



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 23, 2024

6:00 PM

2nd Floor, City Hall

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".

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

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Webinar ID: 823 9413 2374

1. CALL TO ORDER
2. INVOCATION*/FLAG SALUTE
24-00304 CHARLES COLEMAN, HOUSE OF PRAYER
3. ROLL CALL
4. WORKSHOP
5. APPROVAL OF MINUTES
24-00466 MAY 9, 2024 REGULAR MEETING

24-00467 MAY 16, 2024 SPECIAL MEETING/WORKSHOP**6. CHANGES TO THE AGENDA****7. PRESENTATIONS & AWARDS****8. CONSTITUENTS' COMMENTS (Thirty Minutes)****9. PUBLIC HEARINGS**

24-00496 PUBLIC HEARING – 2nd AMENDMENT TO THE 2024 - 2029 SIX YEAR TRANSPORTATION IMPROVEMENT PLAN (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:

CONDUCT THE PUBLIC HEARING AND ADOPT RESOLUTION NO. 2497.

24-00476 PUBLIC HEARING – 2024 ANNUAL ACTION PLAN

RECOMMENDED ACTION:

UPON COMPLETION OF THE PUBLIC HEARING NO FURTHER ACTION IS NEEDED.

10. BOARD & COMMISSION RECOMMENDATIONS**11. ORDINANCES & RESOLUTIONS****12. MAYOR'S REPORT****13. COUNCILMEMBERS' REPORTS****14. CONSENT CALENDAR**

24-00171 APPROVAL OF CLAIMS

24-00403 RESOLUTION 2496 - SURPLUS CITY PROPERTY/EQUIPMENT

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2496

24-00482 RESOLUTION 2500 - AFTER-HOURS POLICE RECORDS SERVICES

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2500

24-00477 BID REVIEW – NICHOLS BLVD AND OLYMPIA WAY PAVEMENT REHABILITATION

RECOMMENDED ACTION:

MOTION TO ACCEPT THE LOW BID AND AWARD TO WESTERN UNITED CIVIL GROUP, IN THE AMOUNT OF \$1,772,772.72

24-00485 RESOLUTION NO. 2498 – CREATING A PUBLIC WORKS MASTER FEE SCHEDULE

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2498

24-00486 RESOLUTION NO. 2499 – REPEALING RESOLUTION NO. 1618, 1767, AND 1899.

RECOMMENDED ACTION:
MOTION TO ADOPT RESOLUTION NO. 2499

- 24-00483 ORDINANCE NO. 3525 – PAYMENT METHODS AMENDING CHAPTER 5.03.140, “PAYMENT METHODS – MAILING RETURNS OR REMITTANCES – TIME EXTENSION – DEPOSITS – RECORDING PAYMENTS – PAYMENT MUST ACCOMPANY RETURN – NSF CHECKS.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3525

- 24-00478 ORDINANCE NO. 3526 – AMENDING CHAPTER 12.04 BANNERS.

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3526

- 24-00487 ORDINANCE NO. 3527 – AMENDING CHAPTER 12.08, “CONSTRUCTION, REPAIR, AND MAINTENANCE.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3527

- 24-00484 ORDINANCE NO. 3528 – AMENDING CHAPTER 12.10, “REVIEW, ADMINISTRATION AND FIELD INSPECTION OF CONSTRUCTION PLANS AND SPECIFICATIONS.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3528

- 24-00479 ORDINANCE NO. 3529 – AMENDING CHAPTER 3.22, “REGIONAL WATER FUND.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3529

- 24-00480 ORDINANCE NO. 3530 – CREATING CHAPTER 3.23, “FILTER PLANT FUND.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3530

- 24-00481 ORDINANCE NO. 3531 – CREATING CHAPTER 3.24, “SEWER FUND.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3531

- 24-00482 ORDINANCE NO. 3532 – CREATING CHAPTER 3.65, “STORMWATER FUND.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3532

- 24-00488 ORDINANCE NO. 3533 –CHAPTER 15, “WATER AND SEWERS.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3533

- 24-00490 ORDINANCE NO. 3534 – ACCESS MANAGEMENT, AMENDING CHAPTER 11.36, “ARTERIAL STREETS.”

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3534

- 24-00491 **ORDINANCE NO. 3535 – ACCESS MANAGEMENT, AMENDING CHAPTER 12.60, “ACCESS MANAGEMENT.”**

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3535

- 24-00492 **ORDINANCE NO. 3536 – ACCESS MANAGEMENT, DELETING THE ARTERIALS APPENDIX.**

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3536

- 24-00489 **ORDINANCE NO. 3537 – ROUNDABOUTS FIRST, AMENDING CHAPTER 12.50.50, “STREETS, CURBS, AND SIDEWALKS.”**

RECOMMENDED ACTION:
MOTION TO ADOPT ORDINANCE NO. 3537

15. CITY MANAGER'S REPORT

- 24-00367 **ANIMAL CONTROL UPDATE**

- 24-00375 **HOPE VILLAGE UPDATE**

- 24-00473 **REVISED AND RESTATED AGREEMENT FOR OPERATION AND MANAGEMENT OF THE COLUMBIA THEATRE FOR THE PERFORMING ARTS**

RECOMMENDED ACTION:
MOTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO THE AGREEMENT

- 24-00504 **AGREEMENT FOR PROFESSIONAL SERVICES WITH CHARLOTTE ARCHER, ON BEHALF OF THE LAW FIRM OF INSLEE BEST DOEZIE & RYDER, P.S.**

RECOMMENDED ACTION:
MOTION TO ENTER INTO THE AGREEMENT

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, JUNE 13, 2024 – 6:00 P.M.

THURSDAY, JUNE 27, 2024 – 6:00 P.M.

NEXT SPECIAL COUNCIL WORKSHOPS:

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

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

TUESDAY, JUNE 25, 2024 - 6:00 P.M. - CIP BUDGET WORKSHOP



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Minutes

City Council

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Council Member Keith Young
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Thursday, May 9, 2024

6:00 PM

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Webinar ID: 823 9413 2374

1. CALL TO ORDER

Mayor Boudreau called the meeting to order at 6:01 p.m.

2. INVOCATION*/FLAG SALUTE

24-00303 COLE PRUITT, VALLEY VIEW CHURCH

After the invocation provided by Cole Pruitt of Valley View Church, the flag salute was recited.

3. ROLL CALL

Present: Mayor Boudreau, Mayor Pro Tem LaFave, Councilmember Kendall, Councilmember Wean, Councilmember Wallis, Councilmember Young, Councilmember Halvorson

Staff Present: Interim City Manager Jim Duscha, City Attorney Dana Gigler, City Clerk Tiffany Ostreim,

Public Works Director Ken Hash, Assistant City Manager Ann Rivers, Parks & Recreation Director Jen Wills, Assistant Public Works Director Chris Collins, Police Chief Robert Huhta, Fire Marshall Jon Dunaway

4. **WORKSHOP**

5. **APPROVAL OF MINUTES**

A motion was made by Councilmember Young, seconded by Councilmember Wallis, to approve the April 25, 2024 Special Workshop and April 25, 2024 Regular Meeting Minutes. The motion carried unanimously.

24-00408 APRIL 25, 2024 SPECIAL WORKSHOP

24-00409 APRIL 25, 2024 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

Mayor Boudreau presented the proclamation to Cowlitz County Chaplain Tom Haan, who accepted on behalf of Cowlitz County Chaplaincy.

24-00397 PROCLAMATION - NATIONAL PUBLIC WORKS WEEK MAY 19 - 25, 2024

RECIPIENTS: PUBLIC WORKS PERSONNEL

Mayor Boudreau presented the proclamation to Public Works Director Ken Hash, Assistant Public Works Director Chris Collins, City Engineer Sam Barham, Engineering Coordinator Steve Haubner, Utility Systems Manager Brian Steveson and Traffic Maintenance Supervisor Devon Ward, who accepted on behalf of Public Works.

24-00371 PROCLAMATION - HISTORIC PRESERVATION MONTH - MAY 2024

RECIPIENT: MIKE CHAPMAN, HISTORIC PRESERVATION COMMISSION

Mayor Boudreau presented the proclamation to Mike Chapman, who accepted on behalf of the Historic Preservation Commission.

24-00393 RA LONG AWARD TO JERRY KELLY BY HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission Chair Mike Chapman presented the award to Jerry Kelly.

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

Jeff Wilson and Cal Fowler provided public comment.

Bill Youngren provided public comment.

Jason Still provided public comment.

Shawn Higgins provided public comment.

Assistant Public Works Director Chris Collins gave an update on the potholes.

Olivia Ericksen provided public comment.

Debra Pohlman provided public comment.

Mr. Hooper provided public comment.

*Derek Fine provided public comment.
A citizen, name unstated, provided public comment.
Tom Spain provided public comment.
Mayor Boudreau explained the Federal Rough Roads Grant
Larry Crosby provided public comment.
Keenan Harvey provided public comment.
Steve Ferrell provided public comment.
Michael O'Neill provided public comment.
Sarah Curtis provided public comment.*

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**

Assistant Public Works Director Chris Collins presented.

*Mayor Boudreau opened the public testimony portion of the hearing at 7:13 p.m.
Jason Still provided testimony in support.
4 people on-line made comments.
Council discussed the presentation.
Mayor Boudreau closed the public testimony portion of the hearing at 7:21 p.m.*

***A motion was made by Councilmember Halvorson, seconded by Councilmember Wallis, to direct the City Attorney to create annexation and zoning ordinances.
Mayor Boudreau excused himself from voting on the subject on the appearance of fairness.
The motion carried by the following vote: Councilmember Young, Councilmember LaFave, Councilmember Wean, Councilmember Wallis, Councilmember Kendall, Councilmember Halvorson.***

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.**

Police Chief Robert Huhta presented.

***A motion was made by Councilmember Kendall, seconded by Councilmember LaFave, to adopt Ordinance 3523.
Art Burkmeyer provided public comment.
Jason Still provided public comment.
Karen Jones provided public comment.
Steve Ferrell provided public comment.
The motion carried unanimously.***

12. MAYOR'S REPORT

Mayor Boudreau provided a report.

13. COUNCILMEMBERS' REPORTS

*Councilmember LaFave provided a report.
Councilmember Wean provided a report.
Councilmember Wallis provided a report.
Councilmember Kendall provided a report.
Councilmember Halvorson provided a report.*

Mayor Boudreau requested three councilmembers to create a Council Rules Committee. Will be planning a retreat and strategic planning session.

24-00374 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 have staff initiate an RFP for an executive search firm for selecting a new City Manager.

An amendment was made by Councilmember Young, seconded by Councilmember Halvorson, to table the discussion to the first meeting in April, 2025.

*Council discussed the amendment.
Jason Still provided public comment.
Finance Manager Lisa Wolff provided public comment.
Robert B. provided public comment.
Michael O'Neill provided public comment.
Sarah Curtis provided public comment.
Darrel Kylo provided public comment.*

An amendment to the amendment was made by Councilmember Wallis, seconded by Councilmember Kendall, to terminate the current Interim City Manager contract, contract with a government temp agency for management half time and begin the search process immediately for a new City Manager.

*Council discussed the second amendment.
Attorney Gigler provided information.
Ron Kosloski provided public comment.
Pat Richards provided public comment.
Arlene Hubble provided public comment.
Jason Still provided public comment.
Steve Ferrell provided public comment.
A citizen, name unstated, provided public comment.
Larry Crosby provided public comment.
Jamie provided public comment.
Art Burkmeyer provided public comment.
Ann Bennett provided public comment.
A citizen, name unstated, provided public comment.
Council continued to discuss the amendment.
Finance Manager Lisa Wolff provided public comment.
Sherri Hammel provided public comment.
Peter Woulette provided public comment.
Kennan Harvey provided public comment.
Jason Still provided public comment.*

The amendment to the amendment to terminate the current Interim City Manager contract, contract with a government temp agency for management half time and begin the search process immediately for a new City Manager failed by the following vote:

Ayes: Councilmember Wallis, Councilmember Kendall

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

Abstained: Councilmember Wean

Jason Still provided public comment.

The amendment to the motion to table the discussion to the first meeting in April, 2025 failed by the following vote:

Ayes: Councilmember Halvorson, Councilmember Young, Councilmember LaFave

Nays: Councilmember Wallis, Councilmember Kendall, Councilmember Wean, Mayor Boudreau

An amendment was made by Councilmember Halvorson to table the discussion for six months failed for lack of a second.

Ron Kosloski provided public comment.

Michael O'Neill provided public comment.

Jason Still provided public comment.

An Amendment was made by Councilmember Young, seconded by Councilmember Halvorson to make a decision at the first meeting in January, 2025 - either go out for an RFP or use one of the three firms provided by the Human Resources Department.

Council discussed the amendment.

Ron Kosloski provided public comment.

Steve Ferrell provided public comment.

Jason Still provided public comment.

A citizen, name unstated, provided public comment.

Art Burkmeyer provided public comment.

