shall be forwarded to the town council. Upon receiving the recommendation from the planning commission, the town council shall set a public hearing to consider the proposal.

6. The council may adopt or deny all or any part of the proposal, or it may remand the proposal back to the planning commission for further review after such public hearing. The final decision of the council shall be adopted by ordinance.

7. The final decision of the council shall be in writing and include:

- a. A statement of the applicable criteria and law;
- b. A statement of the findings indicating the proposal's compliance or noncompliance with each applicable approval criterion;
- c. The decision to adopt or deny all or any part of the proposal, or to remand the proposal back to the planning commission for further review;
- d. A statement that the decision is final unless appealed pursuant to Article V of this chapter "Appeals" to superior court within 21 days of the issuance of the decision. The appeal closing date shall be listed.
- e. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the town representative to contact to arrange inspection. [Ord. 391 Art. IV, § F, 2000.]

#### **18.85.170 Notice of final decision.**

A. A notice of final decision on an application processed pursuant to MMC 18.85.130, 18.85.140, or 18.85.150 shall be issued within 120 days after the date of the declaration of completeness. In determining the number of days that have elapsed, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the town to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the town issues the request to the applicant to the earlier of, the date the town determines whether the additional information satisfies its request or 14 days after the date the information has been received by the town.

2. If the town determines the information submitted by the applicant under subsection (A)(1) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (A)(1) of this section shall apply to the request for information;

3. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

4. Any period for administrative appeals, which shall not exceed 90 days for open record appeals and 60 days for closed record appeals.

5. Any extension of time mutually agreed upon by the applicant and the town.

B. The time limit by which the town must issue a notice of final decision does not apply if an application:

1. Is reviewed under MMC 18.85.160.

2. In addition to approval of permits and/or actions under MMC 18.85.130, 18.85.140, or 18.85.150, the application requires an amendment to a comprehensive plan or development regulation.

3. Requires the siting of an essential public facility, as provided in Chapter 36.70A RCW and as may be hereafter amended.

4. Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.

C. If the town is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. In accordance with state law, the town is not liable for damages which may result from the failure to issue a timely notice of final decision. [Ord. 391 Art. IV, § G, 2000.]

### **Article V. Appeals**

#### **18.85.180 Appeals.**

A. An administrative appeal of a decision of the town after full administrative review shall be timely filed with the town by the applicant or any party of record. The administrative appeal shall be heard as an open record appeal by the hearing examiner at a public hearing.

B. There shall be no administrative appeal of a decision of the hearing examiner. An appeal of a hearing examiner decision shall be timely filed as a judicial appeal in the superior court, by the applicant or any party of record.

C. An appeal of a final legislative decision of the town council after legislative review shall be timely filed as a judicial appeal.

D. The town shall have no obligation to the applicant or any party to defend an appeal from a decision of the town, hearing examiner or the council. [Ord. 391 Art. V, § A, 2000.]

#### **18.85.190 Administrative appeals.**

A. An administrative appeal shall be filed with the town within 14 calendar days of the issuance of the decision appealed, together with the applicable appeal fee. An administrative appeal shall be held before the hearing examiner.

B. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.
2. The name and address of the appellant and his/her interest(s) in the application or proposed development.
3. The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous.
4. The specific relief sought by the appellant.
5. The appeal fee. [Ord. 391 Art. V, § B, 2000.]

#### **18.85.200 Judicial appeals.**

A. Appeals of an action of the town with respect to an application, for which all administrative appeals specifically authorized have been timely exhausted, shall be filed in the Douglas County superior court and served on all necessary parties within 21 days after the date of issuance of the notice of final decision, as determined pursuant to RCW 36.70C.040.

B. Notice of the appeal and any other pleadings required to be filed with the superior court shall be served on the town within the 21-day time period.

C. The appellant shall arrange for transcription of any hearings held on the application and file all transcripts. The appellant shall pay all costs of transcription and preparing the record on appeal. The appellant shall, prior to the town's preparation of the record, pay an advance deposit to the town in an amount determined by the town's fee schedule for copying materials. The fee schedule shall represent the town's reasonable costs of duplicating the record. Any excess advance deposit shall be promptly refunded to the appellant. [Ord. 391 Art. V, § C, 2000.]

#### **18.85.210 SEPA appeals.**

A. A major purpose of this chapter is to combine environmental considerations with public decisions. Therefore, any appeal brought under the State Environmental Policy Act (SEPA) shall be linked to a specific governmental action. SEPA provides a basis for challenging whether governmental action is in compliance

with the substantive and procedural provisions of Chapter 43.21C RCW and Chapter 197-11 WAC. It is not intended to create an independent cause of action unrelated to a specific governmental action.

B. Appeals under SEPA shall be taken from the land use permit decision of the town, together with its accompanying environmental determinations.

C. Appeals of environmental determinations made (or lacking) under SEPA shall be commenced within the time required to appeal the governmental action which is subject to environmental review to superior court. There shall be no administrative appeal of a town action or failure to act with respect to environmental determinations under SEPA.

D. A person aggrieved by a town action or failure to act has the right to a judicial appeal pursuant to Chapters 36.70C and 43.21C RCW and Chapter 197-11 WAC. There is no administrative appeal of town environmental determinations made (or lacking) under SEPA provided by this chapter. [Ord. 391 Art. V, § D, 2000.]

#### **Article VI. Performance Assurance and Guarantee**

##### **18.85.220 Purpose.**

The purpose of this article is to allow individuals developing property to post a performance assurance device in a sufficient amount to guarantee and warranty the construction of required improvements, maintenance of such improvements and protect public property. [Ord. 391 Art. VI, § A, 2000.]

##### **18.85.230 Performance assurance.**

All improvements shall be fully completed prior to the final approval of a development permit, land divisions, issuance of a certificate of occupancy or actual occupancy, as directed by applicable codes or regulations, unless a performance assurance device has been executed and approved in accordance with this article. [Ord. 391 Art. VI, § B, 2000.]

##### **18.85.240 Criteria.**

A. The performance assurance device shall be approved by the mayor or his/her designee and shall be in the form of a surety bond or cash account to be established with the clerk/treasurer, or certified check deposited with the clerk/treasurer sufficient to reimburse the town in the event it becomes necessary for the town or its agents to enter the property for completion and/or correction of the project and/or elimination of hazards relating to the project.

1. A security company authorized to transact business in the state of Washington shall execute any performance bond posted with the town pursuant to this article. The bond shall run for the full period of the permit, and shall be in an amount as set out herein as determined by the mayor or his/her designee, and conditioned that such applicant shall faithfully comply with all terms of the permit, all provisions of this article and all other applicable regulations.

2. In lieu of a performance bond, the applicant may establish a cash account or deposit a certified check with the clerk/treasurer. The instructions to the town shall provide that after written notice to the applicant and the applicant's failure to complete the project, correct and/or eliminate existing or potentially hazardous conditions within a reasonable time, as determined by the town, the town shall be authorized without any further notice to the applicant and without any further consent of the applicant to disburse the necessary funds to the town for the purpose of completing, correcting and/or eliminating such conditions as specified in the town notice.

3. In the event the applicant fails to complete all improvements in accordance with this article and the town completes the same, the town shall call upon the performance bond for reimbursement or shall appropriate, from any cash deposit or certified check, funds for reimbursement. If the amount of security bond, cash deposit or certified check shall exceed all costs and expenses incurred by the town, it shall release the remainder of such bond or deposit, and if the amount of the security bond or deposit is less than the cost and expense incurred by the town, the applicant shall be liable to the town for such difference.

4. After determination by the mayor or his/her designee that all improvements are constructed in compliance with approved plans at or prior to the completion dates identified in the performance assurance device, and that the maintenance bond, if any is required, provided for in MMC 18.85.250 has been posted, the performance assurance device shall be released.

B. The performance assurance device shall be for a period of not more than one year for each phase of the development, unless the town approves a time schedule for the performance assurance device. The time period may be extended depending on the type of project and phasing schedule.

C. The value of any performance assurance device posted with the town shall equal at least 125 percent of the estimated cost of the required improvements as determined by the town and shall be utilized by the town to perform any necessary work, and to reimburse the town for administrative costs, including but not limited to attorney fees associated with action on the performance assurance device. If costs incurred by the town exceed the amount provided by the performance assurance device, the property owner shall reimburse the town in full, or the town may file a lien against the subject property for the amount of any deficit. Nothing herein shall limit the town's remedies, and in addition to the above, it may pursue all other available remedies to recover any deficiency.

D. Along with the performance assurance device, the property owner shall provide the town with an irrevocable notarized agreement granting the town and its agents the right to enter the owner's or successor-in-interest's property and perform any required work remaining uncompleted at the expiration of the completion date(s) identified in the performance assurance device. Such agreement shall be in a form capable of being recorded with the Douglas County auditor. [Ord. 391 Art. VI, § C, 2000.]

#### **18.85.250 Maintenance bond.**

A. In the case of subdivision or short subdivision improvements and other development permits pertaining to pavement, sewer, water main, storm drain, grading, excavation, street lighting or improvements of a similar nature, prior to town approval, the applicant and the contractor for the applicant shall post with the town a maintenance bond for the guarantee of improvements in an amount equal to 20 percent of the estimated cost of the improvements for a period of two years after the improvements are accepted by the town. Release of the bond will occur two years from the date of town acceptance if all improvements have been made during such period.

B. The maintenance bond shall guarantee all materials and construction costs and workmanship for a period of two years after the date of acceptance by the town. Such maintenance bond shall be executed by a security company authorized to transact business in the state of Washington and shall be approved as to form by the mayor or his/her designee. In lieu of a maintenance bond, the applicant may deposit with the clerk/treasurer in the form of a cash deposit or other security acceptable to the mayor or his/her designee in an amount set forth herein.

C. In the event the applicant fails to maintain the improvement in accordance with the provisions of this section and the terms of the maintenance bond, the town shall have the right to maintain the same, and shall call upon the security for reimbursement or shall appropriate, from any cash deposit, funds for reimbursement. In the event the security bond or cash deposit shall exceed all costs and expenses incurred by the town, it shall release the remainder of such maintenance bond or cash deposit, and if the amount of the security bond or cash deposit is less than the cost and expense incurred by the town, the applicant shall be liable to the town for such difference. [Ord. 391 Art. VI, § D, 2000.]

#### **18.85.260 Exemptions.**

The mayor or his/her designee may waive the requirements of this article for those project permits for which the temporary cost estimated costs of completion, within the reasonable estimation of the town, are less than \$5,000. [Ord. 391 Art. VI, § 5, 2000.]

## **Article VII. Comprehensive Plan and Development Regulation Amendment Process**

### **18.85.270 Purpose.**

The purpose of this article is to provide a process pursuant to the requirements of Chapter 36.70A RCW for the amendment or revision of the comprehensive plan and development regulations. The amendment process would allow any interested person, business, organization, agency, or the town to submit a docket notice to propose amendments or revise goals, policies, plan maps, zoning maps or text language. [Ord. 391 Art. VIII, § A, 2000.]

### **18.85.280 Authority.**

The authority to amend a comprehensive plan and/or development regulations are granted pursuant to Chapter 35.63 RCW and RCW 36.70A.130. [Ord. 391 Art. VIII, § B, 2000.]

### **18.85.290 Types of amendments – Classification.**

A. “Area-wide amendment” is a proposed change or revision to the generalized land use map, zoning map, goals, policies, objectives or assumptions affecting an area designation. The area-wide amendment process is comprehensive in nature and may be geographically distinctive, or has unified interest within the town and the urban growth area. Amendments reviewed under this process would not affect the location or designation of an urban growth area boundary. Proposed changes to an urban growth boundary are processed under the authority granted to Douglas County by Chapter 36.70A RCW. This article does not apply to urban growth boundary amendments. An area-wide land use reclassification amendment or text amendment is of area-wide significance and usually includes several separate properties under various ownerships.

B. “Text amendment” is a change or revision in the text of the goals, policies, objectives, principles or standards of the comprehensive plan or text changes to development regulations.

C. “Capital facilities amendment” is a change or revision to the capital facilities element of the comprehensive plan and affects capital budget decisions.

D. “Emergency amendment” is a change or revision to the comprehensive plan or development regulations that arises from a situation that necessitates the immediate preservation of the public health, welfare and safety. [Ord. 391 Art. VIII, § C, 2000.]

### **18.85.300 Amendment time frame and occurrence.**

The time frame and occurrence of all proposed comprehensive plan or development regulation amendments are dependent on the type of amendment proposed as classified in MMC 18.85.290 and shall be considered not more frequently than the following:

A. Area-wide amendment: beginning in 2000 and not more frequently than every two years thereafter.

B. Comprehensive plan text amendment: beginning in 2000 and not more frequently than every two years thereafter.

C. Development code text amendments connected with zoning and platting: not more frequently than every year.

D. Capital facilities amendment: not more frequently than every year.

E. Emergency amendment: not limited. [Ord. 391 Art. VIII, § D, 2000.]

### **18.85.310 Initiation of an amendment or revision – Docket notice procedure.**

An amendment or revision to the comprehensive plan or development regulations may be proposed by any person, business, organization, governmental commission, agency, special purpose district or the town. Proposed amendments or revisions shall be initiated through the docket notice procedure outlined below. For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or land use development regulations in a manner that will ensure such changes will be readily available for review by the public.

A. Docketing notices may be submitted at any time during the year. Docket notices received by April 1st of each year will be considered by the planning commission during the current calendar year cycle. Docket notices submitted after April 1st will be considered in the following calendar year cycle.

B. Docket notices received on or before April 1st of each year shall be considered by the planning commission concurrently so that the cumulative effect of the docket notices are considered and evaluated together.

C. Docket notices shall be submitted in writing and include the following:

1. The names, address, and phone number of each person(s) submitting the notice.
2. The type of amendment being pursued as set forth in MMC 18.85.290.
3. A description of the proposed amendment and proposed changes to any map, plan objective, text, or standards as applicable.
4. The parcel number, general address, legal description, scaled drawing and vicinity map of the proposal, if the proposal is for a future comprehensive plan map or zoning map amendment.
5. A brief explanation of the purpose of the proposed amendment, including specific areas within the comprehensive plan and/or development regulations requested for review.
6. An explanation and brief narrative evaluating how the proposed amendment addresses the docket review criteria listed in MMC 18.85.320.

D. All proposed docket notices shall be available for review at the Town Hall during regular business hours. [Ord. 391 Art. VIII, § E, 2000.]

#### **18.85.320 Review and evaluation of docket notices.**

By the third Friday in July of each calendar year the planning commission shall conduct a threshold review and make a determination on docket notice(s) received on or before April 1st as to whether the docket notice(s) merits further review and consideration through the amendment cycle set forth in MMC 18.85.330. Each docket notice shall be evaluated in accordance with the review criteria set forth in subsection D of this section.

A. The planning commission shall prepare a brief report on all docket notices for amendments or revisions to the comprehensive plan or development regulations to assist in their review and determination.

B. The opportunity for written or oral public comments shall be as determined by the planning commission.

C. Public participation is an important element to the citizens of the town. Study sessions, meetings, workshops and/or hearings shall be as determined by the planning commission. The planning commission shall establish effective means of providing notice of docket review. Examples of providing effective notice may include distribution in a newspaper of general circulation and the legal paper of the town, and other means determined by the planning commission in accordance with RCW 36.70A.035.380.

D. Docket notice(s) shall be evaluated based on the following criteria:

1. Is an amendment necessary to resolve inconsistencies in the provisions of the comprehensive plan and development ordinances, and between the plan and the development ordinances or to address state or federal mandates?

2. Have conditions so changed since the adoption of the comprehensive plan involving factors such as, but not limited to, population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate?

3. Is the proposal consistent with the original assumptions made at the time the plan was prepared? If not, what conditions have changed that warrant modification to the original assumptions?

4. Is the proposed amendment consistent with the state planning goals set forth in RCW 36.70A.020, the goals and policies of the comprehensive plan and the county-wide planning policies?

5. Where an amendment to the comprehensive plan map is proposed, is the proposed designation adjacent to property having a similar and compatible designation?

6. Does the proposed amendment affect lands designated in the comprehensive plan and development regulations of the town and the county as resource lands of long term commercial significance or critical areas? If so, how will the proposal impact these lands?

7. Does the proposed amendment meet the acceptable time frame for the amendment in accordance with MMC 18.85.300?

E. The planning commission shall issue a written response regarding the docket notices and forward their determination to the applicant and parties of record following final determination. The final determination shall include a statement of findings indicating the results of the evaluation of the docket notice with each of the applicable review criteria set forth in this section. [Ord. 391 Art. VIII, § F, 2000.]

### **18.85.330 Amendment review cycle and action.**

Docket notice(s) determined as meriting further consideration by the planning commission in accordance with MMC 18.85.320(E) may proceed through the comprehensive plan or development regulation amendment review cycle as set forth in this section and other applicable town codes.

A. Applications and supporting materials shall be submitted not later than September 15th and accepted as complete pursuant to Article III of this chapter, no later than November 1st of the same calendar year.

B. The planning commission shall consider amendments to the comprehensive plan or development regulations concurrently so that the cumulative effects of the various proposals can be ascertained. Amendments shall be considered no more frequently than once every year, unless an emergency exists.

C. The time frames set forth in this article may not apply to capital facility element amendments, processed concurrently with the town's annual budget.

D. Applications shall be submitted in writing on forms adopted by the town and at a minimum include the following:

1. A copy of the final docket notice determination issued by the planning commission.

2. Required documentation or specialized studies required by the planning commission including applicable environmental analyses, and other necessary documentation. Specialized studies shall be prepared by qualified persons, consultants, or other entities approved by the mayor. Specialized studies may include, but not be limited to, traffic and transportation, resource and critical areas, land use analysis, and employment and populations forecasts and environmental documentation. Applicants shall pay all costs of specialized studies.

3. Other information determined by the planning commission at the time of docketing acceptance or pursuant to Article IV of this chapter.

E. Applications submitted prior to the deadline established in subsection A of this section shall be processed as a legislative review pursuant to Article IV of this chapter with the following:

1. Public participation, study sessions and/or workshops as determined by the planning commission shall be held only after effective notice has been provided pursuant to RCW 36.70A.035.

2. Following the completion of the public comment period set forth in subsection (E)(1) of this section, the planning commission shall prepare a report and environmental documentation evaluating the amendments selected for consideration pursuant to the criteria established in MMC 18.85.320(D), agency comments and other relevant data.

3. Proposed comprehensive plan or development amendment applications shall be transmitted to the state of Washington for a 60-day review pursuant to MMC 18.85.350.

4. The reports and environmental documentation shall be integrated into a cumulative analysis on an area-wide basis for all proposed amendments for review and recommendation by the planning commission. Any staff report shall include an analysis of the interrelationship of the proposed amendment(s) and criteria set forth in this article and the following:

a. Impacts – Proposed action.

b. Impacts – No action alternative.

c. Impacts – Recommendations or other alternatives, if any.

d. Mitigation measures.

e. Unavoidable impacts.

F. The approval, modification or denial of an amendment application shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plans or ordinances and local (i.e., sewer, water districts), state or federal mandates.

2. Amendment of development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

3. Conditions have so changed since the adoption of the comprehensive plan on factors such as, but not limited to, population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a 20-year supply.

5. The proposal is consistent with the original assumptions made at the time the plan was prepared, or identification of the basis for the change or modification to these assumptions.

6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

7. The proposed amendment is consistent with Chapter 36.70A RCW, the countywide planning policies and applicable multi-county planning policies.

8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

9. The proposed amendment does not create a monopoly by a single landowner.

10. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the town of Mansfield ordinances, rules, etc., to provide the necessary facilities.

11. An adequate amount of land for various purposes is available to accommodate projected growth over a 20-year period.

12. The proposed amendment is complementary and compatible with adjacent land uses and the surrounding environment.

13. The proposed amendment does not adversely affect lands designated as resource lands of long term commercial significance or critical areas. [Ord. 391 Art. VIII, § G, 2000.]

#### **18.85.340 Emergency amendments.**

Pursuant to Chapter 36.70A RCW an emergency amendment is utilized when there is an imminent threat to the general public health, safety and/or welfare and it is necessary to address a substantial inconsistency that may threaten properties and persons within the town. An emergency amendment may also include amendments necessary due to a loss of funding available for projects advancing the protection of public health, safety and/or welfare or to correct an unintentional scrivener's error in the adopted comprehensive plan or development regulations. [Ord. 391 Art. VIII, § H, 2000.]

#### **18.85.350 Transmittal to state.**

Pursuant to RCW 36.70A.106(3), the town shall notify and transmit copies of proposed comprehensive plan and development regulation amendments to the Washington State Department of Community, Trade and Economic Development, or successor agency at least 60 days prior to anticipated action on recommendations of the planning commission. This review period shall not preclude the planning commission from conducting appropriate citizen participation processes including public meeting, hearings, workshops or other similar events. The town shall also transmit to the state within 10 days any comprehensive plan or development regulation amendment adopted by the town council. [Ord. 391 Art. VIII, § I, 2000.]

## Article VIII. Hearing Examiner

### 18.85.360 Purpose.

The purpose of this article is to provide an administrative land use regulatory system which will separate the town's land use regulatory function from its land use planning function; ensure and expand the principles of fairness and due process in public hearings; and to provide an efficient and effective land use regulatory system which integrates the public hearing and decision making processes for land use matters. [Ord. 391 Art. VIII, § A, 2000.]

### 18.85.370 Hearing examiner.

The office of the hearing examiner, herein referred to as "examiner," is created by the town. [Ord. 391 Art. VIII, § B, 2000.]

