



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Agenda

City Council

*Mayor Spencer Boudreau
Mayor Pro Tem Kalei LaFave
Council Member Ruth Kendall
Council Member Angie Wean
Council Member MaryAlice Wallis
Council Member Keith Young
Council Member Erik Halvorson*

Thursday, May 9, 2024

6:00 PM

2nd Floor, City Hall

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<https://us02web.zoom.us/j/82394132374>

Telephone options (dial any of the following numbers):

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1-346-248-7799
1-408-638-0968
1-669-900-6833
1-301-715-8592
1-312-626-6799
1-646-876-9923

Webinar ID: 823 9413 2374

1. CALL TO ORDER
2. INVOCATION*/FLAG SALUTE
24-00303 COLE PRUITT, VALLEY VIEW CHURCH
3. ROLL CALL
4. WORKSHOP
5. APPROVAL OF MINUTES
24-00408 APRIL 25, 2024 SPECIAL WORKSHOP

24-00409 APRIL 25, 2025 REGULAR MEETING**6. CHANGES TO THE AGENDA****7. PRESENTATIONS & AWARDS****24-00398 PROCLAMATION - NATIONAL POLICE WEEK MAY 12 - 18, 2024****RECIPIENT: MARIO GAMBARO, COWLITZ COUNTY CHAPLAINCY****24-00397 PROCLAMATION - NATIONAL PUBLIC WORKS WEEK MAY 19 - 25, 2024****RECIPIENTS: PUBLIC WORKS PERSONNEL****24-00393 RA LONG AWARD TO JERRY KELLY BY HISTORIC PRESERVATION COMMISSION****24-00371 PROCLAMATION - HISTORIC PRESERVATION MONTH - MAY 2024****RECIPIENT: MIKE CHAPMAN, HISTORIC PRESERVATION COMMISSION****8. CONSTITUENTS' COMMENTS (Thirty Minutes)****9. PUBLIC HEARINGS****24-00334 PUBLIC HEARING FOR PROPOSED ANNEXATION & REZONE – SINGLE PARCEL - 5024 OCEAN BEACH HWY****RECOMMENDED ACTION:****MOTION TO DIRECT CITY ATTORNEY TO CREATE ANNEXATION AND ZONING ORDINANCES****10. BOARD & COMMISSION RECOMMENDATIONS****11. ORDINANCES & RESOLUTIONS****24-00410 ORDINANCE 3523 - UPDATE LMC 11.44.130 - RESTRICTED USE OF LONGVIEW PUBLIC LIBRARY PARKING FACILITIES****RECOMMENDED ACTION:****MOTION TO ADOPT ORDINANCE 3523.****12. MAYOR'S REPORT****13. COUNCILMEMBERS' REPORTS****24-00374 AUTHORIZE EXECUTIVE SEARCH FOR A CITY MANAGER****RECOMMENDED ACTION:****MOTION TO INITIATE THE EXECUTIVE SEARCH PROCESS FROM OPTIONS PROVIDED BY STAFF****14. CONSENT CALENDAR****24-00170 APPROVAL OF CLAIMS****24-00366 DOWNTOWN PARKING UPDATE**

RECOMMENDED ACTION:

MOTION TO EXTEND THE MORATORIUM ON THE ISSUING OF PARKING PERMITS AND ENFORCEMENT IN DOWNTOWN PUBLIC PARKING LOTS UNTIL THE END OF 2024.

- 24-00416 CONSULTANT AGREEMENT WITH GIBBS AND OLSON FOR GENERAL SEWER PLAN UPDATE**

RECOMMENDED ACTION:

MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT AGREEMENT WITH GIBBS AND OLSON

- 24-00417 PROJECT COMPLETION – CMD #2 BLOCK 10 SEWER & WATERMAIN REPLACEMENT**

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE CMD #2 BLOCK 10 SEWER & WATERMAIN REPLACEMENT

15. CITY MANAGER'S REPORT

- 24-00356 REVIEW OF PROPOSED CHANGES TO LMC CHAPTER 12.60 ACCESS MANAGEMENT, 11.36 ARTERIAL STREETS, AND THE LMC ARTERIAL LIST.**

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE ORDINANCES ADOPTING THE PROPOSED CHANGES TO LMC CHAPTER 12.60 ACCESS MANAGEMENT, 11.36 ARTERIAL STREETS, AND THE LMC ARTERIAL LIST.

- 24-00358 REVIEW OF PROPOSED CHANGES TO LMC CHAPTER 12.50.050 STREETS, CURBS, AND SIDEWALKS.**

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE AN ORDINANCE ADOPTING THE PROPOSED CHANGES TO LMC CHAPTER 12.50.050 STREETS, CURBS, AND SIDEWALKS.

- 24-00359 REVIEW OF PROPOSED PUBLIC WORKS MASTER FEE SCHEDULE AND ASSOCIATED CODE CHANGES.**

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE A RESOLUTION FOR THE ADOPTION OF A PUBLIC WORKS MASTER FEE SCHEDULE, A RESOLUTION FOR THE REPEAL OF RESOLUTIONS 1618, 1767, AND 1899, AND ORDINANCES FOR THE ADOPTION OF CHANGES TO LMC CHAPTERS 15, 12.04, 12.08, 12.10, AND 15.03.140.

- 24-00399 911 AMBULANCE SERVICES CONTRACT WITH MEDIX**

RECOMMENDED ACTION:

MOTION TO ENTER INTO THE 911 AMBULANCE SERVICES CONTRACT WITH MEDIX

- 24-00415 KUNTZ FAMILY TRUST FUND**

RECOMMENDED MOTION:

MOTION TO BRING BACK A RESOLUTION TO RESCIND RESOLUTION 2044 AND MOVE FORWARD USING KUNTZ FAMILY TRUST FOR THE MINT VALLEY RACQUET COMPLEX CEILING REPLACEMENT AND BATHROOM REFRESH PROJECT.

16. MISCELLANEOUS

17. EXECUTIVE SESSION**18. ADJOURNMENT**

*** Any invocation that may be offered at the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.**

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, MAY 23, 2024 – 6:00 P.M.

THURSDAY, JUNE 13, 2024 – 6:00 P.M.

NEXT SPECIAL COUNCIL WORKSHOP:

THURSDAY, MAY 16, 2024 – 6:00 P.M. – POLICE STAFFING & PUBLIC SAFETY LEVY

THURSDAY, JUNE 6, 2024 - 6:00 P.M. - HOMELESSNESS

THURSDAY, JUNE 13, 2024 - 5:00 P.M. - WCIA COUNCIL COURSES



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Minutes

City Council

*Mayor Spencer Boudreau
Mayor Pro Tem Kalei LaFave
Council Member Ruth Kendall
Council Member Angie Wean
Council Member MaryAlice Wallis
Council Member Keith Young
Council Member Erik Halvorson*

Thursday, April 25, 2024

5:30 PM

2nd Floor, City Hall

NOTICE IS HEREBY GIVEN, in accordance with RCW Chapter 42.30, that the City Council of the City of Longview, Washington, will conduct a special meeting/workshop in the Longview City Hall Council Chamber, 1525 Broadway, Longview, on Thursday, April 25, 2024 at 5:30 p.m. The topics of discussion follow. No final action will be taken.

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Office at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting. Please note - virtual attendees may comment verbally during public hearings only. Virtual attendees may also submit written comments to the Clerk's Office with the heading, "Public Comment for disbursement to the City Council".

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Webinar ID: 823 9413 2374

1. **CALL TO ORDER**

Mayor Boudreau called the meeting to order at 5:30 p.m.

2. **ROLL CALL**

City of Longview Council Present: Mayor Boudreau, Mayor Pro Tem LaFave, Councilmember Kendall, Councilmember Wean (on-line), Councilmember Wallis, Councilmember Young, Councilmember Halvorson

Cowlitz County Commissioner Present: Commissioner Rick Dahl

Staff Present: Interim City Manager Jim Duscha, City Clerk Tiffany Ostreim, Public Works Director Ken Hash, Parks & Recreation Director Jen Wills, Assistant Public Works Director Chris Collins, Police Chief Robert Huhta, Human Resources Director Sabrina Fraidenburg, Public Information Officer Angela Abel

3. **FLAG SALUTE**

The flag salute was recited.

4. **WORKSHOP**

**24-00368 COWLITZ COUNTY AND CITY OF LONGVIEW RESPONSE TO HOMELESSNESS
(GENERAL DISCUSSION AND Q&A)
HOPE VILLAGE / DOCUMENT RECORDING FEES**

City Council and Commissioner Dahl discussed the severe weather shelter. The Ministerial Association has given notice to discontinue the service. They operated with donations and grants and funding from the county and city. The in-take process needs to be updated. Request for proposals would be difficult because it's not something you can plan or predict the days. Family Promise may be a good model to follow. Discussed a shared approach and creating an inventory of resources. Discussed holding a future workshop with the Board of Cowlitz County Commissioners.

Tabled - Hope Village / Document Recording Fees - funding sources of Hope Village without document recording fees.

5. **ADJOURNMENT**

The workshop was adjourned at 6:01 p.m.

Tiffany Ostreim
City Clerk

Approved: _____
Mayor



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Webinar ID: 823 9413 2374

1. CALL TO ORDER

Mayor Boudreau called the meeting to order at 6:07 p.m.

2. INVOCATION*/FLAG SALUTE

24-00302 JEFF HOOVER, EVANGEL / CITISERVE

After the invocation provided by Jeff Hoover of Evangel / Citiserve, the flag salute was recited.

3. ROLL CALL

Present: Mayor Boudreau, Mayor Pro Tem LaFave, Councilmember Kendall, Councilmember Wean (on-line), Councilmember Wallis, Councilmember Young, Councilmember Halvorson

Staff Present: Interim City Manager Jim Duscha, City Clerk Tiffany Ostreim, Public Works Director Ken

Hash, Parks & Recreation Director Jen Wills, Assistant Public Works Director Chris Collins, Police Chief Robert Huhta, Human Resources Director Sabrina Fraidenburg, Public Information Officer Angela Abel

4. **WORKSHOP**

5. **APPROVAL OF MINUTES**

24-00363 APRIL 11, 2024 REGULAR MEETING

A motion was made by Councilmember Kendall, seconded by Councilmember Wean, to approve the April 11, 2024 Regular Meeting Minutes. The motion carried unanimously.

6. **CHANGES TO THE AGENDA**

Councilmember Halvorson requested #10 - Board and Commission Recommendations be done after #11 - Ordinances and Resolutions. Council concurred.

Jason Still provided public comment.

7. **PRESENTATIONS & AWARDS**

24-00173 PROCLAMATION - MENTAL HEALTH AWARENESS MONTH, MAY 2024; RECIPIENT DREW MCDANIEL, CEO OF COLUMBIA WELLNESS

Mayor Boudreau presented the proclamation to Drew McDaniel, who accepted on behalf of Columbia Wellness.

24-00338 PROCLAMATION - NATIONAL POPPY DAY, MAY 18, 2024; RECIPIENT CHERYL RUTHERFORD, SERGEANT AT ARMS AMERICAN LEGION AUXILIARY, UNIT 115

Mayor Boudreau presented the proclamation to Cheryl Rutherford, who accepted on behalf of American Legion Auxiliary, Unit 115.

8. **CONSTITUENTS' COMMENTS (Thirty Minutes)**

Karen Bergquist provided public comment.

Shawn Higgins provided public comment.

Tom Samuels provided public comment.

Joe Hobson provided public comment.

Jason Still provided public comment.

Shannon Gilman provided public comment.

Tricia Junker Rodman provided public comment.

Derek Fine provided public comment.

Joel Zekerman provided public comment.

Bill Youngren provided public comment.

Michael O'Neill provided public comment and provided a handout to the council.

A citizen, name unstated, provided public comment.

Michael Pederson provided public comment.

Assistant Public Works Director Chris Collins provided information on the PUD installing new poles and lights throughout the highlands area

Mary Lyons provided public comment.

9. **PUBLIC HEARINGS**

24-00355 REQUEST TO VACATE THE 28TH AVENUE RIGHT OF WAY BETWEEN WASHINGTON WAY AND DOUGLAS STREET ADJACENT TO PARCEL #10409.

RECOMMENDED ACTION:**CONDUCT THE PUBLIC HEARING THEN:**

MOTION TO APPROVE THE PROPOSED VACATION AND; DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE FOR ADOPTION AND; SET THE VACATION FEES AT \$27,694.98 TO BE USED FOR THE ACQUISITION, DEVELOPMENT, AND RELATED MAINTENANCE OF PUBLIC OPEN SPACE.

Assistant Public Works Director Chris Collins presented.

Council discussed the presentation.

Mayor Boudreau opened the public testimony portion of the hearing.

Michael O'Neill provided public comment.

Jason Still provided public comment.

Mayor Boudreau closed the public testimony portion of the hearing.

A motion was made by Councilmember Kendall, seconded by Councilmember Wallis, to approve the proposed vacation and direct the City Attorney to prepare an ordinance for adoption and set the vacation fees at \$27,694.98 to be used for the acquisition development, and related maintenance of public open space. The motion carried unanimously.

24-00360 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) 2025 - 2030 AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:**CONDUCT THE PUBLIC HEARING**

Public Works Director Ken Hash presented.

Council discussed the presentation.

Mayor Boudreau opened the public testimony portion of the hearing.

Shawn Higgins provided public comment.

Jason Still provided public comment.

Jeol Zekerman provided public comment

Michael O'Neill provided public comment.

Shawn Higgins provided public comment.

Council further discussed the presentation.

Mayor Boudreau closed the public testimony portion of the hearing.

24-00361 RESOLUTION NO 2494 - ADOPTING THE 2025 - 2030 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS

RECOMMENDED ACTION:**MOTION TO ADOPT RESOLUTION NO 2494**

A motion was made by Councilmember Kendall, seconded by Councilmember Wallis, to adopt Resolution No. 2494. The motion carried unanimously.

11. ORDINANCES & RESOLUTIONS

24-00339 RESOLUTION NO 2493 - ACCEPTING THE LONGVIEW PUBLIC DEVELOPMENT AUTHORITY'S 2023 ANNUAL REPORT TO THE CITY

RECOMMENDED ACTION:**MOTION TO ADOPT RESOLUTION NO 2493**

Manager Duscha explained the report was timely filed by the PDA.

A motion was made by Councilmember Kendall, seconded by Councilmember Halvorson, to adopt Resolution No. 2493. The motion carried unanimously.

24-00400 RESOLUTION NO 2495 - REPEALING RESOLUTION NO 2431 CREATING THE CITY OF LONGVIEW'S LOCAL HOUSING PROGRAM AND REJOIN THE COWLITZ COUNTY LOCAL HOUSING PROGRAM

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO 2495

A motion was made by Councilmember Halvorson, seconded by Councilmember LaFave to adopt Resolution No. 2495.

Council discussed the resolution. The draft resolution as presented highlighted a policy decision for the Council's consideration.

An amendment was made by Councilmember Halvorson, seconded by Councilmember LaFave, to strike Section 3 "The City of Longview Homeless Housing Task Force shall conduct future meetings sufficient to complete operations and to lawfully administer funds collected to date" and in its place insert, "the Homeless Housing Task Force should be disbanded".

Council discussed the amendment.

Greg Lopic provided public comment.

Tricia Rodman provided public comment.

A citizen, name unstated, provided public comment.

Mayor Boudreau clarified the money received by the city would stay with the city.

Michael O'Neill provided public comment.

Jill Johanson provided public comment.

A Citizen, name unstated, provided public comment.

Jason Still provided public comment.

Teresa Purcell provided public comment.

A citizen, name unstated, provided public comment.

Ann Bennett provided public comment.

Bob Park provided public comment.

Tom Samuels provided public comment.

Steve Ferrell provided public comment.

Art Burkmeyer provided public comment.

Shawn Higgins provided public comment.

Tim Shay provided public comment.

Michael Pederson provided public comment.

A citizen, name unstated, provided public comment.

Vickie Echert provided public comment.

Bruce Holway provided public comment.

Shannon Gilman provided public comment.

Mary Lyons provided public comment.

Jason Still provided public comment.

A citizen, name unstated, provided public comment.

Sarah Curtis provided public comment.

Council further continued to discuss the amendment.

Councilmember Halvorson rescinded his amendment to the motion.

An amendment was made by Councilmember Kendall, seconded by Councilmember Young, to remove Section 3 "The City of Longview Homeless Housing Task Force shall conduct future meetings sufficient to complete operations and to lawfully administer funds collected to date".

Jason Still provided public comment.

Tom Samuels provided public comment.

The amendment to the moved carried unanimously.

Michael O'Neill provided public comment.

Mike Wallin provided public comment.

Bob Park provided public comment.

The main motion as amended carried by the following vote:

Ayes: Councilmember Halvorson, Councilmember LaFave, Councilmember Young, Mayor Boudreau

Nays: Councilmember Kendall, Councilmember Wallis, Councilmember Wean

10. **BOARD & COMMISSION RECOMMENDATIONS**

24-00364 REVISE SCOPE OF LONGVIEW HOMELESS HOUSING TASK FORCE

RECOMMENDED ACTION:

MOTION TO APPROVE LONGVIEW HOMELESS HOUSING TASK FORCE TO MODIFY IT'S MISSION TO INCLUDE RECOMMENDATIONS FOR IMPLEMENTATION OF THE GOALS OUTLINED IN THE 5-YEAR HOMELESS HOUSING PLAN

A motion was made by Councilmember Kendall, seconded by Councilmember Wallis, to approve Longview Homeless Housing Task Force to modify it's mission to include recommendations for implementation of the goals outlined in the 5-year Homeless Housing Plan.

Council discussed the motion.

Steve Ferrell provided public comment.

Jason Still provided public comment.

Teresa Purcell provided public comment.

The motion carried unanimously.

12. **MAYOR'S REPORT**

Mayor Boudreau provided a report.

13. **COUNCILMEMBERS' REPORTS**

24-00411 AUTHORIZE EXECUTIVE SEARCH FOR A CITY MANAGER

RECOMMENDED ACTION:

MOTION TO INITIATE THE EXECUTIVE SEARCH PROCESS FROM OPTIONS PROVIDED BY STAFF

A motion was made by Councilmember Kendall, seconded by Councilmember Wallis to initiate the executive search process from options provided by staff.

Human Resources Director Sabrina Fraidenburg presented.

Councilmember Kendall rescinded the motion.

Council discussed the presentation.

A motion was made by Councilmember Halvorson, seconded by Councilmember Young to wait until after the budget season and post an RFP for a search firm at the meeting following the adoption of the final budget.

Council discussed the motion.

An amendment was made by Councilmember LaFave to postpone the process until the Interim City Manager has been here a year. Motion failed for lack of a second.

An amendment was made by Councilmember Kendall, seconded by Councilmember Wean, to start the process immediately and select a search firm.

Michael O'Neill provided public comment.

Bruce Holway provided public comment.

A citizen, name unstated, provided public comment.

Jason Still provided public comment.

Mary Lyons provided public comment.

Steve Ferrell provided public comment.

*Tim Shay provided public comment.
Sarah Curtis provided public comment.
Michael Pederson provided public comment
Council discussed the motion.*

The amendment failed by the following vote:

Ayes: Councilmember Kendall, Councilmember Wean, Councilmember Wallis

Nays: Councilmember Halvorson, Councilmember Young, Councilmember LaFave, Mayor Boudreau

*Council further discussed the main motion.
Mike Wallin provided public comment.
Michael O'Neill provided public comment.*

An amendment was made by Councilmember Wean, seconded by Councilmember Kendall, to create a mixed subcommittee of councilmembers to outline the qualities needed in a City Manager; bring forward in a workshop in June or July, then immediately start the process.

An Amendment to the amendment was made by Councilmember Kendall, seconded by Councilmember Wallis to start the RFP process and do concurrently with the subcommittee.

Bruce Holloway provided public comment.

Jason Still provided public comment.

Art Burkmeyer provided public comment.

A motion was made by Councilmember Halvorson, seconded by Councilmember Kendall to table the item.

Sarah Curtis provided public comment.

The motion to table carried by the following vote:

Ayes: Councilmember Halvorson, Councilmember Kendall, Councilmember Young,

Councilmember Wallis, Councilmember Wean, Mayor Boudreau

Nays: Councilmember LaFave

A motion was made by Councilmember Kendall, seconded by Councilmember Halvorson, to change the order of the agenda and bring forward the Manager's Report - Budget Request for the Mint Valley Racquet complex. The motion carried unanimously.

24-00365 BUDGET REQUEST FOR THE MINT VALLEY RACQUET COMPLEX

RECOMMENDED ACTION:

MOTION TO APPROVE A BUDGET AMENDMENT TO COMPLETE THE MINT VALLEY RACQUET COMPLEX CEILING REPAIR AND RESTROOM RENOVATION

Parks and Recreation Director Jen Wills presented.

Council discussed the presentation.

A motion was made by Councilmember Halvorson, seconded by Councilmember Young, to offer half of the capital improvement cost to complete the Mint Valley Racquet Complex ceiling repair and restroom renovation at a cost of \$112,500.

Council discussed the motion.

Assistant Public Works Director Chris Collins provided information on the roof and ceiling.

An amendment was made by Councilmember Kendall, seconded by Councilmember Wean, to pay \$179,000 for the ceiling repair and not pay the utilities or restroom renovation.

Mike Wallin provided public comment.

Dennis, last name unstated, provided public comment.

Matthew Warren provided public comment.

Keenan Harvey provided public comment.

An amendment to the amendment was made by Councilmember Wean, seconded by

Councilmember Halvorson, to direct the Interim City Manager to work with staff and bring back to council a proposal to fund the project entirely at the next meeting.

A citizen, name unstated, read a letter into the record.

Jeri, last name unstated, provided public comment.

The amendment to the amendment to direct the Interim City Manager to work with staff and bring back a proposal to fund the project entirely and bring back to the next council meeting carried unanimously.

The main motion as amended carried unanimously.

14. CONSENT CALENDAR

A motion was made by Councilmember Wallis, seconded by Councilmember Halvorson, to approve the Consent Calendar. The motion carried unanimously.

24-00172 APPROVAL OF CLAIMS

24-00351 SET A PUBLIC HEARING ON MAY 23, 2024 FOR PRESENTATION OF THE 2024 ANNUAL ACTION PLAN

RECOMMENDED ACTION:

SET A PUBLIC HEARING FOR PUBLIC COMMENT ON THE CITY'S ANNUAL ACTION PLAN ON MAY 23, 2024.

24-00352 SERVICE AGREEMENT WITH VIRTUAL PROJECT MANAGER, LLC FOR WEB-BASED PROJECT MANAGEMENT SYSTEM

RECOMMENDED ACTION:

MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SERVICE AGREEMENT WITH VIRTUAL PROJECT MANAGER, LLC

24-00353 PROJECT COMPLETION – VANDERCOOK PARK RESTROOM UTILITIES PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE VANDERCOOK PARK RESTROOM UTILITIES PROJECT

24-00354 PROJECT COMPLETION – VANDERCOOK PARK RESTROOM BUILDING PROJECT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE VANDERCOOK PARK RESTROOM BUILDING PROJECT

24-00370 SET PUBLIC HEARING ON MAY 23, 2024 TO AMEND 2024-2029 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:

MOTION TO SET THE CITY COUNCIL MEETING ON MAY 23, 2024, AS THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2024-2029 SIX-YEAR TIP/POP AMENDMENT

15. CITY MANAGER'S REPORT

24-00377 CHANGE IN SPECIAL EVENT REQUEST**RECOMMENDED ACTION:****MOTION TO APPROVE OR DENY THE ONE-TIME EXEMPTION TO THE POLICY**

*Rusty Hoyle, Chairman of Choice Charities, dba Craft Nation, explained their event.
Council discussed the request.*

A motion was made by Councilmember Kendall, seconded by Councilmember Young, to approve a one-time exception to the alcohol in parks policy.

*Rusty Hoyle provided information about the proceeds from the event staying local.
Jason Still provided public comment.*

The motion carried by the following vote:

Ayes: Councilmember Kendall, Councilmember Wean, Councilmember LaFave, Councilmember Young, Mayor Boudreau

Nays: Councilmember Wallis and Councilmember Halvorson

24-00412 DOWNTOWN PARKING UPDATE

Tabled

24-00414 ANIMAL CONTROL UPDATE

Tabled

24-00413 HOPE VILLAGE UPDATE

Tabled

16. MISCELLANEOUS**17. EXECUTIVE SESSION****24-00362 COLLECTIVE BARGAINING PER RCW 42.30.140(4)a)**

The City Council, Interim City Manager Jim Duscha, City Attorney Dana Gigler, Human Resources Director Sabrina Fraidenburg and entered Executive Session at 10:50 p.m. pursuant to RCW 42.30.140(4)(a) Collective Bargaining for a period of 5 minutes. At 10:56 p.m. all parties came out of Executive Session. No decisions were made.

18. ADJOURNMENT

The meeting was adjourned at 10:56 p.m.

***Tiffany Ostreim
City Clerk***

***Approved: _____
Mayor***

NEXT REGULAR COUNCIL MEETINGS:

THURSDAY, MAY 9, 2024 – 6:00 P.M.

THURSDAY, MAY 23, 2024 – 6:00 P.M.

Proclamation

City of Longview, Washington

National Police Week 2024

May 12th to May 18th

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, more than 25,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, this spring 282 names of fallen heroes will be added Washington D.C.'s National Law Enforcement Officers Memorial; In 2023, 556 names of officers were added to the wall;

*NOW, THEREFORE, I, Spencer Boudreau, Mayor of the City of Longview, do hereby proclaim May 12-18, 2024 as **National Police Week** in Longview, Washington and publicly salute the service of law enforcement officers in our community and in communities across the nation. I further direct, Pursuant to Public Law 103-322, that all flags be flown at half-staff on Wednesday, May 15, 2024 on **Peace Officer's Memorial Day**, in honor of the fallen officers and their families.*

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 9th day of May 2024.

Spencer Boudreau, Mayor

Proclamation

City of Longview, Washington

National Public Works Week

May 19th – 24th, 2024

“Advancing Quality of Life for All”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of City of Longview; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public work professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Longview to gain knowledge of and maintain an ongoing interest an understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association; and

NOW THEREFORE, I, Spencer Boudreau, Mayor of the City of Longview, do hereby designate the week May 19-25, 2024, as **National Public Works Week**. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 9th day of May 2024.

Spencer Boudreau, Mayor

Proclamation

City of Longview, Washington

Historic Preservation Month

May 2024

WHEREAS, the National Trust for Historic Preservation has declared May to be National Historic Preservation Month; and

WHEREAS, the City of Longview lies at the ancient crossroads of both the Cowlitz and Chinook Indian Tribes in their periodic journey to harvest and trade fish, berries, and other items; and

WHEREAS, the citizens of Longview also enjoy a rich legacy of pioneering spirit as the modern home to the 19th Century communities of Monticello, Freeport and LaDu; and

WHEREAS, the citizens of Longview also enjoy the lasting benefits of the urban planning and generosity of our city founder, R.A. Long; and

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS Longview's Historic Preservation Commission wishes to acknowledge the work by local individuals and groups to support, maintain, and restore historic assets within the city as vital to understanding its past and charting its future.

NOW, THEREFORE, I, Spencer Boudreau, Mayor of the City of Longview, do hereby proclaim the month of May to be

“Longview Historic Preservation Month”

in the City of Longview and call upon all in our community to join everyone across the nation in recognizing and participating in this tradition.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Longview to be affixed this 9th day of May 2024.

Spencer Boudreau, Mayor



City of Longview

Agenda Summary

PUBLIC HEARING FOR PROPOSED ANNEXATION & REZONE – SINGLE PARCEL - 5024 OCEAN BEACH HWY

RECOMMENDED ACTION:

MOTION TO DIRECT CITY ATTORNEY TO CREATE ANNEXATION AND ZONING ORDINANCES

COUNCIL INITIATIVE ADDRESSED:

Strengthen economic conditions & create new opportunities

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

A single parcel (WL2408006) included within the comprehensive plan for the city as zoned medium density residential has submitted a notice of intent to commence annexation proceedings to annex into the City from the County requesting their comprehensive zoning be low density residential upon annexation. After initial approval under Board & Commission Recommendations at the February 8th, 2024, City Council meeting, a petition was submitted to the City, and certified by the Cowlitz County Assessor's Office. The proposed current zoning is R-1. As required, a public hearing for any public testimony is being held.

FINANCIAL SUMMARY:

If annexed, the revenue shifted into the city is estimated at \$860.63 a year.

STAFF CONTACT:

Chris Collins, Assistant Public Works Director

Attachments:

1. Ex A - Notice of Intent to Commence Annexation Proceedings
2. Ex B - Cert_Suff_5024 OBH
3. Ex C - Annexation - Public Testimony, 5024 OBH
4. Ex D - LMC Chapter 19.20 Residential Zoning Districts Uses

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

TO: THE CITY COUNCIL OF THE CITY OF LONGVIEW, WASHINGTON

The undersigned, representing the ownership of more than ten percent of the acreage of the real property for which annexation is sought, as more particularly described below, hereby gives notice to the City Council of the City of Longview, Washington, of their intent to commence annexation proceedings.

The City Council of the City of Longview is hereby requested to set a date not later than 60 days after the date this NOTICE OF INTENTION is filed with the City Clerk for a meeting with the initiating party to determine whether the city will accept, reject, or geographically modify the proposed annexation, whether it will require the simultaneous adoption of a proposed zoning regulation, and whether it will require the assumption of all or any portion of existing city indebtedness by the area sought to be annexed.

Respectfully submitted:

Information regarding real property for which
annexation is sought:

Dan Ragan
Signature of Initiator of Annexation
Dan Ragan DPR Enterprises WA LLC
Printed Name of Initiator of Annexation
11/08/2023
(Date)
20005 NE 182 Cir.
(Mailing address of petitioner)
Brush Prairie, WA 98606
(City, State, Zip)
260 356 2000
(Phone Number – only required for petitioner)

5024 Ocean Beach Hwy
(Street address of property)
Longview, WA 98632

WL2408006
(Parcel Number)
T-5 -INCL BAL OF T-5C AND T-5C1 ON 1952 ROLLS - PARCEL: WL2408006
(Legal)
3.44
(Acreage)

** List this same information for all signers representing the ownership of at least 10% of the most recent assessed valuation of the real property for which annexation is sought. Attach additional sheets, as necessary.

** Provide a location map identifying the area you are requesting to be annexed.



Cowlitz County Assessor's Office
Emily Wilcox, Assessor

County Administration Building
207 Fourth Avenue North
Kelso, WA 98626
TEL (360) 577-3010
FAX (360) 442-7080
www.co.cowlitz.wa.us

COWLITZ COUNTY ASSESSOR
CERTIFICATE OF SUFFICIENCY

RCW 35A.01.040 & RCW 35A.14.120

I, Emily Wilcox, Cowlitz County Assessor, pursuant to RCW 35A.01.040(9), do hereby certify that I have received the **5024 OBH Annexation** petition filed with **City of Longview**. I further certify that said petition contains valid signatures of property owners of at least sixty percent (60%) of the value as assessed for the general taxation of the property for which annexation is petitioned as required by RCW 35A.14.120.

Terminal Date: February 22, 2024

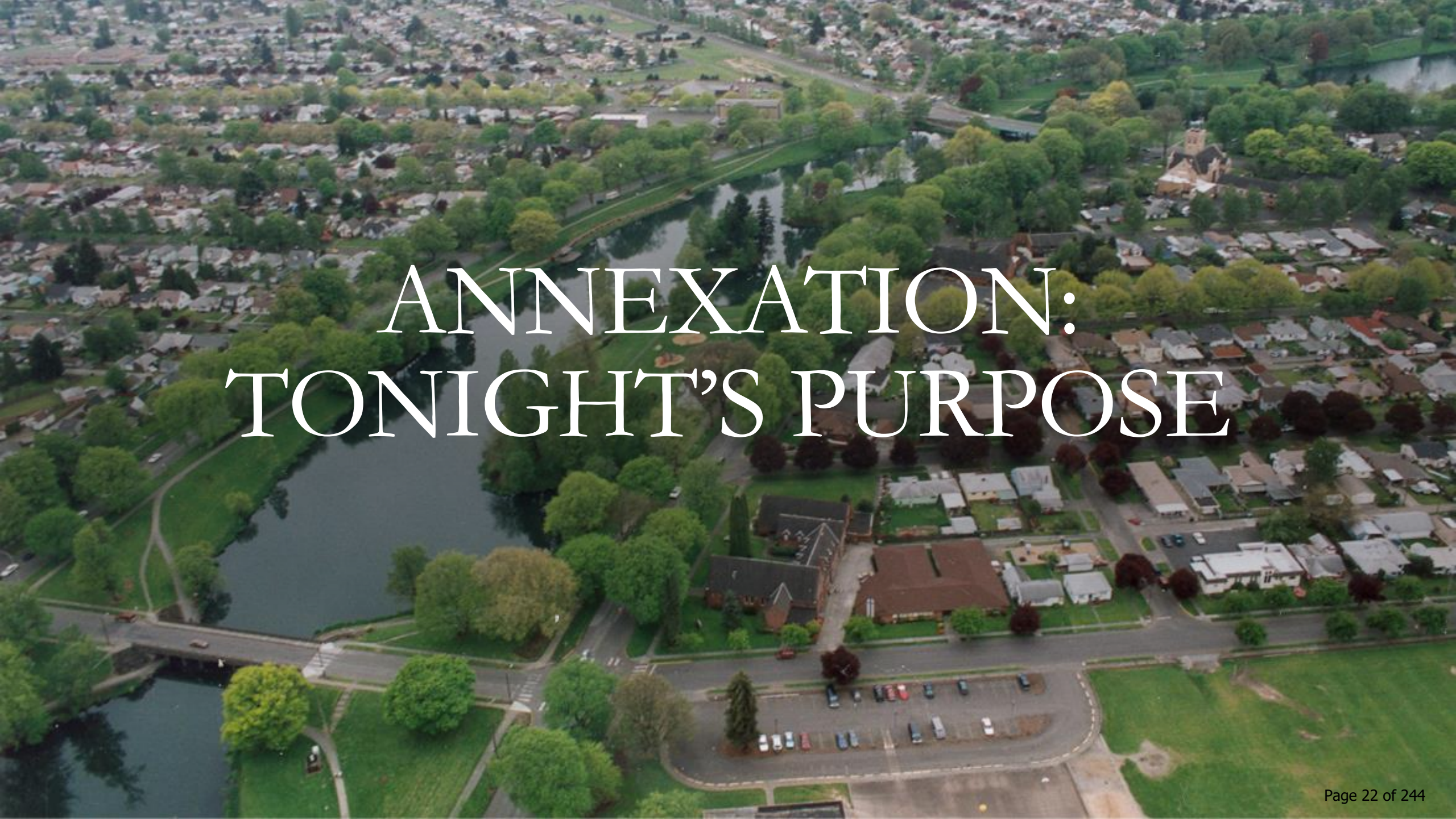

Emily Wilcox, Cowlitz County Assessor

2/22/24
Date

An aerial photograph of a city street intersection. A large, light-colored building with a flat roof is the central focus. It has several flags flying in front of it. To the left of the building is a large parking lot filled with cars. The street is multi-laned and has traffic lights. There are trees and other buildings in the background.

Proposed Annexation 5024 Ocean Beach Hwy

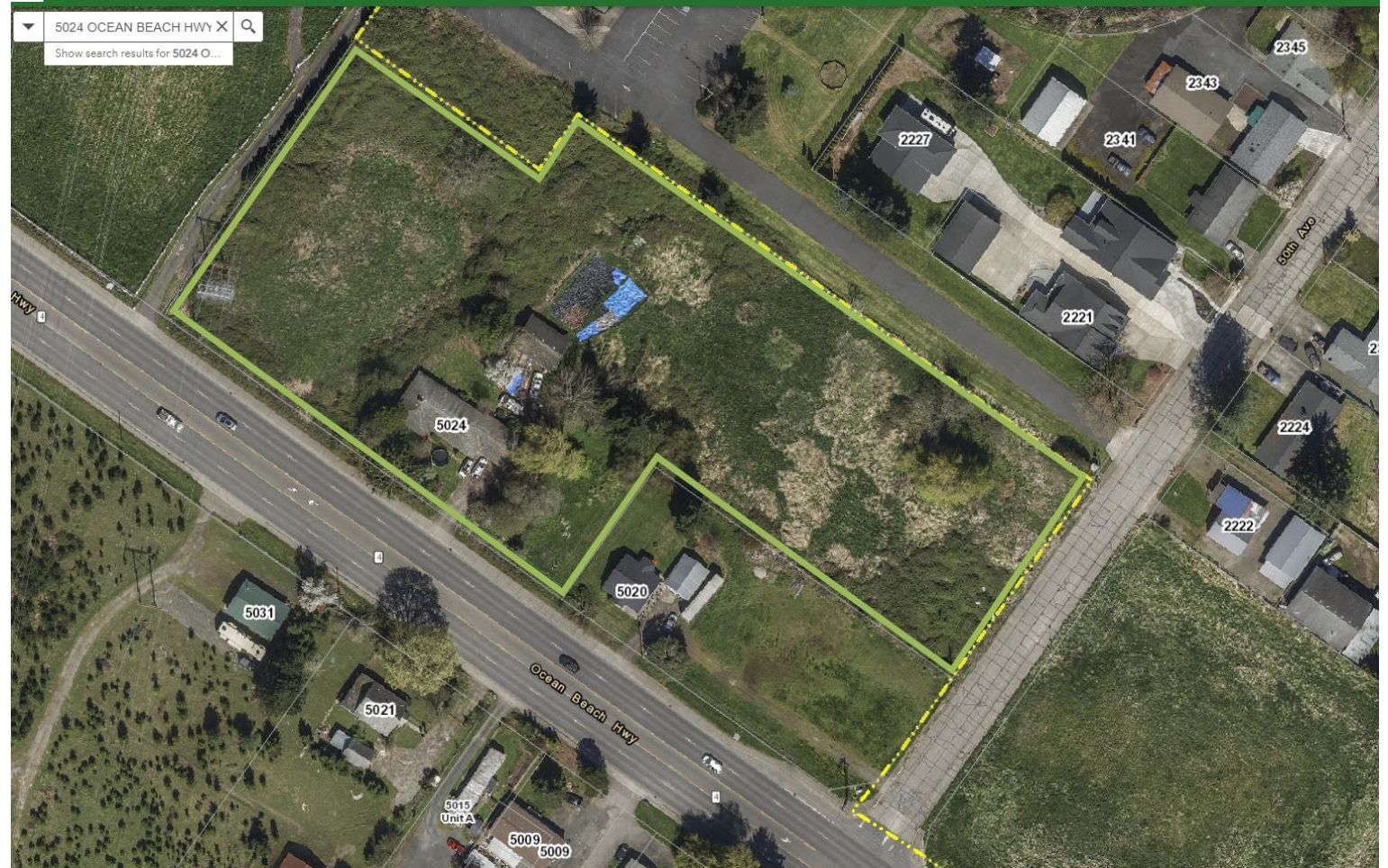
Chris Collins, Assistant Public Works Director

An aerial photograph of a suburban neighborhood. A river flows through the center-left of the image, with a bridge crossing it in the lower-left. The area is densely populated with houses, many of which have green lawns and mature trees. A large, multi-story building with a brown roof is visible in the lower-center, surrounded by a parking lot with several cars. The overall scene is a typical suburban landscape with a mix of residential buildings and greenery.

ANNEXATION: TONIGHT'S PURPOSE

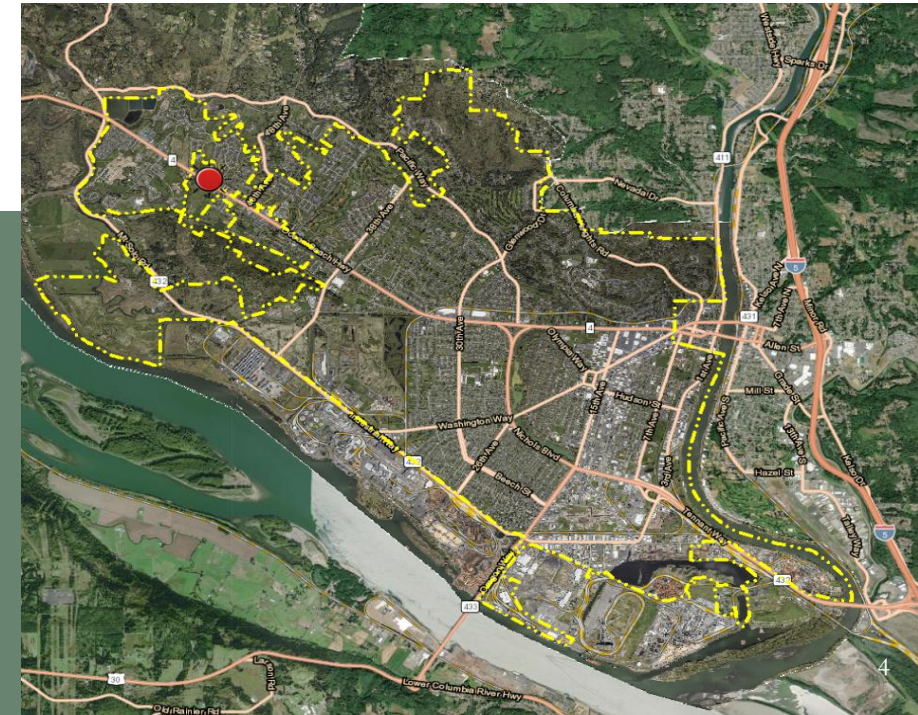
Public Testimony:

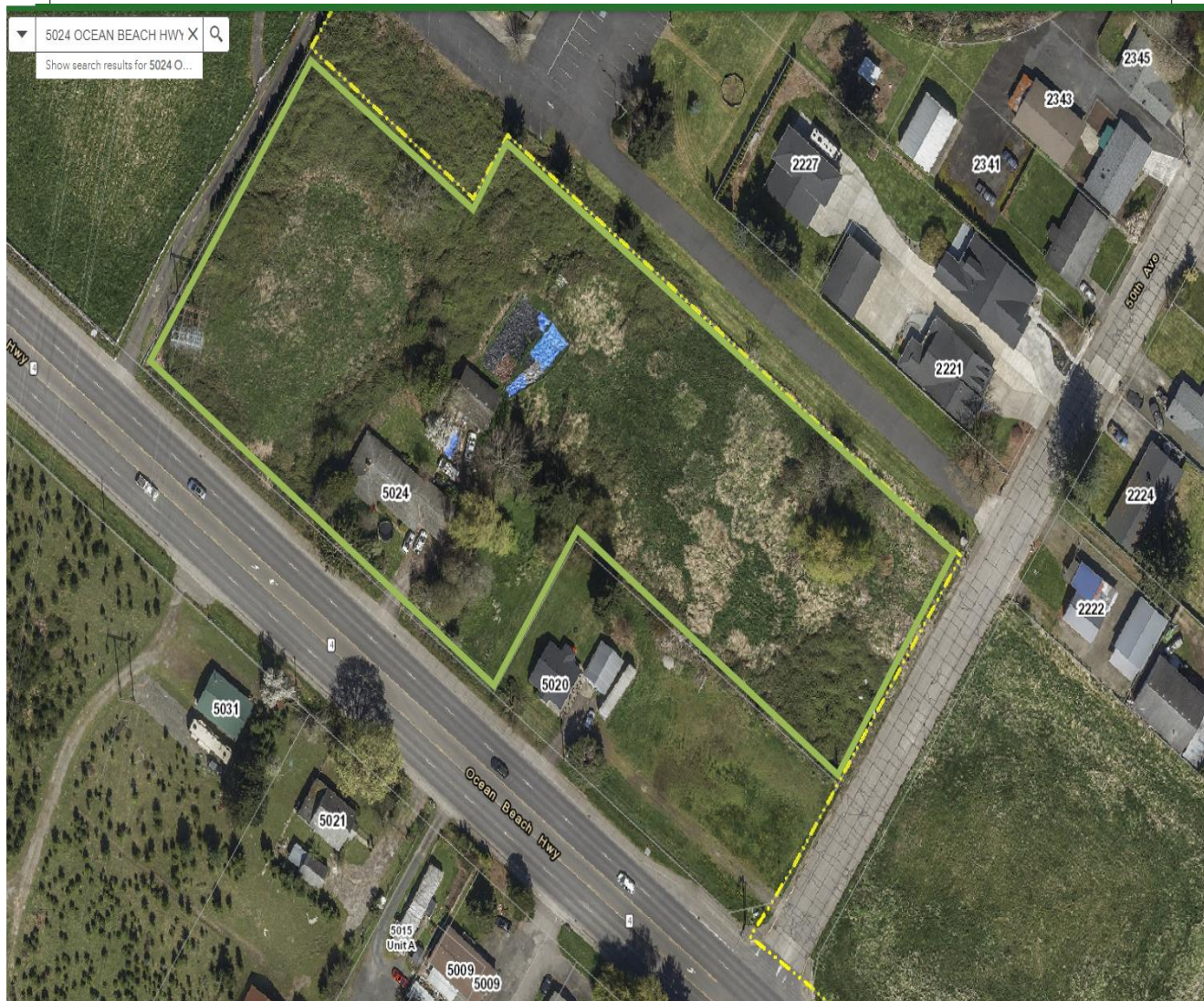
- Proposed annexation area
- Zoning of proposed annexation area



Where is this?