An amendment to the amendment was made by Councilmember LaFave to start the discussion of a hiring process after the budget process and union contracts and negotiations, the first quarter of 2025 failed for a lack of a second.

Pat Richards provided public comment.

Shawn Higgins provided public comment.

Sarah Curtis provided public comment.

Michael O'Neill provided public comment.

The amendment to make a decision at the first meeting in January, 2025 - either go out for an RFP or use one of the three firms provided by the Human Resources Department failed by the following vote:

Ayes: Councilmember Young, Councilmember LaFave, Councilmember Halvorson

Nays: Councilmember Wallis, Councilmember Wean, Councilmember Kendall, Mayor Boudreau

The main motion to have staff initiate an RFP for an executive search firm for selecting a new City Manager failed by the following vote:

Ayes: Councilmember Kendall, Councilmember Wallis, Councilmember Wean

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

The Council took a 5 minute recess at 9:27 p.m. At 9:32 p.m. the recessed was continued for 5 minutes. At 9:40 p.m. the Council as present at roll call returned from recess.

14. CONSENT CALENDAR

Councilmember Halvorson requested the Claims be pulled for separate consideration. Council Concurred.

Council discussed an invoice from Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. Attorneys at Law which was redacted.

Attorney Gigler explained the Attorney Client privilege and active litigation.

A motion was made by Councilmember Wallis, seconded by Councilmember Kendall to approve the Claims as presented.

Council discussed the motion.

Fiscal Manager Lisa Wolff explained the impact of not approving the claims.

Attorney Gigler provided additional clarification.

An amendment was made by Councilmember Halvorson, seconded by Councilmember LaFave, to approve the Claims report except for the invoice from Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. Attorneys at

Law for \$3,016 dated April 24, 2024.

Council discussed the amendment.

The amendment failed by the following vote:

Ayes: Councilmember Halvorson, Councilmember LaFave, Mayor Boudreau

Nays: Councilmember Young, Councilmember Wean, Councilmember Wallis, Councilmember Kendall

Michael O'Neill provided public comment.

Jason Still provided public comment.

The main motion to approve the Claims as presented carried by the following vote:

Ayes: Councilmember Wallis, Councilmember Kendall, Councilmember Young, Councilmember Wean, Councilmember Young

Nays: Councilmember Halvorson, Councilmember LaFave, Mayor Boudreau

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

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.

Public Works Director Ken Hash explained the proposed updates and clean up of the code.

A motion was made by Councilmember Halvorson, seconded by Councilmember Kendall, 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. The motion carried unanimously.

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.

Public Works Director Ken Hash explained the proposed updates and cleanup of the LMC.

A motion was made by Councilmember Young, seconded by Councilmember Kendall, to direct staff to prepare an Ordinance adopting the proposed changes to LMC Chapter 12.50.050 Streets, Curbs, and Sidewalks.

Jason Still provided public comment.

The motion carried unanimously.

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.

Public Works Director Ken Hash explained the proposed updates and cleanup of the LMC.

Council discussed the proposal.

A motion was made by Councilmember Halvorson, seconded by Councilmember Young, 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. The motion carried unanimously.

24-00399 911 AMBULANCE SERVICES CONTRACT WITH MEDIX

RECOMMENDED ACTION:

MOTION TO ENTER INTO THE 911 AMBULANCE SERVICES CONTRACT WITH MEDIX

Fire Marshall Jon Dunaway presented.

Fire Chief Eric Koreis was present on-line.

Council discussed the presentation.

There is no cost to the General Fund.

A motion was made by Councilmember Wean, seconded by Councilmember LaFave, to enter into the 911 Ambulance Services Contract with Medix for a period of 5 years and ability to extend for another 5-year period.

Art Burkmeyer provided public comment.

The motion carried unanimously.

Manager Duscha responded to a citizen concern: the city does not have "forever chemicals" in the water supply.

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.

*Parks and Recreation Director Jen Wills presented.
Council discussed the presentation.*

A motion was made by Councilmember Young, seconded by Councilmember Halvorson, to rescind Resolution 2044 and fund the ceiling replacement and the bathroom refresh project drawing down the Kunz Family Trust Fund.

Council discussed the motion.

Jason Still provided public comment.

Art Burkmeyer provided public comment.

The motion carried unanimously.

A motion was made by Councilmember Wean, seconded by Councilmember Young, to direct staff to create a resolution designation \$72,761 to Lions Island Project from the Kunz Family Trust Fund.

In appearance of fairness Mayor Boudreau and Councilmember Halvorson did not vote.

The motion carried by the following vote: Councilmember Wean, Councilmember Young, Councilmember LaFave, Councilmember Wallis, Councilmember Kendall

16. **MISCELLANEOUS**

17. **EXECUTIVE SESSION**

18. **ADJOURNMENT**

The meeting was adjourned at 10:45 p.m.

*Tiffany Ostreim
City Clerk*

Approved: _____
Mayor

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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Council Member Erik Halvorson*

Thursday, May 16, 2024

6:00 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, May 16, 2024 at 6:00 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 6:00 p.m.
2. **FLAG SALUTE**
The flag salute was recited.
3. **ROLL CALL**

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

Absent/Excused: Councilmember Wean

Staff Present: Interim City Manager Jim Duscha, City Clerk Tiffany Ostreim, Parks & Recreation Director Jen Wills, Assistant Public Works Director Chris Collins, Police Chief Robert Huhta

4. **WORKSHOP**

24-00441 POLICE STAFFING & PUBLIC SAFETY LEVY

Police Chief Robert Huhta presented a powerpoint presentation. Reviewed call load/workload, annexations, population increase with no police staffing increase, changes in police workload, crisis calls for service workload, officer per 1,000 staffing in Longview versus national average, current patrol staffing, need for additional patrol staffing, and costs of increasing patrol minimum staffing levels.

Council discussed the presentation.

Deadline for the November general election ballot is in July.

Captain McNew explained staffing.

Bill Youngren provided public comment.

Jason Still provided public comment.

A citizen, name unstated, provided public comment.

Larry Crosby provided public comment.

The council was supportive of police staffing and public safety levy. Would like to see different funding options and more details.

5. **ADJOURNMENT**

The meeting was adjourned at 7:10 p.m.

***Tiffany Ostreim
City Clerk***

**Approved: _____
Mayor**



City of Longview

Agenda Summary

PUBLIC HEARING – 2nd AMENDMENT TO THE 2024 - 2029 SIX YEAR TRANSPORTATION IMPROVEMENT PLAN (TIP) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP)

RECOMMENDED ACTION:

CONDUCT THE PUBLIC HEARING AND ADOPT RESOLUTION NO. 2497.

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation systems

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Each year, as required by state law, the City updates and adopts a Six-Year Transportation Improvement Program (TIP). The TIP is a priority listing of federally funded or proposed transportation-related projects within the City. The TIP identifies the year and the funding sources for the various projects, as well as other basic information on the projects. In order to receive federal or state transportation funding, a project must appear on the City's adopted TIP. However, the TIP may be amended by the City Council at any time to add or delete projects or change funding sources and amounts, following a public hearing on the proposed amendment.

Additionally, federal law requires transit agencies receiving Federal Transit Administration (FTA) funding to prepare a Program of Projects (POP) identifying the projects to be funded with FTA funding, and to conduct a public hearing and outreach process prior to adopting the POP. The TIP includes FTA funded projects and meets the requirements of the POP.

The required public hearing calls for receiving public testimony regarding amending the 2024-2029 TIP/POP. This amendment specifically addresses modifying the Columbia Heights Road project that was approved in the 2024-2029 TIP/POP.

Modified project:

#27 Columbia Heights Road

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Res 2497 - 2nd Amend 2024-2029 TIP.POP - tah - kh
2. Exhibit A - 6 YR TIP.POP 2024-29 2nd Amendment 5.23.24 REVISED

RESOLUTION NO. 2497

A RESOLUTION AMENDING THE SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) (2024-2029) AND RIVERCITIES TRANSIT PROGRAM OF PROJECTS (POP) FOR THE CITY OF LONGVIEW, WASHINGTON, AND SUPERSEDING AND REPLACING RESOLUTION NO. 2465. THE PURPOSE OF THIS TIP AND POP 2nd AMENDMENT IS TO ADD SECURED FUNDING TO A PROJECT.

WHEREAS, Resolution No. 2453 was adopted by the Longview City Council on the 22th day of June, 2023, adopting the Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) for the six-year period of 2024-2029; and

WHEREAS, Resolution No. 2465 was adopted by the Longview City Council on the 26th day of October, 2023, amending the Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) for the six-year period of 2024-2029; and

WHEREAS, it is necessary to amend said Transportation Improvement Program and Program of Projects to provide for changing a proposed project, and to supersede and replace said Resolution No. 2465 with this enactment; and

WHEREAS, pursuant to said requirements the City prepared a second amended Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) for the next ensuing six years (2024-2029) and this plan was presented to the Longview City Council on May 23, 2024; and

WHEREAS, the Longview City Council held the required public hearing thereon at 6:00 p.m. at the City Hall in Longview, Washington on the 23th day of May, 2024; and

WHEREAS, no unresolved written or oral objections to the revised Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) have been received by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview, that the amended Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) for the Federal Highway Administration, Transportation Improvement Board, Federal Transit Administration, Motor Vehicle Fuel Excise Tax, and other federal and state funded transportation projects as prepared by the Longview City Public Works Director and submitted to the Longview City Council, a copy of which is hereto attached and marked Exhibit A, is hereby adopted as the Official Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP) for the City for the next ensuing six years through December 31, 2029, as required by RCW 35.77.010.

BE IT FURTHER RESOLVED, that a copy of said Transportation Improvement Program (TIP) and RiverCities Transit Program of Projects (POP), as shown on Exhibit A, attached and made a part of this Resolution, together with a copy of this Resolution, shall be filed with the Secretary of Transportation of the State of Washington not more than thirty (30) days after its adoption.

BE IT FURTHER RESOLVED, that Resolution No. 2465 shall be, and is hereby superseded and replaced by this Resolution.

PASSED by the City Council of the City of Longview in regular session and approved by the Mayor this 23rd day of May, 2024.

M A Y O R

ATTEST:

City Clerk

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only	
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds
									Federal Funding											
									Federal Fund Code	Federal Cost by Phase	1st	2nd			3rd	4th thru 6th				
00	1	TWO REPL. TRANSIT RELIEF VEHICLES CTA 16-3 from: to: TOTAL PROJECT \$66,000	23	S			ALL	01/01/24	5307	53			13	66	66				CE	No
							Totals								53	13	66	66		
00	2	TWO ADA CUTAWAY VANS & ONE SUPERVISOR LIFT EQUIPPED MINVAN CTA 17-3 from: to: Purchase Two ADA Vans & Supervisor Lift Equipped Minivan TOTAL PROJECT \$327,000	23	S			ALL	01/01/24	5339	214			113	327	327				CE	No
							Totals								214	113	327	327		
00	3	TRANSIT OPERATING ASSISTANCE CTA 20-5 from: to: TOTAL PROJECT \$1,186,000	23	S			ALL	01/01/24	5307	593			593	1186	1186				CE	No
							Totals								593	593	1186	1186		
00	4	TRANSIT OPERATING ASSISTANCE CTA 21-1 from: to: TOTAL PROJECT \$2,254,000	23	S			ALL	01/01/24	5307	1657			597	2254	2254				CE	No
							Totals								1657	597	2254	2254		
00	5	FOUR LOW-FLOOR DIESEL REPLACEM'T BUSES 21-4 from: to: TOTAL PROJECT \$2,848,000	23	S			ALL	01/01/24	5339	1560			1288	2848	2848				CE	No
							Totals								1560	1288	2848	2848		
00	6	TRANSIT OPERATING ASSISTANCE CTA 22-1 from: to: TOTAL PROJECT \$2,720,000	23	S			ALL	01/01/24	5339	1895			825	2720	2720				CE	No
							Totals								1895	825	2720	2720		

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only	
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds
									Federal Funding		State Fund Code	State Funds			Local Funds	Total Funds				
									Federal Fund Code	Federal Cost by Phase							1st	2nd		
00	7	ONE TRANSIT COACH CTA 22-2 from: to: Diesel changed to Hybrid TOTAL PROJECT \$712,000	23	S			ALL	01/01/24	5307	480			232	712	712				CE	No
							Totals								480	232	712	712		
00	8	CITY SHOP ROOF REPLACEMENT CTA 23-2 from: to: Replace City Shops Roof TOTAL PROJECT \$823,854	23	S			CN	01/01/24	5339	495			329	824	824				CE	No
							Totals								495	329	824	824		
00	9	CITY SHOP HVAC SYSTEM REPLACEMENT CTA 23-3 from: to: Replace City Shops HVAC TOTAL PROJECT \$171,366	23	S			CN	01/01/24	5339	103			68	171	171				CE	No
							Totals								103	68	171	171		
00	10	TRANSIT OPERATING ASSISTANCE CTA 23-1 from: to: TOTAL PROJECT \$2,600,000	23	S			ALL	01/01/24	5307	1300			1300	2600	2600				CE	No
							Totals								1300	1300	2600	2600		
00	11	BUS STOP AMENITIES CTA 23-4 from: to: Shelters, benches, disposal cans, etc. TOTAL PROJECT \$248,000	23	S			ALL	01/01/24	5339	118			130	248	248				CE	No
							Totals								118	130	248	248		
00	12	TWO ADA CUTAWAY VANS CTA 24-2 from: to: Replacement TOTAL PROJECT \$400,000	23	S			ALL	01/01/24	5339	200		120	80	400	400				CE	No
							Totals								200	80	400	400		