### 18.85.380 Appointment of examiner.

The examiner and the deputy examiner shall be appointed by and serve at the pleasure of the town council. This position will be a contracted position, reimbursement for which will be prescribed by the contract between the town council and the examiner. [Ord. 391 Art. VIII, § C, 2000.]

### 18.85.390 Examiner – Qualifications.

The examiner shall be appointed solely with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the examiner to conduct administrative or quasi-judicial hearings utilizing land use regulatory codes and must have expertise and experience in planning, and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics or engineering. [Ord. 391 Art. VIII, § D, 2000.]

### 18.85.400 Deputy examiner – Qualifications and duties.

The deputy examiner shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the examiner. The deputy examiner shall have such training or experience as to satisfy Section 14.12.040. [Ord. 391 Art. VIII, § E, 2000.]

### 18.85.410 Examiner – Conflict of interest and freedom from improper influence.

A. The examiner shall not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest:

1. The examiner's spouse, brother, sister, child, parent, in-laws, partner; any business in which the examiner is then serving or has served within the previous two years; or
2. Any business with which such examiner is negotiating for or has an arrangement or understanding concerning possible partnership or employment. Any actual or potential interest shall be disclosed prior to such hearing.

B. Participants in the land use regulatory process have the right, insofar as possible, to have the examiner and deputy examiner free from personal interest or prehearing contacts on land use regulatory matters considered by them. It is recognized that there is a countervailing public right to free access to public officials on any matter. Therefore, the examiner and deputy examiner shall reveal any substantial interest or prehearing contact made with them concerning the proceeding, at the commencement of such proceeding. If such interest or contact impairs the examiner's or deputy examiner's ability to act on the matter, such person shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness.

C. Immediately after the announcement of any interest or prehearing contact, any person who objects to said interest or prehearing contact shall state the objection and any reasons supporting the objection. The failure to state such an objection at the time of announcement is deemed to be a waiver of said objection; therefore, this objection cannot be raised for the first time at any subsequent time.

D. The examiner or deputy examiner, upon hearing an objection, shall personally decide whether the interest or contact will impair his or her ability to be fair and impartial, and shall hear the case or abstain accordingly.

E. No town council member, town official, or any other person shall interfere with or attempt to influence the examiner or deputy examiner in the performance of their designated duties; provided, that a town official or employee may, in the performance of his/her own official duties, provide information for the examiner or process a town case before the examiner, when such actions take place or are disclosed in the examiner's hearing or meeting. [Ord. 391 Art. VIII, § F, 2000.]

**18.85.420 Examiner – Authority and duties.**

A. The examiner shall receive and examine available relevant information, including environmental documents, conduct public hearings, cause preparation of a record thereof, prepare and enter findings and conclusions for:

1. Preliminary subdivisions;
2. Appeals alleging an error in a decision of a town official in the interpretation of, or the enforcement of violations of, the zoning code or any other development regulation;
3. Appeals alleging an error in a decision of a town official in taking an action on a short subdivision or binding site plan;
4. Applications for variances, conditional use permits, site plan development permits, permits for the alteration, expansion or replacement of a nonconforming use, and waivers;
5. Amendments and/or alterations to subdivisions;
6. Petitions for plat vacations.
7. Any other matters as specifically assigned to the examiner by the town council or as prescribed by the town code.

B. The decision of the examiner on all matters is final and conclusive, unless appealed pursuant to Article V of this chapter.

C. The examiner's decision shall be based upon the policies of the applicable comprehensive plan, the standards set forth in the various development regulations of the town or any other applicable program adopted by the town council. When acting upon any of the above specific applications or appeals, the examiner may attach reasonable conditions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the town council. [Ord. 391 Art. VIII, § G, 2000.]

**18.85.430 Report by town staff.**

When an application has been scheduled for a public hearing, town staff as designated by the mayor, herein referred to as "staff," shall coordinate and assemble the comments and recommendations of other applicable town officials and governmental agencies having an interest in the application. The staff shall prepare a report summarizing the factors involved and the findings and recommendations of the staff. At least 10 days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and shall be made available to any interested party at the cost of reproduction. [Ord. 391 Art. VIII, § H, 2000.]

**18.85.440 Public hearing.**

A. Before rendering a decision on any application, the examiner shall hold at least one public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in the applicable town code governing the application.

B. The examiner shall have the authority to prescribe rules and regulations for the conduct of hearings before the examiner; and also to administer oaths and to preserve order. [Ord. 391 Art. VIII, § I, 2000.]

**18.85.450 Examiner's decision and recommendation – Findings required.**

A. When the examiner renders a decision or recommendation, the examiner shall make and enter findings from the record and conclusions thereof, which support such decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the comprehensive plan and the standards set forth in the various land use regulatory codes.

B. At the conclusion of oral testimony at a public hearing the examiner may establish the date and time at which the public record will close. The public record may be extended beyond the public hearing for the purpose of allowing written testimony to be submitted. The extension shall not exceed 10 working days after the conclusion of oral testimony. All decisions of the examiner shall be rendered within 10 working days after the date the public record closes.

C. Upon issuance of the examiner's decision, the staff shall transmit a copy of the decision by certified mail to the applicant and send a notice of the decision by first class mail to other interested parties requesting the same. [Ord. 391 Art. VIII, § J, 2000.]

**18.85.460 Appeal of examiner's decision.**

The final decision by the examiner on any matter within his/her jurisdiction may be appealed in accordance with Article V of this chapter. [Ord. 391 Art. VIII, § K, 2000.]

**18.85.470 Examiner's report.**

A. The hearing examiner shall meet at least once per calendar year with the town council and the planning commission for the purpose of reviewing the policies contained in the comprehensive plans and the administration of these policies.

B. The examiner shall briefly summarize the examiner's decisions and recommendations for each calendar year. [Ord. 391 Art. VIII, § L, 2000.]

**18.85.480 Multiple applications.**

The examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision on each application may be covered in one written decision. [Ord. 391 Art. VIII, § M, 2000.]

## **Title 19**

### **DEVELOPMENT STANDARDS**

#### **Chapters:**

<b>19.02</b>	<b>General Provisions</b>
<b>19.10</b>	<b>Streets</b>
<b>19.20</b>	<b>Storm Water Drainage</b>
<b>19.30</b>	<b>Water System</b>
<b>19.40</b>	<b>Sewer System</b>
<b>19.50</b>	<b>Street Lights</b>
<b>19.90</b>	<b>Drafting Standards</b>



**Chapter 19.02****GENERAL PROVISIONS**

## Sections:

- 19.02.010 Purpose.
- 19.02.020 Applicability.
- 19.02.030 General requirements.
- 19.02.040 Relationship to other regulations.
- 19.02.050 Improvements – Construction.
- 19.02.060 Performance assurance.
- 19.02.070 Suspension of permits.
- 19.02.080 Maintenance of incomplete improvements.
- 19.02.090 Developer extension agreement.
- 19.02.100 Definitions and reference specifications.
- 19.02.110 Fees.
- 19.02.120 Enforcement.
- 19.02.130 Severability.

**19.02.010 Purpose.**

The purpose of this title is to provide a separate title that establishes and codifies the design and construction standards for public infrastructure improvements that occur within the town of Mansfield. It is further the purpose of this title to provide a concise location for describing the development standards, including those provisions established and documented by other agencies and/or organizations that may be adopted by the town of Mansfield by reference. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.020 Applicability.**

The requirements of this title shall apply to all street and utility improvements, public or private, to be designed and constructed within the town. The provisions herein shall also apply to all developments, land use activities and permit applications obtained in compliance with the regulations governing development of the town, as established within the rules, regulations, ordinances, policies and plans adopted by the town, including but not limited to the zoning code, subdivision code, the technical specifications guidebook and the environment code. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.030 General requirements.**

A. The standards for the construction of all additions and/or improvements to town facilities shall be those contained within this title, and are intended to represent the minimum standards for the design and construction of public facilities. These standards are intended as guidelines for designers and developers in preparing their plans, studies and/or reports and for the town in reviewing the same. Where minimum values are stated, greater values should be used whenever practical, and where maximum values are stated, lesser values should be used where practical.

B. The town may require more stringent standards to be followed if, in the circumstances of a particular project, more stringent standards or different materials or equipment are necessary to protect the public health, safety or welfare, or to prevent or mitigate potential adverse environmental impacts. If more stringent standards are required to be met, then the town shall provide timely written notification to the contractor of the more stringent standards with a written explanation as to the reasons therefor.

C. Alternate design standards may be accepted when it can be shown, to the satisfaction of the town, that such alternate standards will provide a design equal to or superior to that specified. In evaluating the alternate design, the town shall consider appearance, durability, ease of maintenance, public safety and other appropriate factors, including the most current version of “Standard Specifications for Road, Bridge and Municipal

Public Works Construction,” prepared by the Washington State Chapter, American Public Works Association (APWA), and the Washington State Department of Transportation (hereafter referred to the “standard specifications”).

D. Where improvements are not covered by this title or by the standard specifications or any other referenced document, the town will be the sole judge in establishing appropriate standards. Where these standards conflict with any existing town ordinances, or if discrepancies exist within the body of this text, the higher standards shall be utilized as determined by the public works superintendent.

E. It is the developer’s responsibility to be fully informed regarding the nature, quality and the extent of the work to be done, and if in doubt, to secure specific instructions from the town.

F. The developer shall be responsible for paying for all costs and expenses incurred by the town in the pursuit of project submittal, review, approval construction and inspection. These costs include, but are not limited to, the utilization of staff and consultants as may be necessary, at the town’s discretion, to adequately review and inspect construction of the project(s). All legal, planning, administrative and engineering fees for project review, meetings, approvals, site visits, construction inspection, etc., shall be subject to the provisions of MMC 16.04.080 and/or any other fees that may be established by the town council from time to time. The developer is cautioned that project approval, town acceptance and/or occupancy permits will be denied until all bills are paid in full.

G. Subject to review, the public works superintendent or designee may waive plan requirements, wholly or in part, based on the following criteria:

1. No more than 5,000 square feet will be cleared and graded within the town right-of-way or easement; and
2. The existing grade or slope in the town right-of-way or easement does not exceed 12 percent; and
3. The work will not intercept a stream or wetland or otherwise impact natural surface drainage as set forth in this code and/or the standard specifications; and
4. The work is required as part of a development permit that involves less than 100 lineal feet of existing public improvement; and
5. The submitted drawings and required permits, demonstrating compliance with the provisions contained within this title, are sufficient to describe the improvements to be constructed. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.02.040 Relationship to other regulations.**

A. Other laws, ordinances, regulations and plans have a direct impact on the development of land. As part of the overall development regulations for the town of Mansfield, this title recognizes and incorporates the standards, provisions and regulations contained in other rules, regulations and ordinances of the town, including but not limited to the zoning code, the development standards code, the comprehensive plan, the technical specifications guidebook, the Uniform Building Code, etc., as they exist now or as may hereafter be amended. These laws, regulations and ordinances pertain to items including but not limited to streets, sidewalks, water systems, sanitary sewer systems, storm drainage facilities, and including the laws, ordinances, regulations and plans of federal, state and local agencies. As such, approvals granted pursuant to this title shall only occur in compliance with these other regulatory tools as well as the comprehensive plan and any other applicable planning documents.

B. Where provisions of other official controls and regulations overlap or conflict with provisions of this title, whether federal, state or local, the more restrictive provisions shall govern.

C. Neither this chapter nor any administrative decision made under it:

1. Exempts the permittee from procuring other required permits or complying with the requirements and conditions of such a permit; or
2. Limits the right of any person to maintain against the permittee at any time, any appropriate action, at law or in equity, for relief from damages caused by the permittee arising from the permitted activity. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.050 Improvements – Construction.**

Design and construction of required public improvements shall be completed in the following manner:

A. The developer shall submit three complete sets of construction drawings and specifications, designed and certified by a licensed civil engineer registered in the state of Washington, prior to starting construction. The construction drawings and specifications shall comply with the specific conditions of approval for the project, as well as conforming to all applicable town codes, regulations, rules and policies.

B. Work shall be performed only by a Washington State licensed and bonded contractor with experience in municipal public works construction.

C. After the construction drawings and specifications have been approved by the town engineer, and prior to the start of construction, a preconstruction meeting shall be conducted. The applicant/developer, his/her on-site job supervisor, representatives of any and all subcontractors, affected utility purveyors, other affected agencies, the town public works superintendent and other town personnel as needed shall attend the preconstruction meeting. At this meeting, the construction drawings and specifications will be reviewed along with any specific issues or concerns related to the project, construction materials to be used shall be reviewed and approved, and the developer will provide a project schedule detailing the timing and sequencing of construction activities.

D. At the conclusion of the preconstruction meeting, the public works superintendent shall authorize the developer to proceed with construction in accordance with the approved construction drawings and specifications, and as described and agreed to at the preconstruction conference. As determined necessary by the town for complex projects, the construction of improvements may be required to proceed under the supervision of a licensed civil engineer.

E. Any necessary changes to the original, approved construction drawings or specifications shall be submitted to and approved by the town in advance of the construction of those changes.

F. The town may conduct periodic inspections of the work in progress during construction to determine conformance with the approved construction drawings and specifications, any agreements formed during the preconstruction meeting and with other town regulations. These inspections will not serve to direct the construction activities or otherwise administer the project, or make any determinations as to the percentage of completion of any portion of the project. As determined necessary by the town, the inspections may be performed by a licensed civil engineer. The lack of inspection by the town will not alter the responsibilities of the developer to properly construct the project.

G. The town may require special tests such as material tests, compaction tests, structural tests, performance tests of mechanical items or television inspection and videotaping, to be conducted by the developer for submittal to the town.

H. Upon completion of the initial phases of construction and at the final completion of the work, the town may require reports, drawings and supplements thereto to be prepared and submitted by the owner and/or an appropriate qualified professional approved by the town. The developer shall furnish the town with an itemization of all costs associated with the construction of the public streets and/or utilities in order that a bill of sale can be prepared.

I. The permittee or his/her agent shall notify the town when the operation is ready for final inspection. Final approval, including acceptance of the improvement when applicable, shall not be given until all work has been completed in accordance with the final approved plans and specifications, any as-built drawings and/or supplemental reports have been submitted and accepted, and all fees have been paid.

J. After the completion of construction and acceptance of the improvements by the town, three sets of “as-built” drawings showing the improvements as constructed shall be certified as true and complete by a registered civil engineer and one copy shall be reproducible mylar. The certified “as-built” drawings shall be submitted to the town prior to any final approvals and/or acceptance of the improvements by the town.

K. The developer shall be required, upon completion of the work and prior to acceptance by the town, to furnish the town with a written guarantee covering all material and workmanship for a period of two years after the date of final acceptance and the developer shall make all necessary repairs during that period at his

own expense, if such repairs are necessary as the result of furnishing poor materials and/or workmanship. The developer shall obtain warranties from the contractors, subcontractors and suppliers of material or equipment where such warranties are required and shall deliver copies to the town upon completion of the work. The surety shall be equal in value to 15 percent of the total value of the required public improvements as determined by a licensed professional engineer. The town shall withhold final approval until any required security for completion and the required security for maintenance are filed. The town may perform maintenance on any public improvement if the developer fails to complete the work within the specified time, or if timely completion is necessary for public health, safety or welfare. Maintenance performed by the town during the required maintenance period does not waive the developer's responsibility for required maintenance.

L. The developer shall have all public improvements inspected by a licensed professional engineer one month prior to the end of the warranty and maintenance period and document the inspection in a report to be submitted to the town. Said professional engineering report shall be required prior to final acceptance of the public improvements by the town. In the event that flaws in workmanship or materials occur during the two-year warranty period, final acceptance may be extended by the town on recommendation by a licensed professional engineer.

M. The original design drawings drawn on linen or mylar and other necessary data shall also be submitted at the completion of construction for completion of construction record drawings by the town and shall remain the property of the town. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.02.060 Performance assurance.**

A. All improvements shall be fully completed prior to the final approval of a development permit, land division, issuance of a certificate of occupancy or actual occupancy, as directed by applicable codes or regulations, unless an alternative performance assurance device, a contractual agreement, an agreement and partial funding for a local improvement district (LID), or a bond between the developer and the town has been executed and approved in accordance with this chapter.

B. The performance assurance device shall be approved by the town council in an amount approved by the town engineer, as appropriate, and shall be in a form acceptable to the town attorney.

C. The performance assurance device shall be for a period of not more than one year for each phase of the development, unless a time schedule for the performance assurance device is approved by the town. The time period may be extended depending on the type of project and phasing schedule.

D. The town shall determine the specific type of assurance device required in order to insure completion of the required conditions of approval. The value of the device shall equal at least 150 percent of the estimated cost of the required improvements, as reviewed and approved by the town. The assurance device shall be utilized by the town to perform any necessary work, to reimburse the town for performing any necessary work, and to reimburse the town for documented administrative costs associated with action on the device. If costs incurred by the town exceed the amount provided by the assurance device, the property owner and/or applicant shall reimburse the town in full, or the town may file a lien against the subject property for the amount of any deficit.

E. If the performance device or evidence of a similar device is required, the property owner and/or applicant shall provide the town with an irrevocable notarized agreement granting the town and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date(s) identified in the assurance device.

F. Upon completion of the required work by the property owner and approval by the town, at or prior to expiration of the completion date(s) identified in the assurance device, the town shall promptly release the device or evidence thereof.

G. The town may enforce the bonds or performance or maintenance security described in this chapter according to their terms, pursuant to any and all legal and equitable remedies. In addition any completion or maintenance security filed pursuant to this chapter shall be subject to enforcement in the following manner:

1. In the event the improvements are not completed as required, or maintenance is not performed satisfactorily, the town shall notify the property owner and/or applicant and the guarantor in writing, which shall

set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

2. In the event repairs or maintenance are not completed as specified in the notice referred to in subsection (G)(1) of this section by the specified time, the town may proceed to repair the defect or perform the maintenance by either force account, using town forces, or by private contractor. Upon completion of the repairs or maintenance, the costs thereof, plus interest at 12 percent per annum, shall be due and owing to the town from the owners and guarantor as a joint and several obligation.

H. In the event the town is required to bring suit to enforce maintenance, the property owner and/or applicant and guarantor shall be responsible for any costs and attorneys' fees incurred by the town as a result of the action. In the event that the security is in the form of a cash deposit with the town, the town may deduct all costs set forth in this section from the cash on deposit and the property owner and/or applicant shall be required to replenish the same for the duration of the guaranty period. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.02.070 Suspension of permits.**

The public works superintendent or town engineer may suspend or revoke a permit or issue a stop work order whenever he/she determines that:

A. The activities or intended activities have become or will constitute a hazard to persons; endangers property; adversely affects the safety, use or stability of any public way or facility; or

B. The owner/developer and/or the authorized representatives have violated a provision of the permit or of this chapter or other provisions of the town's rules, regulations, ordinances, policies or plans; or

C. There are changes in the site characteristics upon which a waiver was granted or a permit was approved; or

D. Construction is not in accordance with the approved plans and specifications; or

E. Noncompliance with correction notice(s) previously issued for the site. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.02.080 Maintenance of incomplete improvements.**

The town may decline to accept responsibility for the maintenance of streets, utilities and/or any other required public improvements until said improvements are completed and accepted in writing by the town. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.02.090 Developer extension agreement.**

A. The town hereby authorizes owners of real property within the town to enter into agreements with the town for the extension of street facilities to such real property, and authorizes owners of real property within the town or without the town limits to enter into agreements with the town for the extension of water, sewer, and storm water facilities to such real property. The owner of the property for which the improvements are being made shall enter into a developer extension agreement with the town on forms supplied by the town, post a performance bond and insurance as provided herein, and pay all applicable administrative, inspection, and permit fees, and all actual costs to the town associated with the project that exceed the fees established from time to time by the town council, including but not limited to legal, engineering, consultant and planning fees, as set forth in the agreement. Applicants for developer extension agreements shall be in compliance with all town ordinances, rules and regulations to be eligible for processing of their application.

B. If any public utilities such as water mains, sanitary or storm sewers are required, for the purpose of benefiting additional or adjacent properties, to be sized larger than the minimum sizes set forth in this title, or as required by other regulatory guidelines, then such utility shall be constructed to such size and design as determined by the town engineer. Reimbursement to the developer for the costs of this oversize construction in order to benefit additional or adjacent properties, and the terms of the oversize reimbursements, will be defined in the developer extension agreement and prior to start of construction. If the terms are not established in the developer extension agreement and actual amounts determined prior to the start of construction, then the developer/owner will have been deemed to have waived his right to any oversizing credit. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.100 Definitions and reference specifications.**

The definitions stated in the town's zoning and land division codes shall apply in this title, along with any definitions in the codes and specifications identified in this title. If there is a conflict between definitions, those found in the town's rules, regulations, ordinances, policies and plans shall prevail.

Additionally, the following abbreviations are used throughout this title:

ASTM	American Society for Testing and Materials
WSDOT	Washington State Department of Transportation
MUTCD	Manual on Uniform Traffic Control Devices
APWA	American Public Works Association
AWWA	American Water Works Association
ANSI	American National Standards Institute
ASA	American Standards Association
ITE	Institute of Traffic Engineers

[Ord. 398 § 2 (Exh. B), 2001.]