- West Longview
- Off 50th Avenue & Ocean Beach Hwy



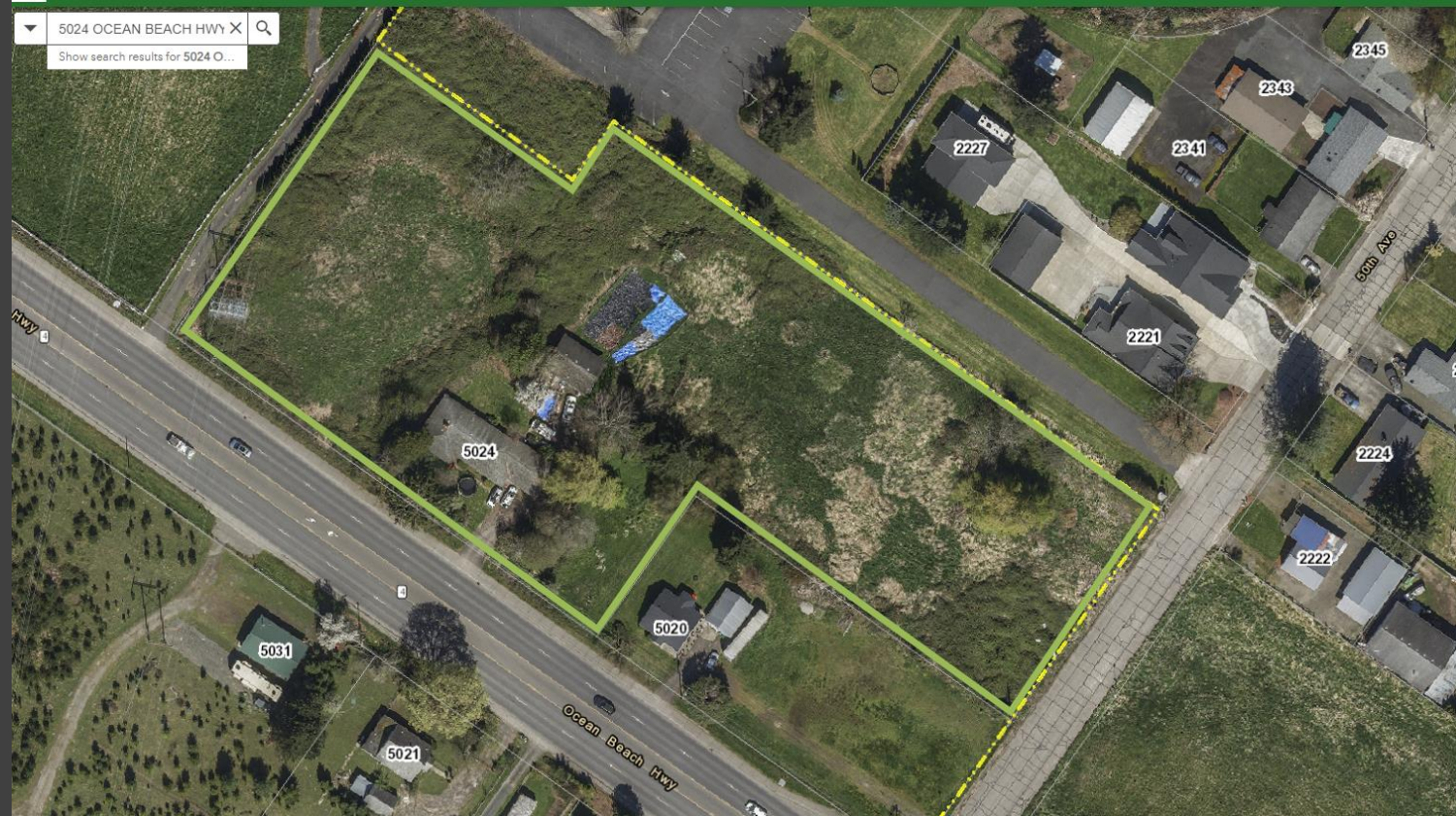


5024 Ocean Beach Hwy Annexation

- Single Parcel (3.4 Acres)
- Comprehensive Plan Zoning
Designation: Medium Density Residential
(seeking change to Low Density Residential)
- No current zoning designation as it is not in City limits
- Intended Use : Manufactured Home Park, Other eligible R-1 uses
- Next Steps (Public testimony, Cowlitz County Boundary Review Board)

STAFF RECOMMENDATIONS

Motion to direct city
attorney to create
annexation and zoning
ordinances





QUESTIONS?



Thank you

Chris Collins

Assistant Public Works Director

chris.collins@ci.longview.wa.us

Mylongview.com



Benefits of Annexation

- Full-time, 24-hour police, fire and emergency medical services
- Reduction in Water & Sewer rates ~%40
- Voting in local elections
- No County Road, Library or Fire District Taxes
- Serving on Longview City Council as well as other boards and commissions
- More timely development and inspection services than neighboring jurisdictions

19.20.020 Uses.

Table 19.20.020-1 includes uses that are permitted (“P”) or allowed through a special property use permit (“SPU”). If a field is blank, the use is not allowed in that particular zone. A field that is marked with a “P-PUD” symbol is only permitted if allowed via an approved planned unit development (PUD) and preliminary plat (as required) in accordance with Chapter 19.66 LMC. Approval of a PUD is discretionary and is not appropriate for development of a single residence on a single existing lot. Note that more specific development standards may apply to various uses as set forth in LMC 19.20.040, 19.20.050, 19.20.060 and 19.20.070.

Table 19.20.020-1 Permitted Uses in Residential Districts

Use	Zoning District				
	R-1	R-2	R-3	R-4	TNR
Single-family dwelling ¹ (including manufactured homes per Chapter 16.38 LMC)	P	p ²	See note 1	See note 1	P
Duplex (two-family dwellings)		p ²	P	P	
Triplex (three-family dwellings)		p ²	P	P	
Fourplex (four-family dwellings)		p ²	P	P	
Multifamily dwelling		P-PUD	P	P	
Townhouse (single-family attached dwelling)	P-PUD	P	P	P	P-PUD
Townhouse (two attached townhouses only per zero lot line provisions)					P
Accessory dwelling unit ⁵	P	P	P	P	P
Home occupation	P	P	P	P	P
Accessory structure	P	P	P	P	P
Manufactured home park	p ⁷				
Day care, family home with 12 or fewer children	P	P	P	P	P
Day care center (exceeding 12 children)		SPU	SPU	P	
Adult family home	P	P	P	P	P
Residential treatment facilities other than adult family homes and those				SPU	

listed elsewhere in the use table					
Congregate care, assisted living and continuing care facilities and nursing homes for elderly individuals; including accessory services to the above uses			SPU	P	
Hospitals, medical clinics, health care providers as they are defined in RCW 48.44.010(10) and (15) as presently enacted or hereafter amended; including accessory services to the above uses				P ⁶	
Office buildings, office uses				P	
Home gardens and gardening of vacant land ³	P	P	P	P	P
Public or private schools	SPU	SPU	SPU	SPU	SPU
Parks and public playgrounds, including public facilities for athletic events	P	P	P	P	P
Religious and secular assembly uses	SPU	SPU	SPU	SPU	SPU
Public utility structures ⁸	SPU	P	P	P	SPU
Cemeteries, funeral homes and associated uses	SPU	SPU	SPU	SPU	SPU
Agricultural activity per LMC 19.20.070(2)	P				P
Wireless facilities ⁴	See note 4	See note 4	See note 4	See note 4	See note 4
Public safety facility ⁶	SPU	SPU	SPU	SPU	SPU
Transitional housing	P	P	P	P	P
Permanent supportive housing per LMC 19.22.060	P	P	P	P	P
Cottage housing per Chapter 19.23 LMC	P	P	P	P	P

Notes:

1. New single-family dwellings are only permitted within the R-3 and R-4 zones on lots existing at the time of the initial enactment of the ordinance codified in this chapter.
2. Only one single-family dwelling, duplex, triplex or fourplex shall be located on a legal lot unless otherwise approved via a planned unit development in accordance with Chapter 19.66 LMC. This note is not intended to prohibit accessory dwelling units.
3. For gardening on vacant land, no buildings are allowed except for one garden shed not to exceed 100 square feet in size and with a height not to exceed 10 feet. The garden shed is subject to the setback requirements of a primary building.
4. Please see Chapter 16.75 LMC for wireless communication locations, standards and requirements.
5. Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments.
6. An ambulance service facility is only permitted when integrated with a public safety facility such as a fire station.
7. Subject to the approval processes as given in Chapters 19.28 and 19.90 LMC.
8. City water, sewer, and drainage pump stations are permitted outright in all residential districts and are not subject to setback requirements of this chapter.

(Ord. 3506 § 2, 2023; Ord. 3450 § 2, 2021; Ord. 3362 § 1, 2017; Ord. 3358 § 3, 2017; Ord. 3297 § 6, 2015; Ord. 3268 § 2, 2014; Ord. 3182 § 2, 2011; Ord. 3122 § 14, 2010).



City of Longview

Agenda Summary

ORDINANCE 3523 - UPDATE LMC 11.44.130 - RESTRICTED USE OF LONGVIEW PUBLIC LIBRARY PARKING FACILITIES

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE 3523.

DATE: May 9, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety & emergency response

Preserve and enhance neighborhoods

Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

City staff has received requests to allow citizens to use the Library Parking Lot after hours for parking to attend Civic and LCC Special Events located nearby. The current LMC did not reflect the current hours of operation for the Library.

RECOMMENDED ACTION: Motion to adopt Ordinance 3523 - update LMC 11.44.130 - Restricted Use of Longview Public Library Parking Facilities.

STAFF CONTACT:

Police Chief Robert Huhta

Attachments:

1. Ordinance #3523

ORDINANCE NO. 3523

AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LONGVIEW MUNICIPAL CODE CHAPTER 11.44.130-RESTRICTED USE OF LONGVIEW PUBLIC LIBRARY PARKING FACILITIES

WHEREAS, the hours of operation for the Longview Public Library were not current in the Longview Municipal Code,

WHEREAS the City Council desires to allow for the use of public parking lots for Civic and LCC Special Events,

NOW THEREFORE, The City Council of the City of Longview do ordain as follows:

Section 1. That part of Section 1 of Ordinance 1858, as last amended by that part of section 1 of Ordinance 2048, codified as Longview Municipal Code 11.44.130 shall be, and is hereby amended to read as follows;

During the posted hours of operation ~~Between the hours of 8:00 a.m. and 10:00 p.m.,~~ it is unlawful for any person to park a motor vehicle on the parking area adjacent to the library, which is reserved for library patrons, unless such person is attending a meeting or otherwise when using the services provided within the confines of the Longview Public Library building, or is an employee of such library. After hours parking is allowed for Civic and LCC Special Events. The minimum fine for such parking violation shall be the sum of \$25.00. (Ord. 2048 § 1, 1981; Ord. 1858 § 1, 1977).

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 4. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. This Ordinance shall be in full force and effect at least thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of _____, 2024.

Approved by the Mayor this ____ day of _____, 2024.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____



City of Longview Agenda Summary Sheet

1525 Broadway
Longview, WA 98632
www.mylongview.com

Introduced by: Ruth Kendall

Date: April 9, 2024

Supported by: Angie Wean

For Agenda of: April 25, 2024

SUBJECT TITLE:

Authorized Executive Search for a City Manager

SUMMARY STATEMENT:

City manager, Kris Swanson was terminated by vote of council on March 13, 2024. Thirty days have passed from the date of service to her regarding this matter, therefore, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and her services shall terminate upon that day.

Recognizing that executive search processes can be time consuming, Council needs initiate an executive search as quickly as possible to replace the city manager.

RECOMMENDED ACTION:

1. Initiate the executive search process from options provided by staff.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial and operations management of the city.

Expenditure Required:
Amount Budgeted:
Appropriation Required:



City of Longview

Agenda Summary

APPROVAL OF CLAIMS

Based upon the authentication and certification of claims and demands against the city, prepared and signed by the City's auditing officer, and in full reliance thereon, it is moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

SECOND HALF APRIL 2024 ACCOUNTS PAYABLE: \$2,875,079.15

SECOND HALF APRIL 2024 PAYROLL:

\$408,738.89, checks
\$969,065.83, direct deposits
\$1,020,783.17, wire transfers
\$2,398,587.89 Total

STAFF CONTACT:

Lindy Kennedy, Accountant
Dana Beck, Payroll Specialist

Attachments: None



City of Longview

Agenda Summary

DOWNTOWN PARKING UPDATE

RECOMMENDED ACTION:

MOTION TO EXTEND THE MORATORIUM ON THE ISSUING OF PARKING PERMITS AND ENFORCEMENT IN DOWNTOWN PUBLIC PARKING LOTS UNTIL THE END OF 2024.

DATE: May 9, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety & emergency response

Preserve and enhance neighborhoods

Address quality of place issues

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The City of Longview has signed a professional services contract with Rick Williams Consultant for the creation of a Parking Management Strategies Plan. The Parking Management Strategies Plan will be presented to City Council in November 2024. The scope of work will be completed in December 2024.

RECOMMENDED ACTION: Motion to extend the moratorium on the issuing of parking permits and enforcement in downtown public parking lots until the end of 2024.

STAFF CONTACT:

Police Chief Robert Huhta

Attachments: None



City of Longview

Agenda Summary

CONSULTANT AGREEMENT WITH GIBBS AND OLSON FOR GENERAL SEWER PLAN UPDATE

RECOMMENDED ACTION:

MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT AGREEMENT WITH GIBBS AND OLSON

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Provide Sustainable Water Quality & Environmental Infrastructure

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This proposed contract is to update the 2008 General Sewer Plan (GSP) to meet City's Obligations under RCW 90.48.110 and WAC 173-240-050.

The Public Works Department lacks sufficient staff and expertise to perform the necessary studies, and recommends that an engineering consultant be retained to perform this work. In accordance with state law, staff did a request for proposals (RFP) and received only one consulting firm qualified to perform this type of work. After awarding RFP to Gibbs & Olson based on the firm's qualifications and experience, staff has negotiated a contract and scope of work to perform this evaluation. If authorized by the city council, Gibbs & Olson will prepare a new General Sewer Plan Update.

FINANCIAL SUMMARY:

The Gibbs and Olson contract amount for engineering services is \$201,000. The cost of this contract will be paid through Sewer Funds as approved in the 2023-2024 City Budget.

STAFF CONTACT:

John Axford, P.E., Project Engineer

Attachments:

1. Gibbs-Olson Scope & Budget

Agreement For Engineering Services

Agreement Number _____

Agreement Type (Choose One)

☐ **Lump Sum**

Lump Sum Amount \$ _____

☐ **Cost Plus Fixed Fee**

Overhead Progress Payment Rate _____ %

Overhead Cost Method

☐ Actual Cost

☐ Actual Cost Not To Exceed _____ %

☐ Fixed Rate _____ %

Fixed Fee \$ _____

☒ **Specific Rates Of Pay**

☒ Negotiated Hourly Rate

☐ Provisional Hourly Rate

☐ **Cost Per Unit of Work**

Engineer/Address/Telephone

Gibbs & Olson, Inc.

1157 3rd Avenue

P.O. Box 400

Longview, WA 98632

Phone : 360-425-0991

Project Title And Work Description

General Sewer Plan Update

DBE Participation

☐ Yes ☒ No _____ %

DBE Participation

☐ Yes ☒ No _____ %

Federal ID Number or Social Security Number

91-0727389

Do you require a 1099 for IRS? Completion Date

☐ Yes ☒ No **December 31, 2025**

Total Amount Authorized **\$201,000**

Management Reserve Fund **\$0**

Maximum Amount Payable **\$201,000**

THIS AGREEMENT, made and entered into this _____ day of _____ 2024, between the City of Longview, WA, hereinafter called the "CITY", and the above organization hereinafter called the "ENGINEER".

WITNESSETH THAT:

WHEREAS, the CITY desires to accomplish the above referenced project; and

WHEREAS, the CITY does not have sufficient staff to meet the required commitment and therefore deems it advisable and desirable to engage the assistance of a ENGINEER to provide the necessary services for the PROJECT; and

WHEREAS, the ENGINEER represents that he/she is in compliance with the Washington State Statutes relating to professional registration, if applicable, and has signified a willingness to furnish Consulting services to the CITY,

NOW THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

I GENERAL DESCRIPTION OF WORK

The work under this AGREEMENT shall consist of the work and services as herein defined and necessary to accomplish the completed work for this PROJECT. The ENGINEER shall furnish all services, labor and related equipment necessary to conduct the work as designated elsewhere in this AGREEMENT.

II SCOPE OF WORK

The Scope of Work and project level of effort for this project is detailed in Exhibit "B" attached hereto, and by this reference made a part of this AGREEMENT. The standard of care applicable to ENGINEER'S Services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar Services at the time said Services are performed. ENGINEER will re-perform any Services not meeting this standard without additional compensation.

III GENERAL REQUIREMENTS

All aspects of coordination of the work of this AGREEMENT, with outside agencies, groups or individuals shall receive advance approval by the CITY.

The ENGINEER shall attend coordination, progress and presentation meetings with the CITY or such Federal, Community, State, City or County officials, groups or individuals as may be requested by the CITY. The CITY will provide the ENGINEER sufficient notice prior to meetings requiring ENGINEER participation. The ENGINEER shall prepare a monthly progress report, in a form approved by the CITY, that will outline in written and graphical form the various phases and the order of performance of the work in sufficient detail so the progress of the work can easily be evaluated.

All reports, PS&E materials, and other data furnished to the ENGINEER by the CITY shall be returned. All designs, drawings, specifications, documents, and other work products in hard copy or electronic format prepared by the ENGINEER prior to completion or termination of this AGREEMENT are instruments of service for this PROJECT and are property of the CITY. Reuse by the CITY or by others acting through or on behalf of the CITY of any such instruments of service, not occurring as a part of this PROJECT, shall be without liability or legal exposure to the ENGINEER.

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the PROJECT, ENGINEER has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate PROJECT cost or schedule. Therefore, ENGINEER

makes no warranty that CITY's actual PROJECT costs, financial aspects, economic feasibility, or schedules will not vary from ENGINEER's opinions, analyses, projections or estimates.

If CITY wishes greater assurance as to any element of PROJECT cost, feasibility, or schedule, CITY will employ an independent cost estimator, contractor, or other appropriate advisor.

IV TIME FOR BEGINNING AND COMPLETION

The ENGINEER shall not begin any work under the terms of this AGREEMENT until authorized in writing by the CITY. All work under this AGREEMENT shall be completed by the date shown in the heading of this AGREEMENT under completion date.

The established completion time shall not be exceeded because of any delays attributable to the ENGINEER, but may be extended by the CITY, in the event of a delay attributable to the CITY, or because of unavoidable delays caused by an act of GOD or governmental actions or other conditions beyond the control of the ENGINEER. A prior amended agreement issued by the CITY is required to extend the established completion time.

V PAYMENT

The ENGINEER shall be paid by the CITY for completed work and services rendered under this AGREEMENT as provided in Exhibit "C" attached hereto, and by this reference made part of this AGREEMENT. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in Section II, "Scope of Work".

VI SUBCONTRACTING

The CITY permits subcontracts for those items of work as shown in Exhibit "F" attached hereto, and by this reference made part of this AGREEMENT. Compensation for this subconsultant work shall be based on the cost shown on Exhibit "D" attached hereto, and by this reference made part of this AGREEMENT.

The work of the subconsultant shall not exceed its maximum amount payable unless a prior written approval has been issued by the CITY.

All subcontracts exceeding \$10,000 in cost shall contain all applicable provisions of this AGREEMENT.

The ENGINEER shall not subcontract for the performance of any work under this AGREEMENT without prior written permission of the CITY. No permission for subcontracting shall create, between the CITY and subcontractor, any contract or any other relationship.

VII EMPLOYMENT

Any and all employees of the ENGINEER or other persons while engaged in the performance of any work or services required of the ENGINEER under this AGREEMENT, shall be considered employees of the ENGINEER only and not of the CITY, and any and all claims that may or might arise under any Workmen's Compensation Act on behalf of said employees or other persons while so engaged, shall be the sole obligation and responsibility of the ENGINEER.

VIII TERMINATION OF AGREEMENT

The right is reserved by the CITY to terminate this AGREEMENT at any time upon ten days written notice to the ENGINEER.

In the event this AGREEMENT is terminated by the CITY other than for default on the part of the ENGINEER, a final payment shall be made to the ENGINEER as shown in Exhibit "E" attached hereto, and by this reference made part of this AGREEMENT, for the type of AGREEMENT used.

No payment shall be made for any work completed after ten days following receipt by the ENGINEER of the Notice to Terminate. If the accumulated payment made to the ENGINEER prior to Notice of Termination exceeds the total amount that would be due, computed as set forth herein above, then no final payment shall be due and the ENGINEER shall immediately reimburse the CITY for any excess paid.

If the services of the ENGINEER are terminated by the CITY for default on the part of the ENGINEER, the above formula for payment shall not apply. In such an event, the amount to be paid shall be determined by the CITY with consideration given to the actual costs incurred by the ENGINEER in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or a type which is usable to the CITY at the time of termination; the cost to the CITY of employing another firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the CITY of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made using the formula set forth in the previous paragraph.

If it is determined for any reason that the ENGINEER was not in default or that the ENGINEER's failure to perform is without it or its employee's fault or negligence, the termination shall be deemed to be a termination for the convenience of the CITY in accordance with the provision of this AGREEMENT.

In the event of the death of any member, partner or officer of the ENGINEER or any of its supervisory personnel assigned to the project, or, dissolution of the partnership, termination of the corporation, or disaffiliation of the

principally involved employee, the surviving members of the ENGINEER hereby agree to complete the work under the terms of this AGREEMENT, unless requested otherwise by the CITY. This subsection shall not be a bar to renegotiation of the AGREEMENT between the surviving members of the ENGINEER and the CITY, if the CITY so chooses.

In the event of the death of any of the parties listed in the previous paragraph, should the surviving members of the ENGINEER, with the CITY's concurrence, desire to terminate this AGREEMENT, payment shall be made as set forth in the second paragraph of this section.

Payment for any part of the work by the CITY shall not constitute a waiver by the CITY of any remedies of any type it may have against the ENGINEER for any breach of this AGREEMENT by the ENGINEER, or for failure of the ENGINEER to perform work required of it under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the ENGINEER.

IX CHANGES OF WORK

The ENGINEER shall make such changes and revisions in the complete work of the AGREEMENT as necessary to correct errors appearing therein, when required to do so by the CITY, without additional compensation thereof. Should the CITY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the ENGINEER shall make such revisions as directed by the CITY. This work shall be considered as Extra Work and will be paid for as herein provided under Section XIII.

X DISPUTES

Any dispute concerning questions of fact in connections with the work not disposed of by AGREEMENT between the ENGINEER and the CITY shall be referred for determination to the Director of Public Works or City Engineer of the CITY, whose decision in the matter shall be final and binding on the parties of this AGREEMENT, provided however, that if an action is brought challenging the Director of Public Work's or City Engineer's decision, that decision shall be subject to de novo judicial review.

XI VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be initiated in Cowlitz County Superior court. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decisions of the Superior court in

accordance with the laws of the State of Washington. The ENGINEER hereby consents to the personal jurisdiction of Cowlitz County Superior Court within the State of Washington.

XII LEGAL RELATIONS AND INSURANCE

The ENGINEER shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this AGREEMENT. This AGREEMENT shall be interpreted and construed in accord with the laws of the State of Washington.

The ENGINEER shall indemnify and hold the CITY, its agents, officers and employees harmless from and shall process and defend at its own expense all claims, demands, or suits at law or equity arising in whole or in part from the ENGINEER's negligence or breach of any of its obligations under this AGREEMENT; provided that nothing herein shall require the ENGINEER to indemnify the CITY against and hold harmless the CITY and its agents, officers and employees from claims, demands or suits based solely upon the conduct of the CITY and its agents, officers and employees; and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the ENGINEER's agents or employees and (b) the CITY and its agents, officers and employees, this indemnity provision with respect to (1) claims or suits based upon such negligence, (2) the costs to the CITY of defending such claims and suits, etc. shall be valid and enforceable only to the extent of the ENGINEER's negligence or the negligence of the ENGINEER's agents or employees.

The ENGINEER's relation to the CITY shall be at all times as an independent contractor.

The ENGINEER specifically assumes potential liability for actions brought by the ENGINEER's own employees against the CITY and, solely for the purpose of this indemnification and defense, the ENGINEER specifically waives any immunity under the state industrial insurance law, Title 51 RCW. The ENGINEER recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation.

Unless otherwise specified in the AGREEMENT, the CITY shall be responsible for administration of construction contracts, if any, on the project. Subject to the processing of an acceptable, supplemental agreement, the ENGINEER shall provide on-call assistance to the CITY during contract administration. By providing such assistance, the ENGINEER shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor's failure to perform its work in accordance with the contract documents.

The ENGINEER shall obtain and keep in force during the terms of the AGREEMENT, or as otherwise required, the following insurance with companies or through sources approved by the State Insurance Commissioner pursuant to RCW 48.

Insurance Coverage

- A. Worker's compensation and employer's liability insurance as required by the STATE.
- B. General commercial liability insurance in an amount not less than a single limit of one million and 00/100 Dollars (\$1,000,000.00) for bodily injury, including death and property damage per occurrence.

Excepting the Worker's Compensation insurance and any professional liability insurance secured by the ENGINEER, the CITY will be named on all policies as an additional insured. The ENGINEER shall furnish the CITY with verification of insurance and endorsements required by this AGREEMENT. The CITY reserves the right to examine all required insurance policies during normal business hours at the location such policies are maintained.

All insurance shall be obtained from an insurance company authorized to do business in the State of Washington. The ENGINEER shall submit a verification of insurance as outlined above within 14 days of the execution of this AGREEMENT to the CITY.

No cancellation of the foregoing policies shall be effective without thirty (30) days' prior notice to the CITY.

The ENGINEER's professional liability to the CITY shall be limited to the greater of the amount payable under this AGREEMENT or one million dollars. In no case shall the ENGINEER's professional liability to third parties be limited in any way.

The CITY will pay no progress payments under Section V until the ENGINEER has fully complied with this section. This remedy is not exclusive; and the CITY may take such other action as is available to them under other provisions of this AGREEMENT, or otherwise in law.

XIII EXTRA WORK

- A. The CITY may at any time, by written order, make changes within the general scope of the AGREEMENT in the services to be performed.
- B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of the AGREEMENT, the CITY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify the AGREEMENT accordingly.
- C. The ENGINEER must submit its "request for equitable adjustment" (hereafter referred to as "claim") under this clause within 30 days from the date of the receipt of the written order. However, if the CITY decides that the facts justify it, the CITY may receive and act upon a claim submitted before the final payment of the AGREEMENT.

- D. Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, nothing in this clause shall excuse the ENGINEER from proceeding with the AGREEMENT as changed.
- E. Notwithstanding the terms and conditions of paragraphs (A) and (B) above, the maximum amount payable for this AGREEMENT shall not be increased or considered to be increased except by specific written amendment to this AGREEMENT.

XIV ENDORSEMENT OF PLANS

The ENGINEER shall place his endorsement on all plans, estimates or any other engineering data furnished by him.

XV CERTIFICATION OF THE ENGINEER AND THE CITY

Attached hereto is Exhibit "A" Certification of the ENGINEER and Certification regarding debarment, suspension and other responsibility matters – primary covered transaction, and by this reference made part of this AGREEMENT.

XVI COMPLETE AGREEMENT

This document and referenced attachments contain all covenants, stipulations and provisions agreed upon by the parties. No agent or representative of either party has authority to make, and the parties shall not be bound by or liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment to this AGREEMENT.

XVII SEVERABILITY

If any term or condition of this Agreement is held invalid, such invalidity shall not affect other terms, conditions or application which can be given effect without the invalid terms, condition or application. To this end, the terms and conditions of this Agreement are declared severable.

XVIII HEADINGS

The headings to the paragraphs of this Agreement are solely for the convenience of the parties and are not an aid in the interpretation of the instrument.

XIX
EXECUTION AND ACCEPTANCE

This AGREEMENT may be simultaneously executed in several counterparts, notwithstanding that all parties have not signed the same counterpart, with the same effect as if all parties had signed the same document. All counterparts shall be construed as and shall constitute one and the same Agreement. The ENGINEER does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the proposal, and the supporting materials submitted by the ENGINEER, and does hereby accept the AGREEMENT and agrees to all of the terms and conditions thereof.

In witness whereof, the parties hereto have executed this AGREEMENT as of the day and year first above written.

GIBBS & OLSON, INC.

CITY OF LONGVIEW

By _____
Richard A. Gushman, President

By _____
Jim Duscha, Interim City Manager

APPROVED AS TO FORM

By _____
Dana Gigler, City Attorney

Exhibit A
Certification of ENGINEER

I hereby certify that I am Richard A. Gushman and am a duly authorized representative of the firm of Gibbs & Olson, Inc. whose address is PO Box 400, Longview, WA 98632 and that neither I nor the above firm has been:

- (a) Employed or retained for a commission, percentage, brokerage, contingent fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above ENGINEER) to solicit or secure this contract.
- (b) Agreed, as an express or implied condition for obtaining this contract, to employ or to retain the services of any firm or person in connection with carrying out the contract.
- (c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above ENGINEER) any fee, contribution, donation, or consideration of any kind for, or in connection with procuring or carrying out the contract; except as here expressly stated (if any):

I further certify that the firm I hereby represent is authorized to do business in the State of Washington and that the firm is in full compliance with the requirements of the Board of Professional Registration.

I acknowledge that this certificate is subject to applicable State and Federal laws, both criminal and civil.

04/26/2024 (Date)	 (Signature) President or Authorized Official of ENGINEER
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Certification Regarding Debarment, Suspension, and Other Responsibility
Matters-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or CITY;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph 1.b. of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statement in this certification, such prospective participant shall attach an explanation to this proposal.

04/26/2024 (Date)	 (Signature) President or Authorized Official of ENGINEER
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EXHIBIT B
SCOPE OF WORK
GENERAL SEWER PLAN UPDATE

PROJECT DESCRIPTION

This project will update the 2008 City's General Sewer Plan and Facilities Plan (GSP/FP) in accordance with the requirements of RCW 90.48.110 and WAC 173-240-050. The 2008 GSP/FP was prepared by the Engineer and recommended diverting or rerouting sewage flow that went to the City's West Longview wastewater treatment plant (WWTP) to the Three Rivers Regional Wastewater Authority's (TRRWA) regional WWTP. As a result, multiple upgrades were made to the City's conveyance system so all the City's wastewater is conveyed to the TRRWA WWTP and the West Longview WWTP was removed from service and decommissioned.

The TRRWA WWTP receives and treats wastewater from Longview, Kelso, Beacon Hill Water and Sewer District (BHWSD), and a small portion of Cowlitz County. During the wet weather months, the plant experiences higher flows due to the impact of inflow and infiltration (I/I).

This update to the GSP will focus on I/I reduction. The City believes reduction of I/I in the western portion of the collection system will allow in-fill development to occur in the western portion of the city. A previous study, prepared by the Engineer entitled "Sewer System Capacity Report" provided an inventory of the sewer system, identified sources of I/I throughout the City, and provided prioritized recommendations to eliminate excessive I/I.

This update to the GSP will update the sewer system inventory and provide a detailed evaluation of the system to identify sources of I/I and areas where the system lacks capacity for existing or future flows. Along with the data from the 2010 report, evaluation of pump station data will be utilized, along with consultations with City staff to determine locations with significant I/I where projects may be undertaken to reduce precipitation dependent I/I flow. For each recommended I/I reduction project identified, design recommendations and an opinion of total project cost will be developed based on past project experience and current construction cost data.

After basins with the highest I/I are identified and cost opinions for I/I reduction improvements are established, recommended improvement projects will be ranked in order from least cost to highest cost based on dollars per gallon of I/I removal.

The Engineer will present and discuss potential state and federal funding sources the City can consider applying for to implement the recommended improvements. The Engineer will work with the City to develop a recommended implementation schedule for these projects based on anticipated funding that best meets the City's needs and desired timeframe.

A discussion will be included on implementing a program to address illegal storm connections and to encourage, or require, replacement of private side sewers from the right-of-way/property line to residences and buildings by individual property owners.

In addition to I/I evaluation, a 20-year planning period will be used to evaluate conveyance and pump station capacity. The primary design standard used in this analysis will be the current version of the Washington State Department of Ecology's (Ecology) Criteria for Sewage Works Design (the "Orange Book"). The sewer system and pump stations will be modeled to determine conveyance or pump stations lacking capacity for existing or projected future flows.

From this the Engineer will identify recommendations for improvements required for system capacity and prepare opinions of total project costs. Also, as a part of this process, the Engineer will identify design standards meeting Ecology requirements that will be applied to future pump station upgrades.

This information will be provided in the final report for this project which will be a General Sewer Plan (GSP) meeting Ecology's requirements per RCW 90.48.110 and WAC 173-240-050

INFORMATION TO BE PROVIDED TO ENGINEER BY CITY

The City shall provide the following items and services to the Engineer as available:

- 3 years of flow data or run time records for each of the 46 existing pump/lift stations;
- operation/maintenance notes/logs, and alarm histories as available for each of the 46 existing pump/lift stations;
- pump curves for all existing pumps;
- a summary of any known and outstanding gravity or forcemain pipeline issues;
- a copy of the City's current wastewater budget;
- a copy of the City's current wastewater connection fee and rate ordinance;
- current population growth projection information as available; and
- projected development information for the west section of Longview;
- a list of all known sewer pipe blockages, surcharges and building sewer flooding occurrences over the past 3 years;
- any other information the City has that will aid in preparing the GSP.

In preparing the GSP update, the Engineer will utilize as much information as possible from the City's 2008 GSP/FP and 2010 Sewer System Capacity Report. Additionally, the Engineer will work with the City to identify any specific areas of concern in the collection system where special attention should be focused for evaluation.

SERVICES NOT INCLUDED IN THIS SCOPE OF WORK

The following services are not included in the scope of work for this project.

- A cultural and historical resource evaluation is not included.
- Environmental permit applications are not included, except for the non-project SEPA checklist required for the General Sewer Plan (GSP) report.
- Property or easement acquisition land appraisal and negotiations are not included.
- Permit applications for work in public right-of-way are not included.
- Field survey work is not included.
- Geotechnical field explorations are not included.
- Testing of existing sewers utilizing smoke testing, low-pressure air testing or video inspection and subsequent evaluation of the interior of sewer pipelines based on such testing/inspection is not included.

ASSUMPTIONS

The Engineer has utilized the following assumptions in developing the identified scope of work and associated budget estimate. If any of these assumptions are found to be incorrect.

The Engineer reserves the right to negotiate an Amendment to this Agreement for any modifications to the Scope of Work and Budget Estimate required to address the conditions encountered.

1. The TRRWA regional wastewater treatment plant has sufficient capacity to treat incoming flows to NPDES permit requirements. WWTP Discharge Monitoring Reports (DMRs), permit violations and enforcement actions or warning letters will be collected for the last three years and reviewed to confirm plant capacity and this will be confirmed in the GSP.
2. GIS and LiDAR data will be utilized for preliminary layout and developing earthwork quantity estimates for each alternative evaluated.
3. The City will identify where development is anticipated to occur and the size of anticipated developments by equivalent residential units (ERUs) for use in future population projections for sewer basins.
4. Existing electrical capacity within each sewer basin is sufficient, or can be cost-effectively improved/replaced, to provide required power for recommended pump station upgrades.
5. Existing sewer system pipe size, material, and invert elevation data from the City's existing GSP sewer inventory and record or design drawings for sewer projects completed by the City since the existing GSP was prepared. No field data collection of this information is included.
6. The City's 2008 Facilities Plan will not be updated as part of updating the GSP.

SCOPE OF WORK

The Engineer's Scope of Work consists of the following tasks.

TASK 1 - PROJECT MANAGEMENT, ADMINISTRATION & MEETINGS

The Engineer will provide project management and administration consisting of:

- a) Day to day project management of the Consultant's project team.
- b) General project administration.
- c) Monthly narrative progress reports during project as requested.
- d) Meetings: The following meetings are included as part of this scope of work.
 - 1) Project kickoff meeting with key City staff to ensure a common understanding of the City's goals and preferences, and to review existing conditions and information related to the project.
 - 2) Monthly video conference or in-person project status meetings with the City. A total of fourteen (14) 1-hour meetings are included in the Engineer's budget estimate.

TASK 2 - GATHER AND REVIEW BACKGROUND DATA

The Engineer will obtain and review available design/record drawings, pump station data, TRRWA plant NPDES permit, DMRs and permit violations and enforcement actions or warning letters for the last three years, and design reports including the City's 2008 GSP/FP and 2010 Sewer System Capacity Report.

TASK 3 – UPDATE SEWER SYSTEM INVENTORY, IDENTIFY EXISTING & PROJECTED FLOWS BY SEWER BASIN AND EVALUATE SEWER BASINS AND PUMP STATIONS

The Engineer will use existing GIS data, available design/record drawings, and other information provided by City staff to update the existing sewer system inventory including size, length, slope, and material of gravity sewers and force mains and size, depth, and material of sewer manholes throughout the city. The 46 existing pump/lift stations will be identified along with specific sewer basins and their sewer service areas. The capacity of pump stations throughout the city will be determined from available design/record drawings and pump curves for each station provided by the City.

Existing flow data from each pump station will be used to identify existing flows for each basin and evaluated to determine high I/I flow basins. Existing design/record drawings and information provided by City staff will be used to identify specific locations within these basins that contribute to high I/I. This may include older sewers, sewers known to be failing, and leaking manholes.

A 20-year planning period, 2024 to 2044, will be used to evaluate conveyance system capacity and pump station capacity. Projected 2044 future flows will be calculated for each sewer basin using population growth and projected development data provided by the City. Sewer basin interceptor and mainlines will be hydraulically modeled using Autodesk's Storm and Sanitary Analysis modeling software. Basin modeling will be developed using existing flows. Projected future flows will then be modeled to determine and identify system components that will require capacity upgrades to adequately convey future flows. Modeling will be calibrated to the extent possible based on available pump station flow data.

TASK 4 – IDENTIFY RECOMMENDED I/I IMPROVEMENTS WITH PRELIMINARY OPINIONS OF COST AND RANK BY COST-EFFICIENCY

For conveyance with high I/I flows, specific improvement projects will be recommended. For these improvements the anticipated efficiency of I/I removal will be estimated, and opinions of total project cost developed for each improvement project. The Engineer will produce a summary table prioritizing recommendations that yield the greatest amount of I/I reduction for the least cost. Opinions of cost will include capital costs, design and permitting costs, operation and maintenance costs, total 20-year present worth costs, and appropriate contingency costs.

Using the summary table, the Engineer will work with the City to develop an implementation plan dependent on the needs and timetable of the City. This plan will identify a schedule for implementation of specific improvements over the course of the 20-year planning period. Along with development of the implementation schedule, the Engineer will present and discuss potential state and federal funding sources the City can consider applying for to implement specific recommended improvements.

A discussion will be included that specifies recommendations for identifying leaking side sewers and address illegal storm connections and a program for encouraging, or requiring, replacement of private side sewers from the right-of-way/property line by property owners.

TASK 5 – IDENTIFY RECOMMENDED CAPACITY IMPROVEMENTS WITH PRELIMINARY OPINIONS OF COST

For conveyance and pump stations requiring increased capacity to adequately convey existing or future flows, the Engineer will identify recommendations for improvements required for system capacity. The Engineer will prepare opinions of project costs and rank capacity-related improvements by cost-benefits. Opinions of cost will include capital costs, design and permitting costs, operation and maintenance costs, total 20-year present worth costs, and contingency costs.

As a part of this task, the Engineer will identify design standards in accordance with the current Orange Book that can be applied to future pump station upgrades throughout the City. Along with recommendations and rankings for capacity-related projects, the Engineer will present and discuss potential state and federal funding sources the City can consider applying for to implement the specific recommended improvements.

The Engineer will obtain data from Ecology or TRRWA, for the TRRWA plant including the most recent NPDES permit, DMRs and any permit violations and enforcement actions or warning letters for the last three years. This data will be analyzed to determine if the existing TRRWA plant over the 20-year planning period has the capacity to meet NPDES permit requirements.

TASK 6 – PREPARATION OF GENERAL SEWER PLAN

The Engineer will prepare a report meeting the requirements for both a general sewer plan (GSP) per RCW 90.48.100 and WAC 173-240-050. In accordance with Ecology requirements, the GSP needs to cover a 20-year planning period. For the City, this planning period will be from 2024 to 2044. While the City's focus for updating the GSP is related to I/I removal, all elements shown below are required to be included in the GSP to obtain Ecology approval.

A. General Sewer Plan

The GSP include the following information as required in WAC 173-240-050.

- (a) The purpose and need for the proposed plan.
- (b) A discussion of who will own, operate, and maintain the systems.
- (c) The existing and proposed sewer service area boundaries.
- (d) Layout map including the following:
 - (i) Boundaries. The boundary lines of the sewer system area, including a vicinity map;
 - (ii) Existing sewers. The location, size, slope, capacity, direction of flow of all existing trunk sewers, and the boundaries of the areas served by each;
 - (iii) Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each;
 - (iv) Existing and proposed pump stations and force mains. The location of all existing and proposed pumping stations and force mains, designated to distinguish between those existing and proposed;
 - (v) Topography and elevations. Topography showing pertinent ground elevations and surface drainage must be included, as well as proposed and existing streets;
 - (vi) Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets, and

controlled overflows, if any. All existing and potential discharge locations should be noted; and

- (vii) Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities.
- (e) The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies.
- (f) Any existing domestic or industrial wastewater facilities within twenty miles of the general plan area and within the same topographical drainage basin containing the general plan area.
- (g) A discussion of any infiltration and inflow problems and a discussion of actions that will alleviate these problems in the future.
- (h) A statement regarding provisions for treatment and discussion of the adequacy of the treatment at the TRWWA plant.
- (i) A list of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of the industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration must be given to future industrial expansion.
- (i) Discussion of the location of all existing private and public wells, or other sources of water supply, and distribution structures as they are related to both existing and proposed domestic wastewater treatment facilities.
- (j) Discussion of the various alternatives evaluated, and a determination of the alternative chosen, if applicable.
- (k) A discussion, including a table, that shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period.
- (l) A statement regarding compliance with any adopted water quality management plan under the Federal Water Pollution Control Act as amended.
- (m) A statement regarding compliance with the State Environmental Policy Act (SEPA).

A draft of the GSP report will be provided to the City in .pdf electronic format only for review and comment. The Engineer will address City review comments and will provide a final draft of the GSP to the City in .pdf electronic format for submission to Ecology for review and comment. The Engineer will address Ecology review comments and will provide a final report in .pdf electronic format for approval by Ecology and for adoption by the City. The Engineer has budgeted to address one round of review comments from the City and one round of review comments from Ecology. Addressing additional rounds of review comments, if required, will be additional out of scope work and will be billed at the Engineer's hourly rates.

B. SEPA CHECKLIST - NON-PROJECT

The Engineer will prepare a non-project SEPA checklist for the General Sewer Plan. The City's Department of Community and Economic Development will be the lead agency for SEPA review. The City will pay all fees associated with SEPA submission and review. The Engineer

will prepare responses to City review comments and to comments received during the 14-day public comment after the City issues its initial SEPA determination.

C. MEETINGS WITH ECOLOGY

The Engineer will participate in up to 3 meetings with the Washington Department of Ecology and City staff to aid in obtaining Ecology approval of the final General Sewer Plan.

Exhibit C
Payment
(Negotiated Hourly Rate)

The ENGINEER shall be paid by the CITY for completed work and services rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for all work performed or services rendered for all labor, materials, equipment, and incidentals necessary to complete the work specified in Section II, "Scope of Work."

1. Hourly Rates

The ENGINEER shall be paid by the CITY for work done, based upon the negotiated hourly rates shown in Exhibit D attached hereto and by this reference made part of this AGREEMENT. The rates listed shall be applicable for the first 12-month period and shall be subject to negotiation for the following 12-month period upon request of the ENGINEER or the CITY. If negotiations are not conducted for the second or subsequent 12-month periods within 90 days after completion of the previous period, the rates listed in this AGREEMENT or subsequent written authorization(s) from the CITY shall be utilized for the life of the AGREEMENT. The rates are inclusive of direct salaries, payroll additives, overhead, and fee.

2. Direct Non-salary Costs

Direct non-salary costs will be reimbursed at the actual cost to the ENGINEER and any negotiated markup. These charges may include, but are not limited to the following items: travel, printing, long distance telephone, supplies, computer charges, and fees of subconsultants. Air or train travel will only be reimbursed to economy class levels unless otherwise approved by the CITY. Automobile mileage for travel will be reimbursed at the current rate approved for CITY employees and shall be supported by the date and time of each trip with origin and designation of such trips. Subsistence and lodging expenses will be reimbursed at the same rate as for CITY employees. The billing for non-salary costs, directly identifiable with the PROJECT, shall be an itemized listing of the charges supported by the original bills, invoices, expense accounts, and miscellaneous supporting data retained by the ENGINEER. Copies of the original supporting documents shall be supplied to the CITY upon request. All above charges must be necessary for the services provided under this AGREEMENT.