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only				
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds	Envir Type	R/W Required Date (MM/YY)	
									Federal Funding		State Funds	Local Funds			Total Funds								
									Federal Fund Code	Federal Cost by Phase						1st	2nd	3rd					4th thru 6th
00	13	ONE ADA SUPERVISOR LIFT-EQUIPPED VAN CTA 24-3 from: to: Replacement TOTAL PROJECT \$150,000	23	S			ALL	01/01/24	5339	100			50	150	150				CE	No			
							Totals								100	50	150	150					
4	16	BEECH ST. & 30TH AVE. BUFFERED BIKE LANES from: Oregon Way to: Washington Way Design & construct bike lanes TOTAL PROJECT \$283,000	28	S	1.2		CN	02/01/24	TA	224			35	259	259				CE	No			
							Totals								224	35	259	259					
04	21	SYSTEMIC PEDESTRIAN CROSSING IMPROVEMENTS Various Locations from: to: Install RRFB's, Median Island, Radar Speed Signs, Lighting & Crosswalks TOTAL PROJECT \$1,743,000	21	S		C G O P S T W	PE	01/01/24	HSIP	200			0	200	200		1543		CE	No			
							CN	06/01/25	HSIP	1543			0	1543									
							Totals								1743	0	1743	200					
3	22	TENNANT WAY CORRIDOR TRAFFIC SIGNAL IMPV. from: 9th Ave. to: 14th Ave. Traffic Signal Improvements @ Five Intersections TOTAL PROJECT \$1,195,580	21	S	0.35		PE	01/01/24	STBGP	225			35	260	260				CE	No			
							CN	10/01/24	STBGP	810			126	936	936								
							Totals								1035	35	1196	1196					
6	23	COLUMBIA HEIGHTS ROAD Fisher's Lane to Cascade Drive from: Fishers Lane to: Cascade Drive Reconstruct roadway adding drainage, sidewalk, illumination & guard rail Add: Using local funds to replace water line and CIPP existing sewer line TOTAL PROJECT \$10,439,000	4	S S S S S	1	C G O P S T W	PE	01/01/24	STPUS	519			167	686	686		670	200		CE	No		
							PE	07/31/24	STBG	865			135	1000	130		100						
							RW	07/01/24	STPUS	86			14	100									
							CN	06/01/26	STPUS	4895			3319	8214					8214				
							CN	06/01/26	STBG	380			59	439				380	59				
							DEMO																
							Totals								6745	3694	10439	816	770	200	8214		

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only	
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds
									Federal Funding		State Fund Code	State Funds			Local Funds	Total Funds				
									Federal Fund Code	Federal Cost by Phase										
00	24	ONE TRANSIT FACILITIES TRUCK & ONE RELIEF CAR CTA 26-3 from: to: Replacements TOTAL PROJECT \$150,000	23	S			ALL	01/01/26	5339	120			30	150			150		CE	No
							Totals								120	30	150	150		
00	25	THREE ADA CUTAWAY REPLACEMENT VANS CTA 27-3 from: to: Replacements TOTAL PROJECT \$600,000	23	P			ALL	01/01/26	5339	480			120	600			600		CE	No
							Totals								480	120	600	600		
00	26	TWO ADA CUTAWAY VANS & ONE STAFF CAR CTA 29-3 from: to: Replacements TOTAL PROJECT \$450,000	23	P			ALL	01/01/29	5339	360			90	450				450	CE	No
							Totals								360	90	450	450		
00	27	TRANSIT OPERATING ASSISTANCE CTA 24-1 from: to: TOTAL PROJECT \$2,600,000	23	P			ALL	01/01/24	5307	1300			1300	2600	2600				CE	No
							Totals								1300	1300	2600	2600		
4	28	DOWNTOWN RECT. RAPID FLASHING BEACONS 7th @ Broadway & Florida; Kessler @ Hemlock from: to: Upgrade crosswalks with flashing beacons, curb ext., signs & striping TOTAL PROJECT \$1,040,100	21	S	.10		PE	01/01/24	HSIP	119			12	131	131				CE	No
							CN	09/01/24	HSIP	909				909	909					
							Totals								1028	12	1040	1040		

EXHIBIT A

CITY OF LONGVIEW

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN

TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)

FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only			
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds	Envir Type	R/W Required Date (MM/YY)
									Federal Funding													
									Federal Fund Code	Federal Cost by Phase												
4	29	DOWNTOWN CROSSWALK UPGRADES Commerce @ Vandercook; 11th @ Delaware & Maple; 8th @ Hudson 18th @ Olympia & Maple; 19th @ Olympia from: to: Upgrade low-risk crosswalks TOTAL PROJECT \$133,600	21	P	.10		PE CN	01/01/24 09/01/24	HSIP HSIP	10 123			1 123	11 123				CE	No			
							Totals								133	1	134	134				
7	30	COMMERCE AVENUE Hemlock St. to Florida Street from: Hemlock St. to: Florida Street Reconst sidewalk, crosswalk, adding streetscape incl stmwtr retrofit TOTAL PROJECT \$1,250,000	4	P	.67	C G O P S T W	PE CN	01/01/24 06/01/24		STPUS	1150			100 1150	100 1150				CE	No		
							Totals								100	1250	1250					
7	31	7TH AVE. & DOUGLAS ROUNDABOUT Intersection from: to: Construct roundabout including sidewalks & bike lanes TOTAL PROJECT \$2,000,000	4	P	.30	C G O P S T W	PE CN	01/01/24 06/01/24				OTHER	1500	200 300	200 1800	200 1800				CE	No	
							Totals								500	2000	2000					
6	32	14TH AVENUE Alabama St. to Beech Street from: Alabama St. to: Beech St. Construct street including drainage, sidewalks & bike lanes TOTAL PROJECT \$3,000,000	1	P	.93	C G O P S T W	PE CN	01/01/24 06/01/24				OTHER	2250	300 450	300 2700	300 2700				CE	No	
							Totals								750	3000	3000					
3	33	OCEAN BEACH HIGHWAY CORRIDOR Washington Way to Patriot Rail Crossing from: to: Sign'g, strip'g, med. curb, access mgmt, bike lanes, speed limit reduction TOTAL PROJECT \$2,877,000	21	P	2.5		PE CN	01/01/24 01/01/26	STP(S) STP(S)	299 2545				33 2545	332 2545	332	182	2545	CE	No		
							Totals								2844	33	2877	332	182	2545		

EXHIBIT A

CITY OF LONGVIEW

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN

TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)

FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only	
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds
									Federal Funding											
									Federal Fund Code	Federal Cost by Phase										
4	35	20TH AVE. CORRIDOR Arkansas St. to Nichols Blvd. from: Arkansas St. to: Nichols Blvd. ADA upgds, speed bars & radar speed signs TOTAL PROJECT \$491,000	21	P	0.6		PE CN	01/01/24 03/01/25	STP(S) STP(S)	51 434			6 0	57 434	57		434		CE	No
							Totals		485		6		491	57	434					
03	37	WASHINGTON WAY/NICHOLS/26TH ROUNDABOUT from: to: Const. roundabout incl. sdwk & bike lanes TOTAL PROJECT \$6,020,000	04	P	0.1	C G O P S T W	PE RW CN	02/01/24 03/01/25 03/01/26			OTHER OTHER OTHER	672 224 3920	168 56 980	840 280 4900	840		280 4900		CE	YES
							Totals		0		4816		1204	6020	840	280 4900				
00	42	TRANSIT OPERATING ASSISTANCE CTA 25-1 from: to: TOTAL PROJECT \$2,250,000	23	S			ALL	01/01/25	5307	825	TSG	600	825	2250		2250		CE	No	
							Totals		825		600		825	2250	2250					
00	43	ONE TRANSIT COACH CTA 25-2 from: to: Diesel change to Hybrid TOTAL PROJECT \$820,000	23	P			ALL	01/01/25	5307	656			164	820		600		CE	No	
							Totals		656		164		820	600						
00	44	TRANSIT OPERATING ASSISTANCE CTA 26-1 from: to: TOTAL PROJECT \$2,250,000	23	S			ALL	01/01/26	5307	825	TSG	600	825	2250			2250	CE	No	
							Totals		825		600		825	2250	2250					

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only		
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds	Envir Type
									Federal Funding		State Fund Code	State Funds			Local Funds	Total Funds					
									Federal Fund Code	Federal Cost by Phase							1st	2nd			
00	45	ONE TRANSIT COACH CTA 26-2 from: to: Diesel changed to Hybrid TOTAL PROJECT \$950,000	23	S			ALL	01/01/26	5307	760			190	950			820		CE	No	
							Totals								760	190	950	820			
00	46	TRANSIT OPERATING ASSISTANCE CTA 27-1 from: to: TOTAL PROJECT \$3,200,000	23	S			ALL	07/01/27	5307	1300	TSG	600	1300	3200				3200	CE	No	
							Totals								1300	600	1300	3200	3200		
00	47	THREE TRANSIT COACHES CTA 27-2 from: to: Diesel changed to Hybrid TOTAL PROJECT \$2,850,000	23	S			ALL	07/01/27	5307	2280			570	2850				2850	CE	No	
							Totals								2280	570	2850	2850			
00	48	TRANSIT OPERATING ASSISTANCE CTA 28-1 from: to: TOTAL PROJECT \$3,200,000	23	S			ALL	07/01/28	5307	1300	TSG	600	1300	3200				3200	CE	No	
							Totals								1300	600	1300	3200	3200		
00	49	TWO TRANSIT COACHES CTA 28-2 from: to: Diesel changed to Hybrid TOTAL PROJECT \$1,900,000	23	?			ALL	07/01/28	5307	1520 1520			380 380	1900				1900	CE	No	
							Totals								3040	380	1900	1900			

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only		
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds	Envir Type
									Federal Funding		Federal Fund Code	Federal Cost by Phase									
									1st	2nd					3rd	4th thru 6th					
00	50	TRANSIT OPERATING ASSISTANCE CTA 29-1 from: to: TOTAL PROJECT \$3,200,000	23	P			ALL	07/01/29	5307	1300	TSG	600	1300	3200				3200	CE	No	
							Totals								1300	600	1300	3200	3200		
00	51	ONE TRANSIT COACH CTA 29-2 from: to: Replacement TOTAL PROJECT \$900,000	23	P			ALL	01/01/29	5307	720			180	900				900	CE	No	
							Totals								720	180	900	900			
4	52	Beech Street Corridor Reconnection Improvements (BSCRI) from: Washington Way to: Oregon Way Reconstruction TOTAL PROJECT \$ 49,723,600	4	P	1.2	P S W	PE		RCN	8260			530	8790					DCE	Yes	
							RW			470			30	500							
							CN			37994			2440	40434							
							Totals								46724	3000	49724	0			
3	53	Oregon Way Pavement Rehabilitation from: Beech St to: Industrial Way ADA Improvements & Repaving TOTAL PROJECT \$2,774,000	5	S	1.6		PE	07/01/24	NHPP	333				333					DCE	No	
							CN	06/01/25	NHPP	2441				2441							
							Totals								2774	0	2774	0			
5	54	Glenwood/Virginia Way Repaving from: Columbia Heights to: Pacific Way Repaving TOTAL PROJECT \$1,113,600	5	s	1.22		ALL	05/01/25					1113	1113					DCE	No	
							Totals								0	1113	1113	0			

EXHIBIT A

CITY OF LONGVIEW
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN
TRANSIT PROGRAM OF PROJECTS (RIVERCITIES TRANSIT)
FROM 2024 TO 2029

Functional Class	Priority Number	Project Identification	Improvement Type	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars								Expenditures Schedule				Federally Funded Projects Only		
							Project Phase	Phase Start	Fund Source Information				State Fund Code	State Funds					Local Funds	Total Funds	Envir Type
									Federal Funding												
									Federal Fund Code	Federal Cost by Phase											
4	55	38th Ave from: Industrial Way to: Memorial Park Repaving & Road Diet TOTAL PROJECT \$624,000	5	s	0.57		All	06/01/27						624	624					DCE	No
							Totals		0		624		624		0						
4	56	Olympia Way from: Ocean Beach Hwy to: 20th Ave TOTAL PROJECT \$1,300,000	5	S	0.6		PE	01/01/24			TIB	136	34	170						DCE	No
							CN	08/01/24				904	226	1130							
							Totals		0		34		1300		0						
4	57	NE/NW Nichols Blvd from: Ocean Beach Hwy to: Louisiana St TOTAL PROJECT \$1,958,000	5	S	0.7		PE	01/01/25			TIB	205	52	257						CE	No
							CN	08/01/25				1362	341	1703							
							Totals		0		52		1960		0						
3	58	15th Avenue Pavement Rehabilitation from: Delaware Street to: Tennant Way TOTAL PROJECT \$1,516,000	5	P	1.2		PE	07/01/24	NHS	182				182						DCE	No
							CN	06/01/25	NHS	1334				1334							
							Totals		1516		0		1516		0						



City of Longview

Agenda Summary

PUBLIC HEARING – 2024 ANNUAL ACTION PLAN

RECOMMENDED ACTION:

UPON COMPLETION OF THE PUBLIC HEARING NO FURTHER ACTION IS NEEDED.