**19.02.110 Fees.**

Permit, professional review and construction inspection and administration fees compensate the town for the costs associated with the construction of street and utility improvements. Any fees associated with required permits and the review and approval of construction plans required herein shall be as established by the town council from time to time. Where it is determined by the town that it is necessary to utilize outside professional resources, including but not limited to engineers, attorneys, planners or inspectors, associated fees for those service shall be paid for by the applicant/developer. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.120 Enforcement.**

Any person, partnership, association, firm or corporation who violates or fails to comply with this title is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in Chapter 18.75 MMC, which remedies are cumulative, not alternative remedies, and are in addition to any other remedy to which the town may be entitled by law. Any violation of this title is declared to be a public nuisance, subject to abatement or injunctive relief in accordance with the town's ordinances and the laws of the state of Washington. [Ord. 398 § 2 (Exh. B), 2001.]

**19.02.130 Severability.**

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.10****STREETS**

## Sections:

- 19.10.010 Introduction.
- 19.10.020 Street classifications.
- 19.10.030 Street improvement requirements.
- 19.10.040 Street design standards table.
- 19.10.050 Design standards.
- 19.10.060 Plans and profiles.
- 19.10.070 Right-of-way dig permits.

**19.10.010 Introduction.**

A. The items herein contained are the street standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing the street/circulation system. These are minimums only and may be increased or altered to fit particular situations. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of street improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. The town also by this reference adopts the latest version of the “standard plans” (engineering drawings hereinafter referred to as the “standard plans”) published by the Washington State Department of Transportation.

B. In addition to the specific standards set forth in this chapter, the town may develop a technical specifications guidebook containing drawings that graphically depict the provisions of this chapter and the standard specifications. This guidebook may also specify where the town may choose to add to, remove from, and/or replace (in whole or in part) certain aspects of the standard specifications and standard plans adopted by reference herein. The guidebook is a technical reference document that may be updated periodically based on changes in engineering standards, whether those be town standards or updated standards in the design and construction documents that are adopted by reference in this chapter.

C. These standards and specifications shall apply to any and all work that is done to the town’s street/circulation system, whether required as a condition of development permit approval, right-of-way dig permit, or as a result of an individual request for street construction work. [Ord. 398 § 2 (Exh. B), 2001.]

**19.10.020 Street classifications.**

The following street classification system shall be applied within the town of Mansfield, pursuant to the Mansfield urban area comprehensive plan.

A. Arterial streets are designed to carry a high proportion of the total urban area traffic, and usually serve either traffic going from the central business areas to outlying residential areas, or traffic entering and leaving the urban area. They also provide a connection to collector streets and provide intra-community continuity while maintaining identifiable neighborhoods.

B. Collector streets are designed to provide access service and traffic circulation within residential neighborhoods and commercial/industrial areas. They differ from the arterial streets in that they may penetrate residential neighborhoods, distributing traffic from arterials to the ultimate destination or vice-versa.

C. Local streets have a primary function of providing access to abutting land and to collector and arterial streets. They offer the lowest level of mobility and through traffic in residential neighborhoods should be deliberately discouraged. [Ord. 398 § 2 (Exh. B), 2001.]

**19.10.030 Street improvement requirements.**

All developments will require improvement of the streets, sidewalks, curbs, gutters, and utilities in full compliance with these development standards.

A. Private Access Streets. The following standards shall apply to the creation of all new lots, and/or upon construction of new residences on existing lots, that are served by a private access street:

1. Every approved private street, as provided for herein, shall connect to an existing public street;
2. The private access street shall be permanently established by plat or easement providing legal access to serve no more than four single-family lots/dwellings;
3. The width of the easement for the private access street shall not be less than 30 feet;
4. The improved surface width of a private access street shall not be less than 20 feet. The improved surface shall consist of three inches of compacted ACP over three inches of compacted five-eighths-inch crushed top course and four inches of compacted one-and-one-quarter-inch base rock. The compacted depths shall meet or exceed existing subgrade depth;
5. The length of a private access street shall not exceed 450 feet, excluding turnaround;
6. Private access streets greater than 150 feet in length shall be improved with an approved turnaround (e.g., cul-de-sac, hammerhead, etc.) for emergency vehicles;
7. Private access streets shall not have a grade that is greater than 12 percent, unless otherwise approved by the town;
8. The turning radius at any intersection of the private access street and a public right-of-way shall not be less than 30 feet;
9. All private access streets shall intersect the public right-of-way at an angle of between 75 and 90 degrees;
10. Private access streets shall have covenants, recorded with the Douglas County auditor's office, that provide for the following:
  - a. Unrestricted access shall be provided at all times for emergency and public service vehicles;
  - b. The maintenance for the private access street is the responsibility of the owners, homeowner's association or other legal entity; the town of Mansfield shall not maintain private access streets;
  - c. The utilities located within the private access street are owned by and are the responsibility of the property owners, and shall not be maintained by the town of Mansfield;
11. All utilities that have not already been installed to serve the site shall be constructed within the easement for the private access street to full town standards as set forth herein and installed underground. The list of affected utilities shall include but not be limited to water, sewer, storm drainage, electrical and communications;
12. Private access streets serving more than four residences shall only be allowed as part of a planned development (PD), and shall meet the standards of a public local access street unless a traffic analysis is conducted by the applicant for the PD, and reviewed and approved by the town, that determines the applicability of a lesser standard; and
13. Private access streets shall not be used to serve uses other than specifically provided for by this section, including but not limited to commercial, industrial and/or public uses.

B. Public Street Improvements. The following standards are required for all new public streets:

1. The improvement standards for new development and/or uses for all classifications of public streets shall be as provided for in MMC 19.10.040.
2. The following minimum standards shall apply to the development of all types of uses including but not limited to single-family, duplex and multifamily residential dwelling units, commercial and industrial activities, and conditional uses for business other than a home occupation, that are proposed to be located on an unimproved right-of-way in an existing plat:
  - a. The paved surface, curb, gutter, sidewalks, storm drainage facilities and all other utilities shall be installed along the frontage of the property, extending to match the nearest improved street when necessary, and shall meet the requirements of these standards. The plans for said improvements shall be proposed by the

applicant's engineer, with review and approval by the town prior to authorization to construct. [Ord. 398 § 2 (Exh. B), 2001.]

**19.10.040 Street design standards table.**

The following minimum street design standards shall apply within the town of Mansfield:

<b>Design Element</b>	<b>Local Access</b>	<b>Collector</b>	<b>Arterial</b>
Minimum right-of-way width	50 feet	60 feet	60 feet
Minimum street surface width, curb face to curb face	28 feet	36 feet	40 feet
Curb	6 inches wide, 6 inches tall above paved surface	6 inches wide, 6 inches tall above paved surface	6 inches wide, 6 inches tall above paved surface
Sidewalks:			
Residential zones	4 feet	6 feet	6 feet
Commercial and public zones	8 feet	8 feet	8 feet
Industrial zones	6 feet	6 feet	6 feet
Maximum grade in %	10%	10%	10%
Traffic lane width (2)	10 feet	10 feet	12 feet
Parking lane width	8 feet, one side only	8 feet, both sides	8 feet, both sides
Maximum bank slope	4:1	4:1	4:1
Minimum radius on inside face of curb	50 feet	100 feet	100 feet
Cul-de-sac outside radius	32	50	50
Hammerhead, top/sides	60/20	60/20	60/20
Surfacing requirements:			
Class B Asphalt	3 inches	3 inches	3 inches
Top course	3 inches	3 inches	3 inches
Base course	6 inches	6 inches	8 inches

Base course depths may require a design depth by a soils engineer if determined by the town engineer.

[Ord. 398 § 2 (Exh. B), 2001.]

**19.10.050 Design standards.**

The design and construction of streets shall be dependent on local site conditions, and the design elements of streets shall conform to the following minimum standards set forth herein:

A. General Requirements.

1. The street layout of every new development shall be in conformance with these standards and with the town's comprehensive plan. New streets shall provide for the continuation of major streets that serve property contiguous to the development, and shall be designed to provide for the maximum anticipated traffic conditions, as determined by the town.

2. The naming of all streets shall receive approval from the town to assure consistency and elimination of confusing or inconsistent address numbers.

3. Street networks shall provide ready access for fire and other emergency vehicles and the town may require additional access points if such are found to be necessary to protect the public safety.

4. Detailed plans shall be submitted for the town's review which provide the location and design elements of the proposed street. Computations and other data used for design of the streets shall be submitted to the town for approval.

5. Material and installation specifications shall contain appropriate requirements that have been established by the industry in its technical publications, such as ASTM, WSDOT, WEF, MUTCD and APWA standards.

6. Workmanship and materials shall be in accordance with Sections 1-05 and 1-06 of the current edition of the standard specifications.

7. The town will not issue building permits to property or lots served by streets or alleys vacated by operation of law unless recorded and dedicated access is provided meeting full street standards of the town.

8. Right-of-way shall include all cut and fill slopes to natural ground.

9. Switchbacks, when necessary, shall be designed with a minimum turning radius of 42 feet and a minimum inside radius of 25 feet with pavement widening on the inside edge accordingly.

10. Additional right-of-way width may be required where a clear pattern of future development is present (such as to serve areas included in the urban growth boundary).

11. When needed, average daily traffic (ADT) shall be estimated using the trip generation rates found in the latest edition of Trip Generation Manual by ITE.

12. Individual developments producing ADT exceeding 200, or the accumulation of existing and proposed developments exceeding 500 ADT, may be required, at the discretion of the town, to perform a traffic study completed and stamped by a registered traffic engineer.

13. Any roadway surface that restricts parking shall be so posted at the expense of the developer.

14. Curb radius shall be 20-foot radius to face of curb on local access and collector arterials and 35 feet on secondary arterials and major arterials.

15. An approved traffic safety control plan is required when working in the right-of-way.

16. Dust control will be required for all construction projects.

#### B. Design Elements.

1. The minimum design standards for each street classification are shown in MMC 19.10.040.

2. The minimum surfacing requirements are described in MMC 19.10.040. All minimum requirements assume an acceptable, well-drained, stable, compacted subgrade. Additional requirements may be imposed at the discretion of the town if suitable subgrade conditions are not met or if traffic conditions warrant.

3. Street intersections shall be perpendicular or as close to 90 degrees as possible. Where local access streets intersect arterial or collector arterials, intersections shall be designed at grade with the collector or arterial street. Street jogs with offsets of less than 125 feet between centerlines are not allowed.

4. Where town streets connect to state highways, design standards from the most recent edition of the Washington State DOT Standards for intersection design shall apply.

5. Cul-de-sacs shall be limited to serve a maximum of 20 lots and shall not exceed 300 feet in length.

6. Traffic control and street name signs shall be provided and installed by the developer in accordance with the current edition of the MUTCD Manual, and as directed by the town.

7. Guard rails may be required by the town where deemed appropriate in the interest of public safety, health and welfare. All guard rails shall conform to the criteria in current Washington State Department of Transportation Design Manual as may be amended or revised.

8. At-grade intersection sight distance requirements shall be established for each specific intersection, approach or driveway by utilizing the AASHTO Guidelines in Figures IX-32 through IX-40, pages 739-762 of "A Policy on Geometric Design of Highways and Streets," 1990 Edition.

9. All traffic signal modification, traffic control devices, temporary traffic control devices and pavement marking materials shall conform to the standard specifications. All marking shall conform to the current MUTCD as adopted by the WSDOT.

C. Driveways, Curbs, Gutters and Sidewalks.

1. Residential driveways giving direct access onto arterials shall be denied if alternate access is available. Commercial driveways may be required to provide joint access to adjoining properties to limit the number of access points onto the arterial.

2. All abandoned driveway areas on the street frontage to be improved shall be removed and new curb, gutter and sidewalk shall be installed.

3. No commercial driveway shall be approved where backing onto the sidewalk or street will occur.

4. Left turns to and from a driveway may be restricted as a condition of development or in the future if such maneuvers are found to be unduly hazardous.

5. All driveways shall be perpendicular or as close to 90 degrees as possible to the public street.

6. The maximum two-way driveway width shall be 20 feet for all residential uses and 30 feet for all other types of uses including but not limited to commercial, industrial and public. A wider driveway for commercial and industrial uses may be approved by the town where a substantial percentage of oversized vehicle traffic exists. In this case the driveway will be sized to accommodate the largest vehicles.

7. The maximum one-way driveway width shall be 10 feet for residential uses and 22 feet for all other types of uses including but not limited to commercial, industrial and public. Parking lot circulation needs shall be met on site so that the public right-of-way shall not be utilized as part of a one-way parking lot flow.

8. Driveways on local access streets that serve single-family residences may be up to 30 feet in width, subject to approval by the town.

9. The back edge of a driveway shall be at the same elevation as the back of the sidewalk adjacent to the driveway approach. Where there are no sidewalks, the back edge of a driveway shall be at the same elevation as the improved roadway, including any gravel shoulders.

10. No object, including but not limited to fire hydrants, light or power poles, street trees, etc., shall be placed or allowed to remain within 15 feet of a driveway edge.

11. Where a building wall or other design element is permitted to be placed less than 10 feet behind a sidewalk pursuant to the zoning code, both pedestrian and vehicular sight distance shall be maintained.

12. Maximum driveway grade shall be 10 percent.

13. When determined necessary by the town, approach grades and configurations shall accommodate future street widening to prevent major driveway reconstruction.

14. Concrete sidewalks shall be provided as follows:

a. Sidewalks in residential zones shall be a minimum of four feet in width except along a collector or arterial street sidewalks shall be a minimum of six feet in width.

b. Sidewalks in commercial and public zones shall be a minimum of eight feet in width on both sides of the street.

c. Sidewalks in industrial zones shall be a minimum of six feet in width.

15. Where there are existing sidewalks, the width of any new sidewalk section shall match the existing sidewalk. If the existing sidewalk is narrower than what is required by this chapter, after connecting to the existing sidewalk, the new sidewalk shall be gradually increased to match the width required by this chapter wherever feasible. If the existing sidewalk is wider than what is required by this chapter, the new sidewalk shall maintain the existing sidewalk width for the entire project.

16. Within a planned development, curbside sidewalks may be replaced as a functional equivalent by a separate path or trail with equivalent surface and dimensions, with all weather impervious surfacing on a public easement, when approved as part of the homeowners association ownership and responsibility in lieu of public sidewalks as normally placed adjacent to the roadway and serving the same function. Along the perimeter boundary of the PD, the public street and sidewalk improvements shall be in accordance with these provisions.

17. Sidewalks, where necessary because of topographic constraints, may be, upon approval of the town, required on only one side.

18. Sidewalk access ramps shall be included into all pedestrian street crossings and shall meet the requirements of the Federal Americans with Disabilities Act.

19. Sidewalk widths are exclusive of the curb width, and shall be measured from the back of the curb to the back of the sidewalk.

20. All sidewalks shall be four-inch-thick concrete per the standard specifications, with a stiff broom finish. At driveways the concrete shall be six inches thick.

21. Mailboxes shall be placed so the bottom of the mailbox is no less than 44 inches above the street grade, and they shall not be located in such a way so as to obstruct a portion of a sidewalk. The front of a mailbox must be one foot in back of a curb face, outside edge of shoulder or the back of a sidewalk, whichever is applicable. Mailboxes shall be on posts strong enough to give firm support but not to exceed four-by-four-inch wood or one-and-one-half-inch diameter pipe or other material with comparable breakaway characteristics.

22. Concrete curbs six inches wide and six inches high, measured from the finished pavement, shall be constructed in accordance with the standard specifications.

23. Sidewalks and curbs shall be included within the dedicated nonpavement right-of-way of all streets and when possible allowing a four-foot buffer strip between curb and sidewalk in residential zones.

#### D. Utilities.

1. Non-town-owned franchise utilities are required to relocate existing facilities at their expense when there is a conflict between their facilities and public street improvements. The improvement work must be a requirement by the town in order for the relocation work to be the financial responsibility of the utility, otherwise all costs shall be the responsibility of the developer.

2. All non-town-owned franchise utility distribution or collection systems including but not limited to power, communications and television shall be placed underground. Where non-town-owned utilities are required to be relocated pursuant to this chapter, they shall be placed underground.

3. Where town and non-town-owned utilities and facilities are proposed to be located and/or relocated outside of a dedicated public right-of-way, easements shall be provided to allow access and maintenance for said utilities and facilities. For town water and sewer utilities, the minimum easement width shall be 15 feet, and may be required to be larger to allow for adequate, safe access for maintenance of the utilities.

4. Trench restoration of a street subsequent to utility placement shall occur either by a patch or overlay method, as required and noted on the right-of-way dig permit provided for within this chapter. When a patch method is used, the trench limits shall be sawcut prior to the final patch.

5. All trench and pavement cuts shall be made by sawcuts. The sawcuts shall be a minimum of two feet outside of the trench width. If the permit requires an overlay, a jack-hammer may be used for the cutting of the existing pavement.

6. All trenching shall be backfilled, compacted and tested in accordance with the standard specifications.

7. Temporary restoration of trenches for overnight use is required and shall be accomplished by using MC mix (cold mix) or steel plates.

8. Asphalt concrete Class B shall be used for restoration of trenching in accordance with the applicable requirements of Section 5-04 of the standard specifications. Asphalt patch depths will vary based on the streets being trenched and whether the trenching is parallel or perpendicular to the streets. The actual depths of asphalt shall be shown on the right-of-way permit and the work shall be performed as required by the attached details.

9. All street surfaces, walks or driveways within the street trenching areas affected by the trenching shall be feathered and shimmed to an extent that provides a smooth-riding connection and expeditious drainage flow for the newly paved surface.

10. When trenching within the roadway shoulder(s) the shoulder shall be restored to at least its original condition.

11. The final patch shall be completed as soon as possible and shall be completed within 30 days after first opening the trench. This time frame may be adjusted if delays are due to inclement paving weather, or other adverse conditions that may exist, as determined by the town.

12. Any patch or overlay within the commercial or industrial zoning districts shall be permanent. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.10.060 Plans and profiles.**

A plan and profile of the proposed streets showing the following data shall be submitted to the town for approval prior to any final development approval and construction. Map size shall be 24 inches by 36 inches. A one-and-one-half-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided on the other edges of the map. All maps shall be drawn on mylar sheets.

A. Plan. The plan shall contain the following information:

1. Street alignment in stations of 100-foot intervals;
2. Bearings on street centerline (construction drawings only);
3. Curve data on all horizontal curves, 50-foot stations minimum;
4. Right-of-way lines and width for proposed streets;
5. All topography within the right-of-way limits, including all utilities;
6. Street names for proposed and existing streets;
7. Label all streets and adjoining subdivisions;
8. Typical roadway section of proposed street; and
9. Existing and proposed drainage structures indicating direction of flows.

B. Profile. Profiles shall contain the following information:

1. Original ground line;
2. Stationing in intervals of 100 feet;
3. Control elevation on border of sheet; and
4. Grade line showing grade percents and vertical curves. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.10.070 Right-of-way dig permits.**

A. No person shall dig up, undermine or in any way disturb or obstruct any streets, alleys or public places, or cause the same to be done, or fill in or upon any such place, any dirt, offal or rock or any other matter or thing tending to disturb the same without first obtaining a permit from the town public works superintendent.

B. Applications for a right-of-way dig permit shall be made to the town public works superintendent on forms prescribed and provided by the town. The application shall contain such information necessary, as determined by the public works superintendent, including but not limited to a full and complete description of the work to be performed within the street, alley and/or public place, approved construction plans when applicable and the duration of such proposed use. The decision to issue or not issue a right-of-way dig permit, as authorized under this chapter, shall be at the sole discretion of the town. An application fee shall be paid at the time of the application, as established by the town council from time to time.

C. The public works superintendent shall issue a permit only upon a determination that the requirements deemed relevant by the public works superintendent are met. The requirements shall include, but are not limited to, the following:

1. The proposed activity will not occur in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.
2. The requested activity must meet all other applicable requirements of the municipal code, regulations and ordinances.
3. The applicant shall be required to indemnify and hold the town harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.
4. The applicant shall post a surety with the town pursuant to the provisions of this title.
5. Appropriate measures have been proposed and accepted to maintain the safety of vehicles and pedestrians in the area of excavation.

D. The applicant shall notify the public works superintendent within 24 hours of required inspections, including final inspections upon completion, and the work shall not be covered until the necessary inspections have occurred and the work has been approved for cover.

E. After all other work is completed and before final acceptance, the entire roadway, including, without limitation, the roadbed, planting, sidewalk areas, shoulders, driveways, alley and side street approaches, slopes, ditches, utility trenches and construction areas shall be neatly finished to the lines, grades and cross sections for a new street consistent with the provisions of this title and the original street section.

F. Any violations of a right-of-way dig permit shall be subject to the enforcement provisions of the town's "development permit procedures and administration" ordinance. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.20****STORM WATER DRAINAGE**

## Sections:

- 19.20.010 Introduction.
- 19.20.020 Purpose and applicability.
- 19.20.030 General requirements.
- 19.20.040 Design standards.
- 19.20.050 Standard drainage system maintenance.
- 19.20.060 Access drainage.
- 19.20.070 Plans and profiles.

**19.20.010 Introduction.**

A. The items herein contained are the storm water drainage standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing storm water drainage. These are minimums only and may be increased or altered to fit particular situations. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of storm water drainage improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. The town also by this reference adopts the latest version of the “standard plans” (engineering drawings hereinafter referred to as the “standard plans”) published by the Washington State Department of Transportation.

B. In addition to the specific standards set forth in this chapter, the town may develop a technical specifications guidebook containing drawings that graphically depict the provisions of this chapter and the standard specifications. This guidebook may also specify where the town may choose to add to, remove from, and/or replace (in whole or in part) certain aspects of the standard specifications and standard plans adopted by reference herein. The guidebook is a technical reference document that may be updated periodically based on changes in engineering standards, whether those be town standards or updated standards in the design and construction documents that are adopted by reference in this chapter. [Ord. 398 § 2 (Exh. B), 2001.]