3. Management Reserve Fund

The CITY may desire to establish a Management Reserve Fund to provide the Agreement Administrator the flexibility of authorizing additional funds to the AGREEMENT for allowable unforeseen costs, or reimbursing the ENGINEER for additional work beyond that already defined in this AGREEMENT. Such authorization(s) shall be in writing and shall not exceed the lesser of \$50,000 or 10% of the Total Amount Authorized as shown in the heading of this AGREEMENT. The amount included for the Management Reserve Fund is shown in the heading of this AGREEMENT. This fund may be replenished in a subsequent supplemental agreement. Any changes requiring additional costs in excess of the "Management Reserve Fund" shall be made in accordance with Section XIII, "Extra Work".

4. Maximum Amount Payable

The maximum amount payable for completion of work under this AGREEMENT shall not exceed the amount shown in the heading of this AGREEMENT. The maximum amount payable includes the Management Reserve Fund, but does not include payment for extra work as stipulated in Section XIII, "Extra Work". No minimum amount payable is guaranteed under this AGREEMENT.

5. Monthly Progress Payments

Progress payments may be claimed on a monthly basis for all costs authorized in 1 and 2 above. The monthly invoices shall be supported by detailed statements for hours expended at the rates established in Exhibit D, including names and classifications of all employees, and invoices for all direct non-salary expenses. Undisputed invoices or portions thereof, are payable within 30 days of receipt.

6. Inspection of Cost Records

ENGINEER and his/her subconsultants will maintain accounting records, in accordance with generally accepted accounting principles. These records will be available to the CITY during ENGINEER's normal business hours for a period of 3 years after ENGINEER's final invoice for examination to the extent required to verify the

direct costs (excluding established or standard allowances and rates) incurred hereunder. The three-year retention period begins when ENGINEER receives final payment.

7. Final Payment

Final Payment of any balance due the ENGINEER of the gross amount earned will be made promptly upon its verification by the CITY after the completion of the work under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such final payment by the ENGINEER shall constitute a release of all claims for payment which the ENGINEER may have against the CITY unless such claims are specifically reserved in writing and transmitted to the CITY by the ENGINEER prior to its acceptance. Said final payment shall not, however, be a bar to any claims that the CITY may have against the ENGINEER or to any remedies the CITY may pursue with respect to such claims.

The payment of any billing will not constitute agreement as to the appropriateness of any item and at the time of final audit, all required adjustments will be made and reflected in a final payment. In the event that such final audit reveals an overpayment to the ENGINEER, the ENGINEER will refund such overpayment to the CITY within ninety (90) days of notice of the overpayment. Such refund shall not constitute a waiver by the ENGINEER for any claims relating to the validity of a finding by the CITY of overpayment.

Exhibit D - Budget Estimate
General Sewer Plan Update
City of Longview
February 14, 2024



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Task	Task Description	Prin.	Project Manager	Engr. V	Engr. II	Admin	Total Budget
1	Project Management, Administration & Meetings	10	40	16	16	8	\$17,680
2	Gather & Review Background Data	4	16	16	16	0	\$10,160
3	Update Sewer System Inventory, Identify Existing & Future Flows by Basin, Evaluate Basins & Pump Stations	8	28	80	120	0	\$42,484
4	Identify Recommended I/I Improvements	10	24	60	100	0	\$35,084
5	Identify Recommended Capacity Improvements	10	24	60	100	0	\$35,084
6	Prepare GSP, SEPA Checklist & Meetings with Ecology	8	36	80	200	40	\$60,172
Subtotal		50	168	312	552	48	\$200,664
Mileage							\$100
Reproduction							\$236
TOTAL ESTIMATED BUDGET							\$201,000
2024 Hourly Rates		\$252	\$221	\$196	\$155	\$88	

Exhibit E
Payment Upon Termination Of Agreement
By The CITY Other Than For Fault Of The ENGINEER
(Refer to Agreement, Section VIII)

Lump Sum Contracts

A final payment shall be made to the ENGINEER which when added to any payments previously made shall total the same percentage of the Lump Sum Amount as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the ENGINEER shall be paid for any authorized extra work completed.

Cost Plus Fixed Fee Contracts

A final payment shall be made to the ENGINEER which, when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination is to the total work required for the PROJECT. In addition, the ENGINEER shall be paid for any authorized extra work completed.

Specific Rates of Pay Contracts

A final payment shall be made to the ENGINEER for actual hours charged at the time of termination of this AGREEMENT plus any direct non-salary costs incurred at the time of termination of this AGREEMENT.

Cost Per Unit of Work Contracts

A final payment shall be made to the ENGINEER for actual units of work completed at the time of termination of this AGREEMENT.

Exhibit F
Subcontractors

No subcontractors anticipated to be used.



City of Longview

Agenda Summary

PROJECT COMPLETION – CMD #2 BLOCK 10 SEWER & WATERMAIN REPLACEMENT

RECOMMENDED ACTION:

MOTION TO ACCEPT AS COMPLETE THE CMD #2 BLOCK 10 SEWER & WATERMAIN REPLACEMENT

COUNCIL INITIATIVE ADDRESSED:

To provide sustainable water quality & environmental infrastructure

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

The CMD #2 Block 10 Sewer & Watermain Replacement has been completed in accordance with the plans and specifications under Contract No. 23-1948-S/W entered into between the City of Longview and Advanced Excavating Specialists. The City Council must accept the project as complete before final contract closeout can be accomplished.

STAFF CONTACT:

Ivona Kininmonth, Project Engineer

Attachments: None



City of Longview

Agenda Summary

REVIEW OF PROPOSED CHANGES TO LMC CHAPTER 12.60 ACCESS MANAGEMENT, 11.36 ARTERIAL STREETS, AND THE LMC ARTERIAL LIST.

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE ORDINANCES ADOPTING THE PROPOSED CHANGES TO LMC CHAPTER 12.60 ACCESS MANAGEMENT, 11.36 ARTERIAL STREETS, AND THE LMC ARTERIAL LIST.

COUNCIL INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT

This agenda item is a presentation related to proposed changes to LMC 12.60, 11.36 and the arterial list.

This is a cleanup of LMC 12.060. The re-write was done for clarity and plain language in the code. The code was also updated to align with Federal Highways street classification system and to reflect current City permitting practices.

Highlights of the code changes:

- Change from hard copy to online mapping for the City's Arterial/collector atlas.
- An update to applicable reference manuals.
- Elimination of the Connection Permit, which is not in current use.
- A change to our street classification system to align with the FHWA system, which is the industry standard.
- Update to the TIA review process to reflect current practices.

We are also proposing the deletion of the LMC arterial list, and a reference change in LMC 11.36 to point to the online mapping and not the LMC arterial list.

STAFF CONTACT:

Ken Hash, PE, Public Works Director

Attachments:

1. Chapter 12.60 redlined
2. Chapter 11.36 redlined
3. Arterials list redlined

Chapter 12.60 ACCESS MANAGEMENT

Sections:

- 12.60.010 Purpose.**
- 12.60.020 Definitions.**
- 12.60.030 Applicability.**
- 12.60.040 Functional classifications.**
- 12.60.050 Application process.**
- 12.60.060 Access standards.**
- 12.60.070 Transportation impact analysis review process.**
- 12.60.080 Severability.**

12.60.010 Purpose.

The purpose of this chapter is to protect the functional integrity of the ~~e~~City of Longview street system by providing adequate safety and transportation capacity. This chapter also implements Chapters [47.24](#) and [47.50](#) RCW for regulation and control of vehicular access and connection point of ingress and egress from the state highway system within the ~~e~~City.

12.60.020 Definitions.

- (1) "Access" shall mean the ability to enter or leave a highway, public street or private driveway from an abutting public or private property or another public or private street.
- (2) "Alley" shall mean a public street that lies between or behind public or private buildings.
- (3) "Arterial/collector atlas" shall mean the ~~written standards online map~~ as adopted by the ~~e~~City that designate a functional classification for various roadways within the ~~e~~City.
- (4) "Building permit" shall mean the permit issued by the ~~e~~City authorizing the building of any improvement or structure.
- (5) "City" shall mean the city of Longview, a municipal corporation within the state of Washington.
- (6) "City ~~e~~Engineer" or "Engineer" shall mean the ~~e~~City ~~e~~Engineer of the ~~e~~City of Longview, or designee.
- (7) "Connection" or "connection point" shall mean the connection of a private or public street, driveway, or alley at the right-of-way line to a public street.
- (8) "County" shall mean the ~~county of~~ Cowlitz County, a municipal corporation within the state of Washington.
- (9) "Cross access easement" shall mean an easement on a property that provides for a privately maintained access between adjacent properties for the purposes of providing a motor vehicle/bicycle/pedestrian connection through one property connecting to another property or public street.

- (10) "Dedication" shall mean a conveyance of right-of-way to the ~~e~~City.
- (11) "Developer" or "applicant" shall mean the property owner or designee.
- (12) "Development" shall mean any subdivision, short plat, site plan application, conditional use permit, building permit, or other application for the development of real property or which changes the existing use of a property.
- (13) "Development application" shall mean a plan describing a proposed development.
- (14) "Director" shall mean the ~~d~~Director of the ~~d~~Department of ~~p~~Public ~~w~~Works, or designee.
- (15) "Driveway" shall mean a privately or publicly maintained access to property(ies).
- (16) "Highway Capacity Manual" shall mean ~~Special Report 209~~ Highway Capacity Manual (HCM) of the Transportation Research Board of the National Research Council, as now in effect or hereafter amended.
- (17) "Intersection" shall mean the connecting point of public or private streets with any public street.
- (18) "Level of service (LOS)" shall mean a quantitative measure of traffic congestion identified by a declining letter scale (A – F) as calculated by the methodology contained in the ~~Highway Capacity Manual~~ Special Report 209 HCM as now in effect or hereafter amended, or as calculated by another method approved by the director. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay.
- (19) "Peak hour trips" shall mean the existing or calculated total vehicular trips entering and leaving a development during the peak hour of trip generation for the development, sometimes referred to as design hour volume (DHV).
- (20) "Permit" shall mean a City right of way or public improvement permit.
- ~~(201)~~ "Private street" shall mean a road not owned or maintained by the ~~e~~City, the Washington State Department of Transportation, or other governmental jurisdiction.
- ~~(242)~~ "Public street" shall mean a road owned or maintained by the ~~e~~City, the Washington State Department of Transportation, or other governmental jurisdiction, and open for travel to the ~~general~~ public.
- ~~(223)~~ "Right-of-way" shall mean property held by the ~~e~~City for existing or future public roads or other public improvements.
- ~~(234)~~ "Roadway" means the improved portion of an easement, right-of-way, or alley, excluding curbs, sidewalks, and ditches. "Road," "roadway" and "street" will be considered interchangeable terms for the purpose of these standards.
- ~~(245)~~ "SEPA" means the State Environmental Policy Act as implemented under the applicable state laws and the local jurisdiction ordinance.
- ~~(256)~~ "Sidewalk" shall mean a pedestrian-only surface within a public right-of-way or public easement containing a street.

(267) “Signal spacing” shall mean the required distance between intersections controlled by traffic signals.

(278) “Trip generation” and “Trip Generation Manual” shall mean the most recent calculated trip rates (either calculated by average or formula) and analysis methods, published by the Institute of Traffic Engineers, or an alternative transportation engineering analysis proposed by an applicant and deemed appropriate by the ~~e~~D~~i~~rector.

(289) “Traffic engineer” shall mean an engineer licensed by the ~~s~~State of Washington who has been retained by the ~~e~~C~~i~~ty or others to analyze and/or design traffic conditions and roadway improvements.

(2930) “Traffic signal” shall mean an electronic visual signal used to control the flow of traffic by indicating which specific direction of movement to drive, ride, or walk is assigned the right-of-way at any given moment. “Traffic signal” shall not include flashing warning lights used to supplement stop signs or to caution motorists.

(301) “Transportation impact analysis” shall mean an analysis to determine the transportation impacts of a given development, prepared by an engineer licensed in the state of Washington.

(312) “Unsignalized access spacing” or “unsignalized spacing” shall mean the distance between intersections that are not controlled by a traffic signal.

(323) “WSDOT” shall mean the Washington State Department of Transportation, ~~a municipal corporation within the state of Washington.~~

12.60.030 Applicability.

(1) Connections. All new connections or modifications to existing connections to public streets shall require ~~a connection permit~~ permit approved by the City Engineer. The use of a new connection at the location specified in the permit is not authorized until the applicant constructs or modifies the connection in accordance with permit requirements.

(2) Change in Use. A change in use occurs when a parcel of property is already developed and a change in activities at the property cause the following:

(a) An increase of 10 or more peak hour vehicle trips generated from that property during either the a.m. or p.m. peak trip generation for the property as calculated in accordance with the Trip Generation Manual; and

(b) One of the following:

(i) A new land use of the property as defined in the Trip Generation Manual; or

(ii) An expansion of the current land use, as defined in the Trip Generation Manual, of the property; or

(iii) Additional or modified development of the property that may be a new (as defined in the Trip Generation Manual) or expansion of the current land use of the property; or

(iv) If a change of use is identified upon SEPA review.

All changes in use require a ~~connection~~ permit for continued use of existing public street connections and the ~~connection~~ permit may require modifications to the existing connections.

(3) Permit Modification. If a property owner or applicant holding a valid ~~connection~~ permit wishes to alter the permit conditions, the permit holder must apply for a new permit.

(4) State Highways. Chapters [47.24](#) and [47.50](#) RCW, and Chapters [468-51](#) and [468-52](#) WAC contain provisions for access management for state highways:

(a) All requests for new or modified access on state highways shall be requested through the ~~e~~City, which will coordinate the permit review and approval process with WSDOT.

(b) Conditions for access to state highways shall comply with LMC [12.60.060](#), except that where the access management provisions in the RCW and WAC are stricter than these ~~e~~City standards, the RCW and WAC provisions shall prevail.

12.60.040 Functional classifications.

(1) Purpose. The purpose of a functional classification system is to define varying levels and types of transportation infrastructure and to provide for the safe and efficient movement of people and goods, while balancing the desire to preserve the character of surrounding land uses with the desire to promote economic vitality and fire/life safety access.

All state highways are classified as principal arterials in the Longview-Kelso Urban Area Access Classification plan as shown on the Longview/Kelso Urbanized Area Functional Classification of public roads maintained by the Washington State Department of Transportation.

(2) Functional Classifications Defined.

(a) Principal Arterial. The purpose of a principal arterial is to move high volumes of traffic across and between subareas of the ~~e~~City and the ~~e~~County. Principal arterials serve a select number of regional activity centers. Principal arterials serve the longest trips and carry the major portion of trips entering and leaving the overall area. Typically, they are the highest traffic volume corridors in the ~~e~~City, and have the fewest number of access points. Access is typically restricted to signalized intersections on principal arterials.

Principal arterials are intended for efficient and safe movement of people and goods, and have the highest level of access control.

(b) Minor Arterial. The purpose of a minor arterial is to provide movement within subareas of the ~~e~~City, and to distribute trips from neighborhood collectors and principal arterials. Minor arterials serve through traffic and can provide direct access to commercial, industrial, and multifamily development, but generally do not provide direct access for residential properties.

For minor arterial roadways, access to adjacent land use is balanced with through-traffic movement. Partial access control is required.

(c) ~~Neighborhood~~ Major Collector. The purpose of neighborhood collectors is to distribute local traffic from arterials and local access streets, and provide direct access for abutting properties. Typically,

collector streets are not continuous for any great length, nor do they form a connected network by themselves.

For ~~neighborhood~~ collector roadways, access to adjacent land use is balanced with through-traffic movement, but access control is less restrictive than for minor arterial roadways.

(d) Local Access. Local access streets serve to distribute neighborhood traffic from arterials and collectors and provide direct access for abutting properties. Business access streets distribute traffic from arterials to serve dense commercial activities, such as office, professional, and service businesses and may serve dense multifamily dwelling developments. Direct access is provided to abutting commercial or multifamily property. Industrial access streets serve the unique needs of an industrial area, distributing traffic from arterial streets and providing direct access to the abutting industrial properties.

Direct property access is paramount for local access streets in residential areas, which experience the lowest level of access management.

(3) Classification of Specific Streets. The ~~e~~City shall maintain an online arterial/collector atlas that will regularly be updated by the city. The arterial atlas will designate a functional classification for each street in the city. Applicants should consult the arterial/collector atlas to determine the functional classification of the roadway they are seeking to access.

12.60.050 Application process.

(1) Applications. Applicants may request a ~~connection~~ permit as part of an underlying development application, or they may file separately for a ~~connection~~ permit if the connection is being requested without relation to an underlying land use application. Applications for phased projects must be based on the entire, complete project rather than each phase.

(2) Approval. The issuance or denial of the ~~connection~~ permit shall be made administratively by the ~~director~~ Engineer.

(3) Submittal Requirements for ~~Connection~~ Permits. If the new development or change in use, combined with the existing use, will generate more than 200 vehicle trip ends during a single day and/or 40 vehicle trip ends during a single hour, each application for a ~~connection~~ permit, whether accompanying an underlying land use application or not, shall include, unless the ~~d~~Director waives the requirement, a transportation impact analysis per the ~~e~~City of Longview transportation impact analysis guidelines as approved by the ~~d~~Director.

(4) Permit Issuance. ~~In order to~~ To receive a ~~connection~~ permit the applicant must comply with the following:

(a) The design standards and level of service for the functional classification of the roadway that the proposed connection will access; and

(b) If the proposed connection is an expansion or change of use of a pre-existing nonconforming connection, the applicant must demonstrate that the proposed connection will not substantially adversely affect the safety of the connected roadway segment; and.

~~(c)~~ The ~~e~~City shall have the authority to impose conditions upon the permit to mitigate adverse impacts created by the connection.

(5) Variance from Access Standards. The access standards may be modified by the ~~d~~Director for a specific connection permit subject to the applicant demonstrating one of the following conditions:

(a) Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same access management purpose is available; ~~or~~

(b) A minor change to a standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship to the applicant; ~~or~~

(c) An alternative is proposed which is equal to or superior to these standards; ~~or~~

(d) Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

If the variance request is for a second or additional access, such requested additional access shall not cause any additional restriction of existing movements to any pre-existing access points of other property within the street corridor(s) affected by the development or proposed connections.

(6) Interim Access. When and if a property/parcel cannot meet current access spacing standards, an interim connection ~~permit~~ may be ~~issued~~ approved by the Engineer. The purpose of the interim connection ~~permit~~ is to allow access that does not meet approved access spacing standards, until such time when acceptable access spacing standards can be met. An interim ~~connection~~ permit shall be granted upon meeting all ~~of~~ the following criteria:

(a) Access to the property/parcel cannot meet current access spacing criteria; ~~and~~

(b) The interim access has been evaluated for traffic operations (including queuing) and safety criteria and meets minimum transportation operating conditions and does not create an adverse safety situation, as determined by the ~~d~~Director; ~~and~~

(c) The property owner agrees to sign a waiver of the right to remonstrate against the formation of a local improvements district, or similar financing mechanism, created for the primary purpose of providing infrastructure to help create a roadway network that would allow for access to the parcel that meets current access spacing standards. Once that infrastructure is in place, the interim access would be closed; ~~and~~

(d) The property owner records an agreement with the city, county and/or WSDOT to participate in efforts to achieve adequate access that meets access spacing standards to help eliminate the interim access; ~~and~~

(e) The property owner agrees to vacate (and close) the interim access when an appropriate alternative access is identified and constructed which meets the current access spacing criteria; and

(f) If the interim access request is for a second or additional access, such requested additional access does not cause any additional restriction of existing movements to any pre-existing access points of other property within the street corridor(s) affected by the development or proposed connections.

(7) Suspension. The ~~d~~Director shall have the right to suspend a ~~connection~~ permit where the applicant fails to comply with the conditions and access standards of the ~~connection~~ permit. The ~~connection~~

permit can be reinstated upon compliance with the conditions and access standards of the ~~connection~~ permit. If after 180 days the applicant has failed to comply with the permit conditions, the ~~eD~~Director has the right to revoke the ~~connection~~ permit.

(8) Cross Access Easement. Applicants that request a ~~connection~~ permit may be required to provide a cross access easement on the property for which the ~~connection~~ permit is requested, as well as on adjacent properties under the applicant's ownership. The determination of the need for a cross access easement shall be made administratively by the ~~eD~~Director. The cross access easement location and description shall be described in the ~~connection~~ permit.

12.60.060 Access standards.

(1) Intersection/Driveway Spacing. Intersections are divided into two categories for determining spacing requirements: signalized access spacing and unsignalized access spacing, which include both driveways and intersections.

(a) Number of Driveways per Property. Property owners shall be granted one access per ~~property parcel~~. Variance requests for additional driveways must be supported by a transportation impact analysis. Any such access proposed through the variance process shall conform to these standards. If the property has frontage along two streets, access shall be from the lower classification street. Final approval of access (per property) is made by the ~~eD~~Director.

(b) Signal Spacing. Signalized access spacing shall be no less than 1,320 feet for full access connections, and must maintain adequate signal progression along the roadway. ~~Spacing of signalized roadway intersections shall be measured from the centerline of the intersections being measured.~~

(c) Measurement of ~~Unsignalized~~ Access Spacing. Spacing of ~~signalized and~~ unsignalized roadway intersections as well as driveways are described in Table 1 and shall be measured from the centerline of the intersections being measured. ~~Distances from intersection corners for access driveways as described in Table 2 shall be measured between the nearest edges of the driveways, edge of roadway or curb line. Where the distance required from the corner is greater than the parcel frontage, the driveway shall be placed at the farthest distance from the intersection.~~

Table 1: Unsignalized Intersection Spacing

Roadway Classification	Full Access Intersection Spacing (ft)	Right-in/Right-out Access Intersection Spacing (ft)
Principal Arterial	1,320	400
Minor Arterial	600	300
Neighborhood Major Collector	400	200

Table 1: Unsignalized Intersection Spacing

Roadway Classification	Full Access Intersection Spacing (ft)	Right-in/Right-out Access Intersection Spacing (ft)
Local Access	100	n/a
Local Access Residential Driveways	25	n/a

(d) Driveway Widths. Driveways shall conform to the following requirements:

(i) The width of any driveway shall not be less than 17 feet nor more than 30 feet, including radii, slopes, or connections to the normal or established curb grade or edge of pavement; and

(ii) The total width of all driveways shall not exceed 40 percent of the frontage of the property on the street to which such driveways connect; and

(iii) Exceptions to these driveway standards may be approved by the ~~d~~Director if such improvements are necessary to accommodate unique vehicle movements at a specific driveway or will provide safety and/or congestion benefits to motorists in general, without resulting in adverse impacts to adjacent driveways.

(e) State Routes. On state routes, where the minimum intersection spacing specified in WAC [468-52-040](#) is greater than the signal/intersection spacing specified in this section, the intersection spacing specified in WAC [468-52-040](#) shall be required.

(2) Corner Standards. Driveways on corner parcels shall be placed on the roadway with the lower classification. If both roadways have the same classification, the director shall determine on which roadway the driveway shall be located. It may be necessary to perform a queuing analysis to determine if the queue on the roadway where access is being requested blocks the proposed access.

Table 2: Minimum Distances from Corner Standards

Functional Classification	Minimum Access Set-back from Corner (ft)
Principal Arterial	300
Minor Arterial	200

Table 2: Minimum Distances from Corner Standards

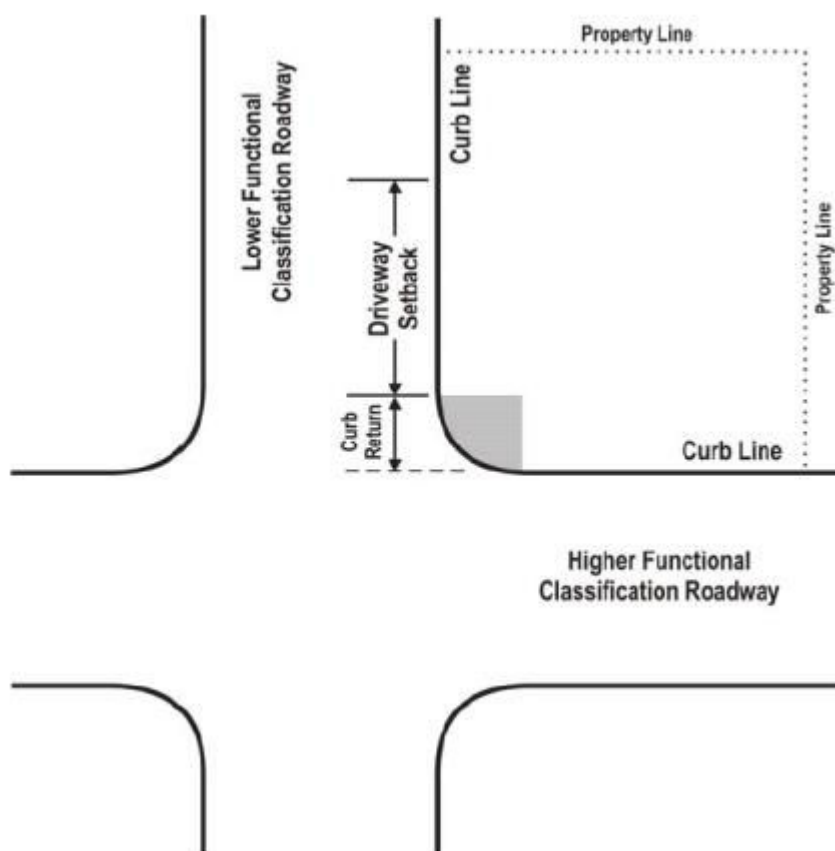
Functional Classification	Minimum Access Set-back from Corner (ft)
Neighborhood Major Collector	100
Local	75

Distances from intersection corners for access driveways as described in Table 2 shall be measured between the nearest edges of the driveways, edge of roadway or curb line. Where the distance required from the corner is greater than the parcel frontage, the driveway shall be placed at the farthestmost distance from the intersection.

The corner point from which to measure is the curb return radius and is shown on Figure 1.

Where the distance required from the corner is greater than the parcel frontage, the driveway shall be placed at the farthestmost distance from the intersection.

Figure 1: Corner Lot Setback



(3) Restrictive Median Curbs. ~~Except for local access and local access residential roadways, r~~ Restrictive median curbs shall be used to restrict turning and crossing movements as follows:

(a) If access spacing outlined in Tables 1 and 2 cannot be met, median barrier curbs shall be installed the entire distance between public street or signalized intersections on either side of the proposed access, to restrict left turn and crossing movements at the proposed access, unless the ~~city~~ Engineer determines that a reduced length of median barrier will provide an acceptable level of traffic safety; ~~and~~

(b) At signalized intersections on principal arterials, the length of restrictive median curbs shall be equal to the driveway spacing distance determined by Table 2, regardless of whether or not driveways exist; ~~and~~

(c) At intersections with left turn lanes on principal arterials, minor arterials, and neighborhood collectors, the length of restrictive median curbs shall be equal to the left turn lane storage length, except as may be required by subsections (3)(a) and (b) of this section; and/or

(d) The ~~d~~Director shall determine restrictive median curb types and placements.

(4) Turn Lane Warrants.

(a) Turn lanes (left and right) may be warranted at unsignalized intersections, ~~r~~ and should be evaluated using appropriate left or right turn lane warrants utilizing standards adopted by the ~~e~~City or WSDOT depending on which facility is being analyzed.

(b) At signalized intersections, a transportation impact analysis should be used to determine the need for left or right turn lanes and their required storage length. (Ord. 3060 § 1, 2008).

12.60.070 Transportation impact analysis review process.

If a connection permit requires a transportation impact analysis (TIA), ~~city staff~~ the Engineer will review and process the TIA as follows: ~~At the director's discretion, the city may retain a consultant to review the TIA and make recommendations to the city regarding its content, findings, and recommendations.~~

(1) Review of TIA. The ~~city~~ Engineer will review the TIA submitted by the applicant. If the ~~city~~ Engineer agrees with the findings of the TIA, the recommended mitigation measures will be included in the SEPA and/or ~~connection~~ permit.

(2) Review of TIA with Applicant. Upon review of the applicant's TIA, if the ~~city~~ Engineer does not agree with the findings and recommendations of the TIA, the ~~city~~ Engineer will meet with the applicant to review the TIA findings and the ~~city's Engineer's different~~ findings. If the applicant accepts the ~~city's Engineer's~~ findings, recommended mitigation measures will be included in the SEPA and/or ~~connection~~ permit.

(3) Peer Review. If the ~~city~~ Engineer does not agree with the TIA findings and recommendations, and the applicant does not accept the ~~city's Engineer's~~ findings and recommendations, the applicant may choose, at the applicant's cost, to conduct a traffic engineer peer review of the TIA. Such peer review must be conducted by a traffic engineering consultant acceptable to the ~~city~~ Engineer, and the applicant shall pay all costs to complete the peer review. If the peer review supports the findings of the applicant's TIA, the recommended mitigations will be included in the SEPA. If the peer review does not support the findings of the applicant's TIA and supports the ~~city's Engineer's~~ findings or presents different findings,

the recommended mitigation measures will be included in the SEPA and/or ~~connection~~ permit. If the applicant does not accept the mitigation measures, the applicant may appeal the mitigation measures in accordance with the provisions of Chapter [1.32](#) LMC. The SEPA determination will not be made until the appeal process has been completed.

(4) At the Director's discretion, the City may retain a consultant to review the TIA and make recommendations to the City regarding its content, findings, and recommendations.

12.60.080 Severability.

The provisions of this chapter and the ordinances enacting and amending said chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the ordinances enacting and amending said chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter or the ordinance enacting said chapter or the validity of its application to other persons or circumstances.

Chapter 11.36

ARTERIAL STREETS*

Sections:

11.36.010 Stopping on entering arterial highways.

11.36.020 Stop when traffic obstructed.

*For the designation of arterial streets, see the [Arterial/Collector Atlas referenced in LMC 12.60.020. ~~tables at the end of this code.~~](#)

11.36.010 Stopping on entering arterial highways.

The operator of any vehicle entering upon any arterial highway shall come to a complete stop before entering such arterial highway.

11.36.020 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Arterials

The following streets and parts of streets are declared to be arterial highways for purposes of Title 11 LMC:

Street	From	To
Alabama Street	Douglas Street	Oregon Way
Baltimore Street	28th Avenue	26th Avenue
Baltimore Street	26th Avenue	20th Avenue
Baltimore Street	20th Avenue	Oregon Way
Baltimore Street	Oregon Way	California Way
Beech Street-30th Avenue	Pacific Way	Oregon Way
Broadway Street	16th Avenue	7th Avenue
California Way	Oregon Way	3rd Avenue
Colorado Street	26th Avenue	30th Avenue
Columbia Heights	Fisher's Lane	North city limits
Commerce Avenue	Vandercook Way	California Way
Cypress Street	30th Avenue	26th Avenue
Cypress Street	26th Avenue	20th Avenue
Cypress Street	20th Avenue	Oregon Way
Delaware Street	18th Avenue	15th Avenue
Douglas Street	15th Avenue	Commerce Avenue
Douglas Street	Commerce Avenue	11th Avenue
Douglas Street	26th Avenue	Beech Street
Douglas Street	Beech Street	South city limits
Fir Street	30th Avenue	Nichols Boulevard
Fir Street	Washington Way	20th Avenue
Fir Street	20th Avenue	Commerce Avenue
Fir Street	Commerce Avenue	11th Avenue
Fisher's Lane	Long Avenue	West Side Highway
Florida Street	30th Avenue	Nichols Boulevard
Florida Street	20th Avenue	11th Avenue
Florida Street	11th Avenue	7th Avenue
Glenwood Drive-Virginia Way	Pacific Way	North city limits

Hemlock Street	Washington Way	12th Avenue
Hemlock Street	12th Avenue	7th Avenue
Hemlock Street	Nichols Boulevard	32nd Avenue
Hemlock Street	20th Avenue	Kessler Boulevard
Hudson Street	Washington Way	3rd Avenue
Hudson Street	30th Avenue	Midland Street
Hudson Street	Washington Way	Kessler Boulevard
Industrial Way	Oregon Way	East city limits
Kessler Boulevard	Ocean Beach	Washington Way
Kessler Boulevard	Washington Way	20th Avenue
Kessler Boulevard	20th Avenue	15th Avenue
Larch Street	Kessler Boulevard	17th Avenue
Laurel Road	Pacific Way	North city limits
Lilac Street	30th Avenue	Nichols Boulevard
Louisiana Street	17th Avenue	Kessler Boulevard
Louisiana Street	30th Avenue	Nichols Boulevard
Magnolia Street	30th Avenue	Nichols Boulevard
Maple Street	Olympia Way	7th Avenue
Maple Street	19th Avenue	Kessler Boulevard
Maple Street	Nichols Boulevard	30th Avenue
Maple Street	30th Avenue	Dorothy Street
Maryland Street	30th Avenue	Maple Street
Memorial Park Drive	38th Avenue	West city limits
Michigan Street	12th Avenue	10th Avenue
Michigan Street	10th Avenue	7th Avenue
Nebraska Street	34th Avenue	Ocean Beach
N.E. Nichols	Nichols Boulevard	Ocean Beach
New York Street	Vandercook Way	10th Avenue
New York Street	10th Avenue	7th Avenue
Nichols Blvd., N.W. Nichols-Tennant Way	Ocean Beach	East city limits
Oak Street	36th Avenue	30th Avenue
Ocean Beach	Washington Way	West city limits
Ohio Street	34th Avenue	30th Avenue
Olive Way-Memorial Park Drive	Ocean Beach	38th Avenue

Olympia Way	17th Avenue	Ocean Beach
Pacific Way	Ocean Beach	North city limits
Pennsylvania Street	30th Avenue	34th Avenue
Pine Street	30th Avenue	34th Avenue
Terry Avenue	Taylor Avenue	Pacific Way
Vandercook Way	Washington Way	Maple Street
Washington Way	Ocean Beach	16th Avenue
Washington Way	17th Avenue	Industrial Way
West Side Highway	Fisher's Lane	North city limits
3rd Avenue	Washington Street	Industrial Way
7th Avenue	Washington Street	Hudson Street
7th Avenue	Hudson Street	Tennant Way
8th Avenue	Florida Street	Douglas Street
9th Avenue	Florida Street	Douglas Street
10th Avenue	Vandercook Way	Maple Street
11th Avenue	Hemlock Street	Tennant Way
12th Avenue	Fir Street	Douglas Street
12th Avenue	Washington Way	Florida Street
14th Avenue	Vandercook Way	Florida Street
14th Avenue	Fir Street	Douglas Street
14th Avenue	California Way	Baltimore Street
15th Ave.-Oregon Way-Cascade Way	Laurel Road	South city limits
16th Avenue	Hudson Street	Washington Way
17th Avenue	Olympia Way	Washington Way
20th Avenue	Beech Street	Kessler Boulevard
20th Avenue	Kessler Boulevard	Hemlock Street
26th Avenue	Washington Way	Beech Street
28th Avenue	Washington Way	Fir Street
28th Avenue	Fir Street	Florida Street
28th Avenue	Florida Street	Hemlock Street
32nd Avenue	Washington Way	Hemlock Street
32nd Avenue	Ocean Beach	Maryland Street
33rd Avenue	Washington Way	Maple Street
38th Avenue	Industrial Way	Ocean Beach

38th Avenue

Ocean Beach

North city limits



City of Longview

Agenda Summary

REVIEW OF PROPOSED CHANGES TO LMC CHAPTER 12.50.050 STREETS, CURBS, AND SIDEWALKS.

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE AN ORDINANCE ADOPTING THE PROPOSED CHANGES TO LMC CHAPTER 12.50.050 STREETS, CURBS, AND SIDEWALKS.

COUNCIL INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT

This agenda item is a presentation related to proposed changes to LMC 12.50.050.

This is the addition of "roundabouts first" policy to LMC 12.50.050. As we saw in the March 14, 2024, presentation titled "Roundabouts 101" roundabouts are safer, carry added capacity of vehicles, and aid in traffic flow. This change would apply to capital projects in Longview that address intersection treatment. When designing new or modified intersections, developers and City staff will need to first evaluate the efficacy of roundabouts before considering other intersection types.

STAFF CONTACT:

Ken Hash, PE, Public Works Director

Attachments:

1. Chapter 12.50.050 redlined

12.50.050 Streets, curbs, and sidewalks.

Street design shall adhere to the following standards:

- 1) Streets, street drainage, and sidewalks, including planting/utility strips and other right-of-way improvements, shall be constructed by the developer in accordance with applicable public works standards and all conditions of permit approval as applicable. All street improvements, grades and design shall comply with the standard regulations, special provisions and standard drawings adopted by the city's engineering division. Plans for the construction of sidewalks, planting/utility strips, curbs and gutters are to be submitted to the city for review as part of the street plans when applicable.
- 2) Developments abutting arterial streets, collectors or local access streets shall, in conjunction with new construction on such properties or alterations, reconstruction, or improvements, where the total cost of construction, reconstruction or remodeling in the opinion of the city warrants frontage improvements, shall be required to provide sidewalks, curbs and gutters and streetlights along abutting streets.
- 3) Where existing streets adjacent to or within a subdivision or proposed development are of inadequate width or where the city's capital improvements plan or comprehensive plan indicate a need for a new street or additional right-of-way or realignment for an existing street, the developer shall dedicate necessary right-of-way to the city as determined by the city engineer.
- 4) Street Intersections. The City's preferred intersection treatment is a roundabout, for reasons of safety, capacity, and traffic flow. If during intersection design, a roundabout is not identified as a preferred alternative, an engineering study stamped by a Professional Engineer shall be provided to the City. The City may select a different intersection treatment, considering land acquisition needs, operational considerations, topography, and other engineering factors.

Street intersections shall be as nearly at right angles as possible and should not have an acute angle of less than 80 degrees. Intersections of local access and collector streets with arterials shall be no closer than 1,320 feet apart from centerline to centerline. Proposed new intersections along one side of an existing street shall coincide, whenever possible, with any existing intersection on the opposite side of such street. The number of intersections of local and collector streets with minor and major arterials shall be minimized.

- 5) Where a deflection angle of more than 10 degrees occurs in the alignment of a street, a simple curve of reasonably long radius shall be designed subject to the approval of the city engineer.
- 6) The slope of cuts and fills for street construction shall not exceed two feet horizontal to one foot vertical (2:1) for cuts or three feet horizontal to one foot vertical (3:1) for fills, unless otherwise approved by the city engineer.
- 7) Cul-De-Sacs. Permanent dead-end streets shall terminate with a turning circle. The turning circle may include a landscaped island or stormwater bioretention facility, as approved by the fire code

official and city engineer. The maximum length from center of turning circle or hammerhead ("T") to center of intersection shall be 500 feet. The city engineer and fire code official may allow an alternative turnaround providing comparable ease of turning.

- 8) **Alternative Access Requirement.** Where a proposed development results in 30 or more dwelling units, such development shall include a minimum of two ingress/egress points to ensure adequate emergency access; provided, that the city engineer and fire code official retain the authority to grant variances from this requirement and add conditions to any variance granted.
- 9) **Greater Widths Can Be Required.** When a subdivision or development application includes commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in Table 12.50.040 may be required by the city.
- 10) **Half-Width Streets.** In situations where the property being developed does not permit full-width public streets, half streets having a minimum right-of-way or easement and street improvement width of half of the design width may be permitted when placed adjacent to adjoining property so long as there is no physical obstruction or development constraint prohibiting the completion of the street on such adjoining property; provided, that public street half-width shall be a minimum of 20 feet wide. Public half-width streets serving six or more parcels shall be required to dedicate additional right-of-way as necessary to provide for a minimum of one foot of right-of-way beyond the edge of the sidewalk. Further, additional right-of-way or easement may be required between the edge of the street and the property line for construction clearance, slopes or other features. Half-width public streets shall serve a maximum of 200 ADT. If the number of trips generated is greater than 200 ADT, the street shall be widened to full-width standards. Parking shall be prohibited along any half-width street and necessary signs and pavement markings shall be the responsibility of the developer.
- 11) **Provide for Future Access.** Streets shall be designed so as to provide for continuation of principal streets in adjoining subdivisions and, where appropriate, allow for future opening of streets to possible adjoining subdivisions. Streets shall be extended to the boundary of the future subdivisions or adjoining land and the resulting dead-end street shall be either barricaded pursuant to MUTCD standards or provided with a temporary or permanent cul-de-sac. The cul-de-sac shall be paved, with curbs, gutter and sidewalks constructed to city standards. The inclusion of the curbs, gutters and sidewalks in the cul-de-sac may be required depending upon whether the cul-de-sac should be a permanent street feature or whether it would be eliminated by future street extensions. In designing streets, existing development, proposed development and possible future development shall all be considered in the recommendation of right-of-way widths, street widths, paving sections, sidewalks and other applicable standards.
- 12) **Street Signs.** The developer is responsible for providing all traffic control signs. Traffic control signing shall comply with the provisions as established by the U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD) and city of Longview standards. Street designation signs, including poles and hardware, will be paid for by the developer. Street designation signs shall display street names or grid numbers as applicable. The city shall identify

locations, numbers, size and type of street signs.

- 13) Street Naming. Street names shall not duplicate or too closely approximate phonetically the name of any other street within Cowlitz County, except in the case of new streets serving as a continuation of existing streets. Streets having the same name except for "Court," "Lane," or other suffix shall be deemed duplicative and not permitted. Names of new streets running on a line with an existing street but separated by a park or barrier may duplicate the name of the existing street; provided, that a prefix indicating direction from the park or barrier is attached to the new street's name.
- 14) Street Lights. Street lights shall be installed by the developer along all improved public streets and shall also be installed down commercial alleys.
- 15) Alleys. Alleyways may be required by the city for commercial and industrial development. However, their use shall be limited to provide general circulation as opposed to providing the primary ingress/egress point for parking lots.



City of Longview

Agenda Summary

REVIEW OF PROPOSED PUBLIC WORKS MASTER FEE SCHEDULE AND ASSOCIATED CODE CHANGES.

RECOMMENDED ACTION:

MOTION TO DIRECT STAFF TO PREPARE A RESOLUTION FOR THE ADOPTION OF A PUBLIC WORKS MASTER FEE SCHEDULE, A RESOLUTION FOR THE REPEAL OF RESOLUTIONS 1618, 1767, AND 1899, AND ORDINANCES FOR THE ADOPTION OF CHANGES TO LMC CHAPTERS 15, 12.04, 12.08, 12.10, AND 15.03.140.

COUNCIL INITIATIVE ADDRESSED:

Continues Effective Financial Management.

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT

This agenda item is a presentation related to proposed Public Works master fee schedule.

Currently Public Works and associated user fees are found in three resolutions and five LMC chapters as follows:

Resolutions 1618 and 1767 concern right of way permit fees.

Resolution 1899 utility deposits.

LMC Chapter 15 addresses sewer, water, and stormwater utilities and their associated fees.

LMC 12.04 addresses banners and associated fees.

LMC 12.08 addresses right of way permits and associated fees.

LMC 12.10 addresses public improvement permits and associated fees.

LMC 15.03.140 addresses NSF checks.

This proposition removes fees from the aforementioned resolutions and codes, and instead references a proposed fee schedule.

Secondly, this proposition revises most of the aforementioned codes and rewrites them into reader friendly versions.

STAFF CONTACT:

Ken Hash, PE, Public Works Director

Chris Collins, Assistant Public Works Director

Attachments:

1. Chapter 5.03
2. Chapter 12.04
3. Chapter 12.08
4. Chapter 12.10
5. Chapter 15
6. Resolution 1767
7. Resolution 1618
8. Resolution 1899
9. Resolution for repeal
10. Master fee resolution

ORDINANCE NO. XXXX

An Ordinance amending section 5.03.140 5.03.140 Payment methods – Mailing returns or remittances – Time extension – Deposits – Recording payments – Payment must accompany return – NSF checks.

WHEREAS, the Council finds; and

WHEREAS, the Council further finds; and

WHEREAS, the Council further finds; and

WHEREAS, the Council further finds that.

NOW, THEREFORE, the City Council of the City of Longview, Washington, do ordain as follows:

SECTION 1. That Section 5.03.140 of the Longview Municipal Code, shall be, and is hereby amended to read as follows:

(1) Taxes shall be paid to the director in United States currency by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer or electronic payment if such wire transfer or electronic payment is authorized by the director. If payment so received is not paid by the bank on which it is drawn, the taxpayer by whom such payment is tendered shall remain liable for payment of the tax and for all legal penalties, the same as if such payment had not been tendered. Acceptance of any sum by the director shall not discharge the tax or fee due unless the amount paid is the full amount due.

(2) A return or remittance which is transmitted to the city by United States mail shall be deemed filed or received on the date shown by the cancellation mark stamped by the post office upon the envelope containing it. The director may allow electronic filing of returns or remittances from any taxpayer. A return or remittance which is transmitted to the city electronically shall be deemed filed or received according to procedures set forth by the director.