Attachments: None



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 MAY 2024 ACCOUNTS PAYABLE: \$1,549,805.05

SECOND HALF MAY 2024 PAYROLL:

\$12,304.63, checks
\$974,432.95, direct deposits
\$645,415.91, wire transfers
\$1,632,153.49 Total

STAFF CONTACT:

Lindy Kennedy, Accountant
Dana Beck, Payroll Specialist

Attachments: None



City of Longview

Agenda Summary

RESOLUTION 2496 - SURPLUS CITY PROPERTY/EQUIPMENT

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2496

DATE: May 23, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The equipment identified in Exhibit "A" (surplus request forms) of the attached resolution have been determined by staff to be no longer needed. Before these items can be sold, traded-in, or otherwise disposed of, they must be declared surplus. This resolution will declare these items surplus and authorize the City Manager to sell or otherwise dispose of.

RECOMMENDED ACTION:

Motion to adopt Resolution 2496

STAFF CONTACT:

Interim City Manager Duscha

Attachments:

1. Resolution 2496 - Surplus City Property
2. Library Surplus May 2024 - Signed
3. IT Surplus May 2024
4. Fleet Surplus May 2024

A RESOLUTION PROVIDING FOR THE DISPOSAL OF CERTAIN PROPERTY DEEMED TO BE SURPLUS TO THE REASONABLE FORESEEABLE NEEDS OF THE CITY OF LONGVIEW.

WHEREAS, certain items of equipment belonging to the City of Longview are obsolete and no longer used by the City; and

WHEREAS, the value, obsolescence and condition of these items of inventory make it impractical to trade the same in on future purchases of new inventory items from the list of assets of the City, and to obtain the maximum return for said inventory items, it would be in the best interest of the City to dispose of the same in a manner that will be to the best advantage to the City of Longview;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

1. Based upon the finding and recommendations of the City Manager of said City, the items of inventory belonging to said City as shown on "Exhibit A" (surplus request forms), attached hereto and incorporated herein by this reference, are declared to be surplus to the foreseeable needs of the City.

2. That it is deemed to be for the common benefit of the residents of said City to dispose of said items of inventory.

3. That the City Manager is authorized to dispose of items listed on "Exhibit A" (surplus request forms), attached hereto, in a manner that will be to the best advantage to the City of Longview.

PASSED by the City Council of Longview, Washington, and approved by its
Mayor this 23rd day of May, 2024.

Mayor

ATTEST:

City Clerk



Date	5/14/2024
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Method of Disposal Codes:* **A = auctioneer handled through Fleet Dept., **B** = sealed bid process, **D** = dispose as scrap metal, **E** = ebay or similar, **G** = government transfer, **I** = inter-department transfer **N** = donate to nonprofit, **O** = other, **S** = state surplus program, **T** = trash

Date: 5/14/24

Date: 5/14/24

Date:



Surplus Request Form

Department Submitting

Information Technology

I, Jennifer Chamblee, do hereby declare and confirm the following items are surplus and are ready to be disposed of as stated herein.

Dated 5/6/24	Signed by 	Print name and title Jennifer Chamblee
Date 5/6/24	Approving signature of Department Head 	Ann Rivers
Date 5/7/2024	Approving signature of City Manager 	

CITY ITEM NUMBER	DESCRIPTION (Include the location, condition, value, identifying numbers [if any], weight [if scrap metal], etc.) Attach documentation of fair market value.	VALUE	METHOD OF DISPOSAL Use a code letter from below*
Multiple	Multiple, see attached decommission list for detail	0	OTHER*
		0	
		0	
		0	
		0	
		0	

*Method of Disposal Coding

Ae, Al, Ao = Auction (eBay; Live, or Other) | **B** = Sealed – bid process | **D** = Dispose as scrap metal
G = Governmental transfer | **N** = Donate to non-profit | **R** = Trade for replacement
S = State surplus program | **T** = Trash

Comments/Notes:

* Will be recycled through a certified e-recycler unless otherwise noted on decommission list.

ASSET DECOMMISSION LIST

Completed Form Date: 4/30/24

	<u>Asset Number</u>	<u>Description</u>	<u>Category</u>	<u>Serial Number</u>
1	25-0012	Camera	Camera	
2	1350	Dell OptiPlex 7050 MFF	computer	3JFX8M2
3	1406	Dell OptiPlex 7050	computer	FCR66K2
4	1425	Dell OptiPlex 7050 MFF	computer	H4YW8M2
5	1435	Dell OptiPlex 7050 MFF	computer	H5C89M2
6	1437	Dell OptiPlex 7050 MFF	computer	H5BTGM2
7	1439	Dell OptiPlex 7050 MFF	computer	H5KB0M2
8	1501	Dell OptiPlex 7050 MFF	computer	5R857P2
9	1505	Dell OptiPlex 7050 MFF	computer	5YQ67P2
10	1507	Dell OptiPlex 7050 MFF	computer	5Q8B7P2
11	1508	Dell OptiPlex 7050 MFF	computer	5PS67P2
12	1515	Dell OptiPlex 7050 MFF	computer	5NRB7P2
13	1519	Dell OptiPlex 7050 MFF	computer	5VB47P2
14	1581	Dell OptiPlex 7060 MFF	computer	GL37KQ2
15	1583	Dell OptiPlex 3060 MFF	computer	F6BD6Q2
16	1584	Dell OptiPlex 3060 MFF	computer	F69C6Q2
17	1599	Dell OptiPlex 7060 MFF	computer	J3SD1S2
18	1600	Dell OptiPlex 7060 MFF	computer	GF531S2
19	1601	Dell OptiPlex 7060 MFF	computer	J3LC1S2
20	1602	Dell OptiPlex 7060 MFF	computer	J3ND1S2
21	1652	Dell OptiPlex 7060 MFF	computer	GF911S2
22	1653	Dell OptiPlex 7060 MFF	computer	GF921S2
23	1654	Dell OptiPlex 7060 MFF	computer	GFB01S2
24	1655	Dell OptiPlex 7060 MFF	computer	GFB41S2
25	1656	Dell OptiPlex 7060 MFF	computer	GFB51S2
26	1662	Dell OptiPlex 7060 MFF	computer	JWZ31Q2
27	1680	Dell OptiPlex 7060 MFF	computer	39SJ0T2
28	1715	Dell OptiPlex 5060 MFF	computer	JVCCS2
29	1716	Dell OptiPlex 5060 MFF	computer	JVC51T2
30	1717	Dell OptiPlex 5060 MFF	computer	JVC6DS2
31	1720	Dell OptiPlex 5060 MFF	computer	JVC89T2
32	1721	Dell OptiPlex 5060 MFF	computer	JVC99T2
33	1722	Dell OptiPlex 5060 MFF	computer	JVC2DS2
34	1724	Dell OptiPlex 5060 MFF	computer	JVCD1T2
35	1725	Dell OptiPlex 5060 MFF	computer	JVCF1T2
36	1727	Dell OptiPlex 5060 MFF	computer	JVC8DS2
37	1728	Dell OptiPlex 5060 MFF	computer	JVC3DS2
38	1731	Dell OptiPlex 5060 MFF	computer	JVC71T2
39	1732	Dell OptiPlex 5060 MFF	computer	JVC8CS2
40	1734	Dell OptiPlex 5060 MFF	computer	JVC91T2
41	1735	Dell OptiPlex 5060 MFF	computer	JVCD9T2
42	1737	Dell OptiPlex 5060 MFF	computer	JVCF1S2
43	1739	Dell OptiPlex 5060 MFF	computer	JVC7DS2
44	1740	Dell OptiPlex 5060 MFF	computer	JVC41T2
45	1741	Dell OptiPlex 5060 MFF	computer	JVC61T2
46	1742	Dell OptiPlex 5060 MFF	computer	JVCB1T2
47	1745	Dell OptiPlex 5060 MFF	computer	JVC31T2
48	1748	Dell OptiPlex 5060 MFF	computer	JVBJS2
49	1749	Dell OptiPlex 5060 MFF	computer	JVBH1T2
50	1751	Dell OptiPlex 5060 MFF	computer	JVBQ1S2
51	1752	Dell OptiPlex 5060 MFF	computer	JBVZ0T2

52	1754	Dell OptiPlex 5060 MFF	computer	JVBS0T2
53	1757	Dell OptiPlex 5060 MFF	computer	JVBM0T2
54	1759	Dell OptiPlex 5060 MFF	computer	JVBT0T2
55	1760	Dell OptiPlex 5060 MFF	computer	JVBJ1S2
56	1761	Dell OptiPlex 5060 MFF	computer	JVBPCS2
57	1763	Dell OptiPlex 5060 MFF	computer	JVBHCS2
58	1765	Dell OptiPlex 5060 MFF	computer	JVBQCS2
59	1766	Dell OptiPlex 5060 MFF	computer	JVBJ0T2
60	1768	Dell OptiPlex 5060 MFF	computer	JVBMCS2
61	1769	Dell OptiPlex 5060 MFF	computer	JVBL0T2
62	1770	Dell OptiPlex 5060 MFF	computer	JVBP0T2
63	1771	Dell OptiPlex 5060 MFF	computer	JVBWCS2
64	1772	Dell OptiPlex 5060 MFF	computer	JVBW0T2
65	1773	Dell OptiPlex 5060 MFF	computer	JVBY0T2
66	1777	Dell OptiPlex 5060 MFF	computer	JVBLCS2
67	1778	Dell OptiPlex 5060 MFF	computer	JVBK9T2
68	1780	Dell OptiPlex 5060 MFF	computer	JVBK0T2
69	1781	Dell OptiPlex 5060 MFF	computer	JVBQ0T2
70	1782	Dell OptiPlex 5060 MFF	computer	JVBZCS2
71	1783	Dell OptiPlex 5060 MFF	computer	JVBNCS2
72	1784	Dell OptiPlex 5060 MFF	computer	JVBSCS2
73	1787	Dell OptiPlex 5060 MFF	computer	JVBK1S2
74	1788	Dell OptiPlex 5060 MFF	computer	JVBM9T2
75	1789	Dell OptiPlex 5060 MFF	computer	JVC11T2
76	1790	Dell OptiPlex 5060 MFF	computer	JVBXCS2
77	1791	Dell OptiPlex 5060 MFF	computer	JVBRCS2
78	1792	Dell OptiPlex 5060 MFF	computer	JVBN0T2
79	1793	Dell OptiPlex 5060 MFF	computer	JVBM1S2
80	1795	Dell OptiPlex 5060 MFF	computer	JVBH9T2
81	1820	Dell OptiPlex 5070 SFF	computer	854W903
82	1824	Toshiba e3555	copier	C7LD35270
83	1028	Dell Latitude E7450	laptop	GPKMD72
84	1119	Dell Latitude 7370	laptop	1QBCLC2
85	0205	Cisco ASA5510	network	JMX1240LOEU
86	00208	Cisco Bridge	network	FTX0848U04A
87	00209	Cisco Bridge	network	FTX0848U049
88	0305	Cisco 2960	network	FOC1416V6CW
89	0310	Cisco WAP	network	FTX1414B0GV
90	0311	Cisco WAP	network	FTX1414B0G7
91	0343	Cisco ASA5505	network	JMX1424Z08S
92	00421	Cisco Wireless	network	FTX1034T2PJ
93	0481	Cisco 3560	network	FDO1514P0VD
94	0549	Cisco Catalyst 3560	network	FDO1620R21V
95	0697	Cisco 2901 Router	network	FTX170784WF
96	0796	Cisco 3845 Router	network	FOC134823XS \ FHK1350F1Z8
97	0798	Cisco Catalyst 2960	network	FOC1803Y59B
98	1117	Barracuda Web Filter	network	BAR-YF-820038
99	4704	Cisco 2911 Router	network	FTX1618A06T
100	4716	Cisco Catalyst 3850	network	FOC1732U02Z
101	4718	Cisco Catalyst 3850	network	FOC1731X1MG
102	17-0242	Palo Alto 410	network	023101004007
103	17-0085	iPhone 11	phone	IMEI 350328930897658
104	17-0181	Apple iPhone SE	phone	IMEI 35793 33117545789
105	4803	AWC GIS Consortium	project	
106	N/A	Network Upgrade - Data Center	project	
107	N/A	Call Manager/Unity Systems Upgrade	project	

108	N/A	Sharepoint	project	
109	N/A	Nintex Workflow 2010 Software	project	
110	0979	Samsung Galaxy TabS2	tablet	99000583836404
111	1821	iPad 7 gen 32	tablet	GG7ZR195MDG1
112	1822	iPad 7 gen 32	tablet	GG7ZR0JVMG1
113	1823	iPad 7 gen 32	tablet	GG7ZR3Z1MDG1
114	1828	iPad 7gen 32	tablet	GG7CL45VMDG1
115	1829	iPad 7gen 32	tablet	GG7CL4YGMDG1
116	1830	iPad 7gen 32	tablet	GG7CL43DMDG1
117	1843	Apple iPad 4G	tablet	DMPX-N0T8-JF89
118	43-001	Apple iPad 4G	tablet	

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Date 05/14/24

Method of Disposal Codes:* **A = auctioneer handled through Fleet Dept., **B** = sealed bid process, **D** = dispose as scrap metal, **E** = ebay or similar, **G** = government transfer, **I** = inter-department transfer **N** = donate to nonprofit, **O** = other, **S** = state surplus program, **T** = trash

Date: 5-20-29

Council Approval Date:



City of Longview

Agenda Summary

RESOLUTION 2500 - AFTER-HOURS POLICE RECORDS SERVICES

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION 2500

DATE: May 23, 2023

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Enhance public safety & emergency response

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

An Interlocal Agreement with Cowlitz County is required to maintain after-hours Police Records services.