**19.20.020 Purpose and applicability.**

A. The town of Mansfield has found that future storm water drainage problems may be reduced or avoided if future developers, both private and public, provide for storm and surface water drainage of their respective properties. Storm drainage standards and guidelines are set forth to protect life and property from loss and damage by flooding and to protect streams, creeks, and lakes from pollution and excessive flows.

B. The storm drainage standards and guidelines contained herein are intended to reduce and prevent adverse storm drainage impacts. They represent the minimum design standards for the construction of storm drainage facilities within Mansfield. Compliance with these standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the general public. Special site conditions and environmental constraints and considerations may require a greater level of protection than would normally be required under these standards.

C. Plans for permanent drainage and storm water detention facilities shall be provided for property improvements within the town in accordance with the standards for the following types of improvements:

1. All types of land divisions as defined in the town’s land division code.
2. All developments, including remodeling, reconstruction and new construction, adding a total of 5,000 square feet or more of new impervious surfaces, including gravel surfaces and roof areas.

3. Developments entailing construction which would change the point of discharge of surface waters, discharge surface waters at a higher velocity and/or quantity than that of the predevelopment discharge rate, or tend to add to pollution of surface waters.

4. Any proposed development adjacent to or within frequently flooded areas and/or any stream, river, wetland or other surface water body.

5. At the discretion of the town public works superintendent, plans may be required for other types of development not listed herein based on the possibility for future problems related to storm water drainage.

D. The plan requirement established in subsection C of this section shall not apply when the town determines that the proposal meets all of the following conditions:

1. The proposed development will not seriously and adversely impact the water quality conditions of any affected receiving bodies of water.

2. The proposed development will not substantially alter the drainage pattern or increase the peak discharge.

3. The proposed development will not cause runoff exceeding the available capacity of the existing drainage system where such system was designed to serve the proposed development area.

E. A single-family residence with less than 3,500 square feet of impervious surfaces is exempt from plan requirements. However, all buildings with down spouts or other point sources shall provide a drainage plan. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.20.030 General requirements.**

All persons proposing land development and/or approvals as outlined above shall provide a drainage plan for surface water flows entering, flowing within and leaving the subject property. The plan is to conform to the following standards and requirements:

A. When required by this chapter, plans for storm water management shall be prepared by a registered civil engineer currently licensed by the state of Washington and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field. Storm drainage plans or revisions to any approved plan shall be reviewed and approved by the town prior to any construction.

B. On-site storm drainage improvements must be sufficient to mitigate impacts on runoff, erosion, sedimentation and pollution.

C. All drainage system elements must be designed to allow for adequate maintenance and accessibility at all times.

D. Drainage systems shall be designed to meet applicable state and federal requirements for water quality prior to discharge to any wetland, stream, or lake. The developer shall be responsible for obtaining any local, state, or federal construction or discharge approvals or permits.

E. In no case shall storm drainage facilities be allowed to connect to sanitary sewers.

F. Manhole standards of the sewer design details shall apply to storm water drainage facilities.

G. No drainage originating inside of a building or structure shall be connected to the storm drainage of surface water systems.

H. All surface and storm water runoff from a proposed development that would construct new or modify existing drainage facilities should be discharged at the natural location. Diversions may be allowed if it corrects an existing problem.

I. Proposed developments should identify the upstream tributary drainage area and provide an analysis of the preexisting drainage volume and quality and an analysis of the impact of the proposal on the drainage system. The post-development peak rate runoff shall not exceed the predevelopment peak rates for the site. The methods of peak rate runoff control may include detention, retention and/or infiltration. On-site biofiltration in combination with infiltration systems is the preferred method for management of on-site storm water and shall be considered before transporting storm water off site.

J. For all proposed development requiring a drainage conveyance system, the conveyance system must be analyzed, designed and constructed to handle existing off-site tributary flows and on-site storm drainage flows caused by development of the project.

K. Developments involving clearing and grading and which require new or modification of existing drainage facilities must include an erosion/sedimentation control plan meeting the Washington State Department of Ecology requirements and providing suitable measures to prevent sediment-laden runoff from leaving the site during construction.

L. The long-term maintenance and operation of proposed private drainage facilities is the responsibility of the property owner or properly formed homeowner’s association and shall be performed in compliance with the town’s maintenance standards. The town reserves the right to perform maintenance on a private drainage facility when the facility is out of compliance with maintenance standards, as determined by the public works superintendent. Any and all costs associated with this town maintenance will be paid by the property owner or homeowner’s association.

M. Adequate easements shall be provided for operation and maintenance of all drainage facilities located on private property.

N. Construction of storm drainage facilities may be required to comply with the bonding and insurance requirements contained within this title. [Ord. 398 § 2 (Exh. B), 2001.]

**19.20.040 Design standards.**

A. Developments shall be designed and constructed to provide control of the quality and quantity of storm water runoff both during and after construction. Erosion and sedimentation control plans shall be submitted and approved by the town prior to the beginning of any construction. Please note that a permit from the Washington State Department of Ecology is required if five or more acres are disturbed. Peak discharge control and detention facilities shall be provided in accordance with the development standards.

B. The maximum allowable release rates from storm water detention systems shall be based upon the pre-development runoff from the development site as described in this chapter. The allowable release rate shall be determined as specified, and may be modified on a case-by-case basis only due to constraints in the drainage system downstream of the point of discharge. Storm precipitation distribution and runoff modeling will conform to the Natural Resource Conservation Services Technical Report 55 or other acceptable method. The “rational method” used by licensed professional engineers may be used for runoff modeling on parcels under two acres, not subject to upstream runoff. The following are allowable release rates:

1. For sites with tributary basins greater than five acres or sites less than five acres in area which are deemed by the town to have significant impacts due to runoff quantity, the discharge shall be limited to the capacity of the receiving conveyance system. Peak runoff rate shall be computed using the Natural Resource Conservation Services TR-55 method, modified Santa Barbara urban hydrograph method or other appropriate models.

2. Should the proponent desire to discharge at higher flow rates than provided above, then he/she shall provide for sufficient improvements of the downstream conveyance system to handle the increased flow.

C. The on-site drainage system, including conveyance, flow restriction, detention, pollution control, and emergency overflow elements must be properly designed and sized to handle runoff from the site and conveyance through the site. The design should be carefully analyzed for potential problems, flow impediments, construction or maintenance difficulties, and potential erosion or other property damage. Catch basins shall be required at every intersection and shall be spaced a maximum of:

<b>Spacing</b>	<b>Grade</b>
150'	0.5% to 1.5% and 12.0% and greater
200'	1.5% to 3.0% and 8.0% to 12.0%
300'	3.0% to 8.0%

D. Infrastructure shall be designed to a two-inch in 90 minutes storm event.

E. All storm water discharge shall be treated prior to release using best management practices. The applicant should consider the use of vegetative or other natural filtration means. Effluent discharges from any oil removal treatment device to the storm sewer or surface water system shall be in compliance with state Department of Ecology regulations for discharge to storm drains or surface waters. Whenever determined necessary by the town, paved parking and/or access roadways shall include the installation of appropriate oil/grease separation devices, as approved by the town. They shall be located at a point where they can be easily maintained and where they will intercept floating contaminants flowing off road rights-of-way, parking lots, and other sources of pollutants. Selection and sizing of oil separation device types shall be subject to approval of the town.

F. The property owner assumes full responsibility and liability for proper maintenance and operation of the oil separator, unless the separator is a part of a publicly operated drainage system. This statement must appear on the recorded drawings for the development.

G. Access to the separator shall be maintained.

H. The following minimum standards shall apply to storm water detention facilities:

1. Detention facilities will be required when the downstream capacity is inadequate to convey the runoff and/or when there are potentially negative water quality impacts to streams, rivers and/or their tributaries that are documented as having threatened or endangered species, pursuant to the federal Endangered Species Act. All storm water runoff originating from and/or draining from any proposed development shall be controlled and/or conveyed in accordance with all town standards and policies and as described in these standards.

2. Storm water detention systems should be designed to maximize reliability, ease of maintenance, and water quality of runoff and should minimize hazards to persons or property (both on site and off site), nuisance values, and risk of failure.

3. Sufficient detention storage capacity shall be provided to store the excess runoff from the developed site for all storm events up to a "100-year storm."

4. In calculating the storage volume provided, "dead storage" in wet ponds shall be excluded, i.e., that volume of water which must be assumed to be present in the detention system at the commencement of the design storm. Any volume at a level below that of the outfall invert must be presumed to be dead storage, e.g., catchments.

5. All detention storage facilities should include a provision for control of overflows, and suitable data shall be provided to support the design. Under no circumstances should the overflow discharge overland or over private property unless drainage easements are acquired.

6. The following are site, soil and infiltration data requirements for calculating effective infiltration rates to reduce storage requirements:

a. The proposed site should have favorable topography to preclude high runoff rates. Engineering calculations shall be included with any submittal to show that there will be no adverse impacts due to the reduced storage. Such adverse impacts may include, but not be limited to, increased frequency of overflows.

b. A log of the soils and infiltration test data should be submitted to reveal site soil conditions and infiltration rates.

c. An adequate number of test holes should be located over the proposed site to substantiate representative conditions for the final layout of the development, and as a minimum condition, test holes shall be located in each area and at the elevation proposed for infiltration.

d. Groundwater depth, location, flow and general characteristics shall be considered.

e. The designer shall demonstrate the adequacy of the depth to the impervious layer below the bottom of the proposed infiltration trench or basin.

f. A soil log may be required to describe soil type and depth along with a site map showing the location of each test hole. Classification may be in general terms such as loose sand, sandy silt, clay hardpan, rock, etc., or classification may be in specific terms as described by the U.S. Department of Agriculture (Soil Conservation Service). The soil log should include the depth to groundwater table, if less than 12 feet in depth. A

falling head permeability test or similar method must be used to demonstrate the infiltration capacity of the least pervious soil layer. [Ord. 398 § 2 (Exh. B), 2001.]

**19.20.050 Standard drainage system maintenance.**

Maintenance of storm drainage facilities on private property shall be the responsibility of the owner(s), unless otherwise provided for in these standards. This responsibility and the provision for maintenance shall be clearly stated on the face of final plats for all types of land divisions, property conveyance documents, and/or drainage improvement plans. In the event the owner(s) does not provide proper maintenance and the town determines the storm drainage facility represents a public safety threat, the town will give 30-day notice to the owner(s) to correct the deficiencies. If the deficiencies are not corrected within 30 days, the town may enter upon the property to perform the necessary maintenance at the owner's expense. This provision for access will be included as a provision of final approval. [Ord. 398 § 2 (Exh. B), 2001.]

**19.20.060 Access drainage.**

The right to lay a culvert within the street is reserved expressly to the town. A person desiring the installation of a culvert within a street under a driveway or along property frontage shall apply to the town, stating the length, location, and purpose of the culvert. The town shall determine the necessity of a culvert pipe under the driveway approach. In general, a pipe will be required where the approach crosses the roadway ditch, or where a roadside drainage problem exists, or where one will be created by the construction of the road approach. Where a pipe is specified, it shall meet the following requirements:

A. Inside diameter: 12 inches, unless otherwise approved by the public works supervisor.

B. Material: Concrete, corrugated steel, or corrugated aluminum, culvert pipe specifications, pursuant to the standard specifications.

C. Installation: The flow line of the pipe shall be at the same elevation and alignment as the flow line of the roadway ditch or drainage ditch. Concrete pipe joints may be ungrouted. The pipe shall extend a sufficient distance past the toe of the approach fill to prevent sloughing into the pipe ends. [Ord. 398 § 2 (Exh. B), 2001.]

**19.20.070 Plans and profiles.**

The drainage plans submitted shall include at a minimum the following information:

A. The plan shall be prepared and designed by a civil engineer currently licensed to practice in the state of Washington. The plan shall contain the engineer's stamp and signature certifying the design.

B. A plan and profile of the existing and proposed drainage area and conveyance systems showing all hydraulic and physical data such as:

1. Existing and proposed topography;
2. Invert elevations at all inlets, structures, outfalls and other points of interest;
3. Bottom elevations of all ditches, channels, ponds, swales and streams;
4. Pipe sizes or channel cross sections;
5. Pipe length and material;
6. Grades on all pipes or channel bottoms calculated to the number of decimal places necessary to guarantee one-hundredth-foot accuracy for pipes or paved channels and one-tenth-foot accuracy for earth bottom channels;
7. Design water surface elevations and flow rates for all conveyance pipes or channels;
8. All aboveground pond details, if used, shall include design volume, contours of the finished surface, inlet locations, outlet details including inverts or grate elevations, and secondary overflow paths;
9. Top or grate elevations of all structures, inlets, catch basins or manholes;
10. Retention pipe, trench or drywell details including dimensions, elevations of inverts and maximum water surface elevations;
11. Details of all structures not shown in the standard drawings, including underground retention/infiltration structures, if used;

12. Phasing limits for phased construction projects and any interim drainage control measures required due to the phasing;

13. Control points and benchmarks used for vertical and horizontal control of construction (coordinates and elevations shall be relative to the town's standard datum);

14. Erosion and sedimentation control plans.

C. A copy of the site survey plan including as a minimum:

1. Property boundaries;

2. Existing topography at one-foot contour intervals on the subject property, the drainage area, and all adjacent properties sufficient to determine all potential topographic impacts of the construction;

3. Existing utility locations including type, material, depth and dimensional locations;

4. Natural or manmade drainage courses or pipes to the extent necessary to determine all hydraulic or hydrologic impacts of the proposed project;

5. Locations of all existing structures or pavement;

6. Locations and description of the proposed drainage system.

D. Engineering calculations shall include, at a minimum:

1. Infiltration/retention volume calculations used;

2. Analysis of all off-site flows upstream of the proposed drainage system in sufficient detail to determine the hydraulic and hydrologic impacts;

3. Hydraulic and habitat analysis of the downstream drainage environment in sufficient detail to determine the impacts of the proposed drainage system. A minimum length of one-quarter mile downstream of the proposed discharge point shall be analyzed;

4. A narrative describing the upstream and downstream analysis and detailing the intent and function of the on-site system;

5. Pipe or channel sizing calculations for all conveyance system elements, design flow rates, shall be determined through the use of manual methods or computer programs commonly used by local professionals. Computer output sheets shall be legible and able to be interpreted without additional information by the plan reviewer;

6. All additional pertinent backup information, survey data or calculations.

E. Prior to acceptance of improvements, issuance of a certificate of occupancy or any other final sign-off or approval, an engineered as-built plan shall be submitted showing the following minimum provisions. The as-built information shall be shown in the form of revisions to the approved drainage system plan and submitted in a reproducible form complying with the applicable provisions of this title.

1. Location and type of all catch basins, manholes and/or other structures;

2. Location, lengths and type of pipe installed in the system;

3. Elevation at top, inverts and bottoms of all structures;

4. Locations and volumes of all above-ground ponding/retention areas;

5. All connections to town drainage systems, when applicable;

6. All outfalls to streams or other bodies of water;

7. Signature and stamp of the licensed engineer/surveyor preparing the as-built drawings;

8. Documentation of all easements. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.30****WATER SYSTEM**

## Sections:

- 19.30.010 Introduction and applicability.
- 19.30.020 Design standards.
- 19.30.030 Plans and profiles.

**19.30.010 Introduction and applicability.**

A. The items herein contained are the water system standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing the public water supply system. These are minimums only and may be increased or altered to fit particular site conditions and/or situations. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of street improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. The town also by this reference adopts the latest version of the “standard plans” (engineering drawings hereinafter referred to as the “standard plans”) published by the Washington State Department of Transportation.

B. In addition to the specific standards set forth in this chapter, the town may develop a technical specifications guidebook containing drawings that graphically depict the provisions of this chapter and the standard specifications. This guidebook may also specify where the town may choose to add to, remove from, and/or replace (in whole or in part) certain aspects of the standard specifications and standard plans adopted by reference herein. The guidebook is a technical reference document that may be updated periodically based on changes in engineering standards, whether those be town standards or updated standards in the design and construction documents that are adopted by reference in this chapter.

C. These standards and specifications shall apply to any work that is done to the town’s water system, whether required as a condition of development permit approval or as a result of an individual request for water extension. [Ord. 398 § 2 (Exh. B), 2001.]

**19.30.020 Design standards.**

The design and construction of water system improvements shall be dependent on local site conditions, and shall conform to the following minimum standards:

**A. General Requirements.**

1. The design and construction of extensions of the water system shall be consistent with the town’s approved comprehensive plans and all other applicable state, county and local agency standard regulations. Obtaining necessary permits issued by an agency or authority other than the town shall be the responsibility of the developer.

2. If future extensions of the system are deemed probable by the town, the proposed systems shall be designed and sized to service future customers. Easements shall be provided to facilitate the same. Water lines shall be extended to the boundaries of the property being served, providing access for future service to adjacent properties. Water mains shall be designed and constructed for the ultimate development of the service areas and as may be further established in the town’s water comprehensive plan.

3. Whenever water lines are located outside of public streets or alleys, the easement shall be of sufficient width to allow for future replacement of the facility without damage to permanent adjacent improvements. In general, if the water line is located in the center of an easement, the easement shall be a minimum width of 15 feet. Special circumstances may require additional widths as determined by the town.

4. Detailed plans shall be submitted for the town's review and approval that provide the location, size, type and direction of flow of the proposed water mains and the connection with existing mains. Horizontal locations and elevation information shall be to a datum acceptable to the town. Computations and other data used for the design of the water system improvements shall be submitted to the town for approval.

5. Construction of new water systems or extension of existing systems will be allowed only if enough water is available to meet fire flow requirements per the town and the Uniform Fire Code.

6. All materials shall be new and undamaged, and the same manufacturer of each item shall be used throughout the work. Material and installation specifications shall contain appropriate requirements that have been established by the industry in its technical publications, such as ASTM, WSDOT, WEF and APWA standards. Requirements shall be set forth in the specifications for the pipe and methods of bedding and back-filling so as not to damage the pipe or its joints, impede cleaning operations and future tapping, nor create excessive side fill pressure or deformation of the pipe, nor seriously impair flow capacity.

7. All main lines must be designed to provide proper circulation of water and fire flow to all lands serviced by the development. All water mains shall be designed to prevent damage from superimposed loads. Proper allowance for loads on the water main due to the width and depth of the trench should be made. When standard-strength water pipe is not sufficient, extra-strength pipe shall be used, as determined by the town.

8. Prior to final inspection, all pipelines shall be tested, flushed and cleaned and all debris removed and disposed of at a location approved by the town. A pipeline "cleaning ball" of the proper diameter for each size of pipe shall be flushed through all pipelines prior to final inspection. Hydrant meters shall be acquired from the town and utilized by the contractor for all water withdrawn from the town's system for flushing, construction, cleaning and testing purposes.

9. After all other work is completed and before final acceptance, the entire roadway, including, without limitation, the roadbed, planting, sidewalk areas, shoulders, driveways, alley and side street approaches, slopes, ditches, utility trenches and construction areas shall be neatly finished to the lines, grades and cross sections for a new street consistent with the provisions of this title and the original street section.

10. Water main extension projects shall be conveyed to the town for operation and maintenance upon final project acceptance.

#### B. Design Elements.

1. Water pipelines shall be laid only in dedicated streets, alleys or easements which have been, or will be prior to final acceptance, exclusively granted to the town.

2. The minimum size water main permitted shall be six-inch diameter when an adequate grid is provided. An adequate grid shall be defined as a piping system that measures no more than 600 feet on one side and the sum of the two sides shall not exceed 900 feet. Hydraulic calculations shall be submitted where required to validate designs involving two or more pressure zones, a booster pump, or a reservoir, as required by the engineer. Where an adequate grid is not established, pipe size shall be eight-inch diameter or larger as required to transport peak daily demand plus fire flow.

3. The water pipelines shall be located such that a minimum of 10-foot horizontal separation from proposed or existing parallel sewer mains and five-foot horizontal separation from all other parallel underground utilities is maintained at all times.

4. PVC pipe shall be AWWA C900-81 high pressure water pipe, class 200, and shall meet the requirements of DR 14. The gasketed joint assembly shall conform to ASTM D3139, with gaskets conforming to ASTM F477.

5. The allowable cover (finished grade) for DI and PE pipe shall be no less than four feet nor more than 25 feet, as approved by the town engineer. The town reserves the right to require a minimum of four feet of cover unless topography, existing facilities or other future improvements prohibit this minimum cover for installation.

6. Fire hydrants are required approximately every 500 feet in the residential areas and are required every 300 feet in commercial, public and industrial areas. The size, type and location of fire hydrants shall meet the

approval of the fire district, and all fire hydrants and installations shall conform to the current edition of the Uniform Fire Code.

7. Pipe runs from main line to standard hydrants less than 50 feet in length must be a minimum of six inches. Pipe runs from main line to standard hydrants more than 50 feet in length must be a minimum of eight inches.

8. One-inch minimum air and vacuum release valves shall be installed at principal high points in the system. High points should be avoided, to the extent possible. Valving shall be installed at all intersections, on each end of easement lines and in line at maximum spacing of 600 feet.

9. Dead-end lines are not permitted, except in certain cul-de-sac streets, in which case, hydrants must be provided at the end of the main.

10. Service connections shall be installed with pipe saddles for two-inch taps. Double strap saddles are required on 12-inch and larger diameter mains.

11. System valves shall be installed at intervals of no more than 1,200 feet.

12. Blow-off assemblies are required at all dead ends and all low points in the water distribution system, and shall be placed as determined by the town engineer.