(3) If a written request is received prior to the due date, the director, for good cause, may grant, in writing, additional time within which to make and file returns.

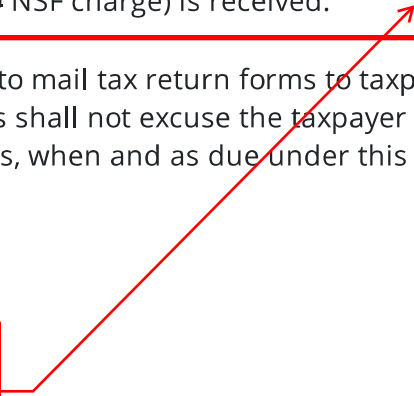
(4) The director shall keep full and accurate records of all funds received or refunded. The director shall apply payments first against all penalties and interest owing, and then upon the tax, without regard to any direction of the taxpayer.

(5) For any return not accompanied by a remittance of the tax shown to be due thereon, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the penalties and interest provided in this chapter.

(6) Any payment made that is returned for lack of sufficient funds or for any other reason will not be considered received until payment by certified check, money order, ~~or cash,~~ debit, or credit of the original amount due plus a "nonsufficient funds (NSF)" charge ~~of \$25.00~~ as set by council in the Master Fee Schedule is received by the director. Any license issued upon payment with an NSF check will be considered void and shall be returned to the director. No license shall be reissued until payment (including the ~~\$25.00~~ NSF charge) is received.

(7) The director is authorized, but not required, to mail tax return forms to taxpayers, but failure of the taxpayer to receive any such forms shall not excuse the taxpayer from filing returns and making payment of the taxes or fees, when and as due under this chapter.

Adding alternative forms of payment.
Delete the \$25 fee and reference the master fee schedule.



Chapter 12.04 BANNERS

Sections:

- 12.04.010 Banner defined.
- 12.04.020 Permit – Required.
- 12.04.030 Permit – Who may obtain.
- 12.04.040 Permit – Application.
- 12.04.050 Permit – Fee.
- 12.04.060 Permit – Issuance – Appeal.
- 12.04.070 Erection, Maintenance, and Removal – ~~Specifications~~.
- 12.04.080 Banner Specifications.

Separating banner
specs for ease of
reading.

12.04.010 Banner defined.

“Banner,” as used in this chapter, means any display, other than Christmas decorations, attached to public facilities on opposite sides of a public street and extending over a public street or sidewalk, or any portion thereof, containing writing and/or graphics thereon.

12.04.020 Permit – Required.

It is unlawful to erect or maintain a banner in the ~~e~~City without a valid ~~permit~~ City Banner Permit. therefor having been issued in the manner herein provided.

12.04.030 Permit – Who may obtain.

Permits for the erection or maintenance of banners may be obtained only by fraternal, charitable, civic or veterans’ organizations, the ~~e~~City of Longview, or political subdivisions of the state providing services within the Longview ~~e~~City limits.

12.04.040 Permit – Application.

(1) Applicants desiring to erect or maintain a banner in the ~~e~~City shall first make ~~written~~ application for a permit. ~~so to do, which~~ The application must be filed with the ~~p~~Public ~~w~~Works ~~d~~Department no more than 12 calendar months in advance of the starting date requested for display of the banner, and shall contain the following information:

(a) The name and local address of the organization seeking a permit; and

(b) The dimensions of the banner for which the permit is sought; together with the words to be displayed thereon; and

~~(c) The proposed location of the banner;~~

We have only 1 location.

~~(d) The requested dates for on which the banner display is sought to be displayed.~~

(2) The Director public works department may approve applications and reserve dates for banner displays based on the first application received for a specific date period, subject to compliance with all

language cleanup

requirements of this chapter. Banners may be displayed up to a maximum duration of 30 days within any 12-successive-calendar-month period, except as follows:

(a) Applicants may designate a banner as a “non-reserved banner,” which will be displayed at the specified location during periods that are not reserved for other banners. Non-reserved banners are not subject to a maximum duration of display, and will remain displayed until the next reserved banner is displayed. All banner display time is subject to reservation, which shall take precedent over non-reserved banners. Non-reserved banners will be removed and replaced by reserved banners on their designated display dates.

(b) Applicants may reserve display time for a banner, and may also designate that same banner as a non-reserved banner for display during available periods at the specified location.

(c) If more than one banner is designated as a non-reserved banner, the ~~P~~Public ~~W~~Works ~~d~~Department will alternate or rotate display of all non-reserved banners.

12.04.050 Permit – Fee.

reference to the fee schedule

The fee for ~~any banner~~ permit will be set periodically through a resolution of the City Council. ~~to be issued hereunder for a banner with a reserved display period shall be the nonrefundable sum of \$25.00, and The fee for a reserved banner display will be for the set period specified. The fee for a non-reserved banner shall be the nonrefundable sum of \$25.00 for each calendar year, which fees must be paid to the Finance Department of the city before the permit will be issued to the applicant. Fees shall be waived when the City of Longview is the banner applicant.~~ All fees shall be non-refundable.

12.04.060 Permit – Issuance – Appeal.

added a non-refundable clause.

All applications for permits to erect or maintain banners shall be reviewed and approved by the Director per the terms and conditions deemed appropriate. If the Director denies the issuance of the permit, the applicant may appeal the denial to the City Manager.

~~All applications for permits to erect or maintain banners shall be presented to the public works department at which time the public works director may, in his/her discretion, direct the issuance of a permit to the applicant upon such terms and conditions as the public works director may deem appropriate. If the director of public works denies the issuance of such permit, the appellant may appeal such denial to the city manager.~~

language cleanup

12.04.070 Erection, Maintenance, and Removal – Specifications.

All banners for which permits have been ~~granted~~ approved shall be erected, maintained, and removed by employees of the ~~City~~, ~~provided, however, that no banner shall be erected unless the same conforms to the following specifications:~~

new section

12.04.080 Banner Specifications.

(1) The proposed length, width and material of the banner shall be compatible with the width of the street over which it is ~~sought~~ to be placed and the public facilities to which it is ~~proposed~~ to be attached. Adequate vent holes shall be included, and sufficient reinforcement shall be included to avoid shredding, ripping, and tearing of the material. The application will be reviewed by the ~~public works~~ Director to

determine the banner's appropriateness as to such specifications, and as to the desired location of placement.

(2) No banners shall be permitted containing any form of commercial advertising, political or religious content and/or solicitation; provided, however, that incidental commercial advertising shall be permitted by commercial financial sponsors of eCity-wide public celebrations. The proposed message and graphics of all banners shall be submitted with the banner placement permit application. The application will be reviewed by the ~~public works~~ eDirector to determine its appropriateness of message content, graphics, and any commercial advertising in connection with sponsorship of eCity-wide public celebrations, and to assure that desired colors and graphics do not detract from traffic safety.

(3) Non-reserved banners may not promote events that have already concluded.

(4) The requested dates and duration of placement of the banner shall be submitted with the banner placement permit application.

(5) All banners shall contain one-half-inch (interior diameter) or No. 4 grommets on all corners and spaced not more than 48 inches apart along the banner's top edge.

(6) All banners shall be rectangular in shape.

~~(7) All banners shall be furnished with 100 feet of one fourth inch or three eighths inch manila, hemp, cotton or sisal rope or nonstretchable nylon or plastic rope.~~

(8) All banners not retrieved by the banner sponsor within six months of the last display date shall be disposed of by the eCity, except the nonreserved banners shall be retained by the eCity for a period of up to six months after the permit calendar year.

Rope is no longer needed.

Chapter 12.08 CONSTRUCTION, REPAIR AND MAINTENANCE*

Sections:

Small project permits

- 12.08.010 Purpose.**
- 12.08.020 Definitions.**
- 12.08.030 Permit required.**
- 12.08.040 Joint permits.**
- 12.08.045 Co-locations of underground communications wires, cables and television cables, and other connective devices.**
- 12.08.050 Exemptions.**
- 12.08.060 Application – Fees.**
- 12.08.070 Minimum standards – Special conditions.**
- 12.08.080 Permit fee.**
- 12.08.090 Failure to comply with permit – Work stoppage – Revocation of permit – Damages.**
- 12.08.100 Revocation or denial of permit – Appeal.**
- 12.08.110 Liability for defective work.**
- 12.08.120 Purpose for imposition of fees.**
- 12.08.130 Street cuts – New streets – Procedures, fees, and exceptions.**

*For the statutory provisions regarding the control of code cities over their streets, see Chapter [35A.47](#) RCW.

12.08.010 Purpose.

The indiscriminate and uncontrolled performance of work within the right-of-way of public streets, alleys, sidewalks, and other public ways, by persons using unsafe material and/or improper methods, is hazardous to the health, safety and welfare of persons using such streets, alleys, sidewalks, and other public ways, and is costly to the eCity in subsequent repairs and/or maintenance. ~~In order to~~ To be assured that all work performed by persons within such streets, alleys, sidewalks, and other public ways is in accordance with the minimum standards of the eCity, it is necessary that the eCity, in the exercise of its police power, establish regulations governing the same. (Ord. 2320 § 1, 1988; Ord. 791 § 1, 1955).

12.08.020 Definitions.

The following terms when used in this chapter shall be construed to mean as follows:

- (1) “Alley” means a duly dedicated public alley.
- (2) “Person” means the plural as well as the singular, and shall include any partnership, association, group, or corporation.
- (3) “Right-of-way” means all real property owned or held by the eCity in fee, or by way of easement, or dedicated to the public and located within the eCity, and used or intended for use as a street, alley, sidewalk, public way, or easement for public or private utilities, whether developed or undeveloped.

adding a definition

(4) "Sidewalk" means a concrete walk for pedestrian use outside the building lot line of any property owner and constructed for use by the ~~general public~~.

(5) "Street" means a duly dedicated public street.

(6) "Micro-trenching" or "microtrenching" means the process of creating narrow and shallow trenches in roadways, or in the ground, typically ranging from one-half to two inches in width and six to 12 inches in depth for the purpose of installing fiber optic cables, conduits, and other telecommunication infrastructure.

(7) "Construction Value" means the total costs to the owner for the construction in its completed form and includes the cost of all building work, materials of construction, building systems, and labor and profit of the contractor and subcontractors.

language cleanup

12.08.030 Permit required.

An approved permit shall be required prior to construction work, alteration, maintenance, or repair work on all City streets, public alleys, sidewalks, public way, or right-of-way whether the same is developed or undeveloped. A permit may be obtained from the City Engineer. ~~No public alley, sidewalk, street, public way or right of way within the city, whether the same is developed or undeveloped, shall hereafter be constructed, altered, maintained or repaired, nor shall any be performed within the area of any such public alley, sidewalk, street, public way or right of way, without a written permit therefor being first duly obtained from the office of the city engineer.~~ The terms "constructed, altered, maintained, or repaired," shall, for purposes of this chapter, be deemed to include the excavation of soils and the construction of embankments necessary or desirable to facilitate the installation, repair, replacement, maintenance or removal of any utility lines, driveways, curbs, drains or other structures, services, or improvements.

Fees shall be paid prior to the issuance of permits for all applications thereof, and no work shall be commenced or performed without a permit except for emergency repairs. Except where other payment schedules are allowed by franchise agreement.

adding text from res. no 1767

12.08.040 Joint permits.

In those instances where such construction, alteration, maintenance, or repair work is to be performed by two or more persons, only one permit shall be required. The cost for such permit shall be the obligation of the applicant, and the applicant shall be responsible for compliance with all of the terms of such permit, including any subsequent repairs deemed necessary to correct defective work as provided in LMC [12.08.090](#).

12.08.045 Co-locations of underground communications wires, cables and television cables, and other connective devices.

(1) Any person, firm or corporation hereafter seeking to install underground cables, wires, or other connective devices within, across, along, under or through any right-of-way for communications purposes or for cable television purposes shall:

(a) Install conduit in such a diameter as shall be determined by the eCity eEngineer as being capable of accommodating cables or wires of additional other communications service providers and/or cable television; and/or

(b) Place their cables and/or wires into existing conduit that has been installed to accommodate cables and/or wires of multiple providers of communications service and/or cable television;.

(c) Direct burial shall not be allowed. All underground cables or wires shall be placed in conduit of the material, size, and alignment prescribed by the eCity eEngineer.

(2) In the event that underground conduit installed to accommodate multiple providers of communications service and/or cable television is used for the installation of cables or wires of an additional provider or providers, the initial installer of such conduit shall be entitled to charge to and recover from such other users of such conduit prior to their installation of cables or wires, a one-time charge of an amount which is equal to but not in excess of any additional cost incurred by such installer (not including any permit fees or inspection fees) of conduit of the actual installed size as compared with the cost of the size of conduit necessary to accommodate only the cables or wires of such installer; provided, however, that this subsection shall only be applicable to subsequent installations of cables or wires that occur within 36 calendar months after the initial installation of such conduit.

This section shall be inapplicable in instances where the placement of such wires or cables will interfere with other wires or cables as determined in writing by an independent electronic/communications engineer.

(3) Micro-trenching is not an allowed activity.

12.08.050 Exemptions.

No permit shall be required for the following:

(1) Construction or maintenance projects undertaken by a utility or the eCity pursuant to a contract between the eCity and its contractor; or construction or maintenance projects undertaken by eCity departments;.

(2) Work allowed and approved by other permits issued by the eCity;.

(3) The planting or maintenance of decorative vegetation within a right-of-way, including street trees as they may be regulated by law; provided, that vegetation in a right-of-way is subject to removal at any time by order of the eCity eEngineer, without liability for damages to the person owning the vegetation;.

(4) Those uses which the eCity eEngineer finds to be of a minor nature, for which a permit is not justified; and

(5) Emergency repairs to existing facilities.

12.08.060 Application – Fees.

Permits pursuant to this chapter may will be issued by the office of the eCity eEngineer, upon receipt of an written application therefor, and upon the payment of the required permit fees. The application shall be as provided by the on a form provided by the office of the eCity eEngineer, and shall require the following minimum information:

Adding a contractor's name to the application.

(1) The name and address of the applicant, and, if the applicant is a corporation or similar entity, the name and address of its agent; The name of the Contractor if one will be employed by the owner.

(2) A description of the ~~intended~~ work to be performed, the anticipated ~~commencement~~ starting and ending construction dates; ;

Removing a non-relevant clause.

(3) Plans for the proposed work, or, in the event of minor work as determined by the ~~e~~City ~~e~~Engineer, a sketch in a format satisfactory to the ~~e~~City ~~e~~Engineer. When ~~ever~~ applicable, standard plans adopted by the ~~e~~City ~~or included in the current edition of the APWA Standard Specifications shall~~ may be used; ~~provided, however, that p~~Plans are not required in advance of the performance of emergency repairs to existing installations or for the replacement or substitution of cables or wires in existing underground or overhead installations; ~~provided further,~~ that such plans shall be submitted within 72 hours following the completion of such work.

Right of Way permits will remain valid for 6-months from the date of issuance. If work is not started within 6-months from the date of issuance, the permit will become invalid, and fees will be forfeited. If an appropriate fee is paid, permits may be extended one time for an additional 6-month period.

All work, including removals and restoration, shall be completed within the above mentioned 6-month period starting with the date of issuance. Work that extends past 6-months will be subject to a permit extension fee.

Adding clauses that put side boards on the permit process and address some ongoing issues.

Upon the submittal of a set of plans for the fourth time, the permit fee shall increase by a percentage as shown in the master fee schedule, increasing by the indicated percentage for each subsequent submittal.

If a person is found to be performing work without a valid permit, that person shall be required to obtain a permit. All permit fees shall be increased as shown in the master fee schedule.

Fees for Right of Way permits shall be assessed as shown in the City of Longview Master Fee Schedule as periodically set by the City Manager and approved by City Council.

adding master fee schedule.

Subject to the appeal provisions of LMC [12.08.100](#), the ~~e~~City ~~e~~Engineer may deny the issuance of a permit to any person or entity that has failed within the past three years to comply, or is presently not in compliance with the provisions of this chapter, or has demonstrated a past history of performing work in the ~~e~~City of Longview that has caused damage to public infrastructure, or which was performed in violation of the law.

12.08.070 Minimum standards – Special conditions.

All work to be performed in accordance with this chapter shall conform to the minimum requirements of the Standard Specifications for Public Works, as adopted in Chapter [14.04](#) LMC. In addition, the ~~e~~City engineer, in order to maintain the integrity of existing improvements and to provide for public health, safety and welfare, may impose such additional terms upon such permits as he shall deem necessary. Such conditions may be modified, if conditions warrant, during the life of such permit.

For installations beneath sidewalks, curbs, gutters and/or street and alley pavement, the permittee may, at the discretion of the City Engineer, be required to provide field density testing by a certified testing laboratory, at permittee's sole cost and expense.

Adding text from res no. 1767

12.08.080 Permit fee.

Fees for permits issued pursuant to this chapter shall be as determined by resolution of the eCity eCouncil.

12.08.090 Failure to comply with permit –Work stoppage – Revocation of permit – Damages.

In the event that a permit holder should, in the performance of work under such permit, fail to comply with the terms thereof, or perform the work in accordance with such terms, the eCity eEngineer may order that all work pursuant to such permit be halted until compliance with such permit; if, within 30 days after the stoppage of work, the permit holder has not complied with the permit terms, the eCity eEngineer may revoke the permit. In the event that it is necessary for the eCity to perform work to correct defective work or materials of any permit holder after revocation of such permit, the eCity shall have the right to recover from such permit holder the cost of the work performed by the eCity.

12.08.100 Revocation or denial of permit – Appeal.

Any action of the eCity eEngineer revoking a permit issued pursuant to this chapter or denying an application for said permit shall be appealable to the hearing examiner of the eCity within 10 days thereafter, which appeal shall be upon written notice to the hearing examiner, and which appeal shall be considered within 10 days after receipt thereof by the eCity. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the hearing examiner shall be final, binding, and conclusive.

12.08.110 Liability for defective work.

In the event that any work performed pursuant to this chapter should be improperly performed, or should become defective within one year after the termination of the permit or the conclusion of the work, the person to whom the permit was issued shall be responsible for correcting such defective work, or paying the cost of such correction. Defective work shall include, but not be limited to, settlement within the areas of excavation or embankment, or pavement failure. Upon notification of the existence of such defective work, the holder of such a permit shall take immediate steps to remedy such defective work.

12.08.120 Purpose for imposition of fees.

The fees for permits under this chapter shall not be deemed to be fees for use of streets, alleys, sidewalks or other public ways. The fees imposed pursuant to this chapter are for the sole purpose of administration of this chapter and to pay the cost of inspections necessitated by work performed under the terms of this chapter.

12.08.130 Street cuts – New streets – Procedures, fees, and exceptions.

(1) Excavation in City Streets within Five Years of Street Paving Prohibited. No permit shall be issued for any openings, cuts or excavations in any city street for a period of five years following the date such street was paved or repaved, except as provided in this section.

(2) Notification of Intent to Pave.

(a) Whenever paving or repaving of any city street is authorized, the director of public works shall promptly mail written notice thereof to the following:

- (i) Each person owning any sewer, water, conduit, or other utility in or under said street or any real property, whether improved or unimproved, abutting said street;
- (ii) The owner of record of real property abutting said street;
- (iii) Any applicable state or local agencies;
- (iv) Holders of franchise agreements with the city allowing utilities in any public right-of-way within the city;
- (v) City departments that may need to perform work within the affected street; and
- (vi) All other persons who register with the city clerk to receive such notice.

(b) The notice shall state that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five years after the date of completion of paving or repaving. The notice shall also state that applications for permits to excavate prior to such paving or repaving shall be submitted promptly in order that the work covered by the permit may be completed by the deadline established for such work by the director of public works.

(c) Notice shall be provided to those parties specified in subsection (2)(a) of this section upon:

- (i) Commencement of city designed paving or repaving project.
- (ii) City execution of a design contract for a specific paving or repaving project.
- (iii) City approval of the development permit or permits necessary to undertake all other paving or repaving projects.
- (d) In addition to any notice required under this subsection (2), following adoption of the annual Transportation Improvement Program (TIP) by the city council, the director of public works shall promptly provide notice thereof to all city franchise holders.

(3) Deadline for Work. All utility work that must be accomplished prior to a paving or repaving project shall be completed by the date of city authorization of the construction contract for the project, or, in the case of noncity projects, upon city issuance of a right-of-way permit for the paving or repaving. The director of public works may set a later deadline if the director determines that allowing more time will not interfere with the planned work.

(4) Exceptions. No permit for excavation shall be issued within the five-year period after expiration of the deadline, unless the director of public works determines that:

- (a) Denying the permit would work an undue hardship on the person applying for the permit and the need for the excavation could not have been reasonably anticipated before expiration of the deadline;
- (b) An emergency exists that requires such an excavation to protect the public health, safety or welfare;

(c) The excavation is required to provide new services to new buildings or new residences constructed subsequent to the completion or resurfacing of the public right-of-way that were not reasonably anticipated to be constructed and in need of the services at the time of the completion or resurfacing of the public right-of-way involved;

(d) The applicant can install the utility under the street in a manner that shall not disturb the integrity or surface of the street; or

(e) Work for which the city's denial of a permit would violate state, local, or federal law.

(5) Fees for Street Cuts Within the Five-Year Period. Any street use permit issued pursuant to subsection (4) of this section shall require an additional fee as follows:

(a) Ten thousand dollars if the cut is made within one year after the street has been overlaid;

(b) Eight thousand dollars if the cut is made within two years after the street has been overlaid;

(c) Six thousand dollars if the cut is made within three years after the street has been overlaid;

(d) Three thousand dollars if the cut is made within four years after the street has been overlaid; and

(e) One thousand five hundred dollars if the cut is made within five years after the street has been overlaid.

Fees collected shall be deposited into the arterial street fund (ASF.)

(6) Excavation by City Departments. Every city department or official responsible for any work that may require any opening, cut or excavation in a street is directed to take appropriate measures to perform such excavation work within the deadline set by the director of public works.

(7) Appeals. In the event that the director of public works denies an application, the applicant's remedy shall be to appeal to the city hearing examiner. The applicant shall file a written notice of appeal with the city clerk within 15 days from the date of receipt of the denial of the excavation permit application. The appeal notice shall state the specific reasons for objection to the decision of the director of public works. Additionally, the appeal notice shall include the specific exemption or exemptions from subsection (4) of this section that applicant believes applies to their application. Appeal notices not containing this information shall be returned to the applicant, who will then have seven days to address deficiencies in their appeal. The hearing examiner shall set a date to hear the applicant's appeal and conduct a hearing on the applicant's appeal within 45 days of the date the city clerk received the complete notice of appeal.

Chapter 12.10

REVIEW, ADMINISTRATION AND FIELD INSPECTION OF CONSTRUCTION PLANS AND SPECIFICATIONS

Sections:

- 12.10.010 Public improvements on public/private property – Construction procedure.**
- 12.10.020 Procedures manual – Designated.**
- 12.10.030 Fees and charges.**
- 12.10.040 Minor public/private improvements.**
- 12.10.050 Violations and penalties.**

12.10.010 Public improvements on public/private property – Construction procedure.

In the event the eCity eEngineer determines in accordance with federal, state, and local regulations, or the eCity eEngineer and a developer or property owner, hereinafter “developer,” jointly determine it is in the parties’ mutual interest, that certain public improvements or betterments to be owned, operated, and maintained by the eCity be constructed upon public/private property, the following procedures shall be followed. The process set forth herein may be used in conjunction with the construction of streets, alleys, driveways, sidewalks, water systems, sanitary sewer systems, storm sewer systems, traffic and street lighting systems, and other public improvements and infrastructure, hereinafter referred to as “public improvements.”

(1) As a condition to undertaking the procedures set forth herein, the developer shall make application to the engineering division for a public improvements permit. Such permit application shall be made on a form prescribed by the engineering division and the fees paid connected therewith as referenced in LMC [12.10.030](#). Permits pursuant to this chapter may be issued by the office of the eCity eEngineer, upon receipt of a written application, required supporting documents, and upon the payment of the required permit fees.

delegation is implied

(2) Prior to the issuance of a public improvements permit, the developer proposing to construct the public improvements shall provide the engineering division with copies of all surveys, grades, engineering design data, and construction plans and specifications deemed necessary by the eCity eEngineer ~~or his delegate~~ for construction of the proposed public improvements. Such documents shall not be approved unless they are in conformance with all codes, the eCity public works standard plans and specifications in effect at the time of developer plan submittal, and contain such detail as the eCity eEngineer shall deem sufficient to properly construct the public improvements.

(3) Following approval of the construction plans and specifications, but prior to the issuance of a public improvements permit, the developer shall provide:

- (a) Payment of fees; and
- (b) Tabulation of bids received to construct the public improvements (optional); and
- (c) Required permits; and

(d) Copy of contractor's eCity business license; and

(e) Any other documentation as shall be required.

(4) For all public improvements to be constructed on public property or public easements, following approval of the construction plans and specifications, but prior to the issuance of a public improvements permit, the developer shall also provide:

(a) Contractor's public liability and property damage insurance certificate; and

(b) Indemnity agreement; and

(c) Performance bond/letter of credit/cashier's check (required for improvements with cumulative costs exceeding \$10,000).

(5) To coordinate the work, the developer shall schedule a preconstruction conference at a time and place acceptable to the eCity eEngineer and representatives of other affected local utilities. This conference shall be held prior to commencement of work and following issuance of all required permits.

(6) The developer shall be responsible for all necessary construction staking, which shall be certified by a professional engineer or land surveyor registered in the state of Washington.

(7) The developer or his their agent shall notify the eCity eEngineer in writing at least four working days prior to the proposed date and time of commencement of the construction phase. The developer shall make arrangements for a eCity inspector to be at the job site at the time work is initially commenced. Thereafter through the construction phase of the project, a representative of the engineering division shall inspect from time to time the progress of work and shall have authority to direct changes or to stop work as deemed necessary.

(8) After completion of all construction, but prior to acceptance of the completed work by the eCity eEngineer, the developer shall furnish the eCity eEngineer with a reproducible set of plans, plus an electronic version of the plans showing the "as-built" condition of the work. The electronic version shall be AutoCAD compatible and drafted to eCity of Longview standards for conversion into GIS. "As-built" plans shall show all construction changes, alignment, and grade changes, all added and deleted items, and other engineering data, all of which shall be certified by an engineer registered in the state of Washington and responsible for the work.

(9) Acceptance of the public improvements by the eCity shall take the form of a certificate of acceptance and shall not occur until the improvements have been certified as in compliance with all inspections and the provisions set forth herein. Acceptance shall also be conditioned upon submittal of a warranty bond in an amount determined by the eCity eEngineer for pump stations and all associated equipment, water reservoirs and traffic signals and other specialty equipment to insure, guarantee and warrant the proper functioning of the system or facility. Such warranty bond shall be issued by a surety company licensed to engage in business in the state of Washington having a current A.M. Best rating of not less than A:VII and shall be subject to approval by the eCity aAttorney.

(10) In the event the public improvements are built on property not owned by or dedicated to the eCity, acceptance of the improvements shall not occur until the property is conveyed or otherwise dedicated to the eCity using a method and form approved by the eCity aAttorney. Acceptance of the public

improvements shall occur simultaneous with the dedication or conveyance of the real property in question; unless such dedication or conveyance occurs prior to completion of the public improvements and compliance certification by the eCity eEngineer.

(11) Public improvements that have a design approval over two years old shall be redesigned to meet the most current standards and specifications. Plans and specifications for such public improvements shall be resubmitted for approval prior to starting construction.

(12) The developer shall execute a document acknowledging that he has reviewed all the terms and conditions of this chapter and agrees to fully comply therewith.

(13) Subject to the appeal provisions of LMC [12.08.100](#), the eCity eEngineer may deny the issuance of a permit to any person or entity that has failed within the past three years to comply, or is presently not in compliance with the provisions of this chapter, or has demonstrated a past history of performing work in the eCity of Longview that has caused damage to public infrastructure, or which was performed in violation of the law.

12.10.020 Procedures manual – Designated.

To the extent not specifically described herein and as a supplement to the procedures set forth in LMC [12.10.010](#), the eCity eEngineer and developer shall follow the procedures more specifically detailed in that certain document entitled “City of Longview Procedures Manual for Construction of Public Improvements by Developers and Property Owners.”

12.10.030 Fees and charges.

Fees shall be charged to the developer for plans and specifications review, administration, and field inspection of the public improvements by the engineering division. Such fees shall be in addition to plat checking, environmental review, building code permits and other fees as may be otherwise required. Fees and charges associated with work performed in the right-of-way, as referenced in Chapter [12.08](#) LMC, will not apply to public improvements permitted and constructed under this chapter.

Bids received by the developer, along with eCity-maintained historical bid information, will be considered by the eCity eEngineer when establishing the costs of public improvements for the purpose of calculating the public improvements permit fees.

The public improvement permit fees to be charged are as follows:

Removing fee from LMC

(1) Application fee: ~~\$1,000.~~

This fee is required at the time of plans review submittal; and will be applied to the fee determined for the plan review and field inspection fee if the public improvements permit is obtained within one year of design approval. The application fee is non-refundable and is considered the minimum plan review and inspection fee.

(2) Plan Review and Field Inspection Fee.

~~The fee for review, administration, and inspection in connection with construction of public improvements:~~

~~(a) Permit fee shall be as follows:~~

Making the fee non-refundable.

removing non-
applicable old language.

~~(i) Effective January 1, 2005, a sum equal to six percent of the first \$25,000 of the total cost of such improvements; plus a sum equal to three percent of the total cost of such improvements that is in excess of \$25,000.~~

~~(ii) Effective January 1, 2006, a sum equal to six percent of the first \$25,000 of the total cost of such improvements; plus a sum equal to four percent of the total cost of such improvements that is in excess of \$25,000.~~

~~(iii) Effective January 1, 2007, a sum equal to six percent of the first \$25,000 of the total cost of such improvements; plus a sum equal to five percent of the total cost of such improvements that is in excess of \$25,000.~~

~~(iv) Effective January 1, 2008, and thereafter, a sum equal to six percent of the total cost of such improvements.~~

~~(b) Review, administration, and inspection fees shall be based upon the project cost as determined by the city engineer.~~

~~(c) Permit fees shall be paid in accordance with one of the following options, to be selected by the developer prior to initial permit issuance:~~

~~(i) Separate permit issued for each type of public improvement, with full permit fee required prior to permit issuance.~~

~~(ii) One permit issued for all public improvements, with 50 percent payment toward permit fee required prior to permit issuance, and remaining 50 percent payment toward permit fee required prior to final acceptance of the improvements. A payment bond is required to ensure the second payment.~~

~~(iii) One permit issued for all public improvements, with full permit fee required prior to permit issuance.~~

~~(3) Related Indirect Expenses. All related indirect expenses incurred by the city of Longview which are associated with design and construction inspection will be billed directly to the developer. Examples of the expenses anticipated include but are not limited to:~~

~~(a) Cowlitz County auditor's recording fees associated with recording of easements and right of way dedicated to the city of Longview as may be required.~~

~~(b) Quality assurance sampling and testing.~~

~~(c) Environmental studies, analyses, determinations, and reports required by SEPA.~~

Adding the master fee
schedule.

(a) Plan Review and Field Inspection Fee. The fee for review, administration, and inspection in connection with construction of public improvements.

The Public Improvement Permit fees will be assessed as detailed in the City of Longview Master Fee Schedule as periodically set by the City Manager and approved by City Council.

(b) Review, administration, and inspection fees shall be based upon the project cost provided by applicant and as reviewed and approved by the City Engineer.

(c) Permit fees shall be paid in accordance with one of the following options, to be selected by the Developer prior to initial permit issuance:

(i) Separate permit issued for each type of public improvement, with full permit fee required prior to permit issuance.

(ii) One permit issued for all public improvements, with 50% payment toward permit fee required prior to permit issuance and remaining 50% payment toward permit fee required prior to final acceptance of the improvements. A payment bond is required to ensure the second payment.

(iii) One permit issued for all public improvements, with full permit fee required prior to permit issuance

(3) Related Indirect Expenses. All related indirect expenses incurred by the City of Longview which are associated with design and construction inspection will be billed directly to the Developer. Examples of the expenses anticipated include but are not limited to:

(a) Cowlitz County Auditor's recording fees associated with recording of easements and right-of-way dedicated to the City of Longview as may be required.

(b) Quality assurance sampling and testing

(c) Environmental studies, analyses, determinations, and reports required by SEPA.

(4) If a person is found to be performing work without a valid permit, that person shall be required to obtain a permit. All permit fees shall be increased as shown in the master fee schedule.

Adding a clause to limit bad actors

12.10.040 Minor public/private improvements.

Minor public or private improvements constructed within the public right-of-way will be administered under Chapter [12.08](#) LMC. Minor public or private improvements include sewer laterals, sidewalks, driveway approaches, and water service lines serving a single parcel, and any other work identified as being minor by the ~~e~~City ~~e~~Engineer.

12.10.050 Violations and penalties.

(1) The approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions with regard to the construction of public improvements otherwise contained in this code.

(2) The issuance or granting of permits or approval of plans shall not prevent the ~~e~~City ~~e~~Engineer from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of any pertinent provision of this code.

(3) Any person violating any provision of this chapter shall be punished in accordance with the provisions of Chapter [1.30](#) LMC.

Chapter 3.22 WATER FUND

Sections:

3.22.010 Created

3.22.010 Administration.

3.22.030 Expenditures

Removed "Regional"

Removed plant
operation

Changed treasurer to
finance director

3.22.010 Created

There is created and established in the office of the City Finance Director a special fund to be designated as the "water fund." This fund shall be used for the payment of all claims for the distribution of potable water, including labor and materials.

Changed field service to
public works

3.22.020 Administration.

The water fund created in this chapter shall be administered by the Director of Public Works and the water department. The City shall keep such books, accounts, and records as are necessary to control and report the financial operation of the water fund.

3.22.030 Expenditures.

Expenditures from such water fund shall be made by check, warrant, credit, debit. or electronic fund transfer (EFT) for the aforesaid purposes, as provided in the City's annual budget.

Added payment
methoeds.

Chapter 3.23

FILTER PLANT FUND

Sections:

3.23.010 Created

3.23.010 Administration.

3.23.030 Expenditures

There is created and established in the office of the City Finance Director a special fund to be designated as the “filter plant fund.” This fund shall be used for the payment of all claims for the production of potable water, including labor and materials, in the operation of the regional water treatment plant as provided for in the intergovernmental agreement between the City of Longview and Beacon Hill Water and Sewer District of Cowlitz County, Washington.

3.23.020 Administration.

The filter plant fund created in this chapter shall be administered by the Director of Public Works and the water department. The City shall keep such books, accounts and records as are necessary to control and report the financial operation of the filter plant fund.

3.23.030 Expenditures.

Expenditures from such filter plant fund shall be made by check, warrant, credit, debit, or electronic fund transfer (EFT) for the aforesaid purposes, as provided in the City’s annual budget.

Chapter 3.24

SEWER FUND

Sections:

3.24.010 Created

3.24.010 Administration.

3.24.030 Expenditures

3.24.010 Created

There is created and established in the office of the City Finance Director a special fund to be designated as the "Sewer Fund." This fund shall be used for the payment of all claims for the collection of sewerage, including labor and materials, and in the City's portion of the operation of the Three Rivers Regional Wastewater Authority as provided for in the Three Rivers Regional Wastewater Authority Joint Municipal Utility Agreement between the City of Longview, City of Kelso, Beacon Hill Water and Sewer District, and Cowlitz County.

3.24.020 Administration.

The Sewer Fund created in this chapter shall be administered by the Director of Public Works and the sewer department. The City shall keep such books, accounts, and records as are necessary to control and report the financial operation of the Sewer Fund.

3.24.030 Expenditures.

Expenditures from such Sewer Fund shall be made by check, warrant, credit, debit, or electronic fund transfer (EFT) for the aforesaid purposes, as provided in the City's annual budget.

Chapter 3.65

STORMWATER FUND

Sections:

3.65.010 Created

3.65.010 Administration.

3.65.030 Expenditures

3.65.010 Created

There is created and established in the office of the City Finance Director a special fund to be designated as the "Stormwater Fund." This fund shall be used for the payment of all claims for the City's stormwater utility drainage system.

3.65.020 Administration.

The Stormwater Fund created in this chapter shall be administered by the Director of Public Works and the Stormwater department. The City shall keep such books, accounts, and records as are necessary to control and report the financial operation of the Stormwater Fund.

3.65.030 Expenditures.

Expenditures from such Stormwater Fund shall be made by check, warrant, credit, debit, or electronic fund transfer (EFT) for the aforesaid purposes, as provided in the City's annual budget.

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

Consolidation of Rates - revenues - billing - permit fees into one standalone section.

Article II. Sewers

- 15.04 General Provisions
- 15.08 Definitions
- 15.16 Improvements - Replacements – Specifications
- 15.20 Side Sewers - Connections - Maintenance
- 15.24 Sewage Disposal - Pretreatment
- 15.28 Annexations
- 15.32 Violations, Enforcement, and Penalties

Article III. Water

- 15.44 General Provisions
- 15.48 Definitions
- 15.56 Improvements - Replacements - Specifications
- 15.60 Service Connections
- 15.64 Water Meters
- 15.68 Shutoffs- Turn-Ons
- 15.72 Prohibited Acts
- 15.76 Miscellaneous Provisions
- 15.80 Cross-Connection
- 15.84 Water Shortage
- 15.86 Annexations
- 15.88 Violations, Enforcement, and Penalties

Alignment of sections and language in article II, III, and IV

Article IV. Storm Water Utility

- 15.90 General Provisions
- 15.94 Definitions
- 15.102 Improvements – Replacement – Specifications
- 15.106 Violations, Enforcement, and Penalties

Chapter 15 is a complete rewrite, keeping the good and replacing the outdated. Simplifying the language where possible.

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

Sewer - water - stormwater combined
into finance section.

- 15.02.010 Definitions.**
- 15.02.020 Revenues.**
- 15.02.030 Establishment of revenues, rates, fees, and charges**
- 15.02.040 Water service charges**
- 15.02.060 Sanitary sewer service charges**
- 15.02.080 Liability for payment of stormwater utility charges – unoccupied premises**
- 15.02.090 Stormwater utility charges**
- 15.02.100 Deposits**
- 15.02.110 Terminating of service – Continuance of charges.**
- 15.02.120 Consumer’s accounts – keeping.**
- 15.02.130 Date payment of bills due – Delinquency – Penalties.**
- 15.02.140 Lien for nonpayment of water service.**
- 15.02.150 Shutoff – Continuation of service**
- 15.02.160 Water loss – Adjustment of Charges.**
- 15.02.170 Testing meters**
- 15.02.180 Finance Department – Combined billing**
- 15.02.190 Termination of water service – rented dwellings.**
- 15.02.200 Delinquent utility account – rentals – special cases.**
- 15.02.210 Notices prior to shutoff – metered dwellings**
- 15.02.220 Notices prior to shutoff – Multiple dwelling meter (nonmetered individual dwellings and spaces).**
- 15.02.230 Remedies not limited.**

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of water systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.92.010.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of sewer systems, provided that rates charged are uniform for the same class of customers or service, see RCW 35.67.020.

*For the statutory provisions authorizing cities and towns to control the rates and charges for the use of stormwater utilities, provided that rates charged are uniform for the same class of customers or service, see RCW 35A.80.

15.02.010 Definitions

“Utility” or “Utilities” means City water, sewer and/or Stormwater either singularly or in any combination.

15.02.020 Revenues

- (1) All water system revenue collected pursuant to this chapter shall be credited and deposited in the water fund established pursuant to LMC 3.22 and used only for those purposes and expenditures allowed by law. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the water utility.
- (2) All filter plant revenue collected pursuant to this chapter shall be credited and deposited in the filter plant fund established pursuant to LMC 3.23 and used only for those purposes and expenditures allowed by law. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the filter plant.
- (3) All sewer system revenue collected pursuant to this chapter shall be credited and deposited in the water fund established pursuant to LMC 3.24 and used only for those purposes and expenditures allowed by law. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the sewer utility.
- (4) All stormwater system revenue collected pursuant to this chapter shall be credited and deposited in the water fund established pursuant to LMC 3.65 and used only for those purposes and expenditures allowed by law. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater utility.
- (5) The Director of the City’s Department of Finance shall provide for the billing of utility services and the financial administration and enforcement of utility accounts. The Finance Director is authorized to promulgate rules, procedures, and financial policies that are consistent with this chapter, applicable laws, and regulations, and generally accepted accounting principles as established by the State of Washington. The Finance Director may designate individuals to assist in administering this chapter.

15.02.030 Establishment of revenues, rates, fees, and charges.

- (1) Water and Sewer Utilities
 - a. The rates to be charged for water and sewer service (base rate) and consumption (Based on metered water consumed) shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.

- ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(2) Stormwater utility

- a. All real property in the City shall be charged for stormwater utility services; provided,
 - i. However, that undeveloped parcels shall not be subject to such charges;
 - ii. Provided further, that such charges shall be imposed on and charged to the owners and/or developers of undeveloped parcels six months after the issuance of any building permit for development or construction on such parcel,
 - iii. Unless such building permit has expired or been cancelled without construction of the permitted facilities.
- b. The rates and charges to be imposed for all stormwater utility services shall be uniform for all classes of real property as defined in LMC 15.94.
- c. The rates to be charged for the stormwater utility shall be fixed from time to time by resolution of the City Council, and shall be adequate to provide for ordinary maintenance, bond redemption, and operation costs of the system, and for:
 - i. A replacement reserve to be used to replace the present system, or parts thereof, as the same become worn out or obsolete.
 - ii. A betterment reserve to provide for extensions and additions to the system not otherwise provided for in this chapter.

(3) Water and sewer shall be billed by the CCF rounding to the nearest full unit.

(4) Stormwater shall be billed by the ERU rounding to the major fraction thereof.

(5) Charges, and fees to be charged for water, sewer, stormwater, and related services provided by the City to residential, commercial, or industrial users within the service area along with fees for permitting services shall be as established from time to time by resolution of the City Council.

(6) The City Council may establish classifications of water, sewer, and stormwater customers or service based on criteria determined by the City Council, using any method(s) authorized by law. If established, the classifications shall be denoted in the rates, charges, and fees resolution adopted pursuant to this section.

(7) The Finance Director, in consultation with the Director, shall periodically evaluate rates, charges and fees and recommend adjustments based on revenue requirements necessary to cover all budgeted costs of the utility as guided by the financial policies and applicable bond covenants.

(8) Industrial water rates may be set by agreement or contract at the discretion of the Director with concurrence from City Council.

(9) The water rate for municipal or private fire protection service shall be as fixed from time to time by resolution of the City Council.

15.02.040 Water service charges

- (1) There is levied a monthly water service charge (customer rates) against all improved properties connected to the City water, said water service charge being in the amount as established from time to time by resolution of the City Council.
- (2) Customers outside of the Longview corporate limits shall be charged an additional amount, as provided by resolution of the City Council, as shall be necessary to reimburse the City for existing facilities financed by the City as pumping stations, reservoirs and pressure reducing valves.
- (3) All accounts for water service shall be kept in the name of the applicant for service. Water bills shall be mailed to the customer. If the customer chooses, water bills may be electronically delivered.

15.02.060 Sanitary sewer service charges

- (1) There is levied a monthly sanitary sewer disposal service charge (customer rates) against all improved properties connected to the City sanitary sewer, said sewage disposal service charge being in the amount as established from time to time by resolution of the City Council.
- (2) Customers outside of the Longview corporate limits shall be charged an additional amount, as provided by resolution of the City Council, as shall be necessary to reimburse the City for existing disposal facilities financed by the City as pumping stations, interceptor lines and treatment facilities.
- (3) All accounts for sewer service shall be kept in the name of the applicant for service. Sewer bills shall be mailed to the customer. If the customer chooses, sewer bills may be electronically delivered to the customer.
- (4) Notwithstanding the charges fixed by any such resolution, whenever any person shall discharge into the sanitary sewer system waste materials which, in the judgment of the Director, require treatment more than that required for normal domestic sewage, such person shall pay high strength fees for sewage disposal service as shall be fixed by resolution of the City Council.
- (5) Any person having their own water supply, or a public water supply other than that of the City, but who uses the sanitary sewer system of the City for the disposal of sewage or waste materials, shall pay a monthly sanitary sewer disposal service charge equal to the residential sanitary sewer service charge, payable by other users of the sanitary sewer disposal service residing within the City, as fixed by any such resolution. Such sanitary sewer service charge shall be paid to the City through its Finance Department.

- (6) If the customer has water service through the City, these rates and charges for sanitary sewage disposal service shall be due and payable with the water bill of the City and shall become delinquent at the same time the monthly City water bill becomes delinquent as provided by the present ordinances of the City and future amendments thereto.