In 2020, the Police Department was directed by Council to evaluate staffing costs and found that contracting with Cowlitz County for after-hours services would be more economical than hiring staff to run a 24/7 operation.

A resolution is required in order for the City Manager to sign the agreement.

RECOMMENDED ACTION:

Motion to authorize the Interim City Manager to enter into the Interlocal.

STAFF CONTACT:

Police Chief Robert Huhta

Attachments:

1. Resolution 2500 for After-Hours Records Interlocal 051624
2. Interlocal Agreement After-Hours Records 0516204

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COWLITZ COUNTY FOR AFTER HOURS LAW ENFORCEMENT RECORDS SERVICES

WHEREAS, the City of Longview and Cowlitz County are both dependent upon Law Enforcement Records services for accurate and timely information; and

WHEREAS, it is the desire of law enforcement agencies within Cowlitz County to have equal access to credible, reliable information pertinent to law enforcement activities in the County in order that each agency may efficiently and effectively provide for the protection of life, liberty and property and promote the safety and well-being of the citizens of Cowlitz County; and

WHEREAS, the City of Longview and Cowlitz County agree to have the Cowlitz County Sheriff's Office manage the Longview Police Department Records services after business hours and on weekends and legal holidays; and

WHEREAS, the parties hereto have the authority to enter into Interlocal agreements under Chapter 39.34 Revised Code of Washington for joint and cooperative actions, including provisions to finance joint or cooperative undertakings, and to pay for services provided by one government to another.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Longview as follows:

Section 1. The City Manager is authorized to execute the agreement with Cowlitz County for after-hours Records services, which is attached as Exhibit A, and forming a part of this Resolution.

PASSED by the City Council of Longview, Washington, and approved by its Mayor this _____ day of _____, 2024.

Mayor

ATTEST:

City Clerk

**INTERLOCAL AGREEMENT
FOR
LAW ENFORCEMENT RECORDS SERVICES
BY AND BETWEEN
COWLITZ COUNTY
AND
THE CITY OF LONGVIEW**

THIS AGREEMENT made and entered into this ____ day of _____, 2024, between **COWLITZ COUNTY**, a political subdivision of the State of Washington, acting by and through the Board of Commissioners, hereinafter referred to as "County", and the **CITY OF LONGVIEW**, a political subdivision of the State of Washington, acting by and through its Mayor, hereinafter referred to as "City".

WHEREAS, each of the parties to this agreement performs unique and specialized emergency and law enforcement activities within a specific geographical area of Cowlitz County; and

WHEREAS, each law enforcement agency in Cowlitz County is dependent upon Law Enforcement Records services for accurate and timely information; and

WHEREAS, it is the desire of law enforcement agencies within Cowlitz County to have equal access to credible, reliable information pertinent to law enforcement activities in the County in order that each agency may efficiently and effectively provide for the protection of life, liberty and property and promote the safety and well-being of the citizens of Cowlitz County; and

WHEREAS, the parties hereto agree to have the Cowlitz County Sheriff's Office manage the Longview Police Department's records services after business hours and on weekends and legal holidays; and

WHEREAS, the parties hereto have the authority to enter into Interlocal agreements under Chapter 39.34 Revised Code of Washington for joint and cooperative actions, including provisions to finance joint or cooperative undertakings, and to pay for services provided by one government to another.

NOW, THEREFORE, in consideration of the mutual covenants set out in this Agreement, the parties agree as follows:

1. **Services Provided by Cowlitz County Sheriff's Office Records**, The Sheriff's Office agrees to provide the following enumerated services to the City Police Department through its Records Division for hours during which the Police Department office is closed (5:00 PM to 6:00 AM, Monday through Friday, weekends and legal holidays observed by the Longview Police Records Department).

Any work performed for hours during which the City Police Records Department is open (6:00 AM to 5:00 PM, Monday through Friday) must be pre-arranged and agreed upon with the County's Records Manager, and such work will be billed at the hourly rate set forth in Section 2 below.

PROVIDED THAT, such services shall be limited to the following:

- a) Process Spillman/RMS requests for in progress calls when MDT is unavailable to officer.
- b) Teletype activities.
- c) Enter, clear, locate, modify and cancel stolen property, vehicles, and missing people in WACIC/NCIC.
- d) Enter Emergency No Contact Orders.
- e) Enter Emergency Temporary Felony warrants in WACIC/NCIC.
- f) Locate, clear, enter detainers on warrants in WACIC/NCIC.
- g) Confirm agency warrants and advise 911 Communications Dispatch.
- h) Confirm agency orders.
- i) Run criminal history checks through WACIC/NCIC.
- j) Run Court check to obtain criminal record convictions for bail/charging.
- k) Run stolen check on property.
- l) Refer requestors seeking Longview Police Department records under the Public Records Act to the Longview Police Department.
- m) Ensure Longview Police Department compliance with ACCESS Users agreement for 24-hour coverage (24-hour confirmation rule).

It is understood and agreed that the County shall have no obligation to furnish services not specifically identified in this agreement.

2. Fees for Services/ Payments.

The City of Longview agrees to pay the following fees for "after-hours" service, as described above:

- January 1 - December 31, 2024: \$146,157.26
- January 1 - December 31, 2025: \$150,953.44
- January 1 - December 31, 2026: \$157,258.16

The City of Longview agrees to pay the following hourly rate for hours during which the City Police Department is open to the public, as described above:

- 2024 hourly rate: \$65.08
- 2025 hourly rate: \$67.93
- 2026 hourly rate: \$70.77

The City shall pay such fees directly to the Cowlitz County Sheriff's Office in advance or in quarterly installments at the beginning of each quarter, on or about January 2, April 1, July 1, and October 1, or at such other times as the parties may agree in writing.

- 3. Renewal of Agreement.** This agreement may be renewed on the same terms and conditions as provided herein, EXCEPT that fees for the new term shall be mutually agreed upon by the parties prior to expiration of the initial term of this Agreement.

4. **Effective Date/Termination.** The initial term of this Agreement shall be January 1, 2024, until December 31, 2026. Either party may terminate this agreement by giving the other party sixty (60) days written notice thereof.
5. **Monetary Default.** Failure of a party to make payments, as specified, herein, shall constitute a default under the terms of this Agreement. If the default is not cured within forty-five (45) days after the County notifies the City in writing of such default, the System Administrator shall terminate service to the City. All notifications under this section shall be furnished to the Chief of Police of the City in addition to other notices herein required.
6. **Agreements Affecting Other Governmental Units.** It is acknowledged and understood by the parties that other law enforcement agencies have entered into Agreements containing the same or similar terms as in this Agreement. There shall be no reduction of service to any parties to this Agreement as a result of such similar agreements without the written consent of the parties.
7. **Designation as Agent.** County records staff are hereby designated as agents of the City, for the limited purpose of performing the services under this agreement. County records staff will follow solely the direction of the City in performing the services described herein.
8. **Relationship of the Parties.** An independent contractor-client relationship is created through this Interlocal Agreement. No agent, employee, representative, or subcontractor of one Party shall be deemed an employee, agent, representative or subcontractor of the other Party other than by the express terms of this Agreement.
9. **Indemnification and Hold Harmless Agreement.** The City agrees to indemnify and hold the County and its elective and appointed officers and employees, and all other user agencies, elective and appointed officers and employees, free and harmless from and against all claims, demands and causes of action and any kind and character, including the cost of defense thereof, arising as the result of the sole negligence of the City or its elective or appointed officers, agents and employees. The City further agrees to indemnify and hold the County and its elective and appointive officers and employees, and all other user agencies, their elected or appointed officers and employees, free and harmless from and against any costs, damages, penalties or attorney's fees suffered or incurred as a consequence of the acts of the County with respect to disclosure or withholding of records in accordance with the policies and directives of the City. The County agrees to indemnify and hold the City and its elective and appointive officers, agents and employees free and harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising as the result of the sole negligence of the County or its elective or appointed officers and employees.

For the purposes of this section, (a) "claim" means all claims, lawsuits, causes of action, administrative actions, liabilities, settlements, damages, costs, and attorney's fees, and (b) "County" means Cowlitz County, its boards and commissions, and all past, present,

and future officials, employees, agents or volunteers. This paragraph shall survive the completion, expiration, and/or termination of this agreement.

10. **Entire Agreement/Amendment.** This Agreement is the entire agreement between the parties and shall not be modified or amended in any manner except by an instrument in writing executed by the parties. No prior agreement, correspondence, or portions thereof shall be used to interpret, modify, or explain the terms of the Agreement in the event that a dispute arises with respect to the Agreement.
11. **Supplemental Agreement.** The parties agree to complete and execute all supplemental documents necessary or appropriate to fully implement the terms of this agreement.
12. **Waiver.** No waiver of any breach of any covenant or agreement contained herein shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments of performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults that were in existence at the time such payment or payments or performance were accepted by it. The exercise of any remedy provided by law or the provisions of this Agreement shall not exclude other consistent remedies.
13. **Assignment.** Neither party shall assign this Agreement, nor any part hereof, without the written consent of the other party. The Agreement shall inure to the benefit of and be binding upon the parties and their successors and permitted assigns.
14. **Applicable Law and Venue.** This Agreement shall be construed in accordance with the laws of the State of Washington, venue for any dispute related to the Agreement shall be Cowlitz County, Washington.
15. **Severability.** If a court of law determines any provision of the Agreement to be unenforceable or invalid, the parties hereto agree that all other portions of this Agreement shall remain valid and enforceable.
16. **No Third-Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and permitted assigns. No other person or entity shall have any right of action or interest in this Agreement based upon any provision of the Agreement.
17. **Notices.** All communications, notices and demands of any kind which either party requires or desires to give to the other party shall be in writing and either served on the following individual(s) or deposited in the U.S. Mail, certified mail, postage prepaid, return receipt requested, and addressed as follows:

If to the City of Longview:

Mayor (or successor)
City of Longview
P.O. Box 128
Longview, WA 98632

Copy to:
City Attorney (or successor)
City of Longview
P.O. Box 128
Longview, WA 98632

Copy to:
Chief of Police
City of Longview
P.O. Box 128
Longview, WA 98632

If to Cowlitz County:

Board of County Commissioners
County Administrative Building, Room 300
207 North 4th Ave.
Kelso, WA 98626

Copy to:
Cowlitz County Sheriff's Office
312 SW 1st Ave., Suite 124
Kelso, WA 98626

Copy To:
Cowlitz County Prosecuting Attorney
312 SW 1st Ave
Kelso, WA 98626

- 18. Compliance with Laws.** Both parties shall comply with all applicable federal, state, and local laws, regulations and rules in performing this agreement.
- 19. Interlocal Cooperation Act.** The performance of the obligations of this agreement shall be in compliance with the provisions of RCW 39.34, the Interlocal Cooperation Act. The parties agree that no separate legal administrative entities are necessary in order to carry out this agreement. For purposes of RCW 39.34.030(4)(a), the Budget/Finance Manager of the Cowlitz County Sheriff's Office shall serve as the administrator responsible for administering the joint and cooperative undertaking among the parties to this agreement. There shall be no "joint board" as that term is used in RCW 39.34.030(4)(a).