13. Pressure-reducing systems must be installed when static pressures exceed 80 psi.

14. Meters smaller than two inches shall be furnished and set by the town. Meters shall not be activated prior to payment by water user of all applicable hookup fees. The town owns and maintains only appurtenances from and including the water meter to the water main.

#### C. General Construction Practices.

1. Except as otherwise noted herein, all work shall be accomplished as recommended in the current standard specifications and according to the recommendations of the manufacturer of the material or equipment used. Contractor shall have a copy of the specifications on the job site at all times. Contractor shall furnish a watertight plug of the appropriate size which shall be installed in the end of the water main when work is delayed or stopped at the end of the work day.

2. Installation and testing shall be in conformance with the current edition of the standard specifications. The town must supervise the owner taking necessary samples for bacteriological tests. The system shall not be placed into service until the town provides written permission.

3. Hydrostatic testing shall be accomplished by the developer on lines before completion of backfilling, with the pipe joints accessible for examination. Sufficient backfill material shall be placed over the pipe barrel between joints to prevent movement.

4. Trenches shall be excavated to the line and depth designated by the approved plans and shall be excavated only to such widths as are necessary for adequate and safe working space. No manned trench width less than 30 inches will be allowed. The trench shall be kept free from water until complete. Surface water shall be diverted so as not to enter the trench. The developer shall maintain sufficient pumping equipment on the job to insure that these provisions are carried out.

5. The developer shall perform all excavation. Boulders, rocks, roots and other obstructions shall be entirely removed or cut out to the width of the trench and to a depth six inches below water main grade. Where material is removed from below subgrade, the trench shall be backfilled to grade with material satisfactory to the town. Unsuitable material below the depth of the proposed pipe shall be removed and replaced with satisfactory materials as determined by the town. The developer shall be responsible for meeting current Labor and Industry Trench and Shoring Protection and Washington State Safety Standards.

6. When trenching operations cut through asphalt/concrete pavement, the pavement shall be removed to a solid edge along the width of the trench as approved by the town engineer. The pavement shall be saw cut on a straight line and shall be beveled so that the cut will be approximately one inch wider at the top than at the bottom.

7. Trenching operations shall not proceed more than 200 feet in advance of pipe laying without written approval of the town.

8. Special treatment may be required at the discretion of the town for pipe laid in filled areas. This treatment may consist of compacting the backfill in six-inch layers, use of select backfill materials, use of mechanical joint ductile iron pipe in short lengths, welded HDPE pipe, or such other reasonable methods or combinations as may be necessary in the opinion of the town based upon topography, soil type and any other unique characteristics of the area.

9. Pipe shall be placed on a prepared subgrade of stable bedding material consisting of clean, granular, unfractured material. Bell holes shall be excavated so the pipe, when laid, will have a uniform bearing under the full length of the pipe. The developer shall be responsible for adequate support and bedding for the pipe. The trench shall be backfilled and compacted to no less than 95 percent of the maximum theoretical density.

10. Whenever the trench is excavated below the depth required for proper bedding, it shall be backfilled with bedding gravel and compacted, as provided above.

11. Backfilling and surface restoration shall closely follow installation and testing of pipe, so that not more than 200 feet of pipe is left exposed without express approval of the town. Selected backfill material shall be placed and compacted around and under the water mains by hand tools to a height of six inches above the top of the water main. The remaining backfill shall be compacted to current WSDOT standards. Where other agencies have jurisdiction over roadways, the backfill and compaction shall be done to the standard of the agency having jurisdiction.

12. Pipe trenches shall not be backfilled until the pipe and bedding installation has been inspected and approved by the town.

13. Final testing shall not be accepted until after the asphalt treated base or finished paving is accomplished, all other underground utilities have been installed, and the lines have been satisfactorily flushed and cleaned in accordance with the requirements of the state Health Department and in a manner satisfactory to the town.

14. Any material, design, standard or testing not specifically addressed within these standards shall be as per the current edition of the standard specifications and the American Water Works Association Standards, which is hereby adopted by this reference.

15. The developer shall give town customers whose service may be disrupted no less than 24 hours' notice prior to the interruption. [Ord. 398 § 2 (Exh. B), 2001.]

### **19.30.030 Plans and profiles.**

A plan and profile of the proposed water system improvements showing the following data shall be submitted to the town for approval prior to any final development approval and construction. The plan shall be prepared and designed by a civil engineer currently licensed to practice in the state of Washington and shall contain the engineer's stamp and signature certifying the design. It shall be submitted on a sheet size of 24 inches by 36 inches, and shall be drawn at a scale of one inch equals 50 feet. A one-and-one-half-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided on the other edges of the map. All maps shall be drawn on mylar sheets.

A. Plan. The plan shall contain the following information:

1. Show the locations of existing streets, rights-of-way, adjacent property lines, easements, utilities, driveways and water mains;
2. Show all proposed rights-of-way, easements and/or proposed property lines;
3. Site topography shall be shown at a minimum of one-foot intervals, to include a minimum of five-foot intervals within adjacent areas;
4. Show a vicinity and site location map;
5. Include all known existing structures, both above and below ground, that might interfere with the proposed construction, particularly sewer lines, gas mains, storm drains overhead and underground power lines, telephone lines and television cables;
6. Show all valves, fire hydrants, fittings and other appurtenances. Each shall be called out and located by stationing along the centerline of the street or baseline of the easement;
7. Show the size, material and length of each water line;

8. Show details as necessary to direct the contractor in making connections to the existing system and to protect existing facilities during construction of the new water line. Details shall be to scale drawings, which clearly show special water pipeline joints, connections, cross-sections, water appurtenances and all other items as required by the town to clearly identify construction items, materials and/or methods.

B. Profile. A separate drawing showing the vertical profile of the proposed water system is required. The scale of these drawings shall be one inch equals 50 feet horizontal and one inch equals five feet vertical with horizontal grid of 50 feet and vertical grid of five feet.

1. Show the water line in profile and the existing and proposed ground lines. Identify the size, slope and horizontal length of the water line;

2. Above the ground line, indicate the profile location by street name or other right-of-way designation;

3. Show all crossing utilities and designate special materials or construction procedures that may be required;

4. Provide a legend to clearly illustrate the composition of the profile. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.40****SEWER SYSTEM**

## Sections:

- 19.40.010 Introduction and applicability.  
19.40.020 Design standards.  
19.40.030 Plans and profiles.

**19.40.010 Introduction and applicability.**

A. The items herein contained are the sewer system standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing the public sewer system. These are minimums only and may be increased or altered to fit particular site conditions and/or situations. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of sanitary sewer system improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. The town also by this reference adopts the latest version of the “standard plans” (engineering drawings hereinafter referred to as the “standard plans”) published by the Washington State Department of Transportation.

B. In addition to the specific standards set forth in this chapter, the town may develop a technical specifications guidebook containing drawings that graphically depict the provisions of this chapter and the standard specifications. This guidebook may also specify where the town may choose to add to, remove from, and/or replace (in whole or in part) certain aspects of the standard specifications and standard plans adopted by reference herein. The guidebook is a technical reference document that may be updated periodically based on changes in engineering standards, whether those be town standards or updated standards in the design and construction documents that are adopted by reference in this chapter.

C. These standards and specifications shall apply to any work that is done to the town’s sewer system, whether required as a condition of development permit approval or as a result of an individual request for sewer extension. [Ord. 398 § 2 (Exh. B), 2001.]

**19.40.020 Design standards.**

The design and construction of sanitary sewer system improvements shall be dependent on local site conditions, and shall conform to the following minimum standards:

**A. General Requirements.**

1. The design and construction of extensions of the sanitary sewer system shall be consistent with the town’s approved comprehensive plans and all other applicable state, county and local agency standard regulations, including without limitation the Washington State Department of Ecology’s publication “Criteria for Sewage Works Design,” December 1998 Edition (hereinafter referred to as “DOE Standards”). Obtaining necessary permits issued by an agency or authority other than the town shall be the responsibility of the developer.

2. If future extension of the system is deemed probable by the town, the proposed system shall be designed and sized to service tributary areas and future customers. Easements shall be provided to facilitate the same. Sewer lines shall be extended to the boundaries of the property being served, providing access for future service to adjacent properties. Sewer lines shall be designed and constructed for the ultimate development of the service areas and as may be further established in the town’s water comprehensive plan.

3. Whenever sewer lines are located outside of public streets or alleys, the easement shall be of sufficient width to allow for future replacement of the facility without damage to permanent adjacent improvements. In

general, if the sewer line is located in the center of an easement, the easement shall be a minimum width of 15 feet. Special circumstances may require additional widths as determined by the town.

4. Detailed plans shall be submitted for the town's review and approval that provide the location, size, type and direction of flow of the proposed sewers and the connection with existing sewers. Horizontal locations and elevation information shall be to a datum acceptable to the town. Computations and other data used for the design of the sewer system improvements shall be submitted to the town for approval.

5. Construction of new sewer systems or extension of existing systems will be allowed only if the existing and downstream receiving systems are capable of supporting the added hydraulic load.

6. Sewer facilities, including collection and interceptor sewers, shall be designed and constructed for the ultimate development of the tributary areas and as may be further established in the town's sewer comprehensive plan. The location and size of oversized sewer lines shall be designated by the town engineer. Sewer facilities shall also be designed and installed to achieve total containment of sanitary wastes and maximum exclusion of infiltration and inflow. Sewers installed below water table shall require special design and inspections.

7. All materials shall be new and undamaged, and the same manufacturer of each item shall be used throughout the work. Material and installation specifications shall contain appropriate requirements that have been established by the industry in its technical publications, such as ASTM, WSDOT, WEF and APWA standards. Requirements shall be set forth in the specifications for the pipe and methods of bedding and back-filling so as not to damage the pipe or its joints, impede cleaning operations and future tapping, nor create excessive side fill pressure or deformation of the pipe, nor seriously impair flow capacity.

8. All sewers shall be designed to prevent damage from superimposed loads. Proper allowance for loads on the sewer main due to the width and depth of the trench should be made. When standard-strength sewer pipe is not sufficient, extra-strength pipe shall be used, as determined by the town.

9. All pipe shall be laid in straight lines and at uniform rate of grade between manholes. Variance from town-approved established line and grade shall not be greater than one-half inch; provided, that such variation does not result in a level or reverse sloping invert; provided also that variation in the invert elevation between adjoining ends of pipe, due to nonconcentricity of joining surface and pipe interior surfaces, does not exceed one-sixty-fourth inch per inch of pipe diameter, or one-half-inch maximum. Any corrections required in line and grade shall be reviewed with the town and shall be made at the expense of the developer.

10. Deflection tests shall be performed on all PVC sewer mains and the deflection test limit shall be five percent of the base inside diameter of the pipe.

11. Prior to final inspection, all pipelines shall be tested, flushed and cleaned and all debris removed and disposed of at a location approved by the town. A pipeline "cleaning ball" of the proper diameter for each size of pipe shall be flushed through all pipelines prior to final inspection. Hydrant meters shall be acquired from the town and utilized by the contractor for all water withdrawn from the town's system for flushing, construction, cleaning and testing purposes.

12. Before sewer lines are accepted, the developer shall perform a complete televised inspection of the sewer pipe and appurtenances and shall provide the town an audio-visual tape recording of these inspections. All equipment and materials shall be compatible with existing town equipment and it shall be the developer's responsibility to confirm equipment compatibility with the town prior to inspection. At all times during the televised inspection process, the public works superintendent shall be present.

13. After all other work is completed and before final acceptance, the entire roadway, including, without limitation, the roadbed, planting, sidewalk areas, shoulders, driveways, alley and side street approaches, slopes, ditches, utility trenches and construction areas shall be neatly finished to the lines, grades and cross sections for a new street consistent with the provisions of this title and the original street section.

14. Sanitary sewer extension projects shall be conveyed to the town for operation and maintenance upon final project acceptance.

### B. Design Elements.

1. Sewer pipelines shall be laid only in dedicated streets, alleys or easements which have been, or will be prior to final acceptance, exclusively granted to the town.

2. The minimum size sewer main permitted shall be eight-inch diameter.

3. The sewer pipelines shall be located such that a minimum of 10-foot horizontal separation from proposed or existing parallel water pipelines is maintained at all times.

4. PVC pipe shall be a minimum Class SDR 35 and be manufactured in accordance with ASTM D3034. Class 52 ductile iron pipe is required for force mains.

5. The allowable cover (finished grade) for PVC pipe shall be no less than four feet nor more than 25 feet, as approved by the town engineer. The town reserves the right to require a minimum of four feet of cover unless topography, existing facilities or other future improvements prohibit this minimum cover for installation.

6. Sewer lines shall be designed such that the invert elevation of the side sewer stub at the property line is four feet below the lowest expected floor elevation of the structure to be served. The invert elevation of the side sewer stub shall be calculated based on the invert elevation of the lateral sewer at the side sewer connection plus the rise of the side sewer to the property line based on its length and a minimum slope of 0.02 feet/foot plus one foot. Where the service elevation is critical, the design elevation of the side sewer stub shall be shown on the construction plan.

7. All side sewers shall be constructed with a “wye” or tap, and shall be extended a minimum of five feet past the street right-of-way line (or property line). Extended side sewers on easements shall be avoided wherever possible.

8. Minimum slope shall be maintained unless specifically waived by the town engineer. All mains shall be designed to have a minimum scouring velocity of two feet per second. Minimum slope on all sewer pipe shall comply with the DOE Standards except for the following:

a. Six-inch side sewer laterals shall be two percent.

b. Eight-inch gravity mains shall be one-half percent.

c. Ten-inch gravity mains shall be two-fifths percent.

d. Twelve-inch gravity mains shall be three-tenths percent.

9. Wherever possible sewer lines shall be terminated in a manhole. Should design considerations indicate a future manhole located beyond the current sewer termination, a temporary lamp hole may be used to terminate the sewer, provided the distance to the downstream manhole is 200 feet or less.

10. All sewer manholes shall be located at street centerline or six feet left or right of street centerline. The maximum distance between manholes shall be 400 feet unless specifically approved otherwise by the town.

11. Connection of side sewers to manholes shall be avoided if possible. If side sewers must be connected to a terminating manhole, such as in a cul-de-sac, no more than two side sewer connections will be allowed and shall enter at apron elevation.

12. Where the combined slope of the sewer line entering or existing a manhole is less than 0.05 feet per foot, a drop of 0.1 foot shall be provided between the invert of the entering and exiting sewer pipes.

13. All sewer pipe invert elevations at manholes shall be computed to the center of the manhole.

### C. General Construction Practices.

1. Except as otherwise noted herein, all work, including, without limitation, materials, installations and testing, shall be accomplished as recommended in the current standard specifications, DOE Standards and according to the recommendations of the manufacturer of the material or equipment used. The contractor shall have a copy of the specifications on the job site at all times. The system shall not be placed into service until the town provides written permission.

2. Each side sewer lateral shall have an approved watertight cap at the termination of the stub, and it shall be adequately “blocked” to satisfactorily resist the air pressure testing.

3. All side sewer laterals shall be of the same material as the main line and shall be provided with a six-inch-by-six-inch clean-out, sweep tee with an approved watertight cap located on private property to be utilized as a clean-out. A watertight six-inch capped stub shall be installed which extends vertically from the six-inch-by-six-inch tee to within 18 inches of finished grade.

4. Front lot corners shall be staked prior to construction for side sewer tee locations.

5. Each side sewer lateral shall have a treated two-inch-by-four-inch wood marker at the termination of the stub. The marker shall extend from the bottom of the trench to 24 inches above finished grade. Above the ground surface, it shall be painted white with "S/S" and the depth, in feet, stenciled in black letters two inches high.

6. Side sewer connections, if allowed directly into manholes, shall be constructed to match the sewer main crown (outlet) and the manhole channeled accordingly.

7. Manholes, where sewer extension may occur as determined by the town, shall be provided with knock-outs and channeled accordingly.

8. Locking lids shall be provided for all manholes located outside pavement areas, and all manhole lids shall have the word "sewer" cast integrally onto its surface.

9. Concrete collars shall be placed around all manhole frames.

10. Pipe connection to manholes shall be as follows:

a. PVC pipe: Cast or grout a watertight manhole coupling into manhole wall.

b. PVC optional: Core the manhole and connect sewer pipe with a watertight flexible rubber boot in manhole wall, Kor-N-Seal boot or equal. Special approval by the public works superintendent is required if this option is used.

11. Trenches shall be excavated to the line and depth designated by the approved plans and shall be excavated only to such widths as are necessary for adequate and safe working space. No manned trench width less than 30 inches will be allowed. The trench shall be kept free from water until complete. Surface water shall be diverted so as not to enter the trench. The developer shall maintain sufficient pumping equipment on the job to insure that these provisions are carried out.

12. The developer shall perform all excavation. Where material is removed from below subgrade, the trench shall be backfilled to grade with material satisfactory to the town. Unsuitable material below the depth of the proposed pipe shall be removed and replaced with satisfactory materials as determined by the town. The developer shall be responsible for meeting current Labor and Industry Trench and Shoring Protection and Washington State Safety Standards.

13. When trenching operations cut through asphalt/concrete pavement, the pavement shall be removed to a solid edge along the width of the trench as approved by the town engineer. The pavement shall be saw cut on a straight line and shall be beveled so that the cut will be approximately one inch wider at the top than at the bottom.

14. Trenching operations shall not proceed more than 200 feet in advance of pipe laying without written approval of the town.

15. Special treatment may be required at the discretion of the town for pipe laid in filled areas. This treatment may consist of compacting the backfill in six-inch layers, use of select backfill materials, use of mechanical joint ductile iron pipe in short lengths, welded HDPE pipe, or such other reasonable methods or combinations as may be necessary in the opinion of the town based upon topography, soil type and any other unique characteristics of the area.

16. Pipe shall be placed on a prepared subgrade of stable bedding material consisting of clean, granular, unfractured material. Bell holes shall be excavated so the pipe, when laid, will have a uniform bearing under the full length of the pipe. The developer shall be responsible for adequate support and bedding for the pipe. The trench shall be backfilled and compacted to no less than 95 percent of the maximum theoretical density.

17. Whenever the trench is excavated below the depth required for proper bedding, it shall be backfilled with bedding gravel and compacted, as provided above.

18. Backfilling and surface restoration shall closely follow installation and testing of pipe, so that not more than 200 feet of pipe is left exposed without express approval of the town. The backfill shall be compacted to current WSDOT Standards. Where other agencies have jurisdiction over roadways, the backfill and compaction shall be done to the standard of the agency having jurisdiction.

19. Pipe trenches shall not be backfilled until the pipe and bedding installation has been inspected and approved by the town.

20. Manhole rim and invert elevations shall be field verified after construction by the developer's engineer and the "as-built" drawings individually stamped attesting to the fact that the information is correct.

21. Final air testing shall not be accepted until after the asphalt treated base or finished paving is accomplished, all other underground utilities have been installed, and the lines have been satisfactorily flushed, cleaned, deflection tested and television inspected.

22. Any material, design, standard or testing not specifically addressed within these standards shall be as per the current edition of the standard specifications and the DOE Standards.

23. The developer shall give town customers whose service may be disrupted no less than 24 hours' notice prior to the interruption. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.40.030 Plans and profiles.**

A plan and profile of the proposed sanitary sewer system improvements showing the following data shall be submitted to the town for approval prior to any final development approval and construction. The plan shall be prepared and designed by a civil engineer currently licensed to practice in the state of Washington and shall contain the engineer's stamp and signature certifying the design. It shall be submitted on a sheet size of 24 inches by 36 inches, and shall be drawn at a scale of one inch equals 50 feet. A one-and-one-half-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided on the other edges of the map. All maps shall be drawn on mylar sheets.

A. Plan. The plan shall contain the following information:

1. Show the locations of existing streets, rights-of-way, adjacent property lines, easements, utilities, driveways and water mains;

2. Show all proposed rights-of-way, easements and/or proposed property lines;

3. Site topography shall be shown at a minimum of five-foot intervals, to include a minimum of 20-foot intervals within adjacent areas;

4. Show a vicinity and site location map;

5. Include all known existing structures, both above and below ground, that might interfere with the proposed construction, particularly sewer lines, gas mains, storm drains, overhead and underground power lines, telephone lines and television cables;

6. Show station and offset to each manhole. Number each manhole consecutively in the new sewer system preceded by the initials of the development. Begin at the connection to the existing system and proceed upstream. Branch lines shall use the subnumber of the manhole from which they branch. For example a line branching from manhole SR4 would have the first manhole on the line numbered SR4-1. All manholes shall be numbered on the plans and correspondingly numbered on the profile;

7. Show the size, material and length of each sewer line between manholes;

8. Show the location of all side sewer stubs and the invert elevation at the end of the stub if critical to the service of the parcel. Where there is any question of the sewer being sufficiently deep to serve any residence, the developer shall indicate building and basement floor elevation in the profile;

9. Show details as necessary to direct the contractor in making connections to the existing system and to protect existing facilities during construction of the new sewers. Details shall be to scale drawings, which clearly show special sewer joints, connections, cross-sections, sewer appurtenances such as manholes and related items, and all other items as required by the town to clearly identify construction items, materials and/or methods.

B. Profile. A separate drawing showing the vertical profile of the proposed water system is required. The scale of these drawings shall be one inch equals 50 feet horizontal and one inch equals five feet vertical with horizontal grid of 50 feet and vertical grid of five feet.

1. For each manhole, show the ground elevation, invert elevation of all sewers entering or leaving the manhole, the depth of the manhole, and the manhole number and location (street station and offset). Ground surface, pipe type, class and size, manhole stationing, invert and surface elevation at each manhole and grade of sewer between adjacent manholes shall be identified.

2. Show the sewer line in profile and the existing and proposed ground lines. Identify the size, type of pipe, slope and horizontal length of the sewer line.