15.02.080 Liability for payment of stormwater utility charges – Unoccupied premises.

All accounts for stormwater utility services shall be charged against the parcel to which such stormwater services are applicable, and such accounts shall be kept in the name of and billed as follows:

- 1) Residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the single-family dwelling unit.
- 2) Multiple occupancy residential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the multiple-family parcel or multiple-family dwelling or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 3) Sole occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service for the parcel to which such stormwater services are rendered.
- 4) Multiple occupancy nonresidential accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service to the premises or to the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 5) Mixed use occupancy accounts shall be kept in the name of and billed to the person, firm or corporation shown as the recipient of water and/or sanitary sewer service or the record owner or owner's agent of the parcel to which such stormwater services are rendered.
- 6) Accounts that cease to be recipients of water and/or sanitary sewer service by reason of disconnection or termination of service shall be kept in the name of and billed to the person, firm or corporation shown as the record owner of the parcel to which such stormwater services are rendered, until such time as water and/or sanitary sewer service is restored.

In the event of delinquencies and the imposition of liens, the record owner of the parcel to which such stormwater utility services were provided shall bear ultimate responsibility for the payment of all charges for stormwater utility services to such parcel.

15.02.090 Stormwater utility charges.

If the customer has water service and/or sewer collection service through the City, these rates and charges for stormwater service shall be due and payable with the water/sewer bill of the City and shall become delinquent at the same time the monthly City water/sewer bill becomes delinquent as provided by the present ordinances of the City and future amendments thereto.

15.02.100 Deposits

A utility deposit shall be required for all new utility accounts. The amount of the deposit shall be set from time to time by resolution of City Council.

Except: For accounts that are stormwater only, no utility deposit will be required.

Deposits shall be made to the utilities fund through the Finance Department of the City. No interest shall be paid on such deposit. Such deposit may be applied by the City, at any time, in whole or in part, to the payment of any delinquent amount due for such utility service.

- (1) One deposit of the same dollar amount shall be collected by the City Finance Department regardless of number of City utilities on the account.
- (2) Refund of Deposit. Deposits for City utility service which remain in good standing after three successive years, shall be refunded to the customer in whose name such a deposit is credited. Such refund shall be affected only by applying such a deposit in partial payment of the City utilities bill or bills then next becoming due. After such a refund, a new deposit may be required.
- (3) If a City utility customer's account should become delinquent after such a refund, the Director may require a new deposit to be made prior to reconnection or continuing of the utility service to such a customer.
- (4) Service termination. If a deposit remains, then upon the customer's advising the Department of Finance of the City that such water service is no longer required by the applicant, and providing all service charges payable by the applicant are fully paid at said time, the City shall return the deposit to the applicant, and further water service shall not be furnished to the property for which the applicant had made such deposit until a new deposit is made with the City.

15.02.110 Terminating of service – Continuance of charges.

Charges for utility service shall continue in the customer's name and to the customer's account until the customer serves notice to the City of their ceasing to occupy the premises to which a utility service is being rendered.

15.02.120 Consumer's accounts – keeping.

It shall be the duty of the Director of finance to keep accounts with all consumers of water and to enter on such accounts all charges and penalties.

15.02.130 Date payment of bills due – Delinquency – Penalties.

- (1) All money due the City for utilities for any customer shall be due and payable within 15 days of the billing date shown on each bill.
- (2) Any money due the City for utilities for any customer shall be deemed delinquent if not paid on or before 15 days after the due date shown on each bill.
- (3) A penalty charges.
 - a. A penalty, as fixed from time to time by resolution of the City Council, shall be added to any utility bill which is not paid on or before 30 days after the billing date shown on each bill.

- b. An additional penalty, as fixed from time to time by resolution of the City Council, shall be added to such unpaid utility bill for each successive 30-day period during which such bill, or any portion thereof, remains unpaid;.
 - c. No penalties shall be charged during the time that utility service to such customer is cut off in accordance with the provisions of LMC 15.02.140.
- (4) Any payment made that is returned for lack of sufficient funds or for any other reason will not be considered received until payment by certified check, money order, cash, debit, or credit of the original amount due, plus a “nonsufficient funds (NSF)” charge as set from time to time by resolution of the City Council, is received by the Finance Department.

15.02.140 Lien for nonpayment of utility service.

- (1) All utility rates shall be charged against the premises for which the utility service was installed. When charges for utilities become delinquent and remain unpaid, the City shall file a lien against the premises to which utilities has been furnished. The lien shall not be for more than four months’ charges due or to become due nor for any charges which have been due for more than four months. If charges for utilities become a lien against the premises and remain unpaid for 40 days after the billing date shown on each bill, the utility may be shut off until all unpaid charges for the utility are paid. Failure to enforce such lien by cutoff of utility service shall not be deemed to relieve the customer of the obligation to pay the amount billed and unpaid.
- (2) If an account remains unpaid for 30 days on the delinquent utility account, an additional penalty, as fixed from time to time by resolution of the City Council, shall be added to such account, regardless of whether the same is collected as a result of such demand for payment.
- (3) If the utility is shut off for such reason, a charge, as fixed from time to time by resolution of the City Council, shall be assessed for reconnecting the utility. In no case shall the utility be reconnected until all unpaid and delinquent charges for the utility, and other delinquent charges, have been fully paid.
- (4) The right to enforce such lien may be exerted whenever and as often as such default occurs, and neither delay nor omission on the part of the City to enforce the same shall be deemed as a waiver of its right to enforce the same at any time within the period provided by law and this article so long as a default continues.

*For the statutory provisions regarding liens for utility services and enforcement thereof, see RCW 35.21.290 and 35.21.300.

15.02.150 Shutoff – Continuation of service

When account holder ceases to occupy the premises to which utility service has been rendered, and has requested that the service be terminated, the unpaid charges for such utility services shall be determined, and the utility services to the property shall be shut off, except as follows:

- 1) Upon payment for all service up to the time-of-service termination, as defined above, and with continuation of utility service to a new account holder; or
- 2) Upon the written agreement of the account holder to transfer the unpaid charges to another City utility account, and the continuation of utility service in the name of a account holder; or
- 3) Upon the written notice from the property owner or his agent, and the continuation thereafter of utility service in the name of a account holder.
- 4) Upon submission of the appropriate form, an account may be suspended, and the water meter locked out for periods over 60 days. Water service will not be available until the account is reactivated. During this time, water and sewer base fees will continue, but water and sewer consumption fees will not be charged. A fee, as fixed from time to time by resolution of the City Council, shall be charged to reactivate the account.

15.02.160 Water loss – Adjustment of Charges.

Whenever, in the judgment of the Director, any water consumer suffers a loss of metered water without fault or neglect on the part of the consumer, the Finance Director may adjust the consumer's water bill accordance with the Finance Department policy, not to exceed a 50% reduction, and as supported by the particular facts and circumstances of the situation.

15.02.170 Testing meters

When any consumer makes a complaint that the bill for any month is excessive, the Water Department will, upon request, have such meter reread and the service inspected for leaks or other defects. Should the consumer then desire that the meter be tested, he or she shall be required to make a deposit as set in the Master Fee schedule to cover the cost of making such test. The meter will then be tested. Should such meter show an error of over three percent in favor of the City, the deposit will be refunded to the consumer. The meter will be corrected or replaced, and the bill adjusted. If the test of such meter should show an accurate measure of water or should show an error in favor of the consumer, the sum deposited will be retained by the City to cover the cost of such test. When it is determined that any meter has not been registering correctly, then an average bill may be rendered based either on the nearest three preceding months average use when the meter was in good order, or on the same month of the preceding year, if the use is seasonal.

15.02.180 Finance Department – Combined billing

For convenience of the City, combined bills for solid waste collection, recycling collection, sanitary sewer service, water service and/or storm water utility service may be prepared by the Finance Department of the City and submitted to customers of such services for payment. Such combined billings may also include all notices of delinquency and termination of service.

15.02.190 Termination of water service – rented dwellings

When a delinquent water bill is owed by the tenant/account holder occupying a rented dwelling, water service may be terminated pursuant to LMC 15.02.140.

15.02.200 Delinquent utility account – rentals – special cases.

When a delinquent water bill is owed by the owner or landlord for a rented dwelling, which is occupied by a tenant, no termination of service will occur unless:

- 1) The tenant is first provided an opportunity to place the account in their own name, and
- 2) Without incurring any liability for the owner or landlord's delinquent bill.

When a delinquent water bill is owed for a rented dwelling, which is occupied by a tenant, and the delinquent bill is in a previous tenant's name, no termination of service will occur unless:

- 1) The tenant is first provided an opportunity to place the account in their own name, and
- 2) without incurring any liability for the previous tenant's delinquent bill.

In both cases, the current tenant must make application in person at the Longview City Hall during business hours (unless this is unreasonable because of a physical handicap or disability, in which event other arrangements must be made between the applicant and the Finance Department of the City, and complete any forms required by the Finance Department to place service in their name.

Arrangements for continued service cannot be made by telephone.

Such applicant will be required to present personal identification, a copy of his or her rental agreement or lease, if any, and to provide the name and mailing address of the landlord, owner of the premises or the agent of such owner.

If water service is terminated before a tenant has exercised the privilege to have the account placed in their own name, the tenant may have the water restored without liability for the delinquent bill by applying to place the account in his or her own name for future service, and by paying the usual and required reconnect charges.

In individually metered, multiple-family dwelling units, if a majority of the tenants elect to place the account for future water service into their names, they must agree to pay:

- 1) Appropriate transfer-of-account charges.
- 2) Reconnection charges if service has been terminated before the tenants have exercised the right to have the account placed in their names.
- 3) All future water bills coming due during their occupancy of the premises.,
- 4) They must post the required deposit.

15.02.210 Notices prior to shutoff – metered dwellings

The City Finance Department will not terminate water service to single-family dwellings or individually metered multifamily dwellings because account is delinquent, unless the following procedures are carried out:

- 1) If payment of the amount owing on a water or other utility account has not been received by the thirtieth day after the bill date, the Finance Department will send, by mail, a past due notice to the service address, to the mailing address of the property owner if known to the City Finance Department, and to the mailing address of the property owner's rental agent or property manager if known to the City Finance Department. This notice will advise that payment is past due and will alert the recipient of water and/or other utility services, the property owner, and the property owner's agent (if any) that water and/or other utility service will be terminated in 10 days unless payment is received or arrangements acceptable to the City Finance Department have been made. A statement describing "tenant's rights" as provided in this section will be printed on the back of the past due notice, or included therewith, and will be referred to on the face of said past due notice.
- 2) If payment of a water or other utility account has not been received by the fortieth day after the bill date, then service will be terminated in less than 48 hours, unless payment is made, or unless other arrangements satisfactory to the Finance Director have been made.
- 3) The statement of tenant's rights included with the past due notice shall be substantially in the following form:

NOTICE OF TENANT'S RIGHTS

IF YOU ARE A TENANT RESIDING AT THE SERVICE ADDRESS AND WATER IS PRESENTLY BEING DELIVERED TO YOUR HOME: You are not responsible for water bills incurred by a previous tenant who moved out before you moved in and you are not responsible for water bills incurred by your landlord.

If this bill is the obligation of a prior tenant who no longer occupies the premises, or the obligation of your landlord, you have the right to obtain continued water services by contacting the Finance Department and having the account placed in your name. If you do place the account in your name, services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for future bills coming due during your tenancy, and you will be required to pay a deposit.

To place service in your own name you must go to City Hall, 1525 Broadway, Longview, Washington during normal business hours and make application in person for continued service. You will be required to present personal identification and your current Rental Agreement, if you have one. You also will be required to identify your landlord and his or her current address.

If service is disconnected before you have contacted the Finance Department, a reconnection fee will be charged before service is restored.

You may pursue a dispute concerning the responsibility for past due water or other utility bills or the right to have the service placed in your name with the City Finance Department. Water and other utility service will not be disconnected or discontinued until such dispute is resolved by the Finance Director or his or her designee.

15.02.220 Notices prior to shutoff – Multiple dwelling meter (nonmetered individual dwellings and spaces).

The City Finance Department will not terminate water service terminate water to multiple-family dwelling units, mobile home spaces, trailer spaces or other occupancies that are not individually metered and which are billed to the owner, manager or agent thereof, because of delinquency in the payment of water bills unless the following procedures are carried out:

- 1) If payment on a water or other utility account has not been received by the thirtieth day after the bill date, the Finance Department will send, by mail, a past due notice to all tenants of said multiple-family dwelling units, mobile home spaces, trailer spaces or other occupancies that are not individually metered. Such notice will advise that payment is past due and will alert such tenants that service will be terminated in 10 days unless payment is received or arrangements acceptable to the City have been made. A statement describing “tenant’s rights – nonmetered units” as provided herein will be printed on the back of the past due notice and will be referred to on the face of the past due notice.
- 2) If payment on a water or other utility account has not been received by the fortieth day after the bill date, a duly authorized employee of the City will physically deliver to the service address, to the address of the owner, manager, or agent thereof, and to each dwelling unit or space, a disconnection notice. Such notice shall advise that the account is past due, and that service will be terminated not less than 48 hours after such delivery or posting of the notice unless payment is made, or unless other arrangements satisfactory to the Finance Director have been made. A statement describing “tenant’s rights – nonmetered units” will be printed on or attached with the disconnection notice;
- 3) The statement of “tenant’s rights – nonmetered units” included with the past due notice and the disconnection notice shall be substantially in the following form:

NOTICE OF TENANT’S RIGHTS – NONMETERED UNITS

IF YOU ARE A TENANT RESIDING AT THE SERVICE ADDRESS AND WATER IS PRESENTLY BEING DELIVERED TO YOUR HOME: You are not responsible for water bills incurred by the owner or manager of the premises or their agent. You may be affected, however, by the failure of the

owner, manager, or their agent, to pay in a timely fashion, all water and other utility bills relating to the premises occupied by you as your home.

A majority of the tenants occupying the premises constituting the multiple-family dwelling structure or complex, mobile home park, trailer park or other occupancy the individual dwelling or space units of which are not separately metered, may have the utility account placed in their collective names and assume responsibility for future payment of water and other utility service provided to the service address. If you do so, you will be responsible for future bills coming due during your occupancy of the premises, and a majority of the occupants or tenants must continue to be responsible for such payment at all times. You will be required to pay a deposit equal to two months' estimated water and other utility service charges to the premises.

To place service in your own names you must all go to City Hall, 1525 Broadway, Longview, Washington during normal business hours and make application in person for continued service. You will each be required to present personal identification and your current Rental Agreement or lease if you have one. You will each also be required to identify the owner, manager, or their agent, and his or her current address.

If service is disconnected before you have contacted the Finance Department, a reconnection fee will be charged before service is restored.

You may pursue a dispute concerning the responsibility for past due water or other utility bills or the right to have the service placed in your name with the City Finance Department. Water and other utility service will not be disconnected or discontinued until such dispute is resolved by the Finance Director or his or her designee.

15.02.230 Remedies not limited.

Nothing set forth in LMC 15.02.180 through 15.02.220 shall be construed to limit the right of the City to proceed either by judicial process or by the remedies prescribed by LMC 15.02.140 or RCW 35.21.290 or 35.21.300, to the extent that such actions do not interfere with a tenant's rights as provided in LMC 15.02.180 through 15.02.220.

Chapter 15.04

GENERAL PROVISIONS

Sections:

- 15.04.010 Purpose.**
- 15.04.020 Utility Created.**
- 15.04.030 General intent.**
- 15.04.040 Wastewater system ownership and responsibility.**
- 15.04.050 General Sewer Plan.**
- 15.04.060 Adoption of City standards.**
- 15.04.070 Variances and deviations.**

15.04.010 Purpose.

- (1) This chapter is enacted as an exercise of the City's police power as set forth in Section 11 of the Washington Constitution to protect and preserve the public health, safety, and welfare of the citizens of Longview and as authorized by Chapters 35.67 and 35.92 RCW, and RCW 35A.21.150.
- (2) The purpose of this chapter is to provide for the planning, security, design, construction, use, maintenance, repair, and inspection of both public and private sanitary wastewater systems within the utility service area and to establish programs and regulations to provide for appropriate use of such public and private wastewater systems.

15.04.020 Utility Created.

- (1) There is hereby created and established the sewer utility of the City of Longview under which the provisions of this chapter shall be carried out.
- (2) The Public Works Director shall be the administrator for the wastewater system. As administrator, the Director is authorized to administer, implement, and enforce the provisions of this chapter and to promulgate rules and procedures that are consistent with and implement this chapter except as provided in this section. The Director may designate individuals to assist in administering this chapter.
 - a. Decisions of the Director
 - i. Any person aggrieved by a decision of the Director may file a written petition with the City Manager for a review of the Director's decision. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal.
 - ii. The City Manager may affirm or reverse the decision of the Director, and any order, requirement, decision, or determination.

- iii. Decisions of the City Manager may be appealable to the hearing examiner of the City within 10 days thereafter, which appeal shall be upon written notice to the hearing examiner, and which appeal shall be considered within 10 days after receipt thereof by the City. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the hearing examiner shall be final, binding, and conclusive.

- (3) The Director of finance shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in LMC 2.33.010.

General Intent.

15.04.030 General Intent.

It is the express intent of the City Council that the sewer utility shall be a self-supporting utility operated without drawing upon the general funds of the City. It is the aim of the Council by this article to provide that:

- (1) The total annual revenue of the sewer utility shall be such as to provide the necessary funds to ensure success of the principle of self-support;
- (2) The cost of installation of that portion of the utility which specially benefits the real property in the area served shall be assessed against such property on a proportionate basis;
- (3) The cost of installation of that portion of the utility which does not specially benefit the real property in the area served but which benefits the community as a whole shall be borne by the revenues of the utility;
- (4) The cost of installation and expansion of the capital improvements of the utility, such as treatment plants, pumping stations on trunks, pressurized trunks, and similar items, other than trunk sewers as hereinafter provided, shall be borne by the revenues of the utility;
- (5) The total annual revenues of the utility shall be contributed by users for whose use, need and benefit the facilities of the utility are provided approximately in proportion to the cost of providing the use and benefits of said utility.

Defined ownership

15.04.040 Wastewater system ownership and responsibility.

- (1) The City shall own all currently existing wastewater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include mains, pump, or lift stations, and side sewer stubs.
- (2) Once wastewater facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities and those portions of private side sewers located within the public rights-of-way but serving

private property unless otherwise provided by agreement, local ordinance, or state law.

- (3) Private Ownership of Side Sewers – in improved roadways, alleyways, easements, and utility corridors (See figure a below.) Side sewers located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record.

Routine maintenance – property owner is responsible for the building sewer from the building drain to the public sewer.

Repair or Replacement - property owner is responsible for the building sewer from the building drain to the public right of way line. The City is responsible for the building sewer from the right of way line to the public sewer.

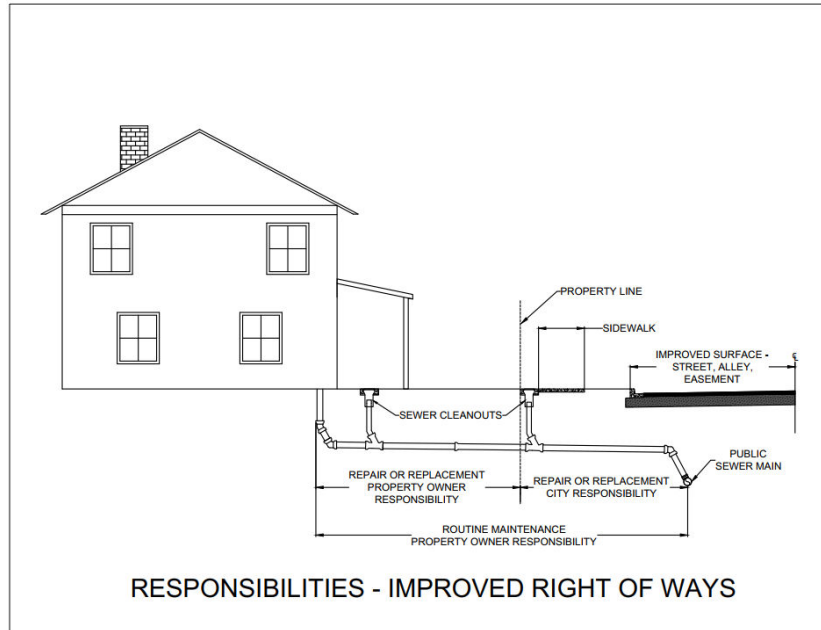
- (4) Private Ownership of Side Sewers – in unimproved roadways, alleyways, easements, and utility corridors (See figure b below.) Side sewers located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record.

Routine maintenance – property owner is responsible for the building sewer from the building drain to the public sewer.

Repair or Replacement - property owner is responsible for the building sewer from the building drain to the public sewer.

- (5) The City may accept existing private wastewater facilities, provided:

- a. City ownership of the facility would provide a public benefit;
- b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
- c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
- d. The City has adequate resources to maintain the facility; and
- e. The facility is transferred to the City by bill of sale at no cost to the City.



Ownership illustrations.

Figure a Responsibilities in improved rights of way.

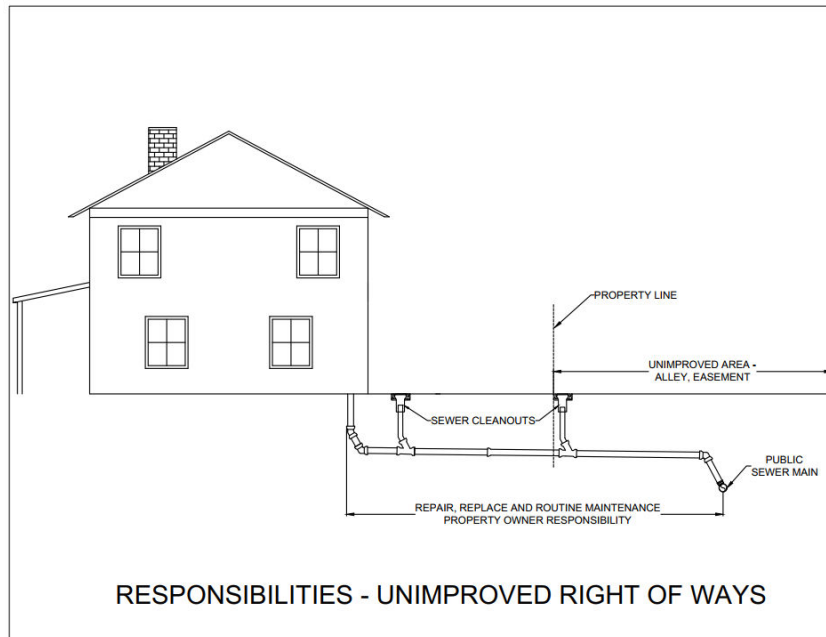


Figure b Responsibilities in unimproved rights of way.

15.04.050 General Sewer Plan.

- (1) The City shall prepare and maintain a comprehensive master plan for the system of sewers and adopt such plan by ordinance.

General sewer plan requirement

(2) The plan shall conform to all laws and regulations applicable to wastewater systems, including but not limited to Chapter 35.67 RCW and Chapter 173-240 WAC.

(3) Amendments to the plan, as necessary to ensure compliance with applicable law and the needs of the City, shall be processed as necessary.

[Adoping standards](#)

15.04.060 Adoption of City standards.

The City of Longview Engineering Special Provisions & Standard Drawings shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the wastewater system.

[How to change the standards](#)

15.04.070 Variances and deviations.

(1) The Director may grant a variance from the provisions of this chapter subject to the process and criteria set forth in LMC 12.50.020.

(2) The Director may authorize deviations to the applicable requirements of the Engineering Special Provisions & Standard Drawings subject to the process and criteria set forth in LMC 12.50.020.

Chapter 15.08 DEFINITIONS

Definitions were consolidated,
and updated.

15.08 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is always mandatory, whereas the word “may” denotes a use of discretion in making a decision.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

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

“Accessory dwelling unit” (ADU) means a single-family residential structure as defined in LMC Title 19.

“B.O.D.” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million by weight.

“Building drain” means that part of the lowest piping of the building sanitary sewer drainage system that receives the discharge from soil, waste, and other sewer drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

“Building sewer” means that part of the horizontal piping of the sanitary sewer drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to the public sewer.

“Capital Recovery Fee” capital recovery fees are charges imposed by the sewer collection utility upon new development to tie into the sewer collection system and use existing sewer capacity that has already been paid for by the existing customer base.

“City” means the City of Longview.

“Connection charges” means charges imposed as a condition of connecting to a City sewer main and covers the cost of City inspection.

“Customer rates” means charges that recover all costs of operating the utility. They include both a monthly base fee and consumptive charges. Except for high strength fees, modified fees, and fees based on unusual discharge patterns all of which are set by resolution; and/or industrial waste surcharges paid to a wastewater treatment provider.

“Dangerous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste, as further defined under WAC 173-303-040.

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Developer extension” means the development, extension, or expansion of wastewater facilities, mains, or improvements initiated, paid for, and completed by a developer, owner, or any person benefiting therefrom under the supervision of the City.

“Developer extension agreement” means a contract between the City and a property owner, person, and/or developer that sets forth the terms and conditions for a developer extension, including plan review, inspection, construction, costs, conveyance of title, and warranty. Also known as a “contract for extension agreement.”

“Director” means the City of Longview public works Director or designee.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

“Emergency” means any natural or human caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public wastewater system; endangers the health and safety of the public; or otherwise requires immediate action by the City.

“Engineer” means the City of Longview City Engineer or designee.

“Engineering Special Provisions & Standard Drawings” means the standards adopted by the Longview engineering department which sets forth the processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering related to the development of streets, utilities, and improvements within the City.

“Equivalent Residential Unit” or “ERU” means a measure of wastewater demand that is the basis for calculating monthly wastewater service charges.

“Fee schedule” means that schedule of rates, fees, and charges established by resolution of the City Council.

“Finance Department” means the City department charged with the financial management of the City.

“Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“FOG” means polar and nonpolar fats, oils, and grease.

“Food processing establishment” means a commercial establishment in which food is manufactured or packaged for consumption.

“Food sales establishments” means retail and wholesale grocery stores, retail seafood stores, food processing establishments, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

“Food service establishments” means any nondomestic establishment that prepares and/or serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or is required to have a food business permit issued by Cowlitz County Department of Health. This term includes: restaurants, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering and home based food establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.

“Garbage” means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

“General Sewer plan” means that plan adopted by City Council pursuant to LMC 15.04.050.

“Grease interceptor” means an appurtenance or appliance that is installed in a sanitary drainage system to intercept nonpetroleum fats, oil, and grease (FOG) from wastewater.

“Grinder pump” means the pump, wet well, alarm, panel, valve vault, and appurtenances located on private property for the purpose of grinding and transporting wastewater into the wastewater system used by its owner, public or private.

“Illicit connection” means any artificially constructed conveyance that is connected to the public wastewater system without a permit, or that is not intended for collecting and conveying only wastewater discharge. Examples of illicit connections include storm sewer connections, exterior floor drains, channels, pipelines, conduits, footing drains, downspouts, inlets, or outlets that should be connected directly to the municipal separate storm sewer system.

“Illicit discharge” means any direct or indirect discharge into the public wastewater system that is not composed entirely of wastewater, except discharges pursuant to a NPDES permit, or any discharge prohibited by the Code of Federal Regulations, such as 40 CFR § 403.5, Cowlitz County Code, and Longview Municipal Code, and any regulation adopted to implement those laws, all as amended from time to time.

“Improved roadways, alleyways, easements, and utility corridors” means roadways, alleyways, easements, or utility corridors with a surface constructed to City standards with either concrete, or hot mix asphalt; or City-maintained gravel alleys.

“Industrial waste” means any liquid, solid, or gaseous substances or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade, or research, including, but not limited to, development, recovery, or processing of natural resources, leachate from landfills or disposal sites, decant water, contaminated non-process water, and contaminated stormwater or ground water.

“Interceptor sewer” means a sanitary sewer 12 inches or larger in diameter and the pump station or stations for the same, together with the pressure line or lines, necessary to serve such interceptor sewer.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 14.18 LMC.

“LMC” means the City of Longview Municipal Code, as it currently exists and as amended from time to time.

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 14.08 LMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

“NPDES” The abbreviated term “NPDES” as used in this chapter means National Pollutant Discharge Elimination System.

“Nonpolar fats” means fats, oils, or grease organic compounds derived from animal or plant sources that are used in, or are a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidify with a change in temperature or other conditions.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Polar fats” means fats, oils, or grease of mineral or petroleum origin.

“Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

“Pretreatment device” means any approved device, structure, system, or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public wastewater system.

“Private sewer” or “private wastewater” means wastewater conveyance facilities which are owned, operated, maintained, and controlled by the property owner served by those facilities.

“Prohibited discharge” means any liquid, solid, or material other than discharge intended from domestic plumbing fixtures, or as permitted by an industrial waste discharge permit, prohibited by the Code of Federal Regulations, such as 40 CFR § 403.5, Cowlitz County Code, and Longview Municipal Code, and any regulation adopted to implement those laws, all as amended from time to time.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“repair” means repair or major maintenance of a building sewer, including but not limited to, lining, or excavation and repair of damage to the building sewer caused by external forces or failure of the pipe or pipe material. Cutting or removal of roots from the building sewer shall be considered repair; responsibility for such maintenance shall be determined by the location at which the roots enter the building sewer.

“Residential structure” means a dwelling unit as defined in LMC Title 19 and includes, but is not limited to, single-family, multifamily, accessory dwelling unit, duplexes, or triplexes.

“Routine maintenance” means operational maintenance of a building sewer, including, but not limited to, cleaning or rodding to clear grease or other internal obstructions or substances that have been discharged or allowed to accumulate in the building sewer that may interfere with the operation of the building sewer.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

“Sanitary wastewater system” has the same meaning as “wastewater system.”

“Sewer main, public” means a pipe designed or used to transport sewage owned by the City, excluding private side sewers.

“Sewer Treatment System Development Charge” or “SDC” means pass-through charges assessed by Rivers Regional Wastewater Authority (TRRWA.) The TRRWA provides all necessary treatment facilities, transmission facilities and wastewater services to receive and treat wastewater collected by its members within the service area.

“Sewage treatment plant” means any arrangement of devices and/or structures used for treating sewage.

“Shredded garbage” means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions nominally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

“Side sewer service, private” means a privately owned and maintained pipe system designed to convey wastewater to the public wastewater system and includes the pipe system up to, and including the tee, wye, or connection to the private side sewer.

“Side sewer service stub” means that portion of the side sewer service between the City’s sewer main and the property line, when the sewer main is in an improved roadway, alleyway, easement, or utility corridor. In this case, side sewer service stubs are considered part of the public sewer system. If the sewer main is in an unimproved roadway, alleyway, easement, or utility corridor; then there is no side sewer service stub. The private side sewer service extends to the side sewer tee.

“Sewer service connection” means the tee, wye or, connection fitting at the point at which the side sewer service stub joins the sewer main.

“Standard construction costs” means the cost of the pipe for either the standard trunk sewer or standard lateral sewer, whichever is to be installed, plus the total cost of all wyes and manholes and the total cost of all installation and incidental work necessary to place the sewer pipe in service regardless of its size.

“Standard lateral sewer” means a sanitary lateral sewer eight inches in diameter. In general, side sewers connect to a lateral sewer which will connect to a trunk or sewer main.

“Standard trunk sewer” means a sanitary trunk sewer 10 inches in diameter.

“Storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

“Structure” means any improvement which is designed, intended, or suitable for human occupancy, employment, recreation, habitation, or other purpose.

“Surcharge” means an additional charge that may be imposed in addition to the consumer rates charge.

“Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

System Development Charges (SDC) are pass-through charges assessed by Three Rivers Regional Wastewater Authority (TRRWA.) SDCs are fee scheduled charges applied to new development to help offset the impact of development, redevelopment, or an intensification of use. The fee is intended to recover a fair share of the costs of existing and planned infrastructure that provide capacity to serve new growth.

“Three Rivers Regional Wastewater Authority” or “TRRWA” means a municipal corporation organized between Cowlitz County, the City of Longview, the City of Kelso, and Beacon Hill Water & Sewer District.

“Unimproved roadways, alleyways, easements, and utility corridors” means roadways, alleyways, easements, or utility corridors without a surface constructed to City standards with either concrete or hot mix asphalt.

“Unit” means any portion of a structure available, suitable, intended or otherwise used as a separate business office or separate suite of business offices, store, or other commercial establishment, except for individual storage spaces in a self-storage building, apartment, condominium, single-family dwelling, duplex, triplex, fourplex, trailer, or an accessory dwelling unit added to a single-family dwelling.

“Unsafe condition” means any condition on any premises, or in any private wastewater system thereon, that is a hazard to public health, safety, welfare, or environment that does or may impair or impede the operation or functioning of any portion of the public wastewater system or that may cause damage thereto.

“User” means any person, firm, or any corporation who discharges any substance into the sanitary sewer system of the City.

“Utility” means the wastewater utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City in the sewer master plan as the area served by the utility and as may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

“Wastewater” means the water-carried waste that is contained in and conveyed by any part of a wastewater system from residential, commercial, or industrial facilities. This term is used interchangeably with the term “sewage.”

“Wastewater conveyance facilities” means facilities such as side sewers, sewer pipes, manholes, grinder pumps, and other facilities.

“Wastewater facility” means any facility for the conveyance or storage of wastewater, whether part of the public wastewater system or a private wastewater system, which is connected to or intended to be connected to the public wastewater system. Also referred to as a “sewer facility.”

“Wastewater pretreatment” means the treatment of industrial waste before discharge to the public wastewater system.

“Wastewater service” means providing for the conveyance of wastewater from a structure into the public wastewater system.

“Wastewater system, public” means the wastewater facilities which are operated, maintained, and controlled by the City of Longview’s wastewater utility. Such facilities typically include sewer mains, pump, or lift stations, and side sewer stubs.

“Wastewater treatment provider” means the public entity that provides treatment and disposal services for the wastewater collected by the City.

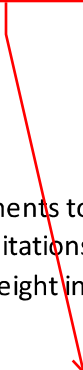
Chapter 15.16

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.16.010 Specifications for improvement.**
- 15.16.020 Burden of replacement costs.**
- 15.56.030 Extensions.**
- 15.16.040 Cost of new installations within City limits.**
- 15.16.050 Cost of new installations outside City limits.**
- 15.16.060 Application.**
- 15.16.070 Sewer Extension Installation.**
- 15.16.080 Private Sewer Systems.**
- 15.16.090 Easements**
- 15.16.100 Record drawings.**
- 15.16.110 Inspections and investigations.**

Referenced to City standards.



15.16.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing sewer utility system shall be determined by the Director subject to the following limitations: No sanitary trunk sewer less than 10 inches in diameter and no sanitary lateral sewer less than eight inches in diameter shall be installed without specific prior approval of the Director.

Sewer main replacements and extensions shall be in accordance with the Longview Engineering Special Provisions & Standard Drawings.

City Burdon.



15.16.020 Burden of replacement costs.

Whenever any trunks or laterals for the utility service, now or hereafter installed, require replacement due to obsolescence, inadequacy, or deterioration, the cost of such replacement shall be paid for out of the revenues of the sewer utility.

Consumer burdon



15.56.030 Extensions.

All extensions of mains required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the main will be determined by the Director. Such extensions shall be installed, and the cost thereof provided for in any manner satisfactory to the Department as permitted by law.

15.16.040 Cost of new installations within City limits.

When a person, with property within the City, who is not currently served by the sewer utility, shall request service, the person making such request shall provide for payment by means of local improvement districts as described in LMC 14.08 or by direct installation under the supervision of the City Engineer. The person making such a request may be eligible to collect latecomer fees as described in LMC 14.18. In the event the City shall require the installation of trunks or laterals of sizes larger than those defined as standard, the actual additional cost of the sewer pipe larger than the standard size, shall be paid for out of the revenues of the sewer utility. When the City Council determines that any area or areas within said City need sewer service and no request has been made by a person, the City Council may provide for the payment of the standard construction costs by means of local improvement districts.

15.16.050 Cost of new installations outside City limits.

When a person, with property outside the City, who is not currently served by the sewer utility, shall request service, the person making such request shall provide for the payment. In the event the City shall require the installation of trunks or laterals of sizes larger than those defined as standard, the actual additional cost of the sewer pipe larger than the standard size, shall be paid for out of the revenues of the sewer utility.

15.16.060 Application.

Any person desiring to replace or extend sewer mains shall make application through the City's Public Improvement Process (PIP) as provided is LMC 12.10 or the Local Improvement District process as provided in LMC 14.08.

Cross referenced to the
PIP permits.



15.16.070 Sewer Extension Installation.

Once the Permit for Utility Service and the connections fees are paid, the customer may connect to the City's sanitary sewer lateral with a side sewer. City staff will inspect the sewer tap and connection. The side sewer shall extend at approximately right angles from the lateral to the property line. On all installations a clean out of approved design, shall be placed on the customers side of the property line.

15.16.080 Private Sewer Systems.

The City will not operate and maintain private sewer collection systems inside or outside the corporate limits of the City in conjunction with its own facilities.

15.16.090 Easements

- (1) A public wastewater easement is required to be granted to the City when a public wastewater facility will be built on private property.
- (2) A private wastewater easement is required to be granted between property owners whenever:
 - a. A private wastewater facility will be built on property owned by a different private party; or
 - b. A side sewer will serve two or more properties.

Easements and record drawings are required.

15.16.100 Record drawings.

All private side wastewater applicants or permittees shall file a record drawing showing the location and configuration of the private side sewer connection and private wastewater facilities.

15.16.110 Inspections and investigations.

- (1) All work on public or private wastewater systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (2) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (3) The City may require sampling or inspection tees or manholes in the side sewer service connection to the public wastewater system at its discretion to facilitate inspections and/or investigations.
- (4) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

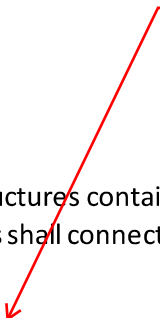
Chapter 15.20

Side Sewers - Connections - Maintenance

Sections:

- 15.20.010 Use of public sewers required.
- 15.20.020 Building sewers and connections.
- 15.20.030 Connections
- 15.20.040 Service beyond City Limits.
- 15.20.050 Application – Filing – Contents.
- 15.20.060 Connections.
- 15.20.070 Connection Fees
- 15.20.080 Capital Recovery Costs
- 15.20.090 System Development Charges.
- 15.20.100 Grinder Pumps.
- 15.20.110 Maintenance of side sewers.

When a consumer must connect.



15.20.010 Use of public sewers required.

- (1) Any person owning property with structures containing facilities for the disposal of wastewater within the City's municipal boundaries shall connect to the public wastewater system subject to the provisions of this chapter.
- (2) Connection to the public wastewater system shall be required when new development or redevelopment of a structure occurs, and public wastewater service is within a horizontal distance of 300 feet from the property line for the parcel where the development or redevelopment is occurring;

Except: Any house, building, or property which is connected to an existing and fully operational on-site sewage system. Owners and/or residents of property using any such on-site sewage system shall cooperate with all reasonable requests by the City to inspect said on-site sewage system. Such inspections shall not be more often than once in any 12-month period.

- a. When adequate public sewer services are available within three hundred feet of the residence or facility, the Director, upon the failure of an existing on-site sewage system may:
 - i. Require hook-up to a public sewer system; or
 - ii. Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.
- b. The owner of an on-site sewage system that has failed shall abandon the on-site sewage system and connect the residence or other facility to a public sewer system when:

- i. The distance between the residence or other facility and an adequate public sewer is three hundred feet or less as measured along the usual or most feasible route of access; and
 - ii. The sewer utility allows the sewer connection.
 - c. The owner of a residence or other facility served by a system meeting the requirements of WAC 246-272a-0280 Table IX shall abandon the on-site system, and connect the residence or other facility to a public sewer system when:
 - i. Connection is deemed necessary to protect public health by the local health officer;
 - ii. An adequate public sewer becomes available within three hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
 - iii. The sewer utility allows the sewer connection.
- (3) Horizontal distance shall be measured along a straight line from the nearest available connection point to the closest property line.

15.20.020 Building sewers and connections.

- 1) No person shall install, uncover, make connections with or openings into, use, alter or disturb any public sewer, building sewer or appurtenance thereof without first obtaining a written permit from the Director. All connections to the public sewer shall be installed according to City of Longview Engineering Special Provisions & Standard Drawings in effect at the time of plan submittal.
- 2) There shall be two classes of building sewer permits:
 - a) For residential and commercial service, and
 - b) For service to establishments producing industrial wastes as approved by the Washington State Department of Ecology.

For either class, the property owner shall make application on the form furnished by the department of public works. The permit application shall be supplemented by such plans, specifications, or other information considered necessary to ensure compliance with the provisions of this chapter.
- 3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner provided with sewage service. The property owner or their agent, whoever does the actual sewer installation, shall reimburse the City for any loss or damage that may be caused to City property by the installation of the building sewer.
- 4) Where the property owner or their contractor is required to excavate within a street or other public right-of-way, a right of way bond, cash deposit, or certified check shall be required prior to the start of work. The bond, cash, or check shall be in an amount that represents 150% of the value of the work to be performed within the right of way. Cash and checks shall be deposited

by the City in an amount established by Finance Director. The bond, deposit, or check shall be returned to the owner or their contractor when the completed installation has received final written approval from the Director of public works. Bonding requirements may be waived by the Director.

- 5) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another building on the same lot and under the same ownership. No building sewer, however, may extend under another building.

15.20.030 Connections

Side sewer connections shall only be made sewer service connection to a sewer lateral. No side sewer connection may be made to a sewer main or to a sewer manhole.

Except:

- 1) When the City Engineer determines that it is impractical by reason of the topography of the land and/or the lack of depth of trunk sewers to install a lateral sanitary sewer to serve one or more residences, commercial or industrial properties, the Director may authorize connections from such residence, commercial or industrial properties directly with any sanitary trunk sewer capable of serving such property or properties.
- 2) Before any work shall be started on the installation of a connection, the applicant shall obtain a permit through the office of the Director. Once the application is approved and all fees have been collected, the Director shall issue the permit.
- 3) The City shall be under no duty or obligation to permit sewer connections from the sanitary trunk sewers of the City to any property lines, it being the expressed intention of the City to reserve the right to determine whether any such sewer lines shall be constructed, or any connections made, solely within the judgment and discretion of the City.
- 4) Nothing contained in this chapter shall be construed as prohibiting the City from assessing the property of all such applicants for the cost of any local improvement which shall provide available lateral sanitary sewer service to a property or properties; provided, however:
 - a) Any person connected with a trunk sewer in accordance with this chapter shall have the right to elect whether to connect to lateral sanitary sewer when available; provided further,
 - b) That any election by any applicant not to connect with any available lateral sanitary sewer shall not prevent the property of the applicant from being included within any local improvement district created for the purpose of providing a lateral sanitary sewer capable of serving the applicant's property, or
 - c) Prevent such property from being assessed for the proportionate share of any local improvement district created for the purpose of installing such a lateral sanitary sewer.

15.20.040 Service beyond City Limits.

For the statutory provisions regarding outside sewer connections, see RCW 35.67.310.

1) Terms and conditions:

- a. Sanitary sewer service connections and facilities may be provided and furnished for property adjacent to but outside the City limits, at the discretion of the Director.
- b. Subject to the formation of a local improvement district or utility local improvement district. As provided for in LMC 15.16.
- c. Property owners shall be required to enter into an Outside Utility Agreement (OUA) with the City which will limit their rights to oppose a future annexation.

15.20.050 Application – Filing – Contents.

- 1) Any person desiring to have premises connected with the sewer collection system of the City shall present at the office of the Director a Permit for Utility Service. As part of the permit customers shall provide:
 - a. Name of the owner
 - b. Billing address
 - c. E-mail address
 - d. Telephone number
 - e. Description of the project
 - f. Site address.
 - g. Type of facility
 - h. The size of side sewer required.
 - i. Sketch of the site.
 - j. It shall be signed by the occupant of the premises to be served or their duly authorized agent.
 - k. At the time of filing of the permit, the applicant shall pay to the City the fees for installation of sewer service as provided by this article or resolution of the City.
- 2) The application provided for in subsection 1) shall constitute a contract on the part of the person making the same with the City to pay for the sewer service applied for at the rate and in the manner specified by the ordinances or resolutions of the City governing the same and to comply with all other provisions of the ordinances or resolutions of the City pertaining thereto.
- 3) All contracts shall take effect from the day they are signed, and rates shall be charged from the dates the premises are connected with the City sewer system.

Permit process was updated.

15.20.060 Connections.

Once the Permit for Utility Service and the connection fees are paid, the customer may connect to the City's sewer lateral with a side sewer. City staff will inspect the and connection. The side sewer shall extend at approximately right angles from the main to the property line. On all installations a clean out of approved design, shall be placed at the property line.

15.20.070 Connection Fees

Fees are in the Master fee schedule.

- 1) Side sewers shall be 6 inch in size or greater.
- 2) The fees for the installation of side sewer connections as hereinabove provided shall be in such amounts as shall be fixed by resolution of the City Council from time to time upon recommendation of the Director.
- 3) Sewer capital recovery fees and sewer treatment system development charges are fees in perpetuity and will run with the property.