BOARD OF COUNTY COMMISSIONERS,
COWLITZ COUNTY, WASHINGTON

Richard Dahl, Chairman

Dennis Weber, Commissioner

Arne Mortensen, Commissioner

Attest:

Kelly Dombrowski, Clerk of the Board

Brad Thurman, Sheriff

CITY OF LONGVIEW

Jim Duscha, City Manager

Attest:

Tiffany Ostreim, City Clerk

Approved as to form:

Dana Gigler, City Attorney

2024 After Hours

City	Population by Jurisdiction	Percentage by Population		Totals
Castle Rock	2,250	2.01%	=	\$8,535.01
Kalama	3,065	2.74%	=	\$11,626.58
Kelso	12,410	11.10%	=	\$47,075.31
Longview	38,530	34.46%	=	\$146,157.26
Woodland	6,440	5.76%	=	\$24,429.09
Cowlitz County	49,105	43.92%		\$186,271.79
	111,800.00	100.0%		\$424,095.03

2024 Average hourly rate	Hrs in a Year	1 FTE	#FTE's	Total
\$65.08	2080	\$ 136,804.85	3.1	\$424,095.03

2025 After Hours

City	Population by Jurisdiction	Percentage by Population		Totals
Castle Rock	2,250	2.01%	=	\$8,815.09
Kalama	3,065	2.74%	=	\$12,008.10
Kelso	12,410	11.10%	=	\$48,620.09
Longview	38,530	34.46%	=	\$150,953.44
Woodland	6,440	5.76%	=	\$25,230.73
Cowlitz County	49,105	43.92%		\$192,384.34
	111,800.00	100.0%		\$438,011.79

2025 Average hourly rate	Hrs in a Year	1 FTE	#FTE's	Total
\$67.93	2080	\$141,294.13	3.1	\$438,011.79

2026 After Hours

City	Population by Jurisdiction	Percentage by Population		Totals
Castle Rock	2,250	2.01%	=	\$9,183.26
Kalama	3,065	2.74%	=	\$12,509.64
Kelso	12,410	11.10%	=	\$50,650.76
Longview	38,530	34.46%	=	\$157,258.16
Woodland	6,440	5.76%	=	\$26,284.52
Cowlitz County	49,105	43.92%		\$200,419.47
	111,800.00	100.0%		\$456,305.80

2026 Average hourly rate	Hrs In a Year	1 FTE	#FTE's	Total
\$70.77	2080	\$147,195.42	3.1	\$456,305.80

Updated 5-14-24 kch



City of Longview

Agenda Summary

BID REVIEW – NICHOLS BLVD AND OLYMPIA WAY PAVEMENT REHABILITATION

RECOMMENDED ACTION:

MOTION TO ACCEPT THE LOW BID AND AWARD TO WESTERN UNITED CIVIL GROUP, IN THE AMOUNT OF \$1,772,772.72

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve transportation systems.

Improve streets and roads.

SUMMARY STATEMENT:

This contract provides for the improvement of Nichols Boulevard, on both NW and NE Nichols, from Ocean Beach Highway to Louisiana Street and on Olympia Way from Ocean Beach Highway to 17th Avenue. The project provides pavement rehabilitation, traffic signal modifications, ADA curb ramps, stormwater work, signage, striping, and other incidentals. The project is funded partially by a Transportation Improvement Board (TIB) grant.

On May 14th, 2024, five bids were received as follows:

\$1,772,772.72	Western United Civil Group
\$1,888,424.10	Clark and Sons Excavating Inc.
\$2,026,095.00	Advanced Excavating Specialists, LLC
\$2,114,815.55	Granite Construction Company
\$2,215,978.60	Midway Underground LLC
\$ 2,200,000 - Engineer's Estimate	

The bid received was determined to be regular and responsive.

FINANCIAL SUMMARY:

This project is funded through the Arterial Street Fund by a Transportation Improvement Board (TIB) grant. The grant requires a City match of 20% or about \$651,600, depending on final project cost. The total project funding is \$3,258,000.

STAFF CONTACT:

Morgan Palmer, Project Engineer

Attachments: None



City of Longview

Agenda Summary

RESOLUTION NO. 2498 – CREATING A PUBLIC WORKS MASTER FEE SCHEDULE

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2498

Attachments:

1. Res No 2498 PW master fee Schedule
2. Exhibit A

RESOLUTION NO. 2498

**A resolution of the City Council of the City of Longview, Washington, establishing the City's
Public Works 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 public works master fee schedule for the establishment of fees for Public Works programs, permits, and services; and

NOW THEREFORE BE IT RESOLVED THAT:

SECTION 1. Public Works Master Fee Schedule Established. The Public Works 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 June 30th, 2024.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a meeting of said City Council held on the 23rd day of May 2024.

ATTEST:

MAYOR

City Clerk

Exhibit A

CITY OF LONGVIEW
PUBLIC WORKS MASTER FEE SCHEDULE

Table of Contents

Schedule A – Engineering	2
Schedule B – Water and Sewer	4
Schedule C – Administrative / Finance	7

Exhibit A

Schedule A

Engineering

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

Exhibit A

Banners

Reserved display	\$25
Nonreserved display	\$25

Exhibit A

Schedule B

Water / Sewer

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

Exhibit A

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 than 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

Exhibit A

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

Exhibit A

Schedule C

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.



City of Longview

Agenda Summary

RESOLUTION NO. 2499 – REPEALING RESOLUTION NO. 1618, 1767, AND 1899.

RECOMMENDED ACTION:

MOTION TO ADOPT RESOLUTION NO. 2499

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

Proposed Resolution No. 2499 Repeals Resolutions 1618, 1767, and 1899.

The text of resolutions no. 1618 and 1767 are incorporated into LMC Chapters 12.08 and 12.10.

The text of resolution no. 1899 is incorporated into LMC Chapter 15.

The fees from resolutions no. 1618, 1767, and 1899 are incorporated into the Longview Public Works Master Fee Schedule,

This resolution will go into effect on June 30, 2024.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Res No 2499 Repeal Res no 1618, 1767, and 1899

RESOLUTION NO. 2499

A resolution of the City Council of the City of Longview, Washington, 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 Municipal Public Works Master Fee Schedule, and

WHEREAS, the text of resolution no. 1899 has been incorporated into the Longview Municipal Code chapter 15, and

WHEREAS, the fees from resolution no. 1899 has been incorporated into the Longview Municipal Public Works Master Fee Schedule, and,

NOW 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.

SECTION 2. This resolution shall be effective June 30th, 2024.

PASSED by the City Council of the City of Longview, Washington, and approved by its Mayor at a meeting of said City Council held on the 23rd day of May 2024.

ATTEST:

MAYOR

City Clerk



City of Longview

Agenda Summary

ORDINANCE NO. 3525 – PAYMENT METHODS AMENDING CHAPTER 5.03.140, “PAYMENT METHODS – MAILING RETURNS OR REMITTANCES – TIME EXTENSION – DEPOSITS – RECORDING PAYMENTS – PAYMENT MUST ACCOMPANY RETURN – NSF CHECKS.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3525

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that adds alternative forms of payment, deletes the \$25 fee for NSF checks and references the new Master fee Schedule for NSF check charges.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3525 - NSF checks LMC 5.03.140 - kh
2. Chapter 5.03.140 redlined
3. Chapter 5.03.140 clean

Ordinance No. 3525

An Ordinance amending chapter 5.03.140 of the Longview Municipal Code relating to Payment methods – Mailing returns or remittances – Time extension – Deposits – Recording payments – Payment must accompany return – NSF checks.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule,
and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 5.03.140 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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

(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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

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

(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.

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

(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, cash, debit, or credit of the original amount due plus a "nonsufficient funds (NSF)" charge 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 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3526 – AMENDING CHAPTER 12.04 BANNERS.

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3526

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that amends the Longview Municipal code to reflect current practices and references the new Master fee Schedule for banner permit fees.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3526 - Banners LMC 12.04 - kh
2. Chapter 12.04 redlined
3. Chapter 12.04 clean

Ordinance No. 3526

An Ordinance amending chapter 12.04 of the Longview Municipal Code relating to Banners.

WHEREAS, the City of Longview chooses to change code to match current practices be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 12.04 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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 Rremoval –Specifications.

12.04.080 Banner Specifications.

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 eCity 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 eCity of Longview, or political subdivisions of the state providing services within the Longview eCity limits.

12.04.040 Permit – Application.

(1) Applicants desiring to erect or maintain a banner in the eCity shall first make ~~written~~ application for a permit. ~~so to do, which~~ The application must be filed with the ~~pPublic wWorks dDepartment~~ 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;~~

~~(dC) 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 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 ~~pPublic wWorks dDepartment~~ will alternate or rotate display of all non-reserved banners.

12.04.050 Permit – Fee.

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 fFinance dDepartment of the city before the permit will be issued to the applicant. Fees shall be waived when the eCity of Longview is the banner applicant. All fees shall be non-refundable.

12.04.060 Permit – Issuance – Appeal.

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.~~

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:~~

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 ~~City~~-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~~ Director to determine its appropriateness of message content, graphics, and any commercial advertising in connection with sponsorship of ~~City~~-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 ~~City~~, except the nonreserved banners shall be retained by the ~~City~~ for a period of up to six months after the permit calendar year.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

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.

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 eCity 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 eCity of Longview, or political subdivisions of the state providing services within the Longview eCity limits.

12.04.040 Permit – Application.

(1) Applicants desiring to erect or maintain a banner in the eCity shall first make ~~written~~ application for a permit. ~~so to do, which~~ The application must be filed with the ~~pPublic wWorks dDepartment~~ 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;~~

~~(dC) 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

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.

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 f~~ees must be paid to the ~~f~~inance ~~d~~Department of the city before the permit will be issued to the applicant. Fees shall be waived when the ~~e~~City of Longview is the banner applicant. All fees shall be non-refundable.

12.04.060 Permit – Issuance – Appeal.

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.~~

12.04.070 Erection, Maintenance, and rRemoval – Specifications.

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

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~~

~~d~~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 d~~Director 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.

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.**
- 12.04.080 Banner Specifications.**

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 City without a valid 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 City of Longview, or political subdivisions of the state providing services within the Longview City limits.

12.04.040 Permit – Application.

(1) Applicants desiring to erect or maintain a banner in the City shall first make application for a permit. The application must be filed with the Public Works 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 requested dates for the banner display.

(2) The Director 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 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 Public Works Department will alternate or rotate display of all nonreserved banners.

12.04.050 Permit – Fee.

The fee for a banner permit will be set periodically through a resolution of the City Council. The fee for a reserved banner display will be for the set period specified. The fee for a non-reserved banner shall be for each calendar year. 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.

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.

12.04.070 Erection, Maintenance, and Removal.

All banners for which permits have been approved shall be erected, maintained, and removed by employees of the City.

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 to be placed and the public facilities to which it is 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 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 City-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 Director to determine its appropriateness of message content, graphics, and any commercial advertising in connection with sponsorship of City-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 not retrieved by the banner sponsor within six months of the last display date shall be disposed of by the City, except the nonreserved banners shall be retained by the City for a period of up to six months after the permit calendar year.



City of Longview

Agenda Summary

ORDINANCE NO. 3527 – AMENDING CHAPTER 12.08, “CONSTRUCTION, REPAIR, AND MAINTENANCE.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3527

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that adds text contained in Resolution No. 1767 to the Longview Municipal Code and references the new Master fee Schedule for right of way permit fees.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3527 -RoW permits LMC 12.08 - kh
2. Chapter 12_08 redlined
3. Chapter 12_08 clean

Ordinance No. 3527

An Ordinance amending chapter 12.08 of the Longview Municipal Code relating to Construction, Repair, and Maintenance.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

Whereas, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule.,
and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 12.08 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 12.08 CONSTRUCTION, REPAIR AND MAINTENANCE*

Sections:

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 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;
- (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.

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.

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; and/or

(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:

- (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;
- (3) Plans for the proposed work, or, in the event of minor work as determined by the eCity eEngineer, a sketch in a format satisfactory to the eCity eEngineer. ~~Whenever applicable, standard plans adopted by the eCity or included in the current edition of the APWA Standard Specifications shall~~ may be used; ~~provided, however, that pPlans 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.

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.

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.

12.08.070 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 eCity 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.

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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published:

Chapter 12.08 CONSTRUCTION, REPAIR AND MAINTENANCE*

Sections:

- 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.**
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- 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 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;

(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.

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.

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:

(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;

(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.

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.

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.

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 12.08

CONSTRUCTION, REPAIR AND MAINTENANCE*

Sections:

- 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 City in subsequent repairs and/or maintenance. 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 City, it is necessary that the City, in the exercise of its police power, establish regulations governing the same.

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 City in fee, or by way of easement, or dedicated to the public and located within the City, and used or intended for use as a street, alley, sidewalk, public way, or easement for public or private utilities, whether developed or undeveloped.

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

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. 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.

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 City Engineer 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 City Engineer.

(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 City pursuant to a contract between the City and its contractor; or construction or maintenance projects undertaken by City departments.

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

(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 City Engineer, without liability for damages to the person owning the vegetation.

(4) Those uses which the City Engineer finds to be of a minor nature, for which a permit is not justified.