3. Above the ground line, indicate the profile location by street name or other right-of-way designation.

4. Show all crossing utilities and designate special materials or construction procedures that may be required.

5. Provide a legend to clearly illustrate the composition of the profile. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.50****STREET LIGHTS**

## Sections:

19.50.010 Introduction.

19.50.020 Street illumination standards.

**19.50.010 Introduction.**

A. The items herein contained are the street light standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing public street lights. These are minimums only and may be increased or altered to fit particular site conditions and/or situations. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of sanitary sewer system improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. The town also by this reference adopts the latest version of the “standard plans” (engineering drawings hereinafter referred to as the “standard plans”) published by the Washington State Department of Transportation.

B. In addition to the specific standards set forth in this chapter, the town may develop a technical specifications guidebook containing drawings that graphically depict the provisions of this chapter and the standard specifications. This guidebook may also specify where the town may choose to add to, remove from, and/or replace (in whole or in part) certain aspects of the standard specifications and standard plans adopted by reference herein. The guidebook is a technical reference document that may be updated periodically based on changes in engineering standards, whether those be town standards or updated standards in the design and construction documents that are adopted by reference in this chapter. [Ord. 398 § 2 (Exh. B), 2001.]

**19.50.020 Street illumination standards.**

All new commercial and industrial developments, major subdivisions, short subdivisions, and/or binding site plans shall provide street lights in accordance with the standards provided below. Said facilities shall be owned and operated by the town.

A. Street lighting system designs are to be prepared by a licensed engineer experienced with lighting design. Calculations should include luminaire spacing, illumination level, line losses, power source and other necessary details for the electrical and physical installation of the street lighting system. The standard specifications shall be used.

B. All street intersections shall have provisions for lighting, so as to provide minimum illumination as set forth in WSDOT Publication M51-02 (Traffic Manual).

C. All developments shall include a conduit installed so as to provide adequate capacity for future installation of complete street lighting as set forth in these standards and in WSDOT Publication M51-02. Positioning of conduit shall be determined by the town. All conduits installed solely to comply with future street lighting upgrade requirements shall have at least a single ground conductor (minimum No. 10AWG copper stranded type) installed.

D. All workmanship, materials and testing shall be in accordance with the current edition of the WSDOT/APWA, MUTCD, National Electrical Code (NEC) or this title unless otherwise specified below. In cases of conflict, the most stringent guideline shall apply.

E. Electrical permits and inspections are required for all street lighting installations within the town of Mansfield. The contractor is responsible for obtaining said permits prior to any type of actual construction. These permits are available from the State Department of Electrical Inspections (L & I) and the Douglas County PUD.

F. Any modification to approved plans shall be reviewed and approved by the town prior to installation.

G. Street lights shall be required at the following minimum levels and shall meet the minimum standards provided below:

<b>Street Classification</b>	<b>Horizontal Foot-Candles</b>	<b>Maximum Spacing</b>
Arterial	1.5 FC	150 feet
Collector	1.0 FC	300 feet
Local Access	0.3 FC	300 feet

H. All street lights shall be on 240 volt, single phase systems. The exact location of the power source should be indicated together with the remaining capacity of that circuit. System continuity and extension should be considered.

I. Contractor cabinets equipped with electrical meters, time clocks, circuit breakers and other required components are required on commercial installations of five or more street lights.

J. All street lighting, wiring and service connectors shall be located underground except in residential areas where existing power distribution poles exist.

K. Particular attention shall be given to locating luminaires near intersections, at all street ends and at pedestrian, bicycle and/or equestrian crossings. [Ord. 398 § 2 (Exh. B), 2001.]

**Chapter 19.90****DRAFTING STANDARDS**

## Sections:

- 19.90.010 Introduction.  
19.90.020 General requirements.  
19.90.030 Drafting standards.

**19.90.010 Introduction.**

The items herein contained are the drafting standards, conditions, and specifications of the town of Mansfield, and are to be considered in conjunction with other provisions of town plans and/or regulations governing the submittal of design, construction, survey, or other plans and profiles. The town by this reference adopts the latest edition of the “Standard Specifications for Road, Bridge and Municipal Construction” (hereinafter referred to as the “standard specifications”) as prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association to govern all aspects of sanitary sewer system improvements including but not limited to materials, labor, equipment for installation, workmanship, testing, etc. Any material, design, standard, or testing not specifically addressed within this document shall be as per the standard specifications. [Ord. 398 § 2 (Exh. B), 2001.]

**19.90.020 General requirements.**

The following general requirements shall be met, unless otherwise provided for within this title, when plans are submitted to the town of Mansfield:

A. All final plans shall be prepared on standard double-matte mylar sheets. The standard sheet size is 24 inches by 36 inches by three mils thick. All sheets shall be original or archival quality, Dayrex Dx 11 copy or equal.

B. The professional engineer’s seal, signature, address and phone number shall be placed in the title block area.

C. The drawing shall be in ink on approved mylar. No “sticky-back” or pasted pieces shall be allowed.

D. Use of the NGVD 29 datum for survey reference is required.

E. All existing and proposed improvements shall be located and dimensioned to the Government Land Office monument system, State Plane Coordinates, or Douglas County survey monuments, or a monumentation system approved by the town. Proposed improvements should be referenced to the monument lines and street centerlines. Dimensioning must be done by stationing and offset from these control lines.

F. Scales. The scale shall be a standard engineering ratio.

G. The plan shall be drawn so the north arrow points to the left or to the top of the sheet.

H. The minimum lettering size is one-tenth inch. This is to ensure the plan is legible after microfilming or reduction.

I. The standard Washington State Chapter of the American Public Works Association symbols shall be used.

J. Match lines with matched sheet number shall be provided where the plan is drawn on two or more sheets. Where the plan is shown on three or more sheets, include a total site plan key map at scale one inch equals 100 feet or one inch equals 200 feet to cross-reference portions of the project with their corresponding plan sheet location.

K. All division or phase lines shall be indicated showing proposed limits of construction.

L. Existing and proposed topography contours shall cover the entire site and a minimum of 30 feet beyond the site boundary. Topography contours should be shown at two-foot intervals (five-foot intervals for slopes greater than 15 percent, 10-foot intervals for slopes greater than 40 percent). Elevation labeling shall be shown at 10-foot intervals maximum for two-foot contour intervals, maximum 25 feet for five-foot contour intervals.

M. Show and clearly label property lines (with distances and bearings), right-of-way lines, sensitive areas and setbacks and all existing and proposed easements with their recording numbers. Show any existing and proposed building footprints, when applicable.

N. Label all streets by town of Mansfield names.

O. Plans shall include a key for abbreviations and a legend for symbols where such are used.

P. Preliminary plans should be submitted on a standard size paper, except that nothing larger than 24 inches by 36 inches will be accepted. [Ord. 398 § 2 (Exh. B), 2001.]

#### **19.90.030 Drafting standards.**

In addition to the general standards listed above, the following information, including but not limited to plan, profile and cross section information, shall be included within the utility and transportation plans as appropriate:

A. Each submittal shall contain the following project information on the cover sheet or first sheet:

1. Title: Project name (add explanatory note if project name has changed).
2. Table of contents (if more than three sheets).
3. Vicinity map (scale sufficient to cover project limits on one sheet or one inch equals 200 feet whichever is greater).

4. General description of site, including quarter section, township and range.

5. Name and phone number of architect/engineering firm preparing plans.

B. Existing Improvements and Topography. Show all existing underground and surface improvements and topography in proximity to the project. The information must be shown for the full width of the right-of-way or the easement and for a sufficient distance on either side of the right-of-way or easement to show possible impacts on adjacent properties and/or the relationship to related facilities. Information on existing surface and underground town facilities may be obtained from Town Hall. For information regarding the location of underground utilities, call 509-683-1112. Other utility information may be obtained from the respective utility owners (i.e., Douglas County Public Utility District, U.S. West, etc.).

C. Sewer, Water and Drainage Improvements. Provide profiles of all proposed sewer, water and drain lines. Show existing underground improvements within 10 feet of where they cross or connect to the new improvements. Show the storm water drainage discharge point to a public system or natural watercourse. Provide drainage system details whether or not detention of storm water is required, including biofiltration swales.

D. Grades. All profiles and cross sections should show the proposed as well as the existing grade.

E. Infrastructure not within street right-of-way shall be within easements granted to town of Mansfield or to the responsible utility district in a form acceptable to the town or the utility. The easement widths will vary according to pipe diameter, but shall not be less than 15 feet wide for town-maintained facilities. All easements shall be shown on plan sheets.

F. Label all manholes, clean outs and catch basins in sequential number. Label rim and invert elevations and catch basin and manhole size and type.

G. Include flow direction arrows on all gravity lines.

H. Label pipe size, length, material and slope.

I. Include datum and benchmark information on each plan and/or profile sheet.

J. Show spot elevations of pavement in parking lots, and runoff flow direction arrows.

K. Show roof leaders and footing drains connecting into conveyance system.

L. Show all stub-out locations for future connections.

M. Include section details for rockeries in grading/paving plans.

N. Show the following for all storm water facilities:

1. Show and label at least two cross-sections through detention pond. One cross-section shall show the control structure.

2. Show location and detail of emergency overflows and spillways.

3. Provide invert elevations of all pipes, inlets, tanks, vaults and spot elevations of the pond bottom. Call out pond volume and dimensions, and design surface elevation.

4. Provide plan and section views and details of all rock protection and energy dissipaters.
5. Section and plan view on restrictor/control structure must be shown and adequately detailed, including size and elevation of orifices, overflow weirs, etc.
6. Show length, width, and bottom width dimensions for all bio-filtration and water quality swales and storm water conveyance swales. Include sectional view, showing side slopes and design depth of flow.
7. Include seeding material information.
- O. When required, an erosion and sedimentation control plan (ESCP) shall provide all necessary details to illustrate how the plan is to be implemented. [Ord. 398 § 2 (Exh. B), 2001.]

## **Tables**

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## **Statutory References for Washington Cities and Towns**

The statutory references listed below refer the code user to state statutes applicable to Washington cities and towns. They are current through June 2023.

### **General Provisions**

Adoption of codes by reference. RCW 35.21.180  
Annexations. Chapter 35.13 RCW  
Campaign finances and disclosure. Chapter 42.17A RCW  
Civil infractions. Chapter 7.80 RCW  
Classification of municipalities. Chapters 35.01 and 35.06 RCW  
Codification of ordinances. RCW 35.21.500 through 35.21.570  
Elections. RCW Title 29A  
First-class cities. Chapter 35.22 RCW  
Incorporation. Wash. Const. Art. XI, § 10 and Chapter 35.02 RCW  
Miscellaneous provisions applicable to all cities and towns. Chapter 35.21 RCW  
Natural resource infractions. Chapter 7.84 RCW  
Official newspaper. RCW 35.21.875  
Penalties for ordinance violations in first-class cities. RCW 35.22.280(35), 35.21.163, and 35.21.165  
Penalties for ordinance violations in second-class cities. RCW 35.23.440(29), 35.21.163, and 35.21.165  
Penalties for ordinance violations in towns. RCW 35.27.370(14), 35.21.163, and 35.21.165  
Public records. Chapter 42.56 RCW  
Second-class cities. Chapter 35.23 RCW  
Towns. Chapter 35.27 RCW  
Unclassified cities. Chapter 35.30 RCW

### **Administration and Personnel**

City council in second-class cities. RCW 35.23.181 et seq.  
Code of ethics for officers. Chapter 42.23 RCW  
Commission form of government. Chapter 35.17 RCW  
Council-manager plan. Chapter 35.18 RCW  
Emergency management. Chapter 38.52 RCW  
Hearing examiner system for zoning amendments. RCW 35A.63.170  
Local government whistleblower protection. Chapter 42.41 RCW  
Municipal courts. Chapters 3.46, 3.50 and 35.20 RCW  
Officers in second-class cities. RCW 35.23.021 et seq.  
Officers in towns. RCW 35.27.070 et seq.  
Open Public Meetings Act of 1971. Chapter 42.30 RCW  
Planning commissions. Chapter 35.63 RCW  
Town council. RCW 35.27.270 et seq.

### **Revenue and Finance**

Accident claims and funds. Chapter 35.31 RCW  
Bonds. Chapters 35.36, 35.37 and 35.41 RCW  
Budgets. Chapters 35.32A, 35.33 and 35.34 RCW  
Depositories. Chapter 35.38 RCW  
Gambling taxes. RCW 9.46.110 et seq.  
Investment of funds. Chapter 35.39 RCW

Leasehold excise tax. Chapter 82.29A RCW  
Local improvements. Chapters 35.43 through 35.56 RCW  
Lodging tax. RCW 67.28.180 et seq.  
Property tax in first-class cities. RCW 35.22.280(2)  
Property tax in second-class cities. RCW 35.23.440(46)  
Property tax in towns. RCW 35.27.370(8)  
Real estate excise tax. Chapter 82.46 RCW  
Retail sales and use taxes. Chapter 82.14 RCW  
State preemption of certain tax fields. RCW 82.02.020  
Tax on admissions. RCW 35.21.280  
Validation and funding of debts. Chapter 35.40 RCW

### **Business Licenses, Taxes and Regulations**

Ambulance business taxes. RCW 35.21.768  
Auctioneers. RCW 35.21.690  
Cabarets. RCW 66.28.080  
Cable television. Chapter 35.99 RCW  
First-class city licenses. RCW 35.22.280(32) and (33)  
Freight carrier taxes. RCW 35.21.840 through 35.21.850  
Gambling. Chapters 9.46 and 9.47 RCW  
License fees or taxes on telephone businesses. RCW 35.21.712 through 35.21.715  
Liquor. RCW 66.08.120 and 66.44.010  
Massage therapists. RCW 35.21.692  
Municipal business and occupation tax. Chapter 35.102 RCW  
Newspaper carriers. RCW 35.21.696  
Second-class city licenses. RCW 35.23.440(2) through (8)  
Town licenses. RCW 35.27.370(9)  
Uniform license fee or tax rate. RCW 35.21.710 and 35.21.711

### **Animals**

Animals and livestock. RCW Title 16  
Cruelty to animals. Chapter 16.52 RCW  
Dangerous dogs. RCW 16.08.070 et seq.  
Power of second-class cities to regulate. RCW 35.23.440(11)  
Power of towns to regulate. RCW 35.27.370(7)

### **Health and Safety**

Controlled substances – Cannabis. Chapter 69.50 RCW  
Fireworks. Chapter 70.77 RCW  
Garbage collection and disposal. RCW 35.21.120 et seq. and Chapter 35.67 RCW  
Generally. RCW Title 70  
Local health boards and officers. Chapter 70.05 RCW  
Medical cannabis. Chapter 69.51A RCW  
Waste reduction, recycling and litter control. Chapter 70A.200 RCW

### **Public Peace, Morals and Welfare**

Crimes and punishments. RCW Title 9  
Discrimination. Chapter 49.60 RCW  
Drunkenness and substance use. RCW 71.24.575  
Juvenile curfew. RCW 35.21.635

Washington Criminal Code. RCW Title 9A

**Vehicles and Traffic**

Accident reports. Chapter 46.52 RCW

Model traffic ordinance. Chapter 46.90 RCW

Motor vehicles. RCW Title 46

Penalties for driving while intoxicated. RCW 35.21.165

**Streets, Sidewalks and Public Property**

Local improvements. Chapters 35.43 through 35.56 RCW

Metropolitan park districts. Chapter 35.61 RCW

Sidewalk construction. Chapters 35.68 through 35.70 RCW

Street construction and maintenance. Chapters 35.72 through 35.79 RCW

**Public Services**

Municipal utilities. Chapter 35.92 RCW

Municipal Water and Sewer Facilities Act. Chapter 35.91 RCW

Sewer systems. Chapter 35.67 RCW

Water or sewer districts, assumption of jurisdiction. Chapter 35.13A RCW

**Buildings and Construction**

Development impact fees. RCW 82.02.050 et seq.

Electrical construction. Chapter 19.29 RCW

Electricians and electrical installations. Chapter 19.28 RCW

Energy-related building standards. Chapter 19.27A RCW

State building code. Chapter 19.27 RCW

Unfit dwellings, buildings and structures. Chapter 35.80 RCW

**Subdivisions**

Hearing examiner system for plat approval. RCW 58.17.330

Short plats and short subdivisions. RCW 58.17.060 et seq.

Subdivisions generally. Chapter 58.17 RCW

**Zoning**

Generally. RCW 35.63.080 et seq.

Growth management. Chapter 36.70A RCW

Hearing examiner system for zoning applications. RCW 35.63.130

Judicial review of land use decisions. Chapter 36.70C RCW

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### State Code Citation Table

This table lists Revised Code of Washington and Washington Administrative Code sections that are cited in the Mansfield Municipal Code. Thus, RCW 39.46.020(1) is cited in MMC 3.20.010.

<b>State Citation</b>	<b>Code Section</b>	<b>State Citation</b>	<b>Code Section</b>
RCW 4.24.410	6.10.100	RCW 36.70A.070(6)(b)	16.16.060
Chapter 7.48 RCW	9.05.100		16.20.060
RCW 7.80.120	8.30.040		16.24.060
RCW 16.08.070	6.10.010		16.36.050
RCW 16.08.080	6.10.100	RCW 36.70A.106(3)	18.85.350
	6.10.110	RCW 36.70A.130	18.85.280
RCW 16.08.100	6.10.130	Chapter 36.70B RCW	18.85.030
Chapter 18.43 RCW	12.15.040		18.85.120
Chapter 18.48 RCW	18.10.020	Chapter 36.70C RCW	18.85.210
Chapter 19.27 RCW	15.10.200	RCW 36.70C.040	18.85.200
RCW 19.27.074	15.10.010	RCW 36.75.270	10.15.010
RCW 19.27.170	15.10.010	RCW 39.46.020(1)	3.20.010
RCW 20.105.210	18.10.020	RCW 39.46.020(3)	3.20.010
Chapter 35.63 RCW	18.05.020	Chapter 40.410 RCW	2.35.010
	18.05.030	RCW Title 41	2.35.010
	18.85.280	Chapter 42.17 RCW	17.10.050
RCW 35.63.100	18.85.160		17.10.080
Chapter 35.79 RCW	12.10.010	Chapter 43.21C RCW	16.04.070
RCW 35A.11.100	3.25.140		16.16.040
Chapter 36.70A RCW	18.05.030		16.16.060
	18.85.110		18.85.170
	18.85.170		18.85.210
	18.85.270	RCW 43.21C.080	17.10.280
	18.85.290	RCW 43.21C.120	17.10.010
	18.85.330	Chapter 46.09 RCW	10.40.100
	18.85.340	RCW 46.09.120(1)(E)	10.40.040
RCW 36.70A.020	18.85.320	RCW 46.09.360	10.40.020
RCW 36.70A.035	18.85.330	RCW 46.80.130	9.05.100
RCW 36.70A.035.380	18.85.320	Chapter 46.90 RCW	10.05.020
		RCW 47.06.140	18.10.020
		Chapter 47.50 RCW	10.10.020

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<b>State Citation</b>	<b>Code Section</b>	<b>State Citation</b>	<b>Code Section</b>
RCW Title 48	6.10.100	Chapter 70.95I RCW	5.30.050
Chapter 48.28 RCW	6.10.100	RCW 70.105.010	18.10.020
Chapter 58.09 RCW	12.15.040	RCW 70.105.210	18.10.020
	16.16.030	RCW 70.128.010	18.10.020
Chapter 58.17 RCW	12.15.040	RCW 70.128.110	18.10.020
	16.04.010	RCW 71.09.020	18.10.020
	16.04.020	RCW Title 80	3.35.010
	16.08.205	Chapter 82.08 RCW	3.25.010
	16.08.255		3.25.070
	16.16.010	Chapter 82.12 RCW	3.25.010
	16.20.010		3.25.070
	16.28.040	RCW 82.14.020	3.25.070
	16.36.010	RCW 82.14.030(1)	3.25.130
	18.65.100	RCW 82.14.030(2)	3.25.070
RCW 58.17.035	16.24.010	RCW 82.14.050	3.25.090
RCW 58.17.060	16.20.090	RCW 82.32.330	3.25.040
RCW 58.17.110	16.12.035		3.25.100
RCW 58.17.120	16.16.060	RCW 82.46.035	3.30.020
	16.20.060	RCW 82.46.035(5)	3.30.020
	16.24.060	RCW 82.46.060	3.30.020
	16.36.050	Chapter 86.16 RCW	16.16.060
RCW 58.17.140	16.08.335		16.20.060
	16.16.040		16.24.060
	16.20.040		16.36.050
	16.28.040	Chapter 51-11 WAC	15.10.010
RCW 58.17.310	16.16.030	Chapter 51-50 WAC	15.10.010
Chapter 64.32 RCW	16.04.040		15.10.200
	16.08.055	Chapter 51-51 WAC	15.10.010
	16.08.090	Chapter 51-52 WAC	15.10.010
	16.24.070		15.10.200
Chapter 64.34 RCW	16.04.040	Chapter 51-54 WAC	15.10.010
	16.08.055	Chapter 51-54A WAC	15.10.200
	16.08.090	Chapter 51-56 WAC	15.10.010
	16.24.030		15.10.200
	16.24.070	Chapter 51-57 WAC	15.10.010
RCW 64.34.232	16.24.030		
RCW 70.95.030	9.05.030		