15.20.080 Capital Recovery Costs

Capital recovery fees are charges imposed by the sewer utility upon new development to tie into the sewer collection system and use existing sewer capacity that has already been paid for by the existing customer base. Capital recovery fees easily and fairly distribute the burden of providing additional sewer collection capacity from the sewer utility and its existing customers to new customers as a result of new development. The fees are collected from new industries, new commercial businesses, new residential construction, and new sewer taps, and they allow the new customer to “buy-in” to the remaining sewer collection capacity the sewer system. The capital recovery costs are established periodically by resolution of the City Council.

15.20.090 System Development Charges.

System Development Charges are pass-through charges assessed by Three Rivers Regional Wastewater Authority (TRRWA.) The TRRWA is a municipal corporation organized between Cowlitz County, the City of Longview, the City of Kelso, and Beacon Hill Water & Sewer District. The TRRWA provides all necessary treatment facilities, transmission facilities and wastewater services to receive and treat wastewater collected by its members within the service area. SDCs are fee scheduled charges applied to new development to help offset the impact of development, redevelopment, or an intensification of use. The fee is intended to recover a fair share of the costs of existing and planned infrastructure that provide capacity to serve new growth. The system development charges are established periodically by resolution of the TRRWA board.

15.20.100 Grinder Pumps.

- (1) Unless authorized by the Director, grinder pumps and required appurtenances are not permitted.
- (2) If authorized, grinder pumps shall:
 - a. Only be used for sewage that may not physically be conveyed to the public side sewer service stub by gravity; and
 - b. Be privately owned and maintained.

The City may agree to provide maintenance service if a grinder pump serves multiple residential structures. Provided, that such maintenance service shall be by contract and at the owner's sole cost and expense.

15.20.110 Maintenance of side sewers.

Maintenance responsibilities are defined.



(1) Maintenance, repair, and replacement of sewers:

a. Unimproved roadways, alleyways, easements, or utility corridors.

Where the sewer main exists in an unimproved roadways, alleyways, easements, or utility corridors.

i. Routine maintenance

(1) Private side sewer service - property owner shall be responsible for the routine maintenance as they are the user of the sewer service to the sewer service connection.

(2) Sewer main – City shall be responsible for the routine maintenance limited to cleaning and TV inspection.

ii. Repair

(1) Private side sewer service - property owner shall be responsible for repair.

(2) Sewer Main – City shall be responsible for trenchless repairs including cured in place pipe (CIPP) lining of the City owned main.

iii. Replacement

(1) Private side sewer service - property owner shall be responsible for replacement.

(2) Sewer Main – City shall be responsible for replacement.

Owner improvements:

a) When property owner improvements have been made within the unimproved roadways, alleyways, easements, or utility corridor; and the improvements must be removed to facilitate City led repair or replacement of the sewer main, the property owner shall be responsible for removal and replacement of the improvements.

b) When possible, City staff shall notify the property owner(s) 30-days in advance of needing improvements relocated. When an emergency has been declared, owners may receive as little as 24-hours' notice. If after proper notice the City needs to remove owner improvements, the improvements shall become the property of the City.

c) Once repair and/or replacement of the sewer main is complete, the property owner may restore their improvements outside of the unimproved roadway, alleyway, easement, or utility corridor.

- b. Improved roadways, alleyways, easements, or utility corridors.

Where the sewer main exists in an improved roadways, alleyways, easements, or utility corridors.

- i. Routine maintenance

- (1) Private side sewer service - property owner shall be responsible for the routine maintenance.

- (2) Sewer main – City shall be responsible for the routine maintenance.

- ii. Repair

- 1. Private side sewer service - property owner shall be responsible for repair.

- 2. Side sewer service stub – City shall be responsible for repairs.

- 3. Sewer main – City shall be responsible for repairs.

- iii. Replacement

- 1. Private side sewer service - property owner shall be responsible for replacement.

- 2. Side sewer service stub – City shall be responsible for replacement.

- 3. Sewer main – City shall be responsible for replacement.

- (2) All costs for the maintenance, repair, and replacement of the building sewer shall be as detailed above. Except when, as determined by the City, the “building sewer” damage is directly or indirectly caused by the property owner of the premises served by the building sewer or caused by an act or omission of said owner, the cost to repair this damage shall be the responsibility of the property owner. The City may file a lien against the property served by the building sewer, if City borne costs are charged and not paid within 30 days of the date of billing.

15.24

Sewage Disposal - Pretreatment

Sections:

[Moved definitions](#)

- 15.24.010 Purpose.**
- 15.24.020 General.**
- 15.24.030 Private sewage disposal – Septic tank.**
- 15.26.040 Regulations regarding the use of public sewers.**
- 15.24.050 Protection from damage.**
- 15.24.060 Abatement of violations of this chapter.**
- 15.24.070 TRRW discharge pretreatment regulations – Adopted by reference.**

15.24.010 Purpose.

The purpose of this chapter is to protect the public health by providing standards for the collection, treatment, and disposal of sewage within the City.

15.24.020 General.

- 1) Whenever upon inspection the building sewer, from building drain to property line, right-of-way line, or public sewer easement line, is found to be defective, a written notice shall be mailed to the owner of record and the owner shall be required within 60 days to make the necessary repairs to meet the City code.
- 2) Whenever upon inspection any building or premises, or part thereof, is found unfit for human habitation by reason of defective plumbing, lack of sanitary plumbing or toilet facilities, building sewer or private sewage disposal system, the Director of community and economic development shall require the vacation of such building, premises or part thereof within 10 days after the date of official notice to do so, and a written order shall be conspicuously posted on the building or premises, and where practicable, shall be served upon the owner, agent or occupant of such premises, and it is unlawful for any person to fail, neglect or refuse to comply with such order or fail to vacate such premises when so ordered.

15.24.030 Private sewage disposal – Septic tank.

- (1) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
Except:

- a) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section. Such private sewage disposal systems shall only be approved septic tanks and must receive written approval from the Director and the Cowlitz County Environmental Health Manager.
- b) Before starting any construction of a private sewage disposal system, the property owner shall first obtain a written permit from the department of community and economic development with concurrence of the Director. The application for such permit shall be made on a form furnished by the City. The applicant shall also supply plans, specifications, and other information as may be deemed necessary by the City.
- c) No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 6,000 square feet. No septic tank or shall be permitted to discharge to any public sewer, natural outlet or to the ground surface.
- d) At such times as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in compliance with the terms of this article, and any septic tanks, and similar private sewage disposal facilities shall be decommissioned in accordance with City and Cowlitz County Environmental Health regulations.
- e) The owner shall always operate and maintain private sewage disposal facilities in a sanitary manner in accordance with City and Cowlitz County Environmental Health regulations, at their own expense.
- f) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by Cowlitz County Environmental Health or State of Washington Department of Health.

15.24.040 Regulations regarding the use of public sewers.

(1) Sanitary Sewer – Restricted Use.

No user shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer, except refrigeration water as permitted by other ordinances of the City.

(2) Stormwater.

Stormwater and all other unpolluted drainage shall be discharged into such sewers as may be specifically designated as storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet with the approval of the Director.

(3) General Discharge Prohibitions.

In this text no user shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the sewage treatment plant. These prohibitions apply to all users of the sewage treatment plant, whether the user is subject to “national categorical pretreatment standards” or any other national, state or local pretreatment standards or requirements. A user may not contribute any pollutant or

wastewater to the sewage treatment plant that is prohibited by Section 2.1 of the “Three Rivers Regional Wastewater Authority Discharge Pretreatment Policy,” as adopted by LMC 15.26.090.

(4) Monitoring Facilities.

- a. The City may require to be provided and operated, at the property owner’s expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall nominally be located on the user’s premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- b. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be always maintained in a safe and proper operating condition at the expense of the property owner.
- c. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City’s requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

(5) Inspection and Sampling.

The City may inspect the facilities of any user to ascertain whether the purpose of this section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. Federal, state, and local authorities shall have the right to set up on the user’s property such devices as are necessary to conduct a sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, federal, state and/or local agents will be permitted to enter without delay, for the purpose of performing their specific responsibilities.

(6) Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this section and LMC 15.26.090. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user’s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this section and LMC 15.26.090. Any subsequent changes in the pretreatment facilities or method of

operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

(7) Fats, oil, and grease (FOG) controls

- a. All food processing, sales and service establishments generating FOG shall install, use, and maintain appropriate grease interceptors as set forth in this section.
- b. Establishments requiring grease interceptors are:
 - i. All hospitals, all restaurants, or places where food is processed for consumption, garages, gasoline stations, car washes, repair shops and all areas where automobiles, trucks, buses and other vehicles are washed or otherwise cleaned, generating FOG.
 - ii. Development applications, including tenant improvements that change the use classification to a food establishment, or a new mixed-use development with the potential to generate fats, oil, and grease; and
 - iii. Existing facilities that cause a build-up of FOG in any public wastewater facility resulting in a wastewater overflow or are otherwise causing a prohibited discharge.
- c. Grease interceptors shall:
 - i. Meet the sizing criteria set forth in the Uniform Plumbing Code, as adopted in LMC 16.02;
 - ii. Be located so that the interceptor is accessible for sampling, cleaning, and inspection; and
 - iii. Be maintained in good and efficient working order and serviced by a grease waste hauler on a regular maintenance schedule.
- d. Decanting or discharging of removed waste back into the interceptor from which the waste was removed is prohibited.
- e. Discharge of FOG more than 100 milligrams per liter (mg/L) concentrations is not allowed downstream of the grease interceptor.
- f. All violations of the FOG control requirements or defects in equipment shall be corrected immediately by the property owner or tenant. Repeat failures of the FOG control requirements or failure to correct defects in equipment may result in a violation of this chapter as provided in LMC 15.32.010.

(8) Harmful Contributions.

- a. The City may suspend the wastewater service when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the sewage treatment plant, or causes the City to violate any condition of its NPDES permit or the NPDES permit of the Three Rivers Regional Wastewater Authority.
- b. Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent

or minimize damage to the sewage treatment plant or endangerment to any individuals. The City shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

(9) Special Agreements.

No provision of this section shall be construed as preventing any special agreement or arrangement between the City and any commercial or industrial concern or business whereby a sanitary sewer discharge of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the commercial or industrial concern or business.

15.24.050 Protection from damage.

- (1) In the event any person shall, through accident or neglect, break, destroy or in any way damage any structure, appurtenance, or equipment which is a part of the City's sanitary wastewater system, such person shall pay the cost of repairing or replacing such damaged or destroyed property. It shall be duty of the Director to determine the extent of the damage and to have the damaged property either replaced or repaired according to the City's specifications and at the sole cost and expense of the person causing such damage.
- (2) No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the City's sanitary wastewater system. Any person violating this provision shall be liable for damages to such facility or portion thereof in addition to penalties as provided in LMC 1.26.010.

15.24.060 Abatement of violations of this chapter.

The imposition of the penalties herein prescribed shall not preclude the City's attorney from instituting an appropriate action to restrain, correct or abate any violation of the terms of this chapter.

15.24.070 TRRWA discharge pretreatment regulations – Adopted by reference.

That certain document titled "Three Rivers Regional Wastewater Authority Discharge Pretreatment Policy" adopted on May 9, 2012, the effective date of which is June 27, 2012, is hereby adopted as official rules and regulations of the City of Longview setting forth industrial pretreatment requirements and regulations for discharges into the City's wastewater system. For purposes of this adoption, "Member Entity," as used in that policy, shall mean the City of Longview. Further, subsequent editions of the policy shall become official rules and regulations of the City of Longview as the same are adopted by the Three Rivers Regional Wastewater Authority; provided, however, the subsequent editions shall only become effective upon the new edition being filed with the City clerk.

Chapter 15.28

ANNEXATIONS

Updated language, content is the same.

Sections:

15.28.010 New areas to connect to public sewers.

15.28.020 Line to applicant's property.

15.28.030 New connections in areas served by sewer lines constructed under local improvement districts.

15.28.010 New areas to connect to public sewers.

When any area is annexed to the City all premises shall be required to connect to the City's sanitary sewer system, except as provided in LMC 15.24. The connection shall be made upon approval of a connection permit and payment of fees in the amounts and in the manner required by LMC 15.

15.28.020 Line to applicant's property.

After a payment is paid, the City Engineer shall issue a permit for the construction of sanitary sewer line(s) from a connection with the public sewer to the property line of the applicant at such point on the applicant's property line as the City Engineer shall deem to be most practical. The applicant shall bear all costs for the connection.

15.28.030 New connections in areas served by sewer lines constructed under local improvement districts.

When sanitary sewer lines have been installed by means of a local improvement district, and after which an adjacent property owner of property, within the local improvement district desires an additional connection or connections to the sanitary sewer line, installation shall be permitted as described above. A permit shall be issued by the City Engineer upon application and payment of applicable fees.

Chapter 15.32

VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sections:

- 15.32.010** **Violations, enforcement, and penalties.**
- 15.32.020** **Appeals.**
- 15.32.030** **City liability provisions.**
- 15.32.040** **Severability.**
- 15.32.050** **Conflict of provisions.**
- 15.32.060** **Liberal construction.**

Made this section mirror the water and stormwater sections of the same name.

15.32.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- (3) It is a violation of this chapter and will be considered damage to the wastewater system to, in any manner:
 - a. Tamper with or damage any part of any wastewater system, public or private; or
 - b. Interfere with or hamper the operation of any part of the wastewater system, public or private; or
 - c. Perform any work that would impact the public wastewater system without first obtaining a permit or other authorization; or
 - d. Violate the terms and conditions of an issued permit; or
 - e. Discharge or cause to be discharged into the public wastewater system any water from yard drains, footing drains, downspouts or any other source of groundwater, rainwater, or storm water; or any liquids, solids or materials defined as prohibited or illicit discharges without a permit; or
 - f. Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the wastewater system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without

prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under LMC 1.33.

15.32.020 Appeals.

- (1) There is no administrative appeal of a permit for utility service.
- (2) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (3) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.32.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous wastewater service is not guaranteed as service may be interrupted or temporarily unavailable due to planned, unplanned events, unforeseen circumstances, or emergencies.
- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to service interruptions.
- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.

15.32.040 Severability.

If any section, subsection, clause, or phrase of this chapter or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the validity or constitutionality of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances shall not be affected.

15.32.050 Conflict of provisions.

Should a conflict occur within the provisions of this chapter or between this chapter and any other provision of this code or other applicable law, rule, or regulation, including engineering standards, the most restrictive requirement shall control, except when constrained by federal or state law, or where specifically provided otherwise in this code.

15.32.060 Liberal construction.

The provisions of this chapter shall be liberally construed to give full effect to its purposes and objectives, to protect the public health and safety, and not be deemed to benefit or protect any individual, class, or group of persons.

Chapter 15.44

GENERAL PROVISIONS

Sections:

- 15.44.010 Purpose.**
- 15.44.020 Utility Created.**
- 15.44.030 General intent.**
- 15.44.040 Water system ownership and responsibility.**
- 15.44.050 Water System Plan.**
- 15.44.060 Adoption of City standards.**
- 15.44.070 Variances and deviations.**

Mirrors the General
Provisions in the
sewer section.

15.44.010 Purpose.

- (3) This chapter is enacted as an exercise of the City's police power as set forth in Section 11 of the Washington Constitution to protect and preserve the public health, safety, and welfare of the citizens of Longview and as authorized by RCW 35, and RCW 35A.
- (4) The purpose of this chapter is to provide for the planning, security, design, construction, use, maintenance, repair, and inspection of both public and private water systems within the utility service area and to establish programs and regulations to provide for appropriate use of such public and private water systems.

15.44.020 Utility Created.

- (4) There is hereby created and established the water utility of the City of Longview under which the provisions of this chapter shall be carried out.
- (5) The Public Works Director shall be the administrator for the water system. As administrator, the Director is authorized to administer, interpret, implement, and enforce the provisions of this chapter and to promulgate rules and procedures that are consistent with and implement this chapter except as provided in this section. The Director may designate individuals to assist in administering this chapter.
 - a. Decisions of the Director
 - i. Any person aggrieved by a decision of the Director may file a written petition with the City Manager for a review of the Director's decision. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal.
 - ii. The City Manager may affirm or reverse the decision of the Director, and any order, requirement, decision, or determination.
 - iii. Decisions of the City Manager may be appealable to the hearing examiner of the City within 10 days thereafter, which appeal shall be upon written notice to the

hearing examiner, and which appeal shall be considered within 10 days after receipt thereof by the City. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the hearing examiner shall be final, binding, and conclusive.

- (6) The Director of finance shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in LMC 2.33.010.

15.44.030 General Intent.

It is the express intent of the City Council that the water utility shall be a self-supporting utility operated without drawing upon the general funds of the City. It is the aim of the council by this article to provide that:

- (6) The total annual revenue of the water utility shall be such as to provide the necessary funds to ensure success of the principle of self-support;
- (7) The cost of installation of that portion of the utility which specially benefits the real property in the area served shall be assessed against such property on a proportionate basis;
- (8) The cost of installation of that portion of the utility which does not specially benefit the real property in the area served but which benefits the community as a whole shall be borne by the revenues of the utility;
- (9) The cost of installation and expansion of the capital improvements of the utility, such as treatment plants, pumping stations, reservoirs, and similar items, other than water mains as hereinafter provided, shall be borne by the revenues of the utility;
- (10) The total annual revenues of the utility shall be contributed by users for whose use, need and benefit the facilities of the utility are provided approximately in proportion to the cost of providing the use and benefits of said utility.

15.44.040 Water system ownership and responsibility.

- (6) The City shall own all currently existing water facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record. Such facilities typically include treatment plants, pumping stations, reservoirs, meters, and mains.
- (7) Once water facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.

- (8) Private Ownership of Service lines – service lines including backflow and similar devices located on private property are exclusively owned by the underlying property owner(s), unless otherwise assigned or dedicated by easement to and accepted by the City, except to the extent that public ownership is otherwise indicated as a matter of record.
- (9) The City may accept existing private water facilities, provided:
 - a. City ownership of the facility would provide a public benefit;
 - b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
 - c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
 - d. The City has adequate resources to maintain the facility; and
 - e. The facility is transferred to the City by bill of sale at no cost to the City.

15.44.050 Water System Plan.

- (4) The City shall prepare and maintain a water system plan for the system and adopt such plan by ordinance.
- (5) The plan shall conform to all laws and regulations applicable to wastewater systems, including but not limited to WAC 246-290-100.
- (6) Amendments to the plan, as necessary to ensure compliance with applicable law and the needs of the City, shall be processed as necessary.

15.44.060 Adoption of City standards.

The City of Longview Engineering Special Provisions & Standard Drawings shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the water system.

15.44.070 Variances and deviations.

- (3) The Director may grant a variance from the provisions of this chapter subject to the process and criteria set forth in LMC 12.50.020.
- (4) The Director may authorize deviations to the applicable requirements of the Engineering Special Provisions & Standard Drawings subject to the process and criteria set forth in LMC 12.50.020.

Chapter 15.48

DEFINITIONS

Consolidated the definitions in one section.

15.48 Definitions.

Except where specifically designated herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and plural includes the singular. The word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision. Any definition not found in this section will take its meaning from the Washington Administrative Code (WAC) (Chapter 246-290 WAC), as amended, or the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

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

“Accessory dwelling unit” (ADU) means a single-family residential structure as defined in LMC Title 19.

“Agent” means any person empowered in writing to act on behalf of the legal owner in matters concerning utility service.

“Air gap” means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressurized receiving vessel. To qualify as an air gap approved by the City, the separation must be at least:

- (1) Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); or
- (2) Three times the diameter of the supply piping if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

“Authorized agent” means any person who:

- (1) Makes decisions regarding the operation and management of the public water system whether or not engaged in the physical operation of the system;
- (2) Makes decisions whether to improve, expand, purchase, or sell the system; or
- (3) Has discretion over the finances of the system or is designated by an authorized agent as described above. “Building permit” means those permits issued pursuant to Title 16 of the LMC, authorizing the customer or their agent to perform work upon their premises.

“Backflow” means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or customer’s potable water system.

“Backflow assembly tester” means a person holding a valid backflow assembly tester (BAT) certificate issued in accordance with WAC 246-292-490.

“Backflow preventer” means an air gap, backflow prevention assembly, or atmospheric vacuum breaker.

“Backflow prevention assembly” means a device, combination of devices, or equipment of make, model, and size that is approved by the City for use to prevent backflow to the City’s public water system.

Backflow prevention assemblies include, but may not be limited to:

RPBA – Reduced pressure backflow assembly;

RPDA – Reduced pressure detector assembly;

DCVA – Double check valve assembly;

DCDA – Double check detector assembly;

PVBA – Pressure vacuum breaker assembly;

SVBA – Spill-resistant vacuum breaker assembly;

AVB – Atmospheric vacuum breaker.

“Back-pressure” means pressure caused by a pump, elevated tank or piping, boiler, or other means on the customer’s side of the service connection that is greater than the pressure provided by the public water system, and which may cause backflow.

“Back-siphonage” means backflow due to a reduction in system pressure in the City’s distribution system and/or customer’s water system. “Capital recovery fees” are charges imposed by the water utility upon new development to tie into the water system and use existing water supply capacity that has already been paid for by the existing customer base. Capital recovery fees easily and fairly distribute the burden of providing additional potable water capacity from the water utility and its existing customers to new customers because of new development. The fees are collected from new industries, new commercial businesses, new residential construction, and new water taps, and they allow the new customer to “buy-in” to the remaining water capacity the water system. The fee is set periodically through a resolution of the City Council.

“CCF” means one hundred cubic feet. The City of Longview measures water consumption in CCFs or hundred cubic feet. One CCF is equivalent to 748 gallons. To determine the number of gallons of water

used during a billing period, simply multiply the number of CCFs (the number is shown on your bill under the Usage column) by 748.

“City” means the City of Longview or the City of Longview water utility.

“Combination fire protection system” means a fire sprinkler system that:

- a. Is supplied only by the City’s water system; and
- b. Does not have a fire department pumper connection; and
- c. Is constructed of approved potable water piping and materials that serve both the fire sprinkler system and the customer’s potable water system.

“Commercial” means all property zoned or used for nonresidential purposes.

“Conservation” is defined as the voluntary reduction of use of potable water by customers.

“Customer” means the fee owner of property or premises served by the City’s utility provided that the fee owner may designate an agent for purposes managing the customer’s account and provided further that a tenant may put service in their own name under the provisions of the LMC, or the point where the service line connects with the distribution system, if no meter is present. For purposes of cross-connection control, “customer” means the owner or operator of a water system connected to a public water system through a service connection.

“Customer rates” means charges that recover all costs of operating the utility. They include both a monthly base fee and consumptive charges.

“Customer’s water system,” as stated in WAC 246-290-490, means any potable and/or industrial water system that begins at the public water system point of delivery; that is, at the immediate downstream side of the water meter or connection, and is located on the customer’s premises. The customer’s water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the customer.

“Contaminant” means a substance present in drinking water that may adversely affect the health of the customer or the aesthetic qualities of the water.

“Cross-connection” means any actual or potential physical connection between the public water system or the customer’s water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.

“Cross-connection control program” means the administrative and technical procedures the City implements to protect the public water system from contamination via cross-connections, as required in WAC 246-290-490.

“Cross-connection control specialist (CCS)” means a person holding a valid Washington State cross-connection control specialist certificate issued in accordance with Chapter 246-292 WAC.

“Cross-connection control summary report” means the annual report required by the Washington State Department of Health, Office of Drinking Water, that describes the status of the City’s cross-connection control program.

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Developer extension” means the development, extension, or expansion of water facilities, mains, or improvements initiated, paid for, and completed by a developer, owner, or any person benefiting therefrom under the supervision of the City.

“Developer extension agreement” means a contract between the City and a property owner, person, and/or developer that sets forth the terms and conditions for a developer extension, including plan review, inspection, construction, costs, conveyance of title, and warranty. Also known as a “contract for extension agreement.”

“Direct service connection” means a service hookup to a property that is contiguous to a water distribution main and where additional mains or extensions are not needed to provide service.

“Director” means the Director of the City of Longview’s public works department, and/or public works staff designated by the Director to carry out required activities.

“Distribution system” means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage, and treatment facilities to the customer, excluding individual services.

“Dormant” means alive but not actively growing, a state of minimal metabolic activity with cessation of growth.

“Dwelling unit” means one room or a suite of two or more rooms, designed for use by one family or housekeeping unit for living and sleeping purposes, and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

“Emergency” means any natural or human caused event or set of circumstances which disrupts or threatens to disrupt or endanger the operation, structural integrity, or safety of the public water system; endangers the health and safety of the public; or otherwise requires immediate action by the City.

“Engineer” means the City of Longview City Engineer or designee.

“Engineering Special Provisions & Standard Drawings” means the standards adopted by the Longview engineering department which sets forth the processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering related to the development of streets, utilities, and improvements within the City.

“Fee schedule” means that schedule of rates, fees, and charges established by resolution of the City Council.

“Finance Department” means the City department charged with the financial management of the City. “Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“Flow-through fire protection system” means a fire sprinkler system that:

- a) Is supplied only by the City’s water; and
- b) Does not have a fire department pumper connection; and
- c) Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and
- d) Terminates at a connection to a toilet or other plumbing fixture that provides regular use to prevent the water from becoming stagnant.

“Food processing establishment” means a commercial establishment in which food is manufactured or packaged for consumption.

“Food sales establishments” means retail and wholesale grocery stores, retail seafood stores, food processing establishments, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

“Food service establishments” means any nondomestic establishment that prepares and/or serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products and/or is required to have a food business permit issued by Cowlitz County Department of Health. This term includes restaurants, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering and home based food establishments, food vending vehicles, and operations connected therewith; and similar facilities by whatever name called.

“Health and sanitation” include use of water for: human consumption; bathing; personal hygiene; cooking; washing dishes and cooking equipment; cleaning equipment or surfaces for purposes of protecting human health; flushing toilets; medical, dental or veterinary procedures; sanitizing medical equipment and facilities, including clinics, hospitals, doctors’ offices, dentists’ offices and veterinary offices; and/or watering pets or livestock.

“Health hazard” means any condition, device, or practice in a water supply system and/or its operation that creates or may create a danger to the health and well-being of a customer.

“Health officer” means the health officer of the Cowlitz County health department, or an authorized representative.

“High health cross-connection hazard” means a cross-connection that could impair the quality of potable water and create an actual public health hazard through poisoning or spread of disease by sewage, industrial liquids, or waste.

“Improved roadways, alleyways, easements, and utility corridors” means roadways, alleyways, easements, or utility corridors with a surface constructed to City standards with either concrete, or hot mix asphalt; or City-maintained gravel alleys.

“In-premises protection” means a method of protecting the health of customers served by the customer’s potable water system, located within the property lines of the customer’s premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

“Inspection fee” is a fee is assessed when the City provides inspection services for the water line tap. The fee is set periodically through a resolution of the City Council.

“Landlord” means a person who owns or holds real property and leases it to others. It may also refer to the owner or the landlord’s agent.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of water system improvements as authorized by Chapter 14.18 LMC.

“LMC” means the City of Longview Municipal Code, as it currently exists and as amended from time to time.

“Local administrative authority” means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under Chapter 19.27 RCW (WAC 51-46-0603).

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 14.08 LMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

“Low health cross-connection hazard” means a cross-connection that could cause an impairment of the quality of potable water to a degree that does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

“Manager” means the City Manager of the City of Longview as defined in LMC 15.40.020.

“Meter set in fee” is a fee for a small service water meter (up to and including 2” meters.) For this fee the customer gets a water meter installed and their account is set up. The fee is set periodically through a resolution of the City Council.

“Monthly base charge” means the minimum charge for water service. The fee is set periodically through a resolution of the City Council.

“Multiple family (multifamily) dwelling” means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADUs that share water and sewer service from service connections for the primary residence.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Plumbing hazard” means a cross-connection in a customer’s potable water system that may permit back-siphonage in the event of a negative pressure in the supply line.

“Potable water” means water that has been disinfected and otherwise treated to meet all federal and state drinking water laws and regulations as set forth by the Safe Drinking Water Act and the U.S. Environmental Protection Agency.

“Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

“Premises isolation” means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the City to isolate the customer’s water system from the City’s public water system.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized

by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“Public water system” means as defined and referenced under WAC 246-290-020.

“Purchased source” means water a purveyor purchases from a public water system not under the control of the City for distribution to the City’s customers.

“Purveyor” means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, person, or other entity owning or operating a public water system. “Purveyor” also means the authorized agents of such entities.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Service line” means the pipe, fittings and water meter connecting the main to the customer’s meter.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“repair” means repair or major maintenance of a building water system, including but not limited to, excavation and repair of damage to the building piping caused by external forces or failure of the pipe or pipe material.

“Regional public water supplier” means a water system that provides drinking water to one or more public water systems.

“Resident” means an individual living in a dwelling unit served by a public water system.

“Residential structure” means a dwelling unit as defined in LMC Title 19 and includes, but is not limited to, single-family, multifamily, accessory dwelling unit, duplexes, or triplexes.

“Salvaged potable water” means water that has not been used but would normally be discharged to the wastewater system. For example, this includes water that is run while waiting for hot water to warm up at a sink, shower, or bathtub.

“Service connection” means a connection to a public water system designed to provide potable water to a single-family residence, or other residential or nonresidential population.

“Single-family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-

family dwellings, apartments, and motels. This also includes ADUs that take water and sewer service from service connections separate from the primary residence.

“Standard commercial water mains” means water mains constructed of ductile iron, or equivalent eight inches in diameter.

“Standard construction costs” means the cost of the pipe for either the standard residential water mains or standard commercial water mains, whichever is to be installed, plus the total cost of all tees and junctions and the total cost of all installation and incidental work necessary to place the water pipe in service regardless of its size, excepting however, the cost of fire hydrants and extensions thereto which shall be paid out of the revenues of the water utility.

“Standard residential water mains” means water mains constructed of ductile iron, or equivalent, six inches in diameter.

“Structure” means any improvement which is designed, intended, or suitable for human occupancy, employment, recreation, habitation, or other purpose.

“System hazard” means a threat to the physical properties of the public or the customer’s potable water system by a material not dangerous to health but aesthetically objectionable that would have a degrading effect on the quality of the potable water in the system.

“Unapproved auxiliary water supply” means a water supply (other than the City’s water supply) on or available to the customer’s premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the City.

“Unimproved roadways, alleyways, easements, and utility corridors” means roadways, alleyways, easements, or utility corridors without a surface constructed to City standards with either concrete or hot mix asphalt.

“Unit” means any portion of a structure available, suitable, intended or otherwise used as a separate business office or separate suite of business offices, store, or other commercial establishment, except for individual storage spaces in a self-storage building, apartment, condominium, single-family dwelling, duplex, triplex, fourplex, trailer, or an accessory dwelling unit added to a single-family dwelling.

“Used water” means water that has left the control of the City, typically through a service connection meter or use from a City hydrant.

“User” means any person, firm, or any corporation who consumes or otherwise uses water from the City water system.

“Utility” means the water utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City in the water system plan as the area served by the utility and as may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

“Waste” means discharge of potable water with no intended use, or loss of water ancillary to an intended use when such loss could be controlled with readily available technology or common practices associated with the use.

(a) Waste includes but is not limited to: (i) failure to repair a controllable leak, including a broken sprinkler head, a leaking valve or pipe, a broken pipe, or a leaking faucet; (ii) irrigation uses that allow water to run off a vegetated area and form a flow of water on an impervious surface for a distance of 50 feet or greater or to discharge to a storm drain or surface water body; (iii) irrigation uses that allow water to accumulate on an impervious surface to a depth of one-quarter inch or greater; (iv) running a garden hose longer than five minutes without putting the water to use.

(b) However, waste does not include the following:

- (i) Flow resulting from temporary failures or malfunctions of water, plumbing or irrigation systems, where such failures are controlled or repaired as quickly as possible;
- (ii) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;
- (iii) Water applied as a dust control measure as required by local, state or federal laws or regulations or associated permits;
- (iv) Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate control method;
- (v) Water applied to prevent or abate health, safety or accident hazards when alternate methods are not readily available;
- (vi) Flow resulting from routine inspection, repair or maintenance of the municipal water supply system;
- (vii) Flow resulting from routine inspection or maintenance of irrigation systems;
- (viii) Water used for construction or maintenance activities where the application of water is the standard methodology, and no other practical or economical alternative exists.

“Water” means any treated and potable water used in the City of Longview water system service area.

“Water main” means the pipe laid in a public right-of-way, street, alley, or easement owned by the City, and used or intended for the distribution of water to customers through service lines and may also be referred to as “main.”

“Water meter” means any device used for the measurement of water delivered to an individual location, customer, or user.

“Water service area” means the geographical area being served water by the City of Longview, including retail customers; and wholesale customers or owners, where a formal agreement is in place to serve treated water.

“Water shortage” is defined as the condition where the demand for potable water from the City of Longview treatment facilities and distribution systems is exceeded by the ability of the treatment facilities and distribution system to meet that demand, and the storage facilities are unable to refill within 24 hours to meet the demand for water.

“Water system” means the system of conduits, pumps, treatment facilities, and structures used for the purpose of production and conveying potable water from their source, treating in any manner, and conveying to users in the City and adjacent areas.

Chapter 15.56

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.56.010 Specifications for improvement.
- 15.56.020 Burden of replacement costs.
- 15.56.020 Extensions.
- 15.56.030 Cost of new installations within City limits.
- 15.56.040 Water service outside of City limits
- 15.56.050 Installation and service beyond City limits – Application
- 15.56.060 Private Water Systems
- 15.56.070 Easements
- 15.56.080 Record drawings.

15.56.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing water utility system shall be determined by the Director subject to the following limitations: No water main shall be installed which is less than six inches in diameter, except where the installation involves only a stub street less than 300 feet long and where the main will not be extended due to the topography of the land.

Water main extensions shall be in accordance with the Longview Engineering Special Provisions & Standard Drawings.

15.56.020 Burden of replacement costs.

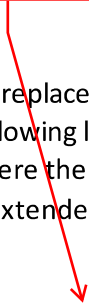
Whenever any mains or laterals for the utility service, now or hereafter installed, require replacement due to obsolescence, inadequacy, or deterioration, the cost of such replacement shall be paid for out of the revenues of the water utility.

15.56.020 Extensions.

All extensions of mains required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the main will be determined by the Director. Such extensions shall be installed, and the cost thereof provided for in any manner satisfactory to the Department as permitted by law.

15.56.030 Cost of new installations within City limits.

Longview Standards are referenced.



City burdon



consumer burdon.



When a person, with property within the City, who is not currently served by the water utility, shall request service, the person making such request shall provide for payment by means of local improvement districts as described in LMC 14.08 or by direct installation under the supervision of the City Engineer. The person making such a request may be eligible to collect latecomer fees as described in LMC 14.18. In the event the City shall require the installation of mains larger than the defined as standard, the actual additional cost of the main larger than the standard size, shall be paid for out of the revenues of the water utility. When the City Council determines that any area or areas within said City need water service and no request has been made by a person, the City Council may provide for the payment of the standard construction costs by means of local improvement districts.

15.16.040 Cost of new installations outside City limits.

When a person, with property outside the City, who is not currently served by the water utility, shall request service, the person making such request shall provide for the payment. In the event the City shall require the installation of mains of sizes larger than those defined as standard, the actual additional cost of the water line larger than the standard size, shall be paid for out of the revenues of the water utility.

Property owners shall be required to enter into an Outside Utility Agreement (OUA) with the City which will limit their rights to oppose a future annexation.

15.16.050 Application.

PIP process is referenced.



Any person desiring to replace or extend water mains shall make application through the City's Public Improvement Process (PIP) as provided in LMC 12.10 or the Local Improvement District process as provided in LMC 14.08.

15.16.060 Water Main Installation.

Once the permit for Utility Service is approved and the connections fees are paid, the customer may connect to the City's water main. City staff will inspect the sewer tap and connection. The water line shall extend at approximately right angles from the main.

15.56.060 Private Water Systems

The City will not operate and maintain private water distribution mains inside or outside the corporate limits of the City in conjunction with its own facilities. All private water systems existing in conjunction with City facilities shall be equipped with an approved check meter at the expense of the private water system and the readings of such check meter shall be compared to readings of individual meters served by the private system to detect any discrepancies in water usage. All costs over and above those resulting from the water usage of customers on the private water system shall be borne by the owner and operator of the private water system.

15.56.070 Easements

- (3) A public water easement is required to be granted to the City when a public water facility will be built on private property.
- (4) A private water easement is required to be granted between property owners whenever:
 - a. A private water facility will be built on property owned by a different private party; or
 - b. A water line will serve two or more properties.

15.56.080 Record drawings.

Requirements for easements and record drawings.

All private water applicants or permittees shall file a record drawing showing the location and configuration of the private water line connection and private water facilities.

15.16.110 Inspections and investigations.

- (5) All work on public or private water systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (6) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (7) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

Chapter 15.60

WATER SERVICE CONNECTIONS

Sections:

- 15.60.010 Water Service Required
- 15.60.020 Application – Filing – Contents.
- 15.60.030 Installation.
- 15.60.040 Relocation of connection – Cost.
- 15.60.050 Connection procedure – Cross-connections prohibited.
- 15.60.060 Maintenance of water pipes on premises.
- 15.60.070 Connection fees.

15.60.010 Water Service Required.

Who must hook to the system.

- 1) Where there is a water main adjacent to any premises the owner of such premises supplied by City water shall have a service connection with the City main.

And how many hookups.

- 2) Number of services
 - a. Each single-family dwelling shall have a separate water service or services.
 - b. Multiple family dwellings of two, three, or four units may have a single water service or separate water services at the discretion of the property owner.
 - c. Multiple family dwellings with more than four units shall have a single water service.
 - d. Commercial and industrial properties shall have a separate water service or services.

Except: Where situations and/or special conditions exist that make an individual service for each unit impossible or unfeasible. The Director shall determine when such situations or conditions prohibit individual services.

What about exceptions?

- 3) All water services shall be metered. All meters, meter boxes, valves, and service lines from the main to and including the meter shall be and remain the property of the City.
- 4) Water service lines from the meter to the house, including backflow devices if installed, shall be the property of the property owner,

Consumer ownership

City ownership.

- 5) Water shall not be supplied to any other premises, except temporarily as approved by the Director by written permit. If two or more residential premises are supplied by one metered service, base water service charges for each premises supplied with water shall be assessed for each separate building or premises so supplied. Multi-services existing as of the date of codification of this ordinance, shall be separated at such time as the owner or occupant thereof shall obtain a building permit for the remodeling or structural alteration of such premises.
- 6) When two or more residential premises are being serviced by one water service connection, as otherwise set forth in this section, the City shall have the right to require the installation of additional water service connections from the water main to the premises. When additional water service connections are provided for any premises, all water service shall be metered and installed in an approved manner. No premises shall be permitted to furnish water to any other premises, except during an emergency which shall not exceed a period of thirty calendar days. An application to cover the emergency connection shall be filed with the City within forty-eight hours of the occurrence causing the emergency. When the intended use of the water service is changed or the structure served is altered, a new service shall be installed at the customer's expense unless the existing service complies with the provisions of this chapter.

15.60.020 Application – Filing – Contents.

- 1) Any person desiring to have premises connected with the water supply system of the City shall present at the office of the Director a Permit for Utility Service. As part of the permit customers shall provide:
 - a. Name of the owner
 - b. Billing address
 - c. E-mail address
 - d. Telephone number
 - e. Description of the project
 - f. Site address.
 - g. Type of facility
 - h. The size of service required.
 - i. Sketch of the site.
 - j. It shall be signed by the occupant of the premises to be served or their duly authorized agent.
 - k. At the time of filing of the permit, the applicant shall pay to the City the fees for installation of water service as provided by this article or resolution of the City.
- 2) The application provided for in subsection 1) shall constitute a contract on the part of the person making the same with the City to pay for the water applied for at the rate and in the manner specified by the ordinances or resolutions of the City governing the same and to comply with all other provisions of the ordinances or resolutions of the City pertaining thereto.
- 3) All contracts shall take effect from the day they are signed, and rates shall be charged from the dates the premises are connected with the City water supply and the meter installed. Meter rates shall be in effect as long as the meter remains on the service.

Application process is standardized.

15.60.030 Installation.

updated installation
process.



Once the Permit for Utility Service and the connections fees are paid, the customer may connect to the City's water main with a service connection/line. City staff will inspect the water main tap and connection. The service line shall extend at approximately right angles from the main to the property line. On all installations a stop and waste valve of approved design, protected from frost, shall be placed within five feet of the meter so that the consumer's pipes may be drained.

15.60.040 Relocation of connection – Cost.

- 1) Whenever it has been ascertained that a retaining wall, ornamental wall, or any other form of permanent wall is to be or has been erected on any portion of a City street or public place in which a water service connection has been installed, the Director may require the relocation or adjustment of the water connection service by the property owner.
- 2) The cost of the relocation or adjustment shall be borne by the property owner.
- 3) In no case shall the City be required to maintain or repair any portion of the service connection at any greater distance from the water main than the meter.

15.60.050 Connection procedure – Cross-connections prohibited.

- 1) The Director may limit the size and number of service connections which may be requested for any separate premises.
- 2) In no case shall any cross-connection be laid between two or more City service connections nor between any City service connection and pipes supplying water from any other source.

15.60.060 Maintenance of water pipes on premises.

- 1) All persons connecting to City water meter with their service line shall be required to use only industry standard pipes and lines up to and including two inches in size.
- 2) All service lines shall be laid not less than one and one-half feet below the surface of the ground, except as hereinafter provided.
- 3) The ownership of all main extensions, service pipes and appurtenant equipment maintained by the City shall be vested in the City, and in no case shall the owner of any premises have the right to claim or reclaim any part thereof unless herein otherwise provided.
- 4) Whenever pipes connected with a City service connection are to be used as part of a lawn and shrubbery sprinkling system exclusively, such pipes may at the option of the property owner be

laid less than one and one-half feet below the surface of the ground.

15.60.070 Connection fees.

fees are in the master
fee schedule.

- 1) Service lines shall be one inch in size or greater.
- 2) The fees for the installation of water service as hereinabove provided shall be in such amounts as shall be fixed by resolution of the City Council from time to time upon recommendation of the Director.
- 3) Water capital recovery fees are fees in perpetuity and will run with the property.

Chapter 15.64

WATER METERS

Sections:

15.64.010 Size.

15.64.020 Protection.

15.64.010 Size.

The minimum size of water meters installed for single-family residences and multiple living units shall be as follows:

- 1) Single residence – A $\frac{3}{4}$ -inch meter.
- 2) Duplex through 6-plex – A one-inch meter.
- 3) 7 through 12 units - A one and one-half-inch meter.
- 4) 13 through 24 units - A two-inch meter.
- 5) Meters above this size shall be as designed by the developer and as approved by the Director.

Updated sizes required.

15.64.020 Protection.

- 1) When a meter is to be or has been installed within any portion of a street, alley, or private property; suitable bases, supports or barriers shall be installed as will reasonably secure the meter and pipes connected therewith against any damage, strain, or settlement. The property owner shall bear the cost of the construction of bases, supports, and barriers.
- 2) Owners of property must reasonably protect the City's meter used for service on their premises from damage or theft. The owner of such premises shall pay for any damage to or theft of any meter caused or resulting from their neglect or carelessness.

Chapter 15.68

SHUTOFFS – TURN-ONS

Sections:

- 15.68.010 Changes in service.**
- 15.68.020 Removal of meter for nonpayment of charges – Reinstallation.**
- 15.68.030 Interruption of service.**
- 15.68.040 Discontinuance of service.**

15.68.010 Changes in service.

- 1) When new buildings are to be constructed on the site of old buildings, and
 - a. It is desired to increase the size or change the location of the existing service connection, or
 - b. Where a service connection to any premises is abandoned or its use no longer desired, The Director may remove the service connection. When in the future, a service connection is requested by the owner, a new service may be constructed only upon application of the owner and upon application and payment for a new connection in the regular manner.
- 2) When there is no water main adjacent to a premises and the service line to connects to a non-adjacent water main, then when a main is constructed adjacent to said premises, the owner shall connect the service to the adjacent water main. The Director will give the owner 90-days' notice to move the connection. After reconnection, the City will remove the existing tap at the water main. The owner will complete the above refenced permit which will be issued at no cost to the owner.

15.68.020 Removal of meter for nonpayment of charges – Reinstallation.

When a meter has been removed from any premises for nonpayment of water charges, or for any other lawful or proper cause, it is unlawful for any person to again connect such premises with water until all arrearages for the premises have been paid and application made for reinstallation of meter and other cause or causes corrected to the satisfaction of the Director.

15.68.030 Interruption of service.

When water has been shut off by the City for any cause and is turned on again, or allowed or caused to be turned on by the owner, no remission of rates will be made on account of its having been shut off, and the Director may then shut off the water at the main or remove a portion of the service connection in the street, and shall charge the actual cost of cutting out and reinstating the water supply to the premises.

15.68.040 Discontinuance of service.

The City reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates, or any other reason, and the City shall not be responsible nor liable for any damage such as bursting of boilers supplied by direct pressure; the breaking of any pipes or fixtures; stoppage or interruption of water supply or any other damage resulting from the shutting off of water.