(5) Emergency repairs to existing facilities.

12.08.060 Application – Fees.

Permits pursuant to this chapter will be issued by the City Engineer, upon receipt of an application, and upon the payment of the required permit fees. The application shall be as provided by the City Engineer, and shall require the following minimum information:

(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 work to be performed, the anticipated starting and ending construction dates.

(3) Plans for the proposed work, or, in the event of minor work as determined by the City Engineer, a sketch in a format satisfactory to the City Engineer. When applicable, standard plans adopted by the City may be used. 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 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.

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.

Subject to the appeal provisions of LMC [12.08.100](#), the City 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 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 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.

12.08.080 Permit fee.

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

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 City Engineer 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 City Engineer may revoke the permit. In the event that it is necessary for the City to perform work to correct defective work or materials of any permit holder after revocation of such permit, the City shall have the right to recover from such permit holder the cost of the work performed by the City.

12.08.100 Revocation or denial of permit – Appeal.

Any action of the City Engineer revoking a permit issued pursuant to this chapter or denying an application for said permit shall 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.

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.



City of Longview

Agenda Summary

ORDINANCE NO. 3528 – AMENDING CHAPTER 12.10, “REVIEW, ADMINISTRATION AND FIELD INSPECTION OF CONSTRUCTION PLANS AND SPECIFICATIONS.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3528

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that deletes fees and instead references the new Master fee Schedule for Public Improvement Permits.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3528 - PIP Permit LMC 12.10 - kh
2. Chapter 12_10 markup
3. Chapter 12_10 clean

Ordinance No. 3528

An Ordinance amending Chapter 12.10 of the Longview Municipal Code relating to Review, Administration, and Field Inspection of Construction Plans and Specifications.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

Whereas, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule.,
and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 5.03.140 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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.

(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:

(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:~~

~~(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.~~

(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:

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(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.

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 eCity eEngineer.

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 eCity eEngineer 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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

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.**
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(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:

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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 City Engineer.

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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 City-maintained historical bid information, will be considered by the City engineer 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:

(1) Application fee:

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.

(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.

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 City 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 City 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3529 – AMENDING CHAPTER 3.22, “REGIONAL WATER FUND.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3529

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that adds alternative forms of payment and updates the language to reflect today's practices.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3529 - Water Fund LMC 3.22 - kh
2. Chapter 3.22 redlined
3. Chapter 3.22 clean

Ordinance No. 3529

An Ordinance amending chapter 3.22 of the Longview Municipal Code relating to Regional Water Fund.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is updating the Municipal Code to reflect current practices, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 3.22 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 3.22 REGIONAL WATER FUND

Sections:

3.22.010 Created

3.22.020 Administration.

3.22.030 Expenditures

3.22.010 Created

There is created and established in the office of the ~~city treasurer~~ City Finance Director a special fund to be designated as the “~~regional~~ water fund.” This fund shall be used for the payment of all claims for the ~~production~~ distribution 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 public utility district No. 1 of Cowlitz County, Washington (Agreement No. WS-130).~~

3.22.020 Administration.

The ~~regional~~-water fund created in this chapter shall be administered by the ~~director of field services~~ Public Works Director 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 ~~regional~~-water fund.

3.22.030 Expenditures.

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

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

Chapter 3.22

~~REGIONAL~~ WATER FUND

Sections:

3.22.010 Created

3.22.020 Administration.

3.22.030 Expenditures

3.22.010 Created

There is created and established in the office of the ~~city treasurer~~ City Finance Director a special fund to be designated as the “~~regional~~-water fund.” This fund shall be used for the payment of all claims for the ~~production distribution~~ 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 public utility district No. 1 of Cowlitz County, Washington (Agreement No. WS-130).~~

3.22.020 Administration.

The ~~regional~~-water fund created in this chapter shall be administered by the ~~director of field services~~ Public Works Director 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 ~~regional~~-water fund.

3.22.030 Expenditures.

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

Chapter 3.22

WATER FUND

Sections:

3.22.010 Created

3.22.020 Administration.

3.22.030 Expenditures

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.

3.22.020 Administration.

The water fund created in this chapter shall be administered by the Public Works Director 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3530 – CREATING CHAPTER 3.23, “FILTER PLANT FUND.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3530

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that creates a separate fund for the filter plant operation and capital improvements.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3530 - Filter Plant Fund LMC 3.23 - kh
2. Chapter 3.23

Ordinance No. 3530

An Ordinance creating chapter 3.23 of the Longview Municipal Code relating to Filter Plant Fund.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview manages the water filter plant through a cooperative agreement with Beacon Hill Water and Sewer District, and

WHEREAS, the City of Longview wishes to create a separate fund for the water filter plant, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 3.23 of the Longview Municipal Code shall be and is hereby created to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 3.23 FILTER PLANT FUND

Sections:

3.23.010 Created

3.23.020 Administration.

3.23.030 Expenditures

3.23.010 Created

There is created and established in the office of the City treasurer 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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published:

Chapter 3.23

FILTER PLANT FUND

Sections:

3.23.010 Created

3.23.020 Administration.

3.23.030 Expenditures

3.23.010 Created

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.



City of Longview

Agenda Summary

ORDINANCE NO. 3531 – CREATING CHAPTER 3.24, “SEWER FUND.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3531

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that creates a separate fund for sewer operation and capital improvements.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3531 - Sewer Fund LMC 3.24 - kh
2. chapter 3.24

Ordinance No. 3531

An Ordinance creating chapter 3.23 of the Longview Municipal Code relating to Sewer Fund.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview manages the sewer collection system, and

WHEREAS, the City of Longview wishes to create a separate fund for sewer operations and capital improvements, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 3.24 of the Longview Municipal Code shall be and is hereby created to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 3.24 SEWER FUND

Sections:

3.24.010 Created

3.24.020 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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

Chapter 3.24

SEWER FUND

Sections:

3.24.010 Created

3.24.020 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3532 – CREATING CHAPTER 3.65, “STORMWATER FUND.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3532

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that creates a separate fund for stormwater operations and capital improvements.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3532 - Stormwater Fund LMC 3.65 - kh
2. chapter 3.65

Ordinance No. 3532

An Ordinance creating chapter 3.65 of the Longview Municipal Code relating to Stormwater Fund.

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview manages the stormwater system, and

WHEREAS, the City of Longview wishes to create a separate fund for stormwater operations and capital improvements, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 3.65 of the Longview Municipal Code shall be and is hereby created to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Chapter 3.65 STORMWATER FUND

Sections:

3.65.010 Created

3.65.020 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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

Chapter 3.65

STORMWATER FUND

Sections:

3.65.010 Created

3.65.020 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3533 –CHAPTER 15, “WATER AND SEWERS.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3533

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continued Effective Financial Management.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is an amendment that replaces the current LMC Chapter 15 in its entirety. It brings the chapter into alignment with current practices and modernizes the language. It also references all fees to the new Master Fee Schedule.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3533 - water and sewers LMC 15 - kh
2. chapter 15

Ordinance No. 3533

An Ordinance replacing Chapter 15 of the Longview Municipal Code relating to Water and Sewers.

WHEREAS, the City of Longview manages the utility finance, water distribution, sewer collection, and stormwater functions within our water, sewer, and stormwater service areas, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code current with standard industry practices, and

WHEREAS, the City of Longview desires to keep the Longview Municipal Code aligned with current internal processes, and

WHEREAS, the City of Longview chooses to be fiscally responsible, and

WHEREAS, the City of Longview chooses to be transparent with Public Works fees, and

WHEREAS, the City of Longview is transitioning to a Public Works Master fee schedule., and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 15 of the Longview Municipal Code shall be and is hereby replaced to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

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

Article IV. Storm Water Utility

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

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

- 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

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

“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 sewer 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 stormwater 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 Finance 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 Finance Director 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 Finance Director shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in LMC 2.33.010.

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.

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.

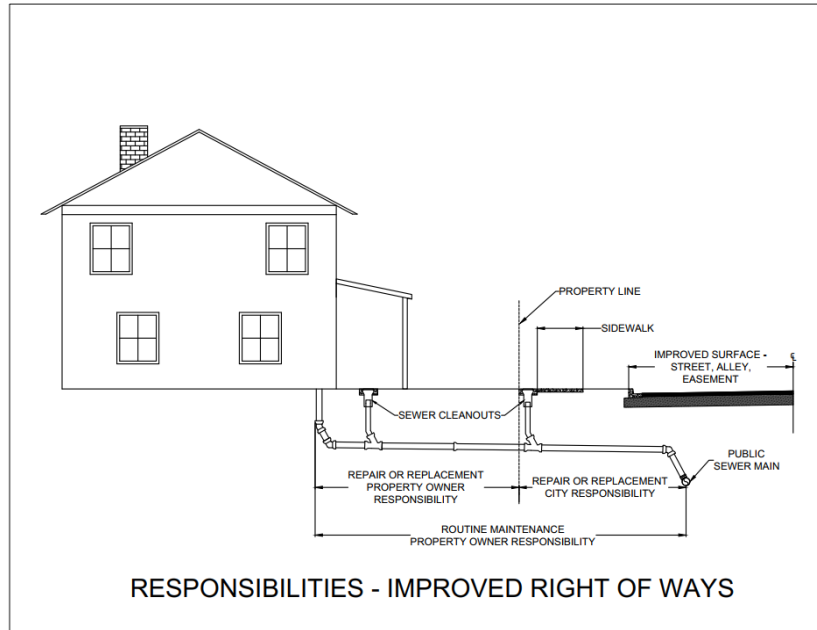


Figure a Responsibilities in improved rights of way.

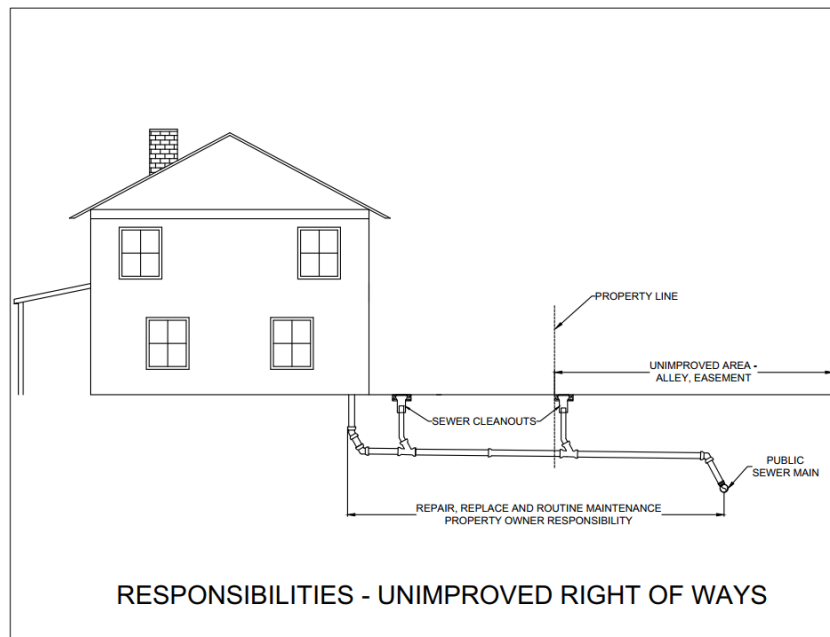


Figure b Responsibilities in unimproved rights of way.

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.

- (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.

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.

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

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.**

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 extensions shall be in accordance with the Longview Engineering Special Provisions & Standard Drawings.

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.

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 extend sewer 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.

15.16.070 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.

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.**

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. 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.

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

- 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.

(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:

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 TRRWA 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

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.

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.**

15.44.010 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 35, and RCW 35A.
- (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 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.

- (1) 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.
- (2) 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.

- (3) The Finance Director 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:

- (1) 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;
- (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, reservoirs, and similar items, other than water mains 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.

15.44.040 Water system ownership and responsibility.

- (1) 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.
- (2) 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.
- (3) 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.

- (4) 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.

- (1) The City shall prepare and maintain a water system plan for the system and adopt such plan by ordinance.
- (2) The plan shall conform to all laws and regulations applicable to water systems, including but not limited to WAC 246-290-100.
- (3) 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.

- (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 15.48

DEFINITIONS

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.

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.

Any person desiring to 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.

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.

- 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.
- 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.

- 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,

- 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.

15.60.030 Installation.

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.

- 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.

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.

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:

- 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 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:

- 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

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.

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.**

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 Finance Director 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.

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 stormwater 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.

- (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.

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.

- (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

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.**

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.

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.

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.

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.

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.

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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

Article I. Rates – Revenues - Billing – Permit Fees

15.02 Rates – Revenues - Billing – Permit Fees

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

Article IV. Storm Water Utility

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

Chapter 15.02

RATES – REVENUES - BILLING – PERMIT FEES*

Sections:

- 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

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

“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 sewer 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 stormwater 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 Finance 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 Finance Director 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 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 Finance Director shall be responsible for billing of utilities services and the administration and enforcement of utility accounts as provided in LMC 2.33.010.