<b>State Citation</b>	<b>Code Section</b>	<b>State Citation</b>	<b>Code Section</b>
Chapter 173-303 WAC	18.10.020	WAC 197-11-256	17.10.020
WAC 173-303-515	5.30.040	WAC 197-11-259	17.10.020
Chapter 197-11 WAC	16.16.060	WAC 197-11-262	17.10.020
	17.10.010	WAC 197-11-265	17.10.020
	17.10.020	WAC 197-11-268	17.10.020
	17.10.030	WAC 197-11-300	17.10.100
	17.10.050	WAC 197-11-305	17.10.100
	17.10.080	WAC 197-11-310	17.10.100
	17.10.170	WAC 197-11-315	17.10.100
	18.85.210		17.10.100
WAC 197-11-040	17.10.020		17.10.140
WAC 197-11-050	17.10.020	WAC 197-11-330	17.10.100
	17.10.050	WAC 197-11-335	17.10.100
WAC 197-11-055	17.10.020	WAC 197-11-340	17.10.100
WAC 197-11-060	17.10.020	WAC 197-11-340(2)	17.10.150
	17.10.120		17.10.200
WAC 197-11-070	17.10.020	WAC 197-11-350	17.10.100
WAC 197-11-080	17.10.020		17.10.150
WAC 197-11-090	17.10.020	WAC 197-11-355	17.10.100
WAC 197-11-100	17.10.020		17.10.200
WAC 197-11-158	17.10.020	WAC 197-11-355(5)	17.10.150
WAC 197-11-164	17.10.140	WAC 197-11-360	17.10.100
	17.10.180	WAC 197-11-360(3)	17.10.200
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WAC 197-11-172	17.10.180	WAC 197-11-400	17.10.160
WAC 197-11-210	17.10.020	WAC 197-11-402	17.10.160
WAC 197-11-220	17.10.020	WAC 197-11-405	17.10.160
WAC 197-11-228	17.10.020	WAC 197-11-406	17.10.160
WAC 197-11-230	17.10.020	WAC 197-11-408	17.10.160
WAC 197-11-232	17.10.020		17.10.200
WAC 197-11-235	17.10.020	WAC 197-11-410	17.10.160
WAC 197-11-238	17.10.020	WAC 197-11-420	17.10.160
WAC 197-11-250	17.10.020	WAC 197-11-425	17.10.160
WAC 197-11-253	17.10.020	WAC 197-11-430	17.10.160
	17.10.050	WAC 197-11-435	17.10.160

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<b>State Citation</b>	<b>Code Section</b>	<b>State Citation</b>	<b>Code Section</b>
WAC 197-11-440	17.10.160	WAC 197-11-700 –	17.10.030
WAC 197-11-442	17.10.160	WAC 197-11-799	
WAC 197-11-443	17.10.160	WAC 197-11-702	17.10.030
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WAC 197-11-460	17.10.160	WAC 197-11-714	17.10.030
WAC 197-11-500	17.10.190	WAC 197-11-716	17.10.030
WAC 197-11-502	17.10.190	WAC 197-11-718	17.10.030
WAC 197-11-504	17.10.190	WAC 197-11-720	17.10.030
WAC 197-11-508	17.10.190	WAC 197-11-722	17.10.030
WAC 197-11-510	17.10.190	WAC 197-11-724	17.10.030
WAC 197-11-535	17.10.190	WAC 197-11-726	17.10.030
WAC 197-11-545	17.10.190	WAC 197-11-728	17.10.030
WAC 197-11-550	17.10.190	WAC 197-11-730	17.10.030
	17.10.210	WAC 197-11-732	17.10.030
WAC 197-11-560	17.10.190	WAC 197-11-734	17.10.030
WAC 197-11-570	17.10.190	WAC 197-11-736	17.10.030
WAC 197-11-600	17.10.050	WAC 197-11-738	17.10.030
	17.10.180	WAC 197-11-740	17.10.030
WAC 197-11-610	17.10.180	WAC 197-11-742	17.10.030
WAC 197-11-620	17.10.180	WAC 197-11-744	17.10.030
	17.10.200	WAC 197-11-746	17.10.030
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WAC 197-11-630	17.10.180	WAC 197-11-752	17.10.030
WAC 197-11-635	17.10.180	WAC 197-11-754	17.10.030
WAC 197-11-640	17.10.180	WAC 197-11-756	17.10.030
WAC 197-11-650	17.10.220	WAC 197-11-758	17.10.030
WAC 197-11-655	17.10.220	WAC 197-11-760	17.10.030
WAC 197-11-660	17.10.220	WAC 197-11-762	17.10.030
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<b>State Citation</b>	<b>Code Section</b>	<b>State Citation</b>	<b>Code Section</b>
WAC 197-11-768	17.10.030	WAC 197-11-922 –	17.10.050
WAC 197-11-770	17.10.030	WAC 197-11-940	
WAC 197-11-772	17.10.030	WAC 197-11-924	17.10.070
WAC 197-11-774	17.10.030	WAC 197-11-926	17.10.070
WAC 197-11-776	17.10.030	WAC 197-11-928	17.10.070
WAC 197-11-778	17.10.030	WAC 197-11-930	17.10.070
WAC 197-11-780	17.10.030	WAC 197-11-932	17.10.070
WAC 197-11-782	17.10.030	WAC 197-11-934	17.10.070
WAC 197-11-784	17.10.030	WAC 197-11-936	17.10.070
WAC 197-11-786	17.10.030	WAC 197-11-938	17.10.070
WAC 197-11-788	17.10.030	WAC 197-11-940	17.10.070
WAC 197-11-790	17.10.030	WAC 197-11-942	17.10.050
WAC 197-11-792	17.10.030		17.10.070
WAC 197-11-794	17.10.030	WAC 197-11-944	17.10.050
WAC 197-11-796	17.10.030		17.10.070
WAC 197-11-797	17.10.030	WAC 197-11-946	17.10.050
WAC 197-11-799	17.10.030		17.10.070
WAC 197-11-800	17.10.130	WAC 197-11-948	17.10.070
WAC 197-11-800(1)(b)	17.10.110	WAC 197-11-960	17.10.090
WAC 197-11-800(1)(b)(i)	17.10.110		17.10.140
WAC 197-11-800(1)(b)(ii)	17.10.110	WAC 197-11-965	17.10.090
WAC 197-11-800(1)(b)(iii)	17.10.110	WAC 197-11-970	17.10.090
WAC 197-11-800(1)(b)(iv)	17.10.110	WAC 197-11-980	17.10.090
WAC 197-11-800(1)(b)(v)	17.10.110	WAC 197-11-985	17.10.090
WAC 197-11-800(1)(c)	17.10.110	WAC 197-11-990	17.10.090
WAC 197-11-880	17.10.130		17.10.280
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WAC 197-11-900	17.10.070	Chapter 332-130 WAC	12.15.040
WAC 197-11-902	17.10.070	Chapter 468-51 WAC	10.10.020
WAC 197-11-904	17.10.010	Chapter 468-52 WAC	10.10.020
WAC 197-11-916	17.10.070		
WAC 197-11-920	17.10.070		
WAC 197-11-922	17.10.070		

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## Ordinance Table

This table lists all ordinances. If an ordinance is codified, its location in the code is cited by chapter number at the end of the ordinance description. Ordinances are codified if they are general, permanent, and/or include penalty provisions for noncompliance. “Not codified” indicates that the ordinance could have been codified but was not for some reason (e.g., superseded by a later ordinance, codified in a separate publication). “Special” means the ordinance was special in nature or for a specific period of time (e.g., budget, annexation, tax levy).

- 1 An ordinance adopting a common seal (1.10)
- 2 Fixing the time and place of holding meetings of council (2.05)
- 3 Manner for passing ordinances (1.15)
- 4 Manner for presenting and allowing claims (Repealed by 70)
- 5 Appointment of Marshall, Clerk, Attorney, and other employees; Election of a Police Justice; Duties of treasurer, Marshall, Clerk, Attorney, Police Justice, and their compensation (2.20)
- 6 Prohibiting horses, mules, asses, cattle, sheep, goats, and swine from running at large, and providing enforcement (6.05)
- 7 (Number not used)
- 8 Licensing of dogs running at large, and providing a penalty (6.10)
- 9 Assessment and collection of municipal taxes (3.05)
- 10 Designating an official newspaper (Repealed by 91)
- 11 (Number not used)
- 12 Defining misdemeanor of assault and battery, assault, provoke, drunkenness, cruelty to animals, obstruction of highways, disturbing meetings, public indecency, vagrancy, public profanity and disorderly conduct; and providing a penalty for them (9.25)
- 13 Business licenses and providing a penalty (Repealed by 69)
- 14 Protection and preservation of the public health and providing a penalty (8.10)
- 15 (Number not used)
- 16 Prohibiting the running at large of domestic fowls within town limits (6.05)
- 17 Manner of conducting elections; Appointment of a board of election, defining duties, and fixing compensation (2.10)
- 18 Licensing merry-go-rounds, doll racks, cane and knife racks, ice cream stands, confectionery stands and soft drink stands (Repealed by 69)
- 19 (Number not used)
- 20 (Number not used)
- 21 Imposing an annual license tax on dogs allowed to run at large; providing for collection of tax & impounding and killing of dogs found at large without a license; Making it a misdemeanor to allow dogs to run at large (6.10)
- 22 Regulating and prohibiting the presence of children under age 16 on the streets and commons during certain hours (9.10)
- 23 Adopting a system of water works to be purchased and improved; creation and form of bond; providing for a vote; issuance of bonds to provide revenue (Special)
- 24 (Number not used)
- 25 Describing general town bonds to be issued; repealing any in conflict (Special)
- 26 Fix, regulate and control the use and price of water; Establish a water department and rules and regs for its government; providing penalties (Amended by Ord. 93) (Repealed by 101)
- 27 (Number not used)
- 28 (Number not used)

- 29 Establishing "fire limits"; regulating construction, moving, or repairing buildings within such limits; requiring a permit before constructing, altering, moving, or repairing; declaring constructing, altering, moving, or repairing within "fire limits" to be a nuisance and authorizing abatement; fixing penalties (15.05)
- 30 (Number not used)
- 31 (Number not used)
- 32 Granting Okanogan Valley Power Company the right to erect and maintain poles and wires in, over and under the streets and alleys for conveying electricity for light, heat, and power (Special)
- 33 Providing for placing electrical wires, appliances, and construction in buildings and providing penalty (13.05)
- 34 Adopting an addition to the system of water works; Creating bonds; Providing for a vote (Repealed by 45)
- 35 (Number not used)
- 36 Making of local improvements to be paid for in whole or part, directly or indirectly, by assessments upon lots or parcels benefiting; How charge assessment and how to get contracts and make payments (3.10)
- 37 Construction of sidewalks and providing for payment and cost (12.05)
- 38 Regulating construction and location of privies and cesspools; prohibiting accumulation of manure, animal offal, garbage or waste; prohibiting keeping of hogs or pigs; providing penalty (13.10)
- 39 Amends Ord. 26 relating to fix, regulate, and control the use and price of water; creating water department and providing rules; providing penalty (Repealed by 101)
- 40 Defining "motor vehicle", who may operate one, establish speed limit, providing certain cautions while operating; providing penalty (10.05)
- 41 Licenses for billiard or pool tables conducted for hire; providing penalty; repealing Ord. 7 as it relates to billiards and pool tables (Repealed by 100)
- 42 Prescribing certain rules and regs for the conduct of public billiard and pool rooms; providing penalties (Repealed by 56)
- 43 Prohibiting minors from loitering or playing pool or billiards in any public pool or billiard hall; providing penalties (Repealed by 100)
- 44 Creating LID 1 for grading streets, constructing sidewalks, curbs; establishing specific boundaries (Special)
- 45 Addition to system of water works, etc. (Special)
- 46 Amends Ord. 41 (Repealed by 100)
- 47 (Number not used)
- 48 (Number not used)
- 49 Confirming assessment roll for LID 1; levying assessment against the property (Special)
- 50 Creating LID 2 for grading and graveling (Special)
- 51 Amends Ord. 13 relating to business licenses (Repealed by 69)
- 52 (Number not used)
- 53 (Number not used)
- 54 (Number not used)
- 55 Amends Ord. 5 fixing compensation for the city attorney (2.20)
- 56 Rules and regs for conduct of public billiard and pool rooms; providing penalties; repealing Ord. 42 (Repealed by 100)
- 57 (Number not used)
- 58 (Number not used)
- 59 Creating LID 4 for water mains (Special)
- 60 Creating a LID No. 7 for Main street improvement (Special)

- 61 Granting a pool table to Carl Jacobsen; obsolete (Special)
- 62 (Number not used)
- 63 Creating a LID No. 8 for street improvement of First Avenue (Special)
- 64 Granting a pool table license to Chris Peterson (Special)
- 65 Approving the assessments for the improvement of Douglas street as provided for in ordinance no 59 and providing for collection thereof (Special)
- 66 Approving the assessments for the improvement of Main street as provided for by ordinance No 60 and establishing for the collection thereof; Sept 1917 (Special)
- 67 Vacating a portion of Hamilton Street (Special)
- 68 Vacating a 10-foot wide strip of Walnut street (Special)
- 69 Providing for the licensing of any business within the city limits, penalty for violation thereof (5.05)
- 70 Providing for payment of claims or demands against the Town and allowance for rejection; repeals Ord. 4 (3.15)
- 71 Approving the assessments and providing for the collection of a sewer system as provided for in ordinance No 63 (Special)
- 72 Restricting the use and sale of fireworks within the city limits (8.05)
- 73 Granting a pool license to Blackfan (Special)
- 74 Granting a pool table license to V. Coe (Special)
- 75 Granting a pool table license to Blackfan (Special)
- 76 Granting a pool table license to Holler and Hewling (Special)
- 77 Amends section 18 of Ord. 26 in regard to the price of water used by butcher shops running the ice plant (Repealed by 101)
- 78 Vacating 6 feet of the south side of First Ave (Special)
- 79 Creating a LID No. 9 for the water main on Mansfield blvd (Special)
- 80 Amends Ord. 41 and repealing 46 relating to licenses for pool or billiard tables (Repealed by 100)
- 81 Granting a pool license to Mallory (Special)
- 82 Granting a pool license to Holler (Special)
- 83 Amends Ord. 70 in regards to providing for the manner of payment of bills (3.15)
- 84 Approving the assessment for the LID No. 9 set forth in Ord. 79 for improvement of Mansfield Blvd. (Special)
- 85 Alley vacation (Special)
- 86 Amends Ord. 2 fixing the time of holding council meetings (2.05)
- 87 Amends Ord. 41 relating to licenses for billiard or pool tables (Repealed by 100)
- 88 Amends Ord. 87 (Repealed by 100)
- 89 Licenses for card tables conducted for hire; providing penalty (Repealed by 100)
- 90 Installing water meters for all water users (Repealed by 101)
- 91 Annulling Ord. 10 and adopting posting as the official means of publication (1.20)
- 92 Designating certain streets as a connecting link between permanent highways #4 and #5 (10.10)
- 93 Amends Ord. 26 controlling the use and price of water and providing penalty (Repealed by 101)
- 94 Providing for the regulation and licensing of public dances and dance halls; providing penalty (5.35)
- 95 Repealing item 10 of §3 of Ord. 69 relating to drays and transfers (5.05)
- 96 Amending part of Ord 69 relating to theaters (5.05)
- 97 Prevent the accumulation of noisome, deleterious, and inflammable substances (8.10)
- 98 Regulation and licensing of solicitors and house-to-house canvassing; providing penalty (5.10)
- 99 Fixing the compensation for the town treasurer (Amended by Ord 109) (2.20)
- 100 Prescribing rules and regs for licensing Pool halls and card rooms; providing penalties; repeals Ords. 41, 42, 43, 46, 56, 80, 87, 88 and 89 (5.15)

- 101 Providing for control and management of the water department, fixing the price of water; providing public water trough; repealing Ords. 26, 39, 77, 90, and 93, and all other ordinance or parts in conflict; providing penalty (13.15)
- 102 Amends Ord. 96 and granting City Council authority to fix annual license fee for theatres as they may determine (5.05)
- 103 Providing for control and supervision of the city dump ground; establishing rules and regs for using it; providing penalties (8.15)
- 104 Improvement of the water system; special election (Special)
- 105 Improvement of the water system (Special)
- 106 Regulating traffic; providing penalties (10.05)
- 107 Improvement of the water system (Special)
- 108 Amends Ord. 107, water system (Special)
- 109 Adopting rules and regs governing official duties of various municipal officers; providing penalties for neglecting or refusing to perform (2.20)
- 110 Amends Ord. 109 fixing the salaries of the Clerk, Treasurer, and Marshal (2.20)
- 111 Amends Ord. 101 relating to control and management of the water department (13.15)
- 112 Amends Ord. 94 relating to license fees for public dances (5.35)
- 113 Intoxicating liquor; prohibiting sale, barter, exchange, keeping, transportation with intent to sell, barter, or exchange; prohibiting the gift to minors; providing penalties (5.20)
- 114 Licensing and regulation of the sale and the business of selling beer and light wines; providing penalties (5.20)
- 115 Improvements to Water system; special election (Special)
- 116 Relating to intoxicating liquors and the regulation and control of them; definitions of terms; prohibit the manufacture, sale, possession, or other disposition except in certain cases; providing penalties (5.20)
- 117 Authorizing issuance of warrants on water replacement fund, fixing the amount, rate of interest, and method of payment; transfer of funds from the water fund to the replacement fund as Council deems necessary (Special)
- 118 Vacating 4 feet of North side of 1st Ave between Mansfield Boulevard and Walnut Street (Special)
- 119 Amends Ord. 100 and granting Council authority to license pool and card tables, without regard to population requirements (5.15)
- 120 Granting Washington Water Power Company the right to erect and maintain poles and wires in, over and under the streets and alleys for conveying electricity for light, heat, and power (Special)
- 121 Amends Ord. 100 permitting pool halls to remain open till 1 am; and allowing them to sell liquor until 1 am except Sundays (5.15, 5.20)
- 122 Creating a municipal defense commission prescribing its duties and declaring an emergency (2.30)
- 123 Declaring an emergency during the war and providing for compulsory blackouts and providing penalties for violation (2.30)
- 124 Amends water rates (Did not pass)
- 125 (Number not used)
- 126 Volunteer relief and compensation fund for volunteer firemen (3.45)
- 127 Purchase of 30 acres for use as a public air field (Special)
- 128 Punchboards and trade stimulators (5.25)
- 129 (Number not used)
- 130 (Number not used)
- 131 (Number not used)
- 132 (Number not used)
- 133 (Number not used)
- 134 (Number not used)

- 135 (Number not used)
- 136 (Number not used)
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- 141 (Number not used)
- 142 (Number not used)
- 143 (Number not used)
- 144 Establishing the amount of pay for the Mayor and councilmembers (2.20)
- 145 Amends Ord. 111 providing for control and management of the water department and changing the method of billing form meter reads to flat rate (13.15)
- 146 Relating to dependent or delinquent children, prescribing crimes relating to and establishing penalties for violation (9.20)
- 147 Relating to intoxicating liquors, prohibiting minors to acquire, possess or consume, or other to supply (9.15)
- 148 Relating to the estimated annual budget (Special)
- 149 Amends Ord. 111 providing for the control and management of the water department and an increase of rates (13.15)
- 150 Fixing the final annual budget (Special)
- 151 Providing for the keeping of certain classes of livestock and prohibiting of others within the city limits and the penalties for violation (6.15)
- 152 Fixing the final annual budget (Special)
- 153 Relating to the collection of sales tax; authorization for the mayor and clerk to enter into a contract with the department of Revenue; establishing penalties for violation (3.25)
- 154 Setting the tax levy for millage (Special)
- 155 Fixing the final annual budget (Special)
- 156 Setting a curfew for all persons under age of 18; penalties for violation (9.10)
- 157 Setting the tax levy millage for the town (Special)
- 158 Establishing a sewer lagoon fund (3.45)
- 159 Fixing the final annual budget (Special)
- 160 Amends Ord. 149 providing for the control and management of the water and sewer department (13.15)
- 161 Authorizing payments out of the sewer lagoon fund and declaring an emergency (Special)
- 162 Establishing a revenue sharing fund (3.45)
- 163 Relating to dog control; setting license fees; providing penalties thereof (6.10)
- 164 Fixing the amount of ad valorem taxes to be levied (Special)
- 165 Authorizing payments out of the arterial street fund and declaring an emergency (Special)
- 166 Fixing the final annual budget (Special)
- 167 Approving participation in the Washington public employees retirement system for Town employees (2.35)
- 168 Amending all other ordinances that conflict with the new state building code act; Adopting the state building code by reference (15.10)
- 169 Regulating parking and speed of vehicles on State Route 172 (5th ave, Main and Railroad ave); establishing penalties for violation (10.25)
- 170 Approving expenditures out of sewer fund; declaring an emergency (Special)
- 171 Regulating parking and speed of vehicles of State Route 172 (10.25)
- 172 Setting the amount of tax levy (Special)
- 173 Fixing the final annual budget (Special)