Chapter 15.72

PROHIBITED ACTS

Sections:

- 15.72.010 Water supply to additional premises – Permission required.**
- 15.72.020 Water supply to additional premises – Double charge – Charge for shutting off and turning on.**
- 15.72.030 Unlawful connections to mains.**
- 15.72.040 Unlawful connections to fire hydrants – Exceptions.**
- 15.72.050 Damage to water department property.**
- 15.72.060 Obstructing fire hydrant.**

15.72.010 Water supply to additional premises – Permission required.

It is unlawful for any person whose premises are supplied with water to furnish water to additional premises unless he shall first make application in writing to do so at the office of the Director and shall be granted permission so to do.

15.72.020 Water supply to additional premises – Double charge – Charge for shutting off and turning on.

When additional premises are connected without the application prescribed in LMC 15.60.010, the premises may be charged at double the rate for the time they are in use and the service may be shut off by the Director. If water is turned off as provided in this section, the water shall not be turned on again until all charges against the premises, including a turn off/turn on charge, as provided by resolution of the City Council, have been paid in full.

15.72.030 Unlawful connections to mains.

It is unlawful for any person to attach or detach from any water main, any service line or other connection through which water is supplied by the City or to interfere in any manner with such pipes or connections without first having obtained the written consent of the Director.

15.72.040 Unlawful connections to fire hydrants – Exceptions.

It is unlawful for any person to cut, alter, change, remove, disconnect, or connect with, or in any manner interfere, meddle or tamper with any hydrant owned or used by the City; provided, however, that the provisions of this section shall not apply to the departments of the City in the proper performance of their duties.

15.72.050 Damage to water department property.

It is unlawful for any person, unless authorized in writing by the Director, to disturb, interfere with or damage any water main, water pipe, machine, tool, meter or other appliances, buildings, improvement, lawns, grass plots, flowers, vines, bushes, or trees belonging to or used in connection with or under the control of the municipal water supply system of the City.

15.72.060 Obstructing fire hydrant.

It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt, or other material, or to open or operate any fire hydrant, or to attempt to draw water therefrom, or to injure willfully or carelessly the same.

Chapter 15.76

MISCELLANEOUS PROVISIONS

Sections:

- 15.76.010 Water damage – City exemption.**
- 15.76.020 Construction of driveways interfering with service connections – Cost of relocation.**
- 15.76.030 Change of occupancy.**
- 15.76.040 Regulation of sprinkling.**
- 15.76.050 Ownership of mains.**
- 15.76.060 Fluoridation.**
- 15.76.070 Service for fire protection – Fixtures – No charge for water.**
- 15.76.080 Service for fire protection – Connections – Applications – Rates.**

15.76.010 Water damage – City exemption.

- 1) The City shall not be responsible for any damage by water or other cause resulting from defective plumbing or appliances on the premises supplied with water. The fact that agents of the City have inspected the plumbing and appliances shall not be treated as a basis of recovery in case of damage to premises or other property from defective plumbing or appliances. In the case the supply of water is interrupted or fails by reason of accident or any other cause whatsoever, the City shall not be liable for damages for such interruption or failure. Nor shall such failures or interruptions for any reasonable period of time be held to constitute a breach of contract on the part of the City or in any way relieve the consumer from performing any and all contractual obligations that he may have assumed with the City.
- 2) If storage of personal property is allowed in that portion of the street right of way between the curb line and property line and the property is damaged resulting from leakage or the breaking of pipes or appliances maintained by the City, the City shall not be held liable.

15.76.020 Construction of driveways interfering with service connections – Cost of relocation.

No driveway may be constructed in such a manner as to interfere with the City's water service to any property without written approval from the Director.

15.76.030 Change of occupancy.

aligned with previous
finance section.



Two days prior notice shall be given to the City Finance Department when there is a change of occupancy of premises and that premises is supplied with City water.

15.76.040 Regulation of sprinkling.

The City reserves the right to regulate the hours when consumers will be permitted to use City water for purposes of lawn sprinkling or other irrigation.

15.76.050 Ownership of mains.

The ownership of all main extensions, service pipes and appurtenant equipment maintained by the City shall be vested in and remain with the City and in no case shall the owner of any premises have the right to claim or reclaim any part thereof, except as otherwise herein provided.

15.76.060 Fluoridation.

The water department of the City is authorized and directed to add fluoride to the public water supply of the City, in accordance with the laws of the state, and the rules and regulations of the State Board of Health.

15.76.070 Service for fire protection – Fixtures – No charge for water.

Services for fire protection shall be metered and fitted with such fixtures only as are needed for fire protection and entirely disconnected from those used for other purposes. No charge will be made for water used in extinguishing fire if the owner or occupant of premises where such fire occurs gives written notice to the office of the Director within 30 days from the time of the fire. In no case shall any tap be made on any pipe used for fire service purposes. There shall be no tank connected to any pipe used for fire service purposes. The use of any water shall not be permitted through any fire service nor through any pipe, tanks, or other fixtures, for any purpose except for extinguishing fire on the premises.

15.76.080 Service for fire protection – Connections – Applications – Rates.

- 1) Service connections and lines for automatic sprinkler systems or for private fire protection shall terminate in a gate valve covered by an accessible valve box at or on property line.
- 2) Application for service for automatic sprinkler systems or for private fire protection shall be made on forms supplied by Public Works. Consumers shall follow the process as defined in Chapter 15.60.
- 3) No charge shall be made for water used in testing private fire protection systems.

Chapter 15.80

CROSS-CONNECTION CONTROL

Sections:

Definitions were consolidated.

- 15.80.010 Purpose.**
- 15.80.020 Code authority and enforcement.**
- 15.80.030 Policy.**
- 15.80.040 Minimum protection.**
- 15.80.050 Risk assessment survey.**
- 15.80.060 New construction.**
- 15.80.070 Existing buildings, structures, and grounds.**
- 15.80.080 Records and reports.**
- 15.80.090 Cost recovery.**

15.80.010 Purpose.

The purpose of the City of Longview cross-connection control program is to protect the public water system from contamination via cross-connections and backflow incidents.

15.80.020 Code authority and enforcement.

Enforcement of this cross-connection control program in the area served by the City water utility will be in accordance with this chapter and WAC 246-290-490, as amended. For water utility customers outside of Longview City limits, the provisions of this chapter shall be enforced as water utility policy, to the extent allowed by law.

15.80.030 Policy.

This policy shall provide for the permanent abatement or control of cross-connections to the potable water system of the City of Longview. Where it is infeasible to find, eliminate, or permanently control cross-connections to the water system, and when it is mandated by WAC 246-290-490 or deemed necessary by a City CCS, there shall be installed at the City water service connection and prior to any branch connections an approved backflow preventer commensurate with the degree of hazard posed by the customer's water system upon the public water system.

15.80.040 Minimum protection.

- 1) All backflow preventers used for cross-connection control to protect the City of Longview water system shall be identified on the current list of approved backflow prevention assemblies developed by the Washington State Department of Health, Office of Drinking Water, as amended. Backflow prevention assemblies not identified on the Office of Drinking Water list of

approved assemblies but approved by another public water system in the State of Washington, may be considered for approval on a case-by-case basis by the City, who shall have the sole discretion to approve or disapprove use of the proposed backflow prevention assembly.

- 2) All backflow preventers used to protect the public water system from potential premises hazards shall be installed downstream of connections to the public water system and prior to any branch connections, as determined by the City CCS.
- 3) The following methods of cross-connection control are the minimum protection required at the water service connection at the property line to protect the public water system from potential hazards on the premises:
 - a) All premises listed under WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 9) shall require installation of an air gap or a reduced pressure backflow assembly.
 - b) All premises on which material that may be dangerous to health is stored, handled, or processed, and which, in the assessment of a City CCS, poses a potential high health cross-connection hazard to the public water system, shall require installation of an air gap or a reduced pressure backflow assembly.
 - c) All premises where entry is restricted such that inspection for cross-connections cannot be made with sufficient frequency or at sufficient short notice to assure that cross-connections do not exist, and the risk of cross-connection hazards is low shall require an air gap or a reduced pressure backflow assembly.
 - d) All premises having a repeated history of cross-connections being established or re-established shall require an air gap or a reduced pressure backflow assembly.
 - e) All premises that have an auxiliary water supply on or available to the customer's premises shall require an air gap or a reduced pressure backflow assembly.
 - f) All premises that have internal cross-connections that are not correctable, or which have complex plumbing arrangements that make it impractical to ascertain whether or not cross-connections exist shall require an air gap or a reduced pressure backflow assembly.
 - g) All premises that have a heat exchanger or a solar hot water system shall require a risk assessment inspection by a City CCS to determine the level of backflow protection required.
 - h) All fire systems that may contain chemical additives, including food-grade additives, shall require a reduced pressure backflow assembly or reduced pressure detector assembly.
 - i) All premises that pose a high probability of changes in the use of water by tenants, such as but not limited to shopping malls or strip malls, shall require a backflow assembly commensurate with the degree of hazard.

- j) All fire systems with no chemical additives shall require a double check valve assembly or double check detector assembly.
 - k) All premises where cross-connections are unavoidable or not correctable, such as but not limited to tall buildings (over 30 feet) or water booster pump systems, shall require a double check valve assembly unless other hazards on the premises require a higher level of backflow protection.
- 4) The control of cross-connections requires cooperation between the water purveyor, the local administrative authority, the health officer and the customer (consumer).
- a) WAC 246-290-490(1)(d): The purveyor's responsibility for cross-connection control shall begin at the water supply source, include all the public water treatment, storage, and distribution facilities, and end at the point of delivery to the customer's water system, which begins at the downstream end of the service connection or water meter located on the public right-of-way or utility-held easement.
 - b) WAC 246-290-490(1)(e): Under the provisions of this section, purveyors are not responsible for eliminating or controlling cross-connections within the customer's water system. Under Chapter 19.27 RCW, the responsibility for cross-connections within the customer's water system, i.e., within the property lines of the customer's premises, falls under the jurisdiction of the local administrative authority.
 - c) WAC 246-290-490(2)(d): The purveyor shall coordinate with the local administrative authority in all matters concerning cross-connection control. The purveyor shall document and describe such coordination, including delineation of responsibilities, in the written cross-connection control program required in WAC 246-290-490(2)(e).
- 5) A City CCS shall make available to all local administrative authorities information maintained in the City cross-connection control program files, which may include, but is not limited to:
- a) A master list of all premises that have been isolated from the City water system in accordance with the City's cross-connection control program;
 - b) Information concerning any internal cross-connections that come to the attention of a City CCS during risk assessment evaluations of premises; and
 - c) Notification of any termination of water service for failure to comply with the requirements of WAC 246-290-490 or the City's cross-connection control program.

15.80.050 Risk assessment survey.

- 1) A risk assessment survey for cross-connections and sanitary hazards requires a water use evaluation of new and existing buildings, structures, and grounds to determine the degree of potential health hazard risk to the public water system. While assessing the risk of contamination of the public water system, if the degree of hazard posed by a substance or process is unknown, the City must assume the hazard is high. Almost all substances other than potable water under the City's control are considered to be a health hazard to some degree.
- 2) Factors to consider while determining the level of probability that a cross-connection may occur include:
 - a) The probability increases that an existing cross-connection will go undetected as the complexity of a piping system increases.
 - b) Piping changes will create new cross-connections or change the operating risk from back-siphonage to back-pressure conditions.
 - c) A backflow preventer could be bypassed or removed from service.
 - d) A material stored, handled, or processed could be changed or increased in strength.
 - e) A material stored or handled may deteriorate, thus becoming a health hazard.
 - f) A material, when combined with the chemicals in the potable water supply or when exposed to certain piping material, may react, and form a compound that poses a health hazard, such as CO₂ mixing with water to form carbonic acid, an acid that leaches copper from service pipes.
 - g) A material that, if it contains a bacteriological contaminant, could become a health hazard long after it enters the potable water supply, through bacteria regrowth.

15.80.060 New construction.

- 1) Risk assessments for new construction shall be conducted as outlined below: Upon application for a water service connection, a City CCS shall review the application and determine the risk posed to the public water system by the customer's water system. A City CCS shall classify the water service connection as either a high health hazard cross-connection, a low health hazard cross-connection, or no health hazard cross-connection, and shall specify the need for and identify the type of backflow protection required (if applicable) for premises isolation backflow protection. When deemed necessary, a City CCS shall request the City's engineering division or local administrative authority to require a detailed plan and specification for the plumbing installation in order to facilitate risk assessment review of the water use at the property.
- 2) A City CCS shall review all water system related plans and specifications to:

- a) Assess the actual or potential health hazard or contamination risk to the public water system.
 - b) Assess the complexity of any existing and/or proposed water piping system.
 - c) Assess the probability of cross-connections within a customer's water system.
 - d) Determine what cross-connections might constitute acceptable risks.
 - e) Determine the reliability required of any backflow prevention assembly utilized within a facility or mandated for premises isolation.
 - f) Assess the actual or potential use and/or availability of any unapproved auxiliary water supply systems.
 - g) Assess the storage and handling of material dangerous to health and toxic substances that, if introduced into the water system, would constitute a water system, plumbing, or health hazard.
- 3) If it is determined that any of these conditions will exist, a City CCS shall advise the customer in writing that such cross-connections exist and may, as a courtesy, offer technical guidance in eliminating or controlling such cross-connections. If a City CCS determines that the customer's water system represents a potential health hazard risk to the City water system, such as, but not limited to, WAC 246-290-490(4)(b)(Table 9) facilities and/or systems, a backflow preventer commensurate with the assessed degree of hazard shall be required for premises isolation at the water service connection, notwithstanding any point of hazard, point of use, or fixture protection existing or proposed within the property lines of the premises.
- 4) Backflow preventers, when required, shall be installed, and tested before the water service is activated. A City CCS shall advise the customer that it is the customer's responsibility to install the backflow preventer and have it tested by a Washington State certified backflow assembly tester (BAT) prior to use of the water service, and that annual testing and documentation is required thereafter. A City CCS shall attend and witness the initial test of all backflow assemblies installed for premises protection. It is the responsibility of the customer to contact a City CCS and coordinate an appointment time for a City CCS to attend and witness the required test of a backflow assembly (24-hour advance notice is required). (Ord. 3208 § 1, 2012).

15.80.070 Existing buildings, structures, and grounds.

- 1) A City CCS shall evaluate all high health hazard premises, all commercial and/or industrial premises, all premises with fire systems, all premises with water systems using booster pumps, and all premises with buildings 30 feet or more in height to ensure premises isolation backflow protection has been provided at the water service connection. Premises to be evaluated shall be selected in order from an established list prioritized by expected degree of health hazard and/or

risk of contamination. Premises not on the established priority list that come to the attention of a City CCS, and upon evaluation are determined deficient in required premises isolation backflow protection, shall be brought into current compliance without regard to any established priority list. Residential properties will not be routinely inspected unless those properties come to the attention of a City CCS and are identified to pose a potential health hazard risk to the City water system.

- 2) The initial evaluation of existing facilities shall proceed according to the following steps:
 - a) A priority list shall be established using existing water service records, telephone Directory yellow page listings, and other resources as beneficial.
 - b) Beginning with the highest rated health hazard on the program's priority list, a City CCS shall make a risk assessment evaluation of each property for actual or potential cross-connections and/or any conditions that might tend to contaminate the City water system.
 - c) Upon completion of the risk assessment evaluation, a City CCS shall determine whether premises isolation backflow protection is required and shall determine the level of protection required commensurate with the assessed degree of hazard.
 - d) A City CCS shall prepare a written report that includes, but is not limited to, the following:
 - i. A list of all cross-connections found, their locations, and any optional methods of elimination or control.
 - ii. Any applicable drawings, sketches, blueprints, or photos.
 - iii. A summary of the findings, recommendations, and requirements for corrective actions.
 - a) A City CCS shall notify the customer, in writing, of the City's requirement for premises isolation backflow protection. The letter shall include the requirements for corrective actions and a corrective action completion date.
 - b) Corrective action by the customer must be completed within 30 days in most cases. Where existing cross-connections pose an immediate threat to public health and the City's water system, a City CCS may require immediate corrective action and may terminate water service until required backflow prevention is installed and tested. For cross-connections that are complex and may require additional time to design and install, a City CCS may allow up to 90 days to complete corrective action.
- 3) On the specified corrective action completion date, a City CCS shall inspect the customer's facility to determine if the corrective actions have been completed. If the corrective actions have been completed, a City CCS shall inspect each required premises isolation backflow assembly located at the City water service connections to the property. If the corrective actions

are in progress but more time is required for completion, a new completion date may be set by a City CCS. If corrective actions have been disregarded, the City shall take appropriate corrective action within its authority, up to and including denying or discontinuing water service to a customer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of the City.

- 4) The City's corrective action may include, but is not limited to:
 - a) Denying or discontinuing water service to a customer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of a City CCS.
 - b) Requiring the customer to install an approved backflow preventer for premises isolation commensurate with the degree of hazard.
 - c) Contracting with a properly licensed and certified company or individual to install an approved backflow preventer for premises isolation commensurate with the degree of hazard. The cost of installation and testing, plus a 20 percent administrative fee, shall be added to the customer's water bill.
- 5) Reinspection of premises isolation for each premises subject to corrective action may be performed annually, or more often if the degree of hazard so indicates, or whenever there is a change in the use of the premises.
- 6) The City shall ensure that inspections and/or tests of backflow prevention facilities are conducted:
 - a) At the time of installation.
 - b) Annually after installation, or more frequently, if required by the City for connections serving premises or systems that pose a high health cross-connection hazard or for assemblies that repeatedly fail.
 - c) After a backflow incident.
 - d) After an assembly is repaired, reinstalled, or relocated or an air gap is replumbed.

15.80.080 Records and reports.

- 1) The City of Longview's cross-connection control program files shall include separate files for each customer requiring the installation of a premises isolation backflow prevention assembly. A computer software database may be utilized for compiling and extracting information required for tracking compliance as well as Department of Health annual reporting.
- 2) The following information shall be maintained in each individual jacket file:

- a) Copies of all correspondence with customer relative to cross-connection control.
- b) Copies of evaluation reports, complete with field drawings (if applicable).
- c) Copies of all completed backflow assembly test report forms.
- d) Copies of all reports or correspondence pertaining to enforcement action, cross-connections, or backflow incidents

15.80.090 Cost recovery.

Any customer violating any of the provisions of this program when said violation results in damage to or impairs the City's water system, including, but not limited to, allowing contamination, pollution, any other substances, or nonpotable water to enter the City's water system, shall be liable to the City for all expenses, loss, or damages caused by such violation. Such costs may include, but are not limited to, cleaning, purifying, repairing, or replacement work in the City's water system caused by the violation.

Chapter 15.84

WATER SHORTAGE RESPONSE PLAN

Sections:

Unchanged

- 15.84.010 Declaring an emergency.**
- 15.84.020 Stages of water shortage emergency.**
- 15.84.030 Enforcement.**
- 15.84.040 Variances.**
- 15.84.050 Appeals.**

15.84.010 Declaring an emergency.

Upon a finding by the Director, that a potable water shortage exists or is imminent, or that any other situation exists that threatens seriously to disrupt or diminish the municipal water supply, the City Manager has the authority to declare an emergency condition exists and to direct the Director to implement any or all of the actions as outlined in LMC 15.68.020 and 15.74.030 for the period of the defined emergency within the City of Longview water system service area.

15.84.020 Stages of water shortage emergency.

Upon a declaration by the City Manager that an emergency condition exists, as provided above, the City Manager shall declare the degree of emergency and identify the applicable stage. The Director shall determine appropriate demand reduction target(s), in relation to the supply shortage experienced or expected. Such stages shall be:

Stage 1. The following measures shall apply:

1. The Director shall provide a water shortage emergency public notification in the City's water service area. The notification requires City water system users utilizing City water for irrigation to conform to the following landscape-watering schedule:
 - a) Even-numbered addresses water on even-numbered days.
 - b) Odd-numbered addresses water on odd-numbered days.
 - c) Irrigation watering shall be allowed only between the hours of 4:00 a.m. to 7:00 a.m. and 7:00 p.m. to 11:00 p.m.
 - d) Customers shall be requested to use the minimum quantity of water needed to maintain landscapes in a healthy, nondormant condition.
 - e) Use of salvaged water shall conform to these restrictions.

2. Restaurants are prohibited from serving water to customers except upon request.
3. The Director shall determine demand reduction targets and disseminate water conservation guidelines for both indoor and outdoor use to all customers within the City's water service area and request voluntary water use reduction suitable to meet the defined demand reduction target(s).
4. The Director shall activate a communication plan using appropriate resources such as the news media, the City's web site, social media, newsletters, and other methods, to provide information to the public informing them of the emergency conditions, the reduction targets, and means of reducing water usage for different customer categories and end uses.
5. The Director shall make emergency water supply interties with adjacent water systems and suppliers ready to supplement the available water supply if necessary.
6. No person shall waste water, as defined in LMC 15.48.
7. Notwithstanding the prohibited uses identified above, the following uses of water are permitted under Stage 1:
 - a) New Plantings. Newly planted flowers, plants, shrubbery, groundcover, or trees may be hand watered any day of the week if the watering done is the minimum needed to sustain plant life.
 - b) Commercial Nurseries. Commercial nurseries may water bedding plants on any day of the week between 4:00 a.m. and 11:00 p.m.:
 - a. if the plant is in a container pot of four inches or smaller; and
 - b. if the temperature is 80 degrees or higher, and
 - c. if the watering is done by hand; or if water waste by overspray and overflow is kept to a minimum, and
 - d. if the watering done is the minimum needed to sustain plant life.This exception is allowed as plants in small containers experience higher rates of evaporation and may be unable to sustain life during warmer weather.
 - c) Children. Water may be used on any day of the week, including but not limited to hoses and sprinklers:
 - a. to cool off children if the temperature is 80 degrees or higher, and
 - b. the children are actively involved in the water, and
 - c. the water activity is supervised, and
 - d. water waste by overspray and overflow is kept to a minimum, and
 - e. the water use occurs no more than one hour per day.This exception is allowed as day care providers may be prohibited by the State Department of Health from using wading pools.

Stage 2. All restrictions identified in Stage 1 shall apply during Stage 2, except as further restricted under Stage 2. In addition, the following restrictions and measures shall apply:

1. The Director shall review water use data for the 25 largest water using customers and communicate directly with such customers with a request to achieve voluntary water use reductions to meet the defined demand reduction target(s).
2. Adding water into an ornamental fountain is prohibited.
3. Washing of streets, sidewalks, driveways, or decks is prohibited, except as necessary for public health and safety.
4. Washing of buildings, fences and windows is prohibited. However, such washing is permitted if:
 - a) It was contracted prior to declaration of the Stage 2 emergency; or
 - b) It is required to prevent an imminent damage to property; or
 - c) To allow for painting or other maintenance that cannot be deferred; or
 - d) For window washing, if washing is performed using a bucket and hand tools rather than spray equipment.
5. Filling of privately owned swimming pools, spas, ponds, and artificial lakes is prohibited, except as needed to prevent physical damage to these facilities or associated equipment, and fish and wildlife.
6. Washing of any vehicles or boats is prohibited, unless at a vehicle washing facility equipped with water recycling equipment.
7. The Director shall provide information to restaurants, hotels and motels informing them of means of reducing indoor water uses and assisting them to inform customers of the need for demand reductions.
8. Exceptions to prohibited uses identified under Stage 1 are rescinded under Stage 2. However, notwithstanding the prohibited uses identified above, the following uses of water are permitted under Stage 2:
 - a) Commercial Nurseries. Commercial nurseries may water bedding plants on any day of the week between 4:00 a.m. and 11:00 p.m.:
 - a. if the plant is in a container pot of four inches or smaller; and
 - b. if the temperature is 80 degrees or higher, and
 - c. if the watering is done by hand; or if water waste by overspray and overflow is kept to a minimum, and
 - d. if the watering done is the minimum needed to sustain plant life.This exception is allowed as plants in small containers experience higher rates of evaporation and may be unable to sustain life during warmer weather.

- b) Children. Water may be used on any day of the week, including but not limited to hoses and sprinklers:
 - a. to cool off children if the temperature is 80 degrees or higher, and
 - b. the children are actively involved in the water, and
 - c. the water activity is supervised, water waste by overspray and overflow is kept to a minimum, and
 - d. the water use occurs no more than one hour per day.
 This exception is allowed as day care providers may be prohibited by the State Department of Health from using wading pools.
- c) Fire, Health, and Sanitation. Where there is a demonstrable need to meet public health or safety requirements, such as to alleviate immediate fire, health, or sanitation hazards or any other mandates of the Washington State Departments of Health or Ecology.
- d) Dust Control. For dust control to meet air quality requirements under local, state, or federal law or associated regulations.
- e) Window washing with a bucket and sponge.
- f) Building Repair/Painting. Power washing of buildings, roofs, and homes, prior to painting, repairing, remodeling or reconstruction, and not solely for aesthetic purposes.
- g) Washing of Vehicles. Where the health, safety, and welfare of the public is contingent upon frequent vehicle cleaning, such as to clean garbage trucks, and vehicles that transport food and other perishables or vehicles transporting sick or injured persons such as ambulances, or otherwise required by law.

Stage 3. All restrictions identified in Stages 1 and 2 shall apply during Stage 3, except as further restricted under Stage 3. In addition, the following restrictions and measures shall apply:

1. All persons are prohibited from using water from the City of Longview water system for irrigation, except for minimum quantities needed to preserve landscape and turf plant life in a dormant condition.
2. The Director shall set a mandatory non-irrigation water use reduction level of up to 20 percent for all customers, as compared to each customer's average water use during the non-irrigation months of November through March in the most recent previous period without water shortage restrictions. Based on quantity of water use, certain commercial, industrial, and other significant water users may be required to reduce their water use by an amount greater than that required of other customers.
3. All swimming pools, wading pools, splash facilities, and similar recreational facilities shall be closed and not filled, or their water levels maintained.

4. All activities receiving water from a City hydrant are prohibited from using water for any purpose other than those required for firefighting or by regulatory agencies for health and sanitation reasons. The Director shall temporarily suspend all other permits for use of hydrants and shall not issue any new permits.
5. Exceptions to prohibited uses identified under Stage 2 are rescinded under Stage 3. However, notwithstanding the prohibited uses identified above, the following uses of water are permitted under Stage 3. However, the Director may modify the exceptions as needed to achieve the goals of this chapter.
 - a) Household Food Production. Domestic or community food gardens may be watered according to the schedule and time restrictions described under Stage 1, at minimum quantities needed to ensure food production for human use.
 - b) Fire, Health, and Sanitation. Where there is a demonstrable need to meet public health or safety requirements, such as to alleviate immediate fire, health, or sanitation hazards.
 - c) Minimum Residential Use. Single-family and multifamily residential customers using less than 400 cubic feet of water per month, per customer or per housing unit shall be exempt from the requirement to reduce non-irrigation use.

Stage 4. All restrictions identified in Stages 1 through 3 shall apply during Stage 4, except as further restricted under Stage 4. In addition, the following restrictions and measures shall apply:

1. All irrigation and outdoor use of water from the City water system is prohibited.
2. The Director shall set a mandatory non-irrigation water use reduction level of 20 percent or greater for all customers, as compared to each customer's average water use during the non-irrigation months of November through March in the most recent previous period without water shortage restrictions. Based on the quantity of water use, certain commercial, industrial, and other significant water users may be required to reduce their indoor water use by an amount greater than required of other customers.
3. All commercial, industrial, and institutional customers shall eliminate water usage, except for health and sanitation, and fire protection. However, the Director may make exceptions, if appropriate, given the severity of the supply shortage experienced or expected. The Director shall communicate directly with the City's largest water-using customers, review their water use, and verify compliance with the mandatory water use reductions.
4. Exceptions to prohibited uses identified under Stage 3 are rescinded under Stage 4. However, notwithstanding the prohibited uses identified above, the following uses of water are permitted under Stage 4. The Director may modify the exceptions as needed to achieve the goals of this chapter.

- a) Fire, Health, and Sanitation. Where there is a demonstrable need to meet public health or safety requirements, such as to alleviate immediate fire, health, or sanitation hazards.
- b) Minimum Residential Use. Single-family and multifamily residential customers using less than 400 cubic feet of water per month, per customer or per housing unit shall be exempt from the requirement to reduce non-irrigation use.

Should the above measures fall short of maintaining enough water supply for the basic functions of health, sanitation and fire protection, the Director is authorized to implement further mandatory water use reductions as necessary.

Notice shall be given advising water customers that the potable water curtailment and rationing program is to be implemented.

- 1. For Stage 1 conditions, at a minimum, such notice shall be published at least two days in the official newspaper of the City as defined in LMC 1.20.010, and shall contain a description of the programs, the effective date and time of implementation, and penalty for violation.
- 2. For Stage 2 conditions such notice shall be published for at least one day.
- 3. For Stages 3 and 4 conditions, notification shall be by the most expedient means possible with a follow-up published if the Stages 3 or 4 conditions are expected to last more than three consecutive days.

Assistance of other local media will be sought throughout the duration of the water shortage to advise water customers further. Additional media assistance shall not be deemed necessary to start the program on the date and time specified.

Notice of cessation of the water shortage shall be given by a one-time publication in the official newspaper of the City as defined in LMC 1.20.010.

15.84.030 Enforcement.

The City may read any customer's meter at any time to assist with implementing voluntary and/or mandatory water use reductions and determining compliance by the customer.

The following mechanisms for enforcement shall be implemented in the following order:

- 1) Notice of Warning.
For a first violation of a requirement of LMC 15.68.20, the Director shall send a notice of warning to the customer. A notice of warning shall be in writing, shall specify the violation and the relevant section of this code, and shall outline compliance measures. The notice of warning shall be delivered to the customer either personally, by the leaving of a notice in a conspicuous location at the customer's address or at the location of the water use if not the customer's address, by officer or substitute service, by normal mail, by certified mail, or by registered mail, return receipt requested.

2) Notice of Violation – Surcharge on Water Bill.

For violation of each restriction or banned water use, a customer will receive one notice of warning prior to receiving a notice of violation. A notice of violation of LMC 15.68.020 shall be in writing, shall specify the violation, may require compliance measures, shall assess a water use surcharge that is applied to the customer's water bill, and shall be delivered to the customer either personally, by leaving of a notice in a conspicuous location at the customer's address or at the location of the water use if not the customer's address, by officer or substitute service, by normal mail, by certified mail, or by registered mail, return receipt requested. Such surcharge, if not paid, can be applied as a lien for nonpayment of water service, as per LMC 15.52.

- a) Each separate occasion in which a violation occurs shall be considered a separate violation. No more than one violation per restricted or banned use per day shall be issued, except that no more than one violation for failing to achieve the mandatory use reduction level (i.e., failing to achieve the required percent reduction in water use) shall be issued per month. For customers who are billed every other month, a violation may be issued each month for failing to achieve the required reduction in use (i.e., the customer's water bill may contain two surcharges if the required use reduction was not achieved each month in the billing cycle).
- b) Schedule of Surcharges. The surcharge for each violation may be assessed in the following manner:

i.	First violation, following notice of warning:	\$100.00
ii.	Second violation:	\$200.00
iii.	Third violation:	\$300.00
iv.	Fourth and subsequent violations:	\$500.00

For violations of the mandatory non-irrigation use reduction levels (i.e., failing to achieve the required reduction in water use), the surcharge shall be double the amounts listed above.

3) Restrict Water Flow.

In addition to the enforcement provisions in subsections (1) and (2) of this section, the Director or his/her designee, at his/her discretion, may install a flow restrictor on the customer's water meter or service in the following situations:

- a) If the customer has not complied with the provisions of this chapter after receiving two violations; or
- b) If the Director determines that the customer is using water in a manner that is inconsistent with the provisions of this chapter, and it is necessary to take immediate action to curtail the customer's water use.

Installation of a flow restrictor shall result in charges to the customer, as fixed from time to time by resolution of the City Council, for installation and removal of such flow restrictor.

4) **Discontinue Water Service.**

After unsuccessful attempts to enforce subsections (1) through (3) of this section, and if the Director determines that the customer continues to use water in a manner that is inconsistent with the provisions of this chapter, and it is necessary to take immediate action to curtail the customer's water use, water service may be discontinued. Service that is disconnected shall be restored only upon payment of the reconnection charge and assessed penalties as set forth in Chapter 15.52 or 15.56 LMC, or as fixed from time to time by resolution of the City Council, or a portion of those assessed penalties, to be determined at the discretion of the Director or his/her designee. In addition to the foregoing, the Director or his/her designee may, prior to restoration of service, install a flow-restrictive device on the customer's service.

(5) **Other Action as Appropriate.** Given the specific conditions of an emergency water shortage, and notwithstanding the provisions of this chapter, the Director may take other enforcement action as the Director deems appropriate, consistent with local, state and federal law. (Ord. 3002 § 1, 2007).

15.84.040 Variances.

- 1) A person may seek a variance by filing an application with the Director. The Director may require the applicant to provide information that the Director determines is necessary to evaluate the variance request.
- 2) The Director may grant a variance from a requirement of this chapter if the Director determines that special circumstances exist and that compliance with this chapter:
 - a) Adversely affects the health, sanitation, safety, or fire protection of the public or the applicant; or
 - b) Substantially threatens the applicant's primary source of income; or
 - c) Will cause substantial, irreparable damage to the customer's life, property, or income; or
 - d) The impact of curtailment is substantially disproportionate to the customer's water use.
- 3) If the Director approves a variance, the applicant shall keep a copy of the approval in a location on the affected property that is accessible and visible to the public.
- 4) A variance shall expire at the time:
 - a) The water shortage is upgraded from one stage to the next higher numbered and more restrictive stage; or
 - b) The applicant is found by the Director to have violated any other provision of this chapter, and the Director declares the variance to be void.

The customer may file an application for a new variance from the upgraded stage restrictions.

15.84.050 Appeals.

Any customer who feels aggrieved by any decision of the Director under this chapter may appeal the decision to the City Manager. Any customer who feels aggrieved by any decision of the City Manager under this chapter may appeal the decision of the hearing examiner as per the provisions in LMC 15.40.030.

Chapter 15.86 ANNEXATIONS

Updated language, content is the same.

Sections:

15.86.010 New areas to connect to public water.

15.86.020 Line to applicant's property.

15.86.030 New connections in areas served by water lines constructed under local improvement districts.

15.86.010 New areas to connect to public water.

When any area is annexed to the City all premises shall be required to connect to the City's water system. The connection shall be made upon approval of a connection permit and payment of fees in the amounts and in the manner required by LMC 15.

15.86.020 Line to applicant's property.

After a payment is paid, the City Engineer shall issue a permit for the construction of water line(s) from a connection with the public water main to the property line of the applicant at such point on the applicant's property line as the City Engineer shall deem to be most practical. The applicant shall bear all costs for the connection.

15.86.030 New connections in areas served by water lines constructed under local improvement districts.

When water mains have been installed by means of a local improvement district, and after which an adjacent property owner of property, within the local improvement district desires an additional connection or connections to the water main, installation shall be permitted as described above. A permit shall be issued by the City Engineer upon application and payment of applicable fees.

Chapter 15.88

VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sections:

- 15.88.010 Violations, enforcement, and penalties.**
- 15.88.020 Appeals.**
- 15.88.030 City liability provisions.**
- 15.88.040 Severability.**
- 15.88.050 Conflict of provisions.**
- 15.88.060 Liberal construction.**

Updated to match sewer and stormwater sections.

15.88.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- (3) It is a violation of this chapter and will be considered damage to the water system to, in any manner:
 - a. Tamper with or damage any part of any water system, public or private; or
 - b. Interfere with or hamper the operation of any part of the water system, public or private; or
 - c. Perform any work that would impact the public water system without first obtaining a permit or other authorization; or
 - d. Violate the terms and conditions of an issued permit; or
 - e. Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the water system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as

provided under LMC 1.33.

15.88.020 Appeals.

- (1) There is no administrative appeal of a permit for utility service.
- (2) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (3) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.88.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous water service is not guaranteed as service may be interrupted or temporarily unavailable due to planned, unplanned events, unforeseen circumstances, or emergencies.
- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to service interruptions.
- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.

15.88.040 Severability.

If any section, subsection, clause, or phrase of this chapter or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the validity or constitutionality of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances shall not be affected.

15.88.050 Conflict of provisions.

Should a conflict occur within the provisions of this chapter or between this chapter and any other provision of this code or other applicable law, rule, or regulation, including engineering standards, the most restrictive requirement shall control, except when constrained by federal or state law, or where specifically provided otherwise in this code.

15.88.060 Liberal construction.

The provisions of this chapter shall be liberally construed to give full effect to its purposes and objectives, to protect the public health and safety, and not be deemed to benefit or protect any individual, class, or group of persons.

Article IV. Stormwater Utility

Chapter 15.90 GENERAL PROVISIONS

Sections:

- 15.90.010 Purpose**
- 15.90.020 Utility Created.**
- 15.90.030 General Intent.**
- 15.90.040 Stormwater system ownership and responsibility.**
- 15.90.050 Stormwater Master Plan.**
- 15.90.060 Adoption of City standards.**
- 15.90.070 Variances and deviations.**

The stormwater section has expanded from one section to seven sections for easier reading and for consistency with water and sewer sections.

15.90.010 Purpose

- 1) This chapter is enacted as an exercise of the City's police power as set forth in Section 11 of the Washington Constitution to protect and preserve the public health, safety, and welfare of the citizens of Longview and as authorized by RCW 35A.80.010 and Chapter 35.67 RCW.
- 2) The purpose of this chapter is to provide for the planning, security, design, construction, use, maintenance, repair, and inspection of both public and private stormwater systems within the utility service area and to establish programs and regulations to provide for appropriate use of such public and private stormwater systems.

15.90.020 Utility Created.

- (1) There is hereby created and established the stormwater utility of the City of Longview under which the provisions of this chapter shall be carried out.
- (2) The Public Works Director shall be the administrator for the stormwater system. As administrator, the Director is authorized to administer, interpret, implement, and enforce the provisions of this chapter and to promulgate rules and procedures that are consistent with and implement this chapter except as provided in this section. The Director may designate individuals to assist in administering this chapter.
 - a. Decisions of the Director
 - i. Any person aggrieved by a decision of the Director may file a written petition with the City Manager for a review of the Director's decision. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal.

- ii. The City Manager may affirm or reverse the decision of the Director, and any order, requirement, decision, or determination.
- iii. Decisions of the City Manager may be appealable to the hearing examiner of the City within 10 days thereafter, which appeal shall be upon written notice to the hearing examiner, and which appeal shall be considered within 10 days after receipt thereof by the City. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the hearing examiner shall be final, binding, and conclusive.

(3) The Director of finance shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in LMC 2.33.010.

15.90.030 General Intent.

It is the express intent of the City Council that the stormwater utility shall be a self-supporting utility operated without drawing upon the general funds of the City. It is the aim of the council by this article to provide that:

- (1) The total annual revenue of the stormwater utility shall be such as to provide the necessary funds to ensure success of the principle of self-support;
- (2) The cost of installation of that portion of the utility which specially benefits the real property in the area served shall be assessed against such property on a proportionate basis;
- (3) The cost of installation of that portion of the utility which does not specially benefit the real property in the area served but which benefits the community as a whole shall be borne by the revenues of the utility;
- (4) The total annual revenues of the utility shall be contributed by users for whose use, need and benefit the facilities of the utility are provided approximately in proportion to the cost of providing the use and benefits of said utility.

ownership is defined.

15.90.040 Stormwater system ownership and responsibility.

- (1) The City shall own all currently existing stormwater facilities in the public rights-of-way and in easements previously dedicated to the public and accepted by the City, except to the extent that private ownership is otherwise indicated as a matter of record.
- (2) Title to and all other incidents of ownership of the following assets are hereby transferred to and vested in the stormwater utility: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern stormwater; further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in addition to the drainage or storage, or both, of stormwater through, under or over lands, watercourses, sloughs, streams, ponds, lakes, and marshes, all beginning in each instance at a point where stormwater first enters the system of the city and ending in each instance at a point where the stormwater exits

from the system of the City, and in width to the full extent of inundation caused by storm or flood conditions.

- (3) Once water facilities have been constructed, approved, and accepted by the City, the City shall be responsible for the maintenance, operation, repair, and replacement of the facilities located within the public rights-of-way but serving private property unless otherwise provided by agreement, local ordinance, or state law.
- (4) The City may accept existing private stormwater facilities, provided:
 - a. City ownership of the facility would provide a public benefit;
 - b. Necessary and appropriate property rights are offered by the property owner at no cost to the City;
 - c. The facility substantially meets current standards, as determined by the City, or is brought up to current standards by the owner prior to acceptance;
 - d. The City has adequate resources to maintain the facility; and
 - e. The facility is transferred to the City by bill of sale at no cost to the City.

15.90.050 Stormwater Master Plan.

Master plan requirement

- (1) The City shall prepare and maintain a stormwater master plan for the system and adopt such plan by ordinance.
- (2) Amendments to the plan, as necessary to ensure compliance with applicable law and the needs of the City, shall be processed as necessary.

15.90.060 Adoption of City standards.

City standards are referenced

The City of Longview Engineering Special Provisions & Standard Drawings shall be utilized for the processes, design and construction criteria, inspection requirements, standard plans, and technical standards related to the development of the stormwater system.

15.90.070 Variances and deviations.

Variances are addressed.

- (1) The Director may grant a variance from the provisions of this chapter subject to the process and criteria set forth in LMC 12.50.020.
- (2) The Director may authorize deviations to the applicable requirements of the Engineering Special Provisions & Standard Drawings subject to the process and criteria set forth in LMC 12.50.020.

Chapter 15.94

DEFINITIONS

Definitions are in their own section.

15.94 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is always mandatory, whereas the word “may” denotes a use of discretion in making a decision.

All references in this chapter to any federal, state, or local law or regulation is to that law or regulation as it exists now or as amended.

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

“City” means the City of Longview.

“Construction Stormwater General Permit” means the permit that authorizes the discharge of stormwater from construction sites that disturb one acre or more of land, and from smaller sites that are part of a larger, common plan of development.

“Developed parcel” means a parcel of real property which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

“Developer” means any person who has development control over property on which development is proposed to occur or is occurring.

“Director” means the City of Longview public works Director or designee.

“Easement” means a grant of one or more property rights or privileges by a property owner to and/or for use of the property by the City for utility purposes. Easements may be temporary or perpetual.

“Engineer” means the City of Longview City Engineer or designee.

“Equivalent residential unit (ERU)” shall mean the measure of impervious square feet to be used by the utility in assessing stormwater utility fees against each parcel of property.

“Fee schedule” means that schedule of rates, fees, and charges established by resolution of the City Council.

“Finance Department” means the City department charged with the financial management of the City.

“Financial policies” means those policies and procedures adopted by the City’s Finance Department for the financial administration of the utility.

“Impervious surface” means a hard-surfaced area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to the development, and/or a hard-surfaced area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, gravel parking lots, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

“Latecomer agreement” means a written agreement between the City and one or more developers providing for partial reimbursement of the cost of construction of wastewater system improvements as authorized by Chapter 14.18 LMC.

“LMC” means the City of Longview Municipal Code, as it currently exists and as amended from time to time.

“Local improvement district” means a type of district established by ordinance pursuant to Chapter 14.08 LMC for the purpose of assisting property owners within a defined geographical area in financing capital improvements by the levying of a special assessment.

“Major fraction thereof” means any amount greater than one-half (1/2).

“Mixed use occupancy” means a developed parcel that is used for residential purposes and nonresidential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by more than one person, firm, or corporation.

“Multiple occupancy residential” means a multiple-family dwelling which is a four-plex or larger, an apartment building, a mobile home park, or a trailer park.

“Nonresidential” means any developed parcel of real property in the City other than single-family parcels and multiple-family parcels.

“NPDES” The abbreviated term “NPDES” as used in this chapter means National Pollutant Discharge Elimination System.

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Cowlitz County assessor.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, private or public corporation, business trust, political subdivision of the State of Washington or the United States, or any instrumentality thereof.

“Property owner” means any individual, company, partnership, joint venture, corporation, association, society, or group that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“RCW” means the Revised Code of Washington, as it currently exists and as amended from time to time.

“Record drawing” means a final record drawing of the actual installation of the structures, materials and equipment as defined in the Engineering Special Provisions & Standard Drawings.

“Redevelopment” means a site that is already substantially developed which is modified as defined by LMC Title 19.

“Residential” means a single-family residential dwelling, or single-family residential dwelling unit within a duplex, triplex, or condominium building.

“Stormwater Management Manual for Western Washington (SWMMWW)” means Washington State Department of Ecology’s guidance on the measures necessary to control the quantity and quality of stormwater in Western Washington.

“Stormwater Master Plan” means that plan adopted by City Council pursuant to LMC 15.90.050.

“Sole occupancy nonresidential” means a developed parcel that is not used for residential purposes, and is occupied by only one person, firm, or corporation.

“Undeveloped parcel” means a parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other placement of any impervious surface area thereon which affects the hydraulic properties of the parcel.

“Utility” means the stormwater utility of the City of Longview.

“Utility service area” or “service area” means that geographic area defined by the City in the stormwater master plan as the area served by the utility and as may be expanded through subsequent interlocal agreements, annexations, and special utility district assumptions.

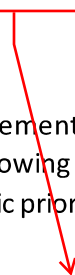
Chapter 15.102

IMPROVEMENTS – REPLACEMENTS – SPECIFICATIONS

Sections:

- 15.102.010** Specifications for improvement.
- 15.102.020** Burden of replacement costs.
- 15.102.030** System Extensions and Additions.
- 15.102.040** Application.
- 15.102.050** Easements
- 15.102.060** Record drawings.
- 15.102.060** Record drawings.
- 15.102.070** Inspections and investigations.

A reference to City standards.



15.102.010 Specifications for improvement.

All specifications for extensions, expansions, additions, betterments, and replacements to the existing stormwater utility system shall be determined by the Director subject to the following limitations: No stormwater pipe less than 12 inches in diameter shall be installed without specific prior approval of the Director.

Stormwater infrastructure shall be constructed in accordance with the Longview Engineering Special Provisions & Standard Drawings.

City Burden



15.102.020 Burden of replacement costs.

Whenever any stormwater infrastructure for the utility service, now or hereafter installed, require replacement due to obsolescence, inadequacy, or deterioration, the cost of such replacement shall be paid for out of the revenues of the stormwater utility.

Consumer burden.



15.102.030 System Extensions and Additions.

All extensions or additions of infrastructure required to serve new consumers shall be constructed at the expense of the consumers or the property benefited. In all cases the size of the pipes will be determined by the Director. Such extensions and additions shall be installed, and the cost thereof provided for by the property owner in any manner satisfactory to the Department as permitted by law.

- 1) All stormwater projects will be subject to review of the minimum technical requirements of the current SWMMWW.
- 2) Fill and grade permits will be subject to review of the minimum technical requirements of the current SWMMWW.
- 3) Fees for stormwater application review and for fill and grade permits will set periodically through resolution of City Council.

Fees if implemented at a future time will be the master fee schedule.



Application process is spelled out.

15.102.040 Application.

Any person desiring to extend or add to the Stormwater system make application through the City's Public Improvement Process (PIP) as provided in LMC 12.10 or the Local Improvement District (LID) process as provided in LMC 14.08.

15.102.050 Easements

- (1) A public stormwater easement is required to be granted to the City when a public stormwater facility will be built on private property.
- (2) A private stormwater easement is required to be granted between property owners whenever:
 - a. A private stormwater facility will be built on property owned by a different private party; or
 - b. A stormwater pipe will serve two or more properties.

15.102.060 Record drawings.

Easements and record drawings are required.

All private side stormwater applicants or permittees shall file a record drawing showing the location and configuration of the private stormwater connection and private stormwater facilities.

15.102.070 Inspections and investigations.

- (1) All work on public or private stormwater systems shall be subject to inspection by the City to ensure compliance with applicable state and local laws and are in conformance with the requirements and standards set forth in the permit conditions, if any.
- (2) An authorized representative of the City may enter private property at all reasonable times to conduct inspections, tests or carry out other duties imposed by this chapter consistent with the terms and conditions of any covenant, easement, or other legal document applicable to the property.
- (3) The City may require sampling or inspection tees or manholes in the stormwater connections to the public stormwater system at its discretion to facilitate inspections and/or investigations.
- (4) For inspection programs authorized by the Director, the City may provide advance mailings of its intent to inspect properties consistent with such inspection, testing, or other utility programs.

Chapter 15.106

VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sections:

- 15.106.010** **Violations, enforcement, and penalties.**
- 15.106.020** **Appeals.**
- 15.106.030** **City liability provisions.**
- 15.106.040** **Severability.**
- 15.106.050** **Conflict of provisions.**
- 15.106.060** **Liberal construction.**

This section is the same as water and sewer sections.

15.106.010 Violations, enforcement, and penalties.

- (1) Violations of this chapter are subject to enforcement pursuant to LMC 1.33, Code Compliance.
- (2) Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance.
- (3) It is a violation of this chapter and will be considered damage to the stormwater system to, in any manner:
 - a. Tamper with or damage any part of any stormwater system, public or private; or
 - b. Interfere with or hamper the operation of any part of the stormwater system, public or private; or
 - c. Perform any work that would impact the public stormwater system without first obtaining a permit or other authorization; or
 - d. Violate the terms and conditions of an issued permit; or
 - e. Discharge or cause to be discharged into the public stormwater system any liquids, solids or materials defined as prohibited or illicit discharges without a permit; or
 - f. Fail to comply with any other provision of this chapter.
- (4) Any person causing damage to the stormwater system shall be responsible for all costs incurred by the City to repair the damage and for any damage claims tendered to the City by third parties that arise because of these acts.
- (5) If the person causing damage fails to reimburse the City for all costs incurred, the City may place a lien against the property where the violation occurred as provided in LMC 1.33.
- (6) If the Director determines that a condition, substance, act, or other occurrence constitutes an imminent public nuisance requiring summary abatement, the City may summarily and without prior notice to the property owner and/or responsible person, abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the property owner

and/or person responsible for the property and the violation as soon as reasonably possible after the abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under LMC 1.33.

15.106.020 Appeals.

- (1) There is no administrative appeal of a permit for utility service.
- (2) Appeals by customers for billing errors shall be as provided in the City's financial policies.
- (3) Appeals of violations of this chapter shall be as provided in LMC 1.33.

15.106.030 City liability provisions.

- (1) The City is responsible for providing service to persons within the utility service area, subject to sufficient capacity, the requirements of this chapter, and other provisions of this code and applicable federal and state law. Provided, continuous stormwater drainage service is not guaranteed as drainage service may be interrupted or temporarily limited due to planned, unplanned events, unforeseen circumstances, or emergencies.
- (2) The City is not responsible to any person for costs, damages, or other consequences incurred due to flooding caused by service interruptions and limitations.
- (3) Nothing contained in this chapter is intended to nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals; or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued; or by reason of any action or inaction on the part of the City in connection with the same.
- (4) Nothing in this chapter, engineering standards, or related manuals shall impose any liability on the City or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (5) Nothing contained in this chapter, engineering standards, or related manuals shall require City involvement or enforcement of this chapter for private disputes occurring between property owners.

15.106.040 Severability.

If any section, subsection, clause, or phrase of this chapter or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the validity or constitutionality of the chapter as a whole, or any other portion thereof, and its application to other

persons or circumstances shall not be affected.

15.106.050 Conflict of provisions.

Should a conflict occur within the provisions of this chapter or between this chapter and any other provision of this code or other applicable law, rule, or regulation, including engineering standards, the most restrictive requirement shall control, except when constrained by federal or state law, or where specifically provided otherwise in this code.

15.106.060 Liberal construction.

The provisions of this chapter shall be liberally construed to give full effect to its purposes and objectives, to protect the public health and safety, and not be deemed to benefit or protect any individual, class, or group of persons.

Amended Res no. 1618

Small project permit.
Resolution to be repealed.

Text is now in LMC Chapter
12.08.

RESOLUTION NO. 1767

A Resolution amending Resolution No. 1618, relating to the fees to be charged for permits to work in the public right-of-way, and for right-of-way occupancy permits, by providing that there shall be no fees charged for sidewalk repairs performed in accordance with Longview Municipal Code section 12.28.030.

BE IT RESOLVED by the City Council of the City of Longview, Washington, that Resolution No. 1618 shall be, and is hereby amended, to read as follows:

The fees to be charged for permits to work in the public right-of-way shall be paid in the following manner and in the amounts set forth below:

1. Payment Required. Fees provided pursuant to Chapter 12.08 of the Longview Municipal Code shall be paid prior to the issuance of permits for all applicants therefor, and no work shall be commenced or performed without a permit except for emergency repairs, for which a permit shall be sought within 48 hours after the performance of such repairs.

2. Fee Schedule. The fees to be charged in accordance with permits issued pursuant to Longview Municipal Code chapter 12.08, are as follows:

I. WIRES AND CABLES:

(A) Permits:

(1) Underground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(2) Overhead installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(c) Replacement or substitution: \$25.00.

(B) Examination and approval of plans:

(1) Underground installations for new, emergency, replacements or substitutions:

(a) Up to 500 feet of affected right of way, or site specific: \$50.00.

(b) Over 500 feet: \$50.00 plus \$5.00 per 100 feet of affected right of way over 500 feet.

(2) Overhead installations for new, emergency, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00.

(b) Over 500 feet: \$50.00 plus \$2.50 for every 100 feet of affected right of way over 500 feet.

(C) Inspections:

(1) Underground installations for new, emergency, replacements or substitutions:

New installations: \$50.00 per 500 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00, whichever is greater.

(2) Overhead installations for new, emergency, replacements or substitutions:

New installations: \$10.00 per 1,000 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00 whichever is greater.

II. PIPES, CULVERTS, OR OTHER SIMILAR DEVICES

(A) Permits:

(1) Underground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(2) Aboveground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(B) Examination and approval of plans:

(1) Underground installations for new, emergency, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00

(b) Over 500 feet: \$50.00 plus \$5.00 per 100 feet of affected right of way over 500 feet

(2) Overhead installations for new, emergency, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00

(b) Over 500 feet: \$50.00 plus \$2.50 for every 100 feet of affected right of way over 500 feet.

(C) Inspections:

(1) Underground installations for new, emergency, replacements or substitutions:

New installations: \$25.00 per 500 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00, whichever is greater.

(2) Overhead installations for new, emergency, replacements or substitutions:

New installations: \$10.00 per 1,000 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00 whichever is greater.

III. ALL OTHER WORK IN RIGHT OF WAY

(A) All permits where soils are excavated, embankments are constructed, or for the installation, repair, replacement, or removal of a utility service or main, driveway, sidewalk, curb, drain or other improvement of a like nature: \$25.00 for each such item.

(B) Examination and approval of plans, including plan review and administration: \$25.00 per 100 feet of affected right-of-way or portion thereof for each item for which a permit is granted, or \$50.00, whichever is greater.

(C) Inspections: \$25.00 per 100 feet of affected right-of-way or portion thereof for each item for which a permit is granted, or \$50.00, whichever is greater.

(D) No fees for permits, examination and approval of plans or inspections shall be charged in connection with the repair of defective sidewalks performed pursuant to Longview Municipal Code section 12.28.030.

IV. SPECIAL PROVISIONS RELATING TO ALL UNDERGROUND INSTALLATIONS

For installations beneath sidewalks, curbs, gutters and/or street and alley pavement, the permittee may, at the discretion of the City Engineer, be required to provide field density testing by a certified construction testing laboratory, at permittee's sole cost and expense.

BE IT FURTHER RESOLVED that the annual amount to be charged for right-of-way occupancy permits, issued under the provisions of LMC chapter 12.30, shall be determined on a case by case basis.

This Resolution shall become effective upon the adoption thereof by the City Council, and shall supercede and be in lieu of the provisions of Resolution No. 1618.

Passed by the City Council of the City of Longview and approved by the Mayor this 12th day of June, 2003.


MAYOR

ATTEST:

C. Maureen Abbott
Deputy City Clerk

RESOLUTION NO. 1618

A Resolution fixing the fees to be charged for permits to work in the public right-of-way, and for right-of-way occupancy permits and repealing Resolution No. 1389.

BE IT RESOLVED by the City Council of the City of Longview, Washington, that the fees to be charged for permits to work in the public right-of-way shall be paid in the following manner and in the amounts set forth below:

1. Payment Required. Fees provided pursuant to Chapter 12.08 of the Longview Municipal Code shall be paid prior to the issuance of permits for all applicants therefor, and no work shall be commenced or performed without a permit except for emergency repairs.

2. Fee Schedule. The fees to be charged in accordance with permits issued pursuant to Longview Municipal Code chapter 12.08, are as follows:

I. WIRES AND CABLES:

(A) Permits:

(1) Underground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(2) Overhead installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(B) Examination and approval of plans:

(1) Underground installations for new, replacements or substitutions:

(a) Up to 500 feet of affected right of way, or site specific: \$50.00.

(b) Over 500 feet: \$50.00 plus \$5.00 per 100 feet of affected right of way over 500 feet.

(2) Overhead installations for new, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00.

(b) Over 500 feet: \$50.00 plus \$2.50 for every 100 feet of affected right of way over 500 feet.

(C) Inspections:

(1) Underground installations for new, replacements or substitutions:

New installations: \$50.00 per 500 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00, whichever is greater.

(2) Overhead installations for new, replacements or substitutions:

New installations: \$10.00 per 1,000 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00 whichever is greater.

II. PIPES, CULVERTS, OR OTHER SIMILAR DEVICES

(A) Permits:

(1) Underground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(2) Aboveground installations:

(a) New installations:

(1) Along rights of way: \$25.00.

(2) Street, alley or other public way crossings: \$25.00 for every crossing.

(b) Replacement or substitution: \$25.00.

(B) Examination and approval of plans:

(1) Underground installations for new, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00

(b) Over 500 feet: \$50.00 plus \$5.00 per 100 feet of affected right of way over 500 feet

(2) Overhead installations for new, replacements or substitutions:

(a) Up to 500 feet of affected right of way or site specific: \$50.00

(b) Over 500 feet: \$50.00 plus \$2.50 for every 100 feet of affected right of way over 500 feet.

(C) Inspections:

(1) Underground installations for new, replacements or substitutions:

New installations: \$25.00 per 500 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00, whichever is greater.

(2) Overhead installations for new, replacements or substitutions:

New installations: \$10.00 per 1,000 feet of affected right-of-way or portion thereof for each item for which a permit is granted review and administration, or \$50.00 whichever is greater.

III. ALL OTHER WORK IN RIGHT OF WAY

(A) All permits where soils are excavated, embankments are constructed, or for the installation, repair, replacement, or removal of a utility service or main, driveway, sidewalk, curb, drain or other improvement of a like nature: \$25.00 for each such item.

(B) Examination and approval of plans, including plan review and administration: \$25.00 per 100 feet of affected right-of-way or portion thereof for each item for which a permit is granted, or \$50.00, whichever is greater.

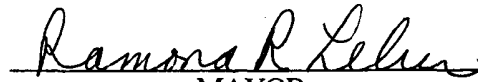
(C) Inspections: \$25.00 per 100 feet of affected right-of-way or portion thereof for each item for which a permit is granted, or \$50.00, whichever is greater.

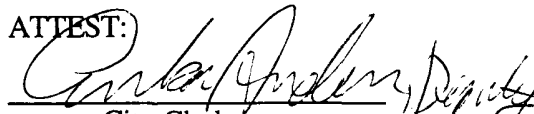
IV. SPECIAL PROVISIONS RELATING TO ALL UNDERGROUND INSTALLATIONS

For installations beneath sidewalks, curbs, gutters and/or street and alley pavement, the permittee may, at the discretion of the City Engineer, be required to provide field density testing by a certified construction testing laboratory, at permittee's sole cost and expense.

BE IT FURTHER RESOLVED that the annual amount to be charged for right-of-way occupancy permits, issued under the provisions of LMC chapter 12.30, shall be determined on a case by case basis.

Passed by the City Council of the City of Longview and approved by the Mayor this 22nd day of May, 1997.


MAYOR

ATTEST:

City Clerk

RESOLUTION NO. 1899

A resolution fixing the deposit amounts to be charged for utility services.

BE IT RESOLVED that pursuant to Chapters 15.12 and 15.56 of the Longview Municipal Code, the deposit amounts to be charged for utility services shall be as follows:

1. **RESIDENTIAL**: One-hundred dollars (\$100) for each residential account as determined to be the approximate average billing of a residence per one month within a twelve (12) month period.
2. **COMMERCIAL**: The average of one (1) month of billings within a twelve (12) month period as determined by the Finance Department, based upon the size and type of business, as well as the previous billings for service to that address.
3. **ADDITIONAL DEPOSIT**: If within a twelve (12) month period there are two (2) or more disconnects of a utility service to an address or account, residential or commercial, then before any utility service is resumed to that address or on that account the required deposit shall be twice the amount of the deposits set forth above.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the same effective date of Ordinance Number 3056.

Passed by the City Council of the City of Longview, Washington, and approved by its Mayor at a regular meeting of said Council held on the 10th day of July, 2008.


MAYOR

ATTEST:


City Clerk

RESOLUTION NO. XXXX

A RESOLUTION REPEALING RESOLUTIONS NO. 1618, 1767, AND 1899.

WHEREAS, the text of resolutions no. 1618 and 1767 have been incorporated into the Longview Municipal Code chapter 12.08, and

WHEREAS, the fees from resolutions no. 1618 and 1767 have been incorporated into the Longview Public Works fee schedule, and

WHEREAS, the text of resolution no. 1899 has been incorporated into the Longview Municipal Code chapter 11, and

WHEREAS, the fees from resolutions no. 1899 have been incorporated into the Longview Public Works fee schedule.

THEREFOR BE IT RESOLVED that Resolution No. 1618, passed by the City Council on May 22, 1997, is hereby repealed in its entirety on the date this Resolution becomes effective.

BE IT FURTHER RESOLVED that Resolution No. 1767, passed by the City Council on June 12, 2003, is hereby repealed in its entirety on the date this Resolution becomes effective.

BE IT FURTHER RESOLVED that Resolution No. 1899, passed by the City Council on July 19, 2008, is hereby repealed in its entirety on the date this resolution becomes effective.

BE IT FURTHER RESOLVED that this Resolution shall take effect on _____ XX, 20XX.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a special meeting of said City Council held on the XXth day of _____ 20XX.

ATTEST:

MAYOR

City Clerk

RESOLUTION NO. XXXX

A resolution of the City Council of the City of Longview, Washington, establishing the City's Master Fee Schedule.

WHEREAS, it is the general policy of the City to establish fees that are reflective of the cost of services provided by the City; and

WHEREAS, the City desires to have public transparency in establishing and publicizing it's fees; and

WHEREAS, the City has found it necessary to employ the use of a master fee schedule for the establishment of fees for city programs, permits, and services; and

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF LONGVIEW DO HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Master Fee Schedule Established. The Master Fee schedule is established as set forth in the schedules attached hereto as Exhibit A and incorporated by reference.

SECTION 2. This resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council and signed by the Mayor the ____ day of _____, 2024.

Schedule A

Engineering/PW

Engineering Permit Fees	
Right of Way Permits	
Base Application Fee	\$50
Right of Way Permits - additive fees	
Site	
ADA Ramp	\$150 (includes 10' of sidewalk)
Driveway Approach - Commercial	\$250 (includes 25' of sidewalk)
Driveway Approach - Residential	\$150 (includes 25' of sidewalk)
Sidewalk New / Repair / Replacement	\$25 for first 25', \$25 per 50' thereafter)
Fill and Grade	(see separate worksheet)
Private Utility (Gas, Power, Telephone, Cable, etc...)	
Overhead ROW Work - Franchise	\$25 per each 1000'
Overhead ROW Work	\$50 per each 1000'
Open Cut ROW Ground Work - Franchise	\$50 per each 100'
Open Cut ROW Ground Work	\$100 per each 100'
Trenchless ROW Ground Work - Franchise	\$25 for 1st 25', \$25 per 100' thereafter
Trenchless ROW Ground Work	\$50 for 1st 25', \$50 per 100' thereafter
Other	
ROW Obstruction / Traffic Control Plan	\$25
ROW Waste Container / Drop Box	\$25
One-time 6 month Renewal of Permit	\$25
Permit renewals after 1 year must repay initial fees for an additional 6 months	
Penalty for 4th Submittal of Plans for a single Application	25% of original permit fees
Working without a Permit	Fees Doubled
Street or Alley Vacation (application fee)	

Public Improvement Project - Permits

Application Fee - Will be applied to the fee if permit is obtained within one year of design approval	\$1,000
Fee	6% of the total cost of the improvement
Other	
Working without a Permit	Fees Doubled

Banners

Reserved display	\$25
Nonreserved display	\$25

Water

Meter set-in fee	
Meter set 3/4"	\$200
Meter set 1"	\$280
Meter set 1-1/2"	\$650
Meter set 2"	\$875

* For services greater than 2", the developer, owner or contractor shall furnish new, City-approved meters.

Water Capital Recovery Fee	
Meter size	
0.75"	\$2,031

1"	\$5,078
1.5"	\$10,155
2"	\$16,248
3"	\$32,496
4"	\$50,775
6"	\$101,550
8"	\$162,480
10"	\$233,564
12"	\$335,115
Other Fees	
Service call for water reconnection after water is turned off for non-payment	\$50
Service call for water reconnection after water is turned off for non-payment - after regular hours	\$100
Service call for water reconnection after water is turned off for non-payment - to re-install meter	\$150
Service call for water reconnection after water is voluntary turned off - regular work hours	\$50
Service call for water reconnection after water is voluntary turned off - after regular work hours	\$200
Water / sewer account deposit	\$100
Penalty for late payment	\$25
Water tap inspection fee	\$150
Monthly charges for private fire sprinkler systems and hydrants installed on private property - inside City	\$17
Monthly charges for private fire sprinkler systems and hydrants installed on private property - outside City	\$28
Fire hydrant use permit (requires meter rental)	\$1,500 deposit*** / \$5 per daily meter rental charge. \$150 installation and removal fee. Plus water consumption charges. Outside of city limits, consumptive charges are bill at standard rate plus 65%.
Fire hydrant use permit (without meter rental)	\$100 deposit. Plus water consumption charges. Outside of city limits, consumptive charges are bill at standard rate plus 65%.
Water Shortage Fees. Fees assessed for installation and removal of flow restrictor devices on individual water services, or for disconnecting or shutting off services.	3/4 to 1-1/2-inch meters \$150. Larger then 1-1/2-inch meters, actual costs for time, material and equipment
Other	
Meter testing deposit	\$50
Working without a Permit	Fees Doubled

*** Should damage or theft occur, renter will forfeit deposit and reimburse the City the current replacement cost difference.

Sewer

Sewer Capital Recovery Fee	
Connection size	
0.75"	\$2,314
1"	\$5,785
1.5"	\$11,570
2"	\$18,512
3"	\$37,024
4"	\$57,850

6"	\$115,700
8"	\$185,120
10"	\$266,110
12"	\$381,810

Other Fees	
Sewer tap inspection fee	\$150

Sewer Treatment System Development Charge	
Fee per Equivalent Residential Unit (ERU)	\$1,560
Fee per ERU for very low strength industrial	\$604
Residential	ERUs per dwelling unit (DU)
Single Family	1
Duplex, 3-plex, 4-plex	0.86
Apartment (5 or more)	0.67

Commercial	
Water meter size	ERUs by meter size
0.75"	1
1"	3
1.5"	5
2"	8
3"	16
4"	25
6"	50
8"	80
10"	115
12"	165

Industrial	
Regular strength - 1 ERU per each two hundred fifty (250) gallons per day flow.	
very low strength - 1 ERU per each three hundred (300) gallons per day flow.	

TRRWA Discharge permits	
Permit Category	Fee
Commercial User	\$225
Industrial User	\$225
Potential Significant Commercial User	\$340
Potential Significant Industrial User	\$340
Significant Commercial User	\$450
Significant Industrial User	\$450

Other	
Working without a Permit	Fees Doubled

Stormwater	
Submittal of Minimum Technical Requirement #2 is required	\$0
Submittal of Minimum Technical Requirement #1-5 is required	\$0
Submittal of Minimum Technical Requirement #1-9 is required	\$0
Grading Permit Fees	
Residentially zoned parcel having less than 100 cubic yards of combined cut and fill and a slope of less than 2%	\$0

Over 50 cubic yards of combined cut and fill and Submittal of Minimum Technical Requirement #2 is required	\$0
Over 50 cubic yards of combined cut and fill and Submittal of Minimum Technical Requirement #1-5 is required	\$0
Over 50 cubic yards of combined cut and fill and Submittal of Minimum Technical Requirement #1-9 is required	\$0
Notes: 1) A grading permit is not required for projects under 50 cubic yards. 2) Projects of 500 or more cubic yards require a SEPA checklist and separate fees. 3) Minimum Technical Requirements based on Appendix 1 of the 2013 Western Washington Phase II Municipal Stormwater Permit.	
Other	
Working without a Permit	

Schedule B

Administrative/Finance

NSF Check fees	
NSF Check Fees	\$25

Utility Services - Deposits	
Residential	\$100
Commercial	The average of one (1) month of billings within a twelve (12) month period as determined by the Finance Department, based upon the size and type of business, as well as the previous billings for service to that address.
Additional Deposit	If within a twelve (12) month period there are two (2) or more disconnects of a utility service to an address or account, residential or commercial, then before any utility service is resumed to that address or on that account the required deposit shall be twice the amount of the deposits set forth above.

911 Ambulance Services

Status Update



Longview City Council
May 9, 2024

911 Ambulance Services Contract

Former Ambulance Provider (AMR)

- Proposed new contract terms and conditions in August of 2023.
- Ultimately gave notification they would be withdrawing from the former agreement.

Request for Proposals

- An RFP was issued on January 20, 2024.
- Two proposals were received
 - AMR
 - Medix



REQUEST FOR PROPOSALS
911 Ambulance Services

Issue Date: January 20, 2024
Due Date: April 4, 2024, at 11:00 AM Pacific Time



City of Longview
**AMBULANCE
SERVICES**



RFP Results



Proposal from Medix earned the highest score.



Key Factors

Lower average cost of response than current provider.

Increased ambulance staffing with greater availability.



New contract effective beginning on May 13, 2024 at 8 A.M.



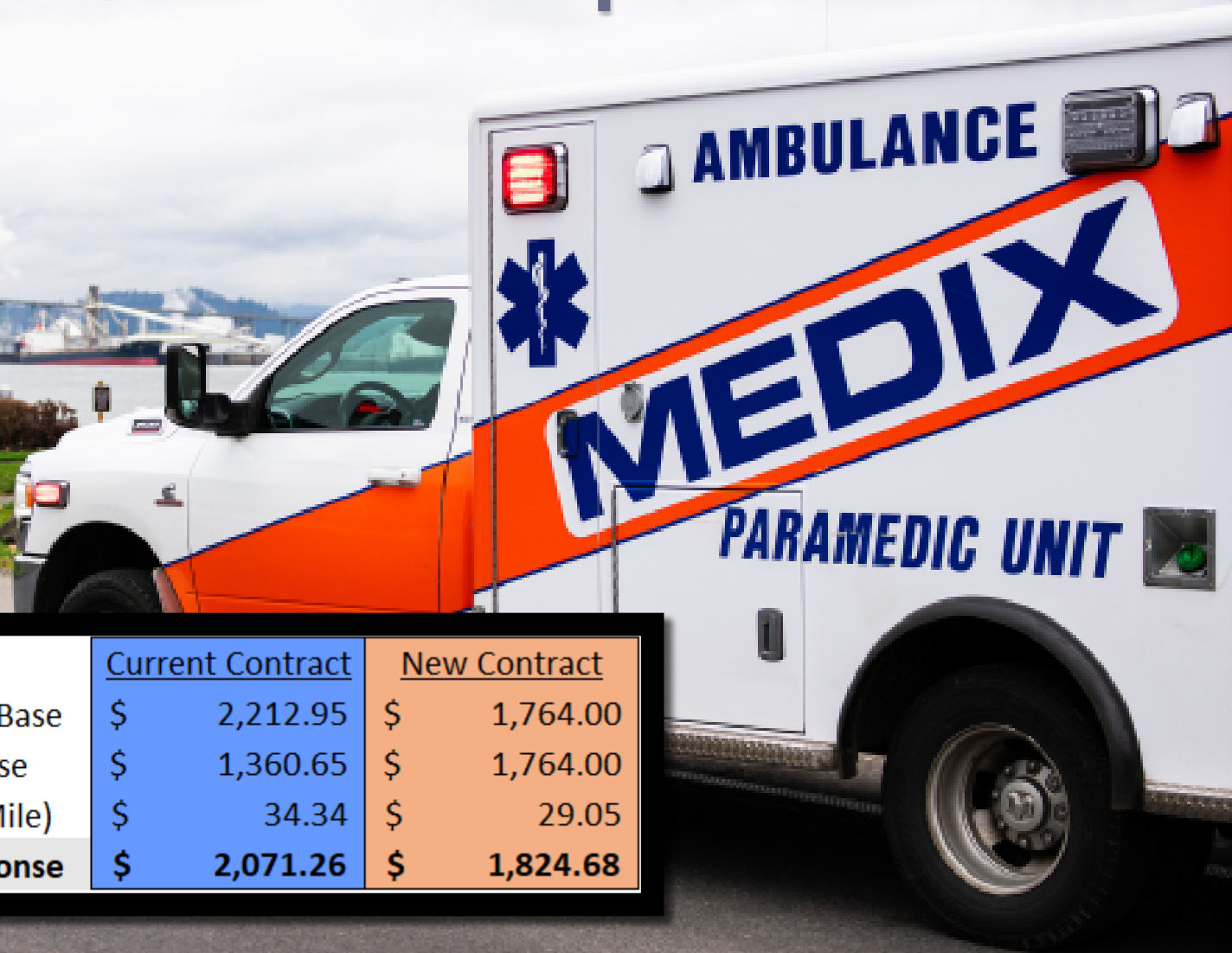
RESPONSE TO THE CITY OF LONGVIEW, WA
911 AMBULANCE SERVICES
REQUEST FOR PROPOSAL – APRIL 4, 2024



City of Longview
**AMBULANCE
SERVICES**



Average Cost of Response



	<u>Current Contract</u>	<u>New Contract</u>
Advanced Life Support Base	\$ 2,212.95	\$ 1,764.00
Basic Life Support Base	\$ 1,360.65	\$ 1,764.00
Mileage (Per Loaded Mile)	\$ 34.34	\$ 29.05
Average Cost per Response	\$ 2,071.26	\$ 1,824.68



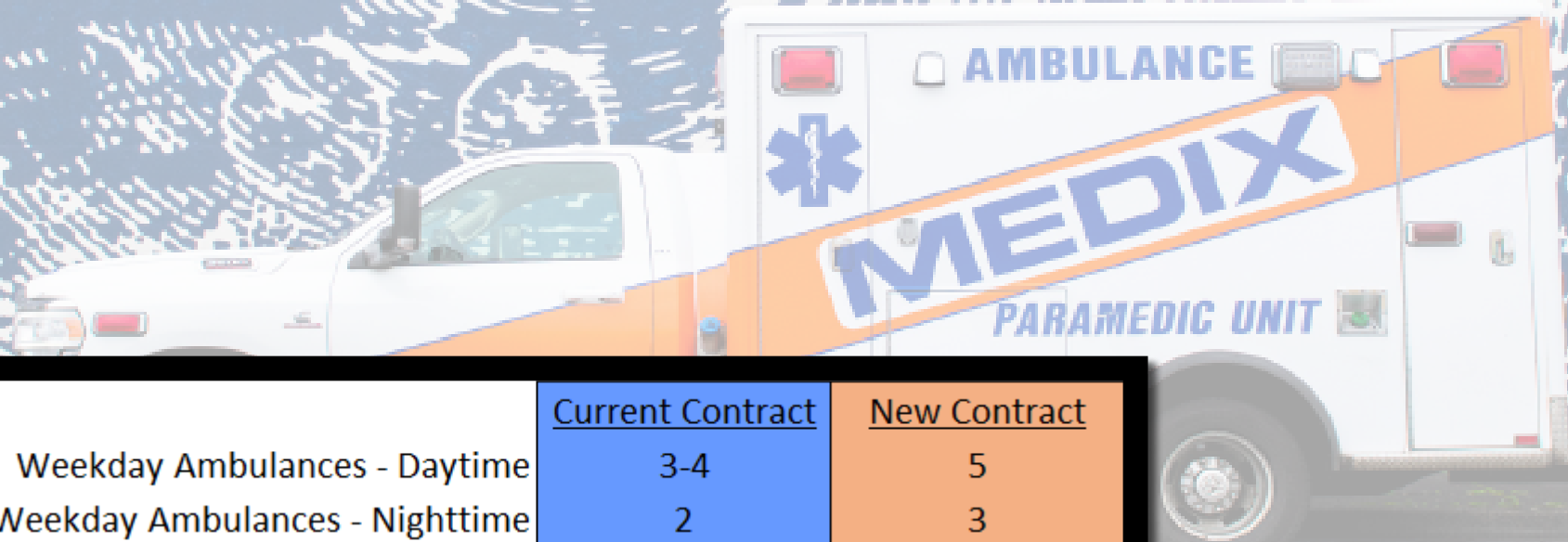
City of Longview
**AMBULANCE
SERVICES**



Longview Fire

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Ambulance Staffing



	<u>Current Contract</u>	<u>New Contract</u>
Weekday Ambulances - Daytime	3-4	5
Weekday Ambulances - Nighttime	2	3
Weekend Ambulances - Daytime	3	5
Weekend Ambulances - Nighttime	2	3



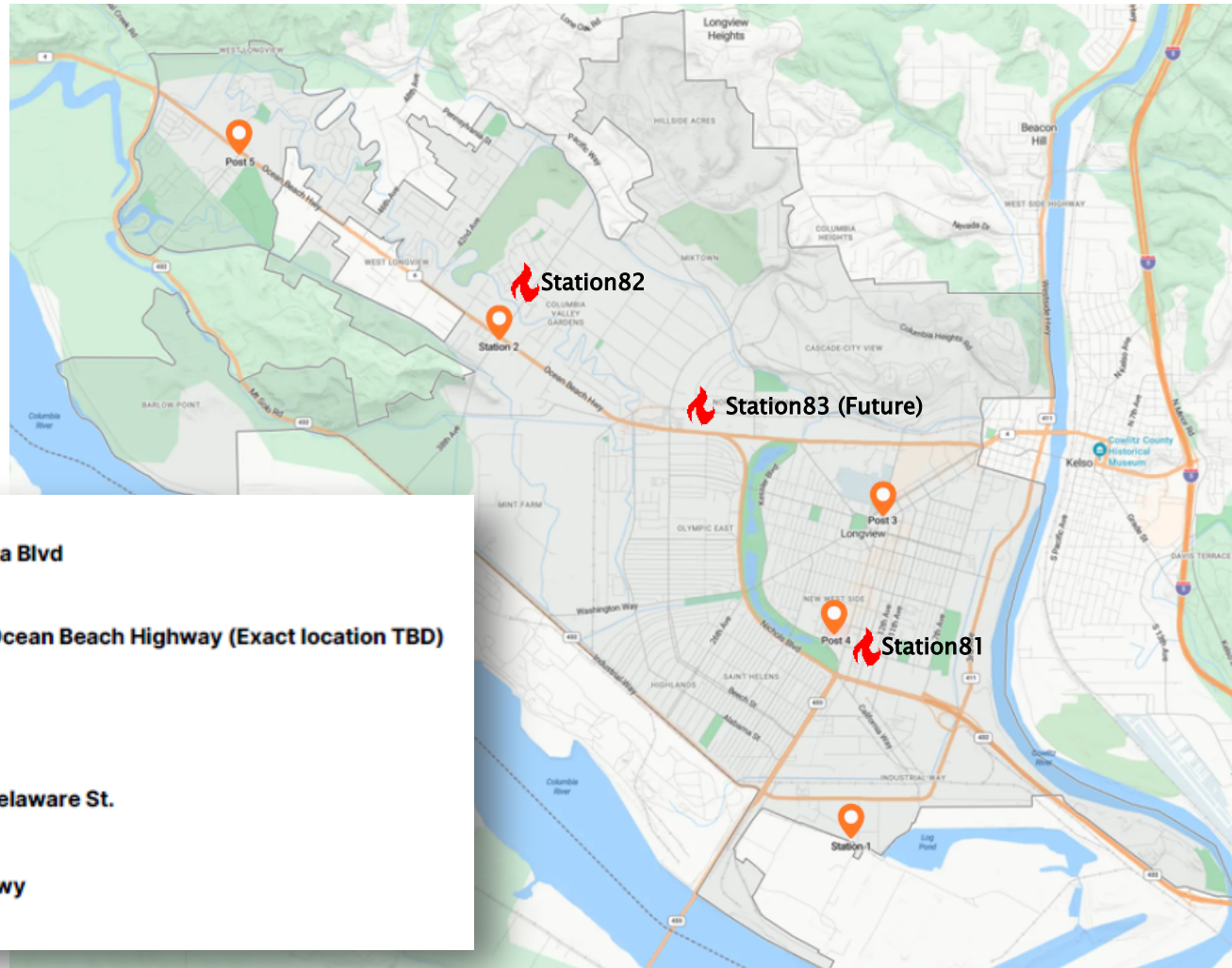
City of Longview
**AMBULANCE
SERVICES**



Longview Fire

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Deployment



Post 1- Medix Station 1- 1021 Columbia Blvd



Post 2- Medix Station 2 -38th Ave & Ocean Beach Highway (Exact location TBD)



Post 3- 15th Ave & Washington Way



Post 4- Peace Health St Johns 1615 Delaware St.



Post 5 – Mt. Solo Rd & Ocean Beach Hwy



City of Longview
**AMBULANCE
SERVICES**



Longview Fire



Q & A



City of Longview
**AMBULANCE
SERVICES**



Longview Fire
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City of Longview

Agenda Summary

KUNTZ FAMILY TRUST FUND

RECOMMENDED MOTION:

MOTION TO BRING BACK A RESOLUTION TO RESCIND RESOLUTION 2044 AND MOVE FORWARD USING KUNTZ FAMILY TRUST FOR THE MINT VALLEY RACQUET COMPLEX CEILING REPLACEMENT AND BATHROOM REFRESH PROJECT.

DATE: May 9, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Address quality of place issues
Strengthen economic conditions & create new opportunities
Continue effective financial management

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

In the 1990's, Earnest and Arlene Kuntz provided funding to create a trust as a gift to the Longview Parks and Recreation Department. There were no restrictions or limitations provided in the trust as to the specific uses for the funds. In 2012, the previous City Council passed Resolution 2044 which laid out terms in which the money could be expended (see attached resolution). From 2012 to 2015, annually projects that were "For the benefit and the enjoyment of the people of Longview." In 2016, it was determined that applications would be put on hold to determine if there was a better use of the Kuntz Family Trust Fund money and no other projects except for Lion's Island lighting has occurred.

The City of Longview is in need of replacing the ceiling and a bathroom refresh at the Mint Valley Racquet Complex. The City is in the process of negotiating terms for the transition of management of the facility to new operators, USTA PNW. Staff is recommending rescinding Resolution 2044, and returning the funds to unrestricted as their original intent. The project estimate is \$225,000. There is a CIP from 2021 that was awarded for \$21,000 to the current operator for the ceiling replacement. The request from the Kuntz Family Trust Fund at this time would be \$201,000 to bridge the gap.

RECOMMENDED ACTION:

Motion to bring back a resolution to rescind Resolution 2044 and move forward using Kuntz Family Trust for the Mint Valley Racquet Complex ceiling replacement and bathroom refresh project.

STAFF CONTACT:

Jennifer Wills, Director of Parks and Recreation

Attachments:

1. KUNTZ FAMILY TRUST Presentation
2. Kuntz Resolution No. 2044

KUNTZ FAMILY TRUST HISTORY & FUTURE

MAY 9, 2024

**Presented For
City Council**





History

In the 1990's, Earnest and Arlene Kuntz provided funding to create a trust as a gift to the Longview Parks and Recreation Department.

There were no restrictions or limitations provided in the trust as to the specific uses for the funds.

THEN WHAT HAPPENED

Not a lot until... 2012 Resolution 2044



10% of Fund
Projects that are **ON**
the Parks and
Recreation
Comprehensive Plan
CIP list



10% of Fund
Projects that are
NOT ON the Parks and
Recreation
Comprehensive Plan
CIP list



\$100,000
designated for
maintenance and
improvement of
Lion's Island at
Lake Sacajawea

Project	2012	2013	2014	2015
Holiday Lights - RA Long	\$9,194			
Lion’s Island Lights		\$6,000		\$5,725
RA Long Park Sculpture		\$4,685	\$336	
Kellogg Park Playground		\$15,364		
Girls Softball Field Dressing			\$1,080	
Go 4th Picnic Tables/Bleachers			\$5,200	
Roy Morse Softball Shade			\$5,247	
Shay Pavllion			\$27,397	\$10,103
Playground Parts			\$21,443	
RA Long Plaza			\$300,000	
Archie Anderson Park				\$15,000



Kuntz Fund Trust Balance

Parks & Rec Memorial Trust Fund Balance, 3/31/24	\$394,651.11
Remaining funds earmarked for Lion's Island Holiday Lights (CIP #2067)	(72,761)
Available Funds	\$321,890.11
10% of available funds - CIPs NOT on the P&R Plan	\$32,189.02
10% of available funds - CIPs ON the P&R Plan	\$32,189.02
Funds available to be awarded per current policy	\$64,378.04



Options for Funding Mint Valley Racquet Complex



01

Rescind

Motion to bring back a resolution to rescind Resolution 2044 and move forward using Kuntz Family Trust for the project.



02

Blend

Using Resolution 2044, use the \$36,189 per policy with the remaining come from the City of Longview's ending fund balance for the project.



03

Ending Fund

Leave Kuntz Family Trust Fund intact, and use funds from the City of Longview ending fund balance of the current budget.

Recommended Motion

Motion to bring back a resolution to rescind Resolution 2044 and move forward using Kuntz Family Trust for the Mint Valley Racquet Complex ceiling replacement and bathroom refresh project.



Resolution No. 2044

A RESOLUTION ADOPTING POLICIES TO GUIDE THE ALLOCATION OF FUNDS FROM A TRUST CREATED BY EARNEST AND ARLENE KUNTZ TO SUPPORT LONGVIEW PARKS AND RECREATION CAPITAL FACILITIES AND OPERATING PROGRAMS

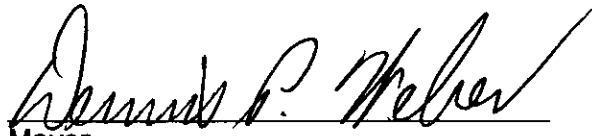
WHEREAS, the trust created by Earnest and Arlene Kuntz in the 1990s states that it was provided as a gift to the Longview Parks and Recreation Department. There were no restrictions or limitations provided in the trust as to specific uses for the funds; and

WHEREAS, there was agreement by the Longview City Council that even though the trust does not describe specific types of park related projects for use of the trust funds, by inference per the trust, the funds were intended to be used for park and/or recreational purposes such as recreational facilities for senior citizens, teens, or sports facilities, or any similar type use; and

WHEREAS, it is desirable to adopt policies to assist in the process of deciding how such funds shall be allocated and used.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:
Section 1. Those polices, attached to this Resolution as Exhibit A, are hereby adopted as the criteria for the allocation and use of disbursements from the Parks & Recreation Memorial Trust Fund.

PASSED by the City Council of Longview, Washington, and approved by its Mayor this
11th day of Oct, 2012.


Mayor

ATTEST:

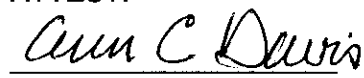

City Clerk

Exhibit A

- A.) All projects involving the Kuntz Family Trust funds must include an approved plaque stating that "This project was provided for through the Kuntz Family Trust for the Benefit and Enjoyment of the Citizens of Longview."
- B.) Any citizen, group of citizens, or not for profit organization of the City of Longview, may apply for funds from the Kuntz Family Trust to use for a project which would be consistent with the type of projects described in this resolution.
- C.) Funds Awarded: The funds awarded will not exceed 20% of the ending year balance of the Kuntz Family Trust, with 10% available for projects not on the Longview Parks and Recreation Plan Capital Improvement Program (CIP) list and another 10% for projects on the Longview Parks and Recreation Plan CIP list. Funding made available for one year may be carried over to a succeeding year(s) in case there is a desire to undertake a project that would be more expensive than one year's allocation would normally allow.
- D.) Applications for funding will be promoted, evaluated, and submitted to the City Council for consideration at the same time and through the same process as ones for the City's neighborhood park grant program.
- E.) Projects requesting funding from the Kuntz Family Trust funds must provide at least 50% of the total costs of projects from money and/or in-kind services other than Kuntz Family Trust funding. Exception to this required funding match would include projects:
 - 1. Where no fees are charged to the users (eg. a project at Lake Sacajawea if it involves a facility that is or would be is free and open to the public; whereas, organized sports leagues, including City-run leagues, which charge fees to play would need to provide matching funds, and/or in-kind services); or
 - 2. Where the population to be served represents a significant underserved low income population based on CDBG guidelines where obtaining matching funds would be very difficult.
- F.) Projects which are for maintenance of existing facilities are not eligible for funding from the Kuntz Family Trust.
- G.) All projects requesting support from Kuntz Family Trust funds, whether on the Longview Parks and Recreation Plan CIP list or not on the Longview Parks CIP list, will be selected based on the following criteria:
 - 1.) The number of citizens likely to be served, or who will benefit from the project.
 - 2.) The range and diversity of citizens likely to benefit from the project.
 - 3.) The return on the investment, both tangible and intangible.
 - 4.) The potential life span of the project.
 - 5.) The maintenance requirements of the project, present and future.
 - 6.) The project must comply with (or must not conflict with) the City of Longview's Historic Preservation Plan, if applicable.
 - 7.) The potential for other sources of funding.

H.) \$100,000 of the Kuntz Family Trust funds are to be designated for the maintenance and improvement of Lions Island, subject to the above provisions (Section "F" notwithstanding). ~~Further provided, that funds for Lions Island projects shall be subject to the 50% match described above.~~ (as amended at 10/11/2012 meeting)