- 174 Fixing the amount of tax levy (Special)
- 175 Fixing the final annual budget (Special)
- 176 Establishing mandatory charges and rate for collection of garbage (8.20)
- 177 Authorizing payments out of the current expense fund and declaring an emergency (Special)
- 178 Fixing the amount of tax levy (Special)
- 179 Establishing an anti-recession fund; for funds from federal sources to be deposited/expended (3.45)
- 180 Fixing final annual budget (Special)
- 181 Fixing the amount of tax levy (Special)
- 182 Vacating 5 feet of Sheldon street between 1st and 2nd Ave. (Special)
- 183 Vacating 5 feet of 4th Ave. between Mansfield blvd. and Walnut (Special)
- 184 Control weeds and growth in the town; public nuisance declared; penalty for failure to abate (8.25)
- 185 Fixing the final annual budget (Special)
- 186 Fixing the amount of tax levy (Special)
- 187 Amending Ord. 149 providing for the control and management of the water department; increase of rates (13.15)
- 188 Fixing the final annual budget (Special)
- 189 Regulating use of snowmobiles in town; providing penalties for violations (10.35)
- 190 Adoption of the Washington model traffic statutes to regulate traffic upon the public streets (10.05)
- 191 Vacating Long and Evans Streets (Special)
- 192 Adopting building codes; min. standards for new construction (15.10)
- 193 Approving an agreement with Douglas County for inspection services for the building code; enforcement thereof by Douglas County (15.20)
- 194 Setting a tax levy for ensuing year; designating revenue to be used in the street fund (Special)
- 195 Vacating all of 2nd Ave between Walnut and Locust St (Special)
- 196 Fixing the final annual budget (Special)
- 197 Creating a claims clearing account (3.15)
- 198 Appointing the Town Clerk as a certifying officer (2.25)
- 199 Setting a tax levy (Special)
- 200 Combining the position of town clerk and town treasurer (Not passed)
- 201 Revised ordinance combining the clerk and treasurer position to be one person (2.25)
- 202 Fixing the final annual budget (Special)
- 203 Providing for control and management of the water department; increase of rates; establishing a penalty for delinquency (13.15)
- 204 Setting tax levy for ensuing calendar year (Special)
- 205 Tax levy corrected amount (Special)
- 206 Fixing the final annual budget (Special)
- 207 Setting tax levy (Special)
- 208 Fixing final annual budget (Special)
- 209 Imposing a sales or use tax; fixing the rate; providing for the administration and collection (3.25)
- 210 Setting tax levy for ensuing year (Special)
- 211 Fixing final annual budget (Special)
- 212 Providing for control and management of the water department; increase of rates (13.15)
- 213 Setting tax levy for ensuing calendar year (Special)
- 214 Amending Ord. 163, dog control; unlawful to own a pit bull dog (6.10)
- 215 Amending Ord. 212; increase of water/sewer rates (13.15)
- 216 Adopting the annual budget (Special)
- 217 Authorizing payment out of city street fund and declaring an emergency (Special)
- 218 Authorizing payment out of the city water fund and declaring an emergency (Special)

- 219 Setting tax levy for the ensuing calendar year (Special)
- 220 Providing for dog control; authorizing the impounding of dogs; providing penalties for violation (6.10)
- 221 Establishing winter parking regulations; penalty for violation (10.20)
- 222 Adopting the annual budget (Special)
- 223 Setting the tax levy for the ensuing calendar year (Special)
- 224 Amending water department control and management ord; increase rates (13.15)
- 225 Setting tax levy for the ensuing calendar year (Special)
- 226 Adopting the annual budget (Special)
- 227 Establishing a utility deposit for new customers or customers that have had services terminated (13.15)
- 228 Setting a tax levy for the ensuing calendar year (Special)
- 229 Vacating streets and alleys in blocks 2-7; old school property (Special)
- 230 Amending Ord. 224; water department control and management; increase rates (13.15)
- 231 Adopting annual budget (Special)
- 232 Setting tax levy for ensuing calendar year (Special)
- 233 Adopting annual budget (Special)
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- 324 Allowing for two regular council meetings per month; amends §§ 2 and 5 of Ord. 2 (2.05)
- 325 Combining the water and sewer system into a combined waterworks utility; providing for the issuance of revenue bonds; creating a construction fund; providing for the issuance of interest-bearing warrants (Special)
- 326 Establishing winter or emergency road conditions (10.15)
- 327 Relating to the waterworks utility creating a special fund; authorizing the issuance and sale of a revenue bond anticipation note; fixing form, terms and covenants of such; providing for the sale of such note (Special)
- 328 Relating to the waterworks utility; including the sewer system as a part thereof; providing for issuance; creating a bond redemption fund; providing for the sale of such bond to FHA (Special)
- 329 Adopting a system of registration of bonds and obligations of the town (3.20)
- 330 Amending Ord. 5 regarding the appointment of the town marshal/supt, clerk/treasurer, attorney and other employees of the town (2.20)
- 331 Setting tax levy for the ensuing calendar year (Special)
- 332 In regards to setting monthly spending limits for town employees without prior council approval (2.20)
- 333 Adopting the annual budget (Special)
- 334 Providing control and management for the water department; increase water rates (13.15)
- 335 Establishing a criminal justice fund (3.45)
- 336 Setting a tax levy (Special)
- 337 Adopting the annual budget (Special)
- 338 Providing for licensing of dogs; impounding thereof; providing for penalties for violation (6.10)
- 339 Adopting a resource lands and critical areas policy plan, pursuant to the Washington State Growth Management Act (17.05)
- 340 Adopting the SEPA ordinance by reference; adopting policies as a basis for exercise of substantive authority under SEPA; providing for appeals; establishing fees; and establishing an effective date (Repealed by 385)
- 341 Setting the amount of pay for the mayor and councilmembers (2.20)
- 342 Decriminalizing all violations of any ordinance; designating ordinance violations as civil infractions, providing for penalties (1.25)
- 343 Adopting by reference provisions of the Douglas County code, zoning with amendments; adopting an official zoning map; providing for appeals; and establishing an effective date (Repealed by 389)
- 344 Providing for tax levy upon all taxable property within the Town of Mansfield for the year 1993 (Special)
- 345 Adopting the 1993 budget for the Town (Special)
- 346 Creating a planning commission for the Town of Mansfield, determining the structure; tenure; compensation and authority (2.40)
- 347 Setting one regular council meeting per month (2.05)
- 348 Indemnifying the elected officials and employees of the Town (2.15)

- 349 Setting the amount of Utility Deposits to guarantee water service and allowing for a separate fund to hold deposits (13.15)
- 350 Setting rates for the Cemetery plots and charges for service (8.45)
- 351 Imposition of an excise tax on real estate in the Town (3.30)
- 352 An ordinance providing for the manner of passing ordinances (1.15)
- 353 Providing for tax levy upon all taxable property within the Town of Mansfield for the year 1994 (Special)
- 354 Providing control and management of the water department and for rates for water and sewer for the year 1994 (13.15)
- 355 Adopting the 1994 budget for the Town. (Special)
- 356 To create a new fund for the Capital Facilities Plan and the Public Works Trust fund loan associated herewith (3.45)
- 357 Adopting a comprehensive land use plan for the Mansfield Urban Area as required by Growth Management Act; and to provide a guide for future development and establishing an effective date (Special)
- 358 Providing for a tax levy upon all taxable property within the Town for the year 1995 (Special)
- 359 Adopting the budget for the town for the year 1995 (Special)
- 360 Providing for control and management of the water department and setting water and sewer rates for 1995 (13.15)
- 361 Adopting a minimum level of service for the collection of designated recyclables through a source separation program and the establishment of urban and rural boundaries (8.40)
- 362 Implementing a point of sale notification program for Motor Oil retailers. (5.30)
- 363 Amending certain provisions of the Town of Mansfield Ord. 343 relating to residential performance standards and definitions; and establishing an effective date (Repealed by 389)
- 364 Sewer Improvement Project; authorizing the sale and issuance of revenue bond anticipation note in the amount of \$339,200 for interim financing; November 95 (Special)
- 365 Adopting a minimum level of service for recyclables, amending Ordinance # 361 (8.40)
- 366 Providing for tax levy upon all taxable property within the Town for the 1996 year (Special)
- 367 Providing for control and Management of the water department and setting water and sewer rates for 1996 (13.15)
- 368 Adopting the budget for the Town for 1996 (Special)
- 369 Setting Water and Sewer rates and providing for a rate structure for metered water (13.15)
- 370 Setting water/sewer rates by metered amount; amending Ord. #369 (13.15)
- 371 Setting water/sewer rates by metered amount; amending Ord. #370 (13.15)
- 372 Providing for the issuance of a water/sewer revenue bond in the amount of \$305,000 for improvements to the Town sewer system (Special)
- 373 Amending the 1996 Budget due to the sewer project (Special)
- 374 Providing for Tax Levy for the 1997 calendar year (Special)
- 375 Adopting the 1997 budget (Special)
- 376 Providing for the Licensing of Dogs (6.10)
- 377 Providing for Tax Levy for the 98 calendar year (Special)
- 378 Water and Sewer rate ordinance for 1998 (13.15)
- 379 Adopting the 1998 Budget for the Town (Special)
- 380 Adopting emergency interim street standards and other official controls implementing the Wash. State Growth Management Act and the adopted Town of Mansfield Comp. Plan (12.15)
- 381 Providing for tax levy for the Town for 1999 (Special)
- 382 Adopting the 1999 Budget for the Town (Special)
- 383 Water and Sewer rate ordinance for 1999 (13.15)
- 384 Sewer Use ordinance (13.20)

- 385 Adopting procedures for the implementation of SEPA; Repealing Ord. 340; Establishing a severability clause and effective date (17.10)
- 386 Providing for tax levy for the Town for 2000 (Special)
- 387 Water/Sewer Rate ordinance for 2000 (13.15)
- 388 Adopting the 2000 Budget for the Town (Special)
- 389 Zoning and regulations for land use (18.05, 18.10, 18.15, 18.20, 18.25, 18.30, 18.35, 18.40, 18.45, 18.50, 18.55, 18.60, 18.65, 18.70, 18.75, 18.80)
- 390 Consenting of transfer (Sun Cable) (Special)
- 391 Adopting procedures for administration processing, review and classification of development permit applications (18.85)
- 392 Regulating the use of skateboards, bicycles, roller blades, known as "wheeled toys" and other recreational vehicles on city sidewalk on main street (10.30)
- 393 Amending the 2000 budget as adopted by Ord. 388 increasing the estimated revenues during calendar year of 2000 authorizing the expenditure of funds as authorized by RCW 35.33.121(4) (Special)
- 394 Amending the 2000 budget as adopted by Ord. 388 increasing the estimated revenues during the calendar year 2000 (Special)
- 395 Tax levy upon all taxable property within the Town of Mansfield, Douglas County, Washington for 2001 (Special)
- 396 Adopting the budget for the town of Mansfield, WA, for Fiscal year ending December 31, 2001 (Special)
- 397 The Town of Mansfield adopting fees for land use applications (3.40)
- 398 Adopting comprehensive land division and development standards regulations for the Town of Mansfield, providing the administration, enforcement, & amendment in accordance with provisions of Chapters 35.63, 36.70A Revised Code of WA (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36, 19.02, 19.10, 19.20, 19.30, 19.40, 19.50, 19.90)
- 399 Amending 2001 Budget as adopted by Ord. 396 increasing the estimated revenues during calendar year 2001 (Special)
- 400 Providing for tax levy upon all taxable property within Town of Mansfield, Douglas County WA for ensuing year, 2002 (Special)
- 401 Adopting budget for Town of Mansfield, WA, for Fiscal Year ending December 31, 2002 (Special)
- 402 Town of Mansfield stating intent of join Fire Protection District #5 and, finding that the public interest will be served (Special)
- 403 Providing for control and management of water/sewer department, rate structure to be effective Jan 1, 2003 (13.15)
- 404 Adopting budget for Town of Mansfield, WA for the Fiscal year ending December 31, 2003 (Special)
- 405 Replacing existing ordinances and adding new actions adopting definitions, licensing provisions, setting forth offenses and penalty provisions relating to control of dogs within the town (6.10)
- 406 Amending the Town of Mansfield Comprehensive Land Use Plan (Special)
- 407 Amends Mansfield zoning code and providing an effective date (18.05, 18.10, 18.15, 18.20, 18.25, 18.30, 18.35, 18.40, 18.45, 18.50, 18.55, 18.60, 18.65, 18.70, 18.75, 18.80)
- 408 (Number not used)
- 409 County Assessor of Douglas County has met and considered budget for calendar year 2004 (Special)
- 410 Adopting budget for the Town of Mansfield, WA for fiscal year ending December 31, 2004 (Special)
- 411 Fixing monthly utility tax charges on water/sewer services (3.35)
- 412 Control and management of water/sewer department (13.15)

- 413 Amends 2004 budget as adopted by Ord. 410 increasing the estimated revenues during calendar year of 2004 (Special)
- 414 Amends the 2004 budget as adopted by Ord. 410 increasing the revenues during the calendar year 2004 (Special)
- 415 Providing for noise control in a manner which promotes commerce (8.30)
- 416 Tax levy (Special)
- 417 Licensing of dogs, authorizing the impounding of dogs and providing for penalties for violations thereof (6.10)
- 418 Control and management of water/sewer department; providing for a rate structure to be effective January 1, 2005 (13.15)
- 419 Rates for purchasing cemetery plots and opening and closing of graves (8.45)
- 420 Amends the 2004 budget as adopted by Ord. 410 increasing the estimated revenues during the calendar year of 2004 (Special)
- 421 Adopting the budget for the fiscal year ending December 31, 2005 (Special)
- 422 Amends the 2004 budget as adopted by Ord. 410 increasing the estimated revenues during calendar year 2004 (Special)
- 423 Amends Ord. 418 providing for control and management of the water/sewer department (13.15)
- 424 Utility tax upon certain utilities; Amends Ord. 411 (3.35)
- 425 Relating to the amendment to the budget of 2005 (Special)
- 426 Adopting the 2003 international building codes; providing for severability and effective date (15.10)
- 427 Relating to an amendment to the budget of 2005 (Special)
- 428 Regulating the use of off road dirt bikes and ATV's in Mansfield and providing penalties for violations (10.40)
- 429 (Number not used)
- 430 Regulating the use of snowmobiles; adopting the Washington State Snowmobile Act; penalties for violations (10.35)
- 431 County Assessor of Douglas County has met and considered its budget for the calendar year 2006 (Special)
- 432 Adopting the budget for the fiscal year ending December 31, 2006 (Special)
- 433 Providing for control and management of water/sewer department; providing for rate structure to be effective June 13, 2006 (13.15)
- 434 Establishing a public nuisances code (9.05)
- 435 Relating to an amendment of the budget of 2006 (Special)
- 436 Amends Ord. 433, providing for control and management of the water/sewer department (13.15)
- 437 Setting rates for the purchasing of cemetery plots, urn boxes and vaults, the opening and closing of graves (8.45)
- 438 Designating park hours (8.35)
- 439 Setting rates for services provided by the Town of Mansfield (3.40)
- 440 Relating to an amendment of the budget of 2006 (Special)
- 441 County Assessor of Douglas County has met and considered its budget for the calendar year 2007 (Special)
- 442 Amends the comprehensive plan in accordance with the 2006 update process (Special)
- 443 Amends several sections of the Mansfield municipal zoning code: chapter 2 definitions, chapter 10 districts use chart, and official zoning map (18.05, 18.10, 18.15, 18.20, 18.25, 18.30, 18.35, 18.40, 18.45, 18.50, 18.55, 18.60, 18.65, 18.70, 18.75, 18.80)
- 444 Relating to an amendment of the budget of 2006 (Special)
- 445 Providing for control and management of the water/sewer department; providing for a rate structure effective January 1, 2007 (13.15)

- 446 Adopting the budget for the fiscal year ending December 31, 2007 (Special)
- 447 Dog control within the town; banning pit bulls within city limits, providing an exception to the ban, adding chain or leash requirements for potentially dangerous dogs when outside secure enclosure (6.10)
- 448 Relating to an amendment of the budget of 2007 (Special)
- 449 County Assessor of Douglas County has met and considered its budget for the calendar year 2008 (Special)
- 450 Relating to an amendment of the budget of 2007 (Special)
- 451 Providing for control and management of the water/sewer department; providing for a rate structure to be effective January 1, 2008 (13.15)
- 452 Adopting the budget for the fiscal year ending December 31, 2008 (Special)
- 453 Providing for highway access management, access permits and administrative process pursuant to RCW 47.50 (10.10)
- 454 Setting rates for the purchasing of cemetery plots, urn boxes and vaults, perpetual care, and the opening and closing of graves for the Mansfield Cemetery (8.45)
- 455 Amendment of the 2008 budget (Special)
- 456 County Assessor of Douglas County has met and considered its budget for the calendar year 2009 (Special)
- 457 Adopting the budget for the fiscal year ending December 31, 2009 (Special)
- 458 Pertaining to the payment of claims, demands and vouchers in unforeseen occurrence (3.15)
- 459 Establishing a schedule of fees for building, mechanical, plumbing, grading, and other miscellaneous permits issued by the Town of Mansfield (15.15)
- 460 Relating to an amendment of the 2009 budget (Special)
- 461 Regulating the operation of ATVs and side by side vehicles within the town limits of Mansfield; prohibiting certain conduct and penalties for violations (10.40)
- 462 Setting rates for the purchasing of cemetery plots, urn boxes and vaults, perpetual care and the opening and closing of graves (8.45)
- 463 County Assessor of Douglas County has met considered its budget for the calendar year 2010 (Special)
- 464 Adopting the budget for the fiscal year ending December 31, 2010 (Special)
- 465 (Number not used)
- 466 Relating to an amendment of the 2009 budget (Special)
- 467 Providing for control and management of the water/sewer department; providing for a rate structure to be effective May 1, 2010 (13.15)
- 468 Setting rates for the purchasing of cemetery plots, urn boxes and vaults, and opening and closing of graves (8.45)
- 469 Additional quarter percent real estate excise tax (REET 2) (3.30)
- 470 County Assessor of Douglas County has met and considered its budget for the calendar year 2011 (Special)
- 471 Adopting the budget for the fiscal year ending December 31, 2011 (Special)
- 472 County Assessor of Douglas County has met and considered its budget for the calendar year 2012 (Special)
- 473 Adopting the budget for the fiscal year ending December 31, 2012 (Special)
- 474 Establishing a special revenue fund known as the Mansfield Cemetery (3.45)
- 475 Establishing a fund known as the Real Estate Excise Tax Fund (3.45)
- 476 Adopting the budget for the fiscal year ending December 2013 (Special)
- 477 Regulating the operations of ATV's, golf carts, side by side vehicle within the Town limits; prohibiting certain conduct thereon, and providing penalties for violations (10.40)

- 478 County Assessor of Douglas County has met and considered its budget for the calendar year 2013 (Special)
- 479 Skates, skateboards, scooters, and bicycles within the central business district; establishing penalties for violations thereof (10.30)
- 480 Ordinance amending the 2012 Budget (Special)
- 481 Noise control which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment (8.30)
- 482 Skates, skateboards, scooters, and bicycles within the central business district and main street (Highway 172) establishing penalties for violation thereof; repealing all ordinances in conflict herewith (10.30)
- 483 Adopting the 2012 Washington State Building Code, repealing all prior ordinances in conflict herewith and providing for severability and effective date (15.10)
- 484 Adopting the budget for the fiscal year ending December 31, 2014 (Special)
- 485 County Assessor of Douglas County has met and considered its budget for the calendar year of 2014 (Special)
- 486 Amends the 2013 Budget (Special)
- 487 Amends the 2014 Budget (Special)
- 488 County Assessor of Douglas County has met and considered its budget for the calendar year of 2015 (Special)
- 489 Adopting the budget for the fiscal year ending December 31, 2015 (Special)
- 490 Providing for control and management of the water/sewer department (13.15)
- 491 Amends Ord. 477 relating to dog control for the impounding and destruction of pit bulls (6.10)
- 492 Setting rates for the purchase of cemetery plots, urn boxes and vaults; opening and closing of graves (8.45)
- 493 Adopting the budget for the fiscal year ending December 31, 2016 (Special)
- 494 County Assessor of Douglas County has met and considered its budget for the calendar year 2016 (Special)
- 495 Amendment to the 2015 Budget (Special)
- 496 Adopting the budget for fiscal year ending December 31, 2017 (Special)
- 497 County Assessor of the Douglas County has met and considered its budget for the calendar year in 2017 (Special)
- 498 Amends the 2016 Budget (Special)
- 499 County Assessor of Douglas County has met and considered its budget for the calendar year 2018 [November 2017] (Special)
- 500 Adopting the budget for fiscal year ending December 2018 (Special)
- 501 Management for control and management of water/sewer department, rate structure; repealing all ordinances in conflict herewith (13.15)
- 502 Amendment to the 2017 Budget (Special)
- 503 Adopting the budget for fiscal year ending December 31, 2019 (Special)
- 504 County Assessor of Douglas County has met and considered its budget for the calendar year in 2019 (Special)
- 505 Amends the 2018 Budget (Special)
- 506 Control and management of the water/sewer department; repealing all other ordinances in conflict herewith (13.15)
- 507 Establishing procedures, notice requirements and fees for vacation of streets and alley ways within town (12.10)
- 508 Adopting the budget for fiscal year ending December 31, 2020 (Special)
- 509 County Assessor of Douglas County has met and considered its budget for the calendar year 2020 (Special)

- 510 Amends the 2019 Budget (Special)
- 511 Setting rates for the purchasing of cemetery plots, headstones, and opening and closing; repealing all other ordinances in conflict herewith (8.45)
- 512 Amends the 2020 Budget (Special)
- 513 Adopting the budget for fiscal year ending December 31, 2021 (Special)
- 514 County Assessor of Douglas County has met and considered its budget for the calendar year in 2021 (Special)
- 515 Vacating alleys located in Mansfield and reserving a perpetual easement to the Town of Mansfield for utility purposes (Special)
- 516 Amends 2021 budget (Special)
- 517 Pit bull dogs (6.10)
- 518 Dangerous dogs (6.10)
- 519 Adopts 2022 budget (Special)
- 520 Property tax levy (Special)
- 521 Control and management of water and sewer systems (13.15)