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.

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.

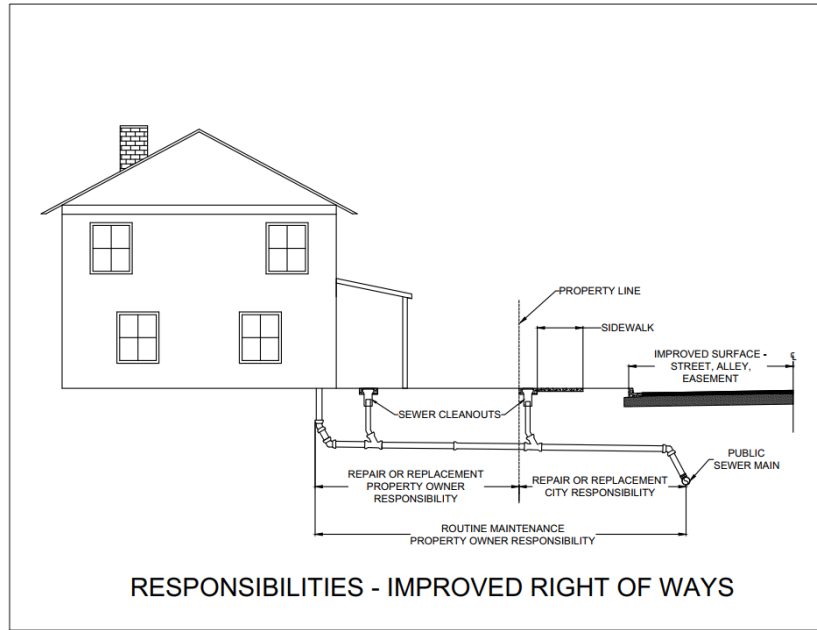


Figure a Responsibilities in improved rights of way.

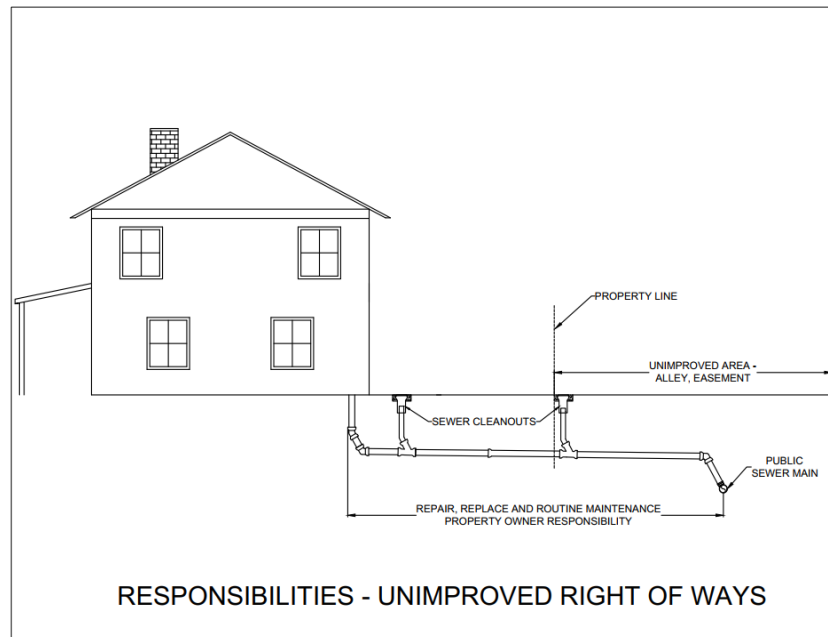


Figure b Responsibilities in unimproved rights of way.

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.

- (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.

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.

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

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.**

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 extensions shall be in accordance with the Longview Engineering Special Provisions & Standard Drawings.

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.

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 extend sewer 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.

15.16.070 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.

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.**

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. 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.

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

- 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.

(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:

- 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 TRRWA 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

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.

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.**

15.44.010 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 35, and RCW 35A.
- (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 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.

- (1) 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.
- (2) 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.

- (3) The Finance Director 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:

- (1) 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;
- (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, reservoirs, and similar items, other than water mains 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.

15.44.040 Water system ownership and responsibility.

- (1) 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.
- (2) 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.

(3) 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.

(4) 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.

- (1) The City shall prepare and maintain a water system plan for the system and adopt such plan by ordinance.
- (2) The plan shall conform to all laws and regulations applicable to water systems, including but not limited to WAC 246-290-100.
- (3) 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.

- (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 15.48

DEFINITIONS

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.

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.

Any person desiring to 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.

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.

- 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.
- 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.

- 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,

- 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.

15.60.030 Installation.

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.

- 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.

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.

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:

- 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 carbolic 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 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:

- 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

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.

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.**

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 Finance Director 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.

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 stormwater 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.

- (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.

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.

- (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

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.**

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.

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.

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.

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.

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.

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.



City of Longview

Agenda Summary

ORDINANCE NO. 3534 – ACCESS MANAGEMENT, AMENDING CHAPTER 11.36, “ARTERIAL STREETS.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3534

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is a cleanup of LMC 11.36. The re-write was done for clarity and plain language in the code. The code was also updated to align with the current online mapping tool for the arterial street system.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3534 amend LMC 11.36 - kh
2. Chapter 11.36 redlined - kh
3. Chapter 11.36 clean - kh

Ordinance No. 3534

An Ordinance amending chapter 11.36 of the Longview Municipal Code relating to Arterial Streets.

WHEREAS, the City of Longview manages the rights-of-way within their corporate boundaries, and

WHEREAS, the City chooses to conform the City's street classification system with the federal classification system, and

WHEREAS, the City chooses to host the City arterial atlas as an online platform, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 11.36 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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 they are is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

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.](#)

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Chapter 11.36
ARTERIAL STREETS*

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*For the designation of arterial streets, see the Arterial/Collector Atlas referenced in LMC 12.60. 020.

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 they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.



City of Longview

Agenda Summary

ORDINANCE NO. 3535 – ACCESS MANAGEMENT, AMENDING CHAPTER 12.60, “ACCESS MANAGEMENT.”

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3535

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

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.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Ord No. 3535 amend LMC 12.60 - kh
2. Chapter 12.60 redlined - kh
3. Chapter 12.60 clean - kh

Ordinance No. 3535

An Ordinance amending chapter 12.60 of the Longview Municipal Code relating to Access Management.

WHEREAS, the City of Longview manages the rights-of-way within their corporate boundaries, and

WHEREAS, the City chooses to conform the City's street classification system with the federal classification system, and

WHEREAS, the City chooses to host the City arterial atlas as an online platform, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 12.60 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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 eCity 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 eCity.

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 eCity that designate a functional classification for various roadways within the eCity.
- (4) "Building permit" shall mean the permit issued by the eCity 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 eEngineer" or "Engineer" shall mean the eCity eEngineer of the eCity 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 eCity.
- (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 dDirector of the dDepartment of pPublic wWorks, 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).

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(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.

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(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 eCity, 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 eCity 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 eCity and the eCounty. 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 eCity, 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 eCity, 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~~ major 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~~ major 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 eCity 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 t~~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 ~~d~~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 ~~d~~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 ~~d~~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 farthestmost 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
Local Access	100	n/a
Local Access Residential <u>Driveways</u>	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

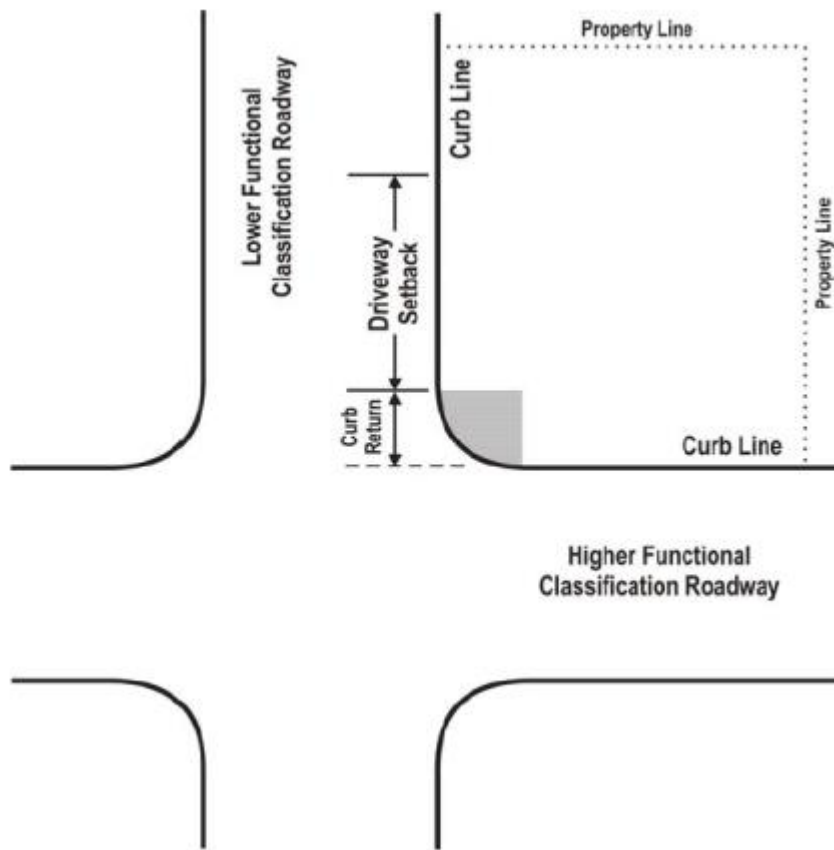
Functional Classification	Minimum Access Set-back from Corner (ft)
Principal Arterial	300
Minor Arterial	200
Neighborhood Major Collector	100
Local	75

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, 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 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, and should be evaluated using appropriate left or right turn lane warrants utilizing standards adopted by the 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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

Chapter 12.60 ACCESS MANAGEMENT

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(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 major~~ 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~~ major 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.~~

~~(e)~~ 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 ~~d~~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 ~~d~~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 ~~d~~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

Table 1: Unsignalized Intersection Spacing

Roadway Classification	Full Access Intersection Spacing (ft)	Right-in/Right-out Access Intersection Spacing (ft)
Neighborhood Major Collector	400	200
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

**Table 2: Minimum Distances from
Corner Standards**

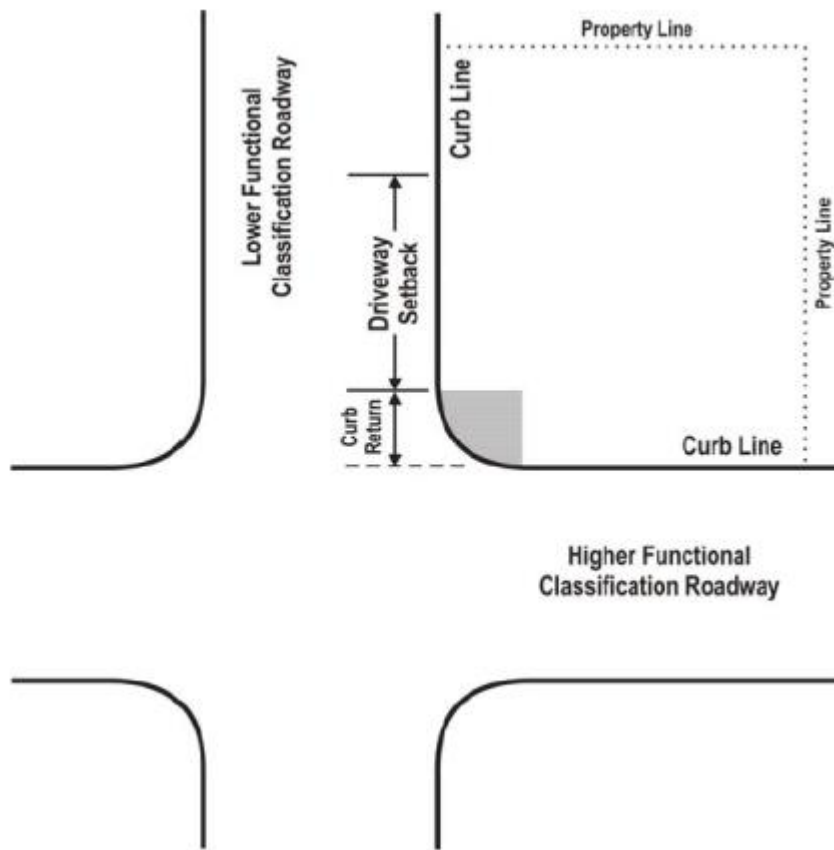
Functional Classification	Minimum Access Set-back from Corner (ft)
Minor Arterial	200
Neighborhood Major Collector	100
Local	75

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, 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 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 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 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 online map as adopted by the City that designate a functional classification for various roadways within the City.
- (4) "Building permit" shall mean the permit issued by the 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 Engineer" or "Engineer" shall mean the City Engineer of the 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 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 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 Director of the Department of Public Works, or designee.
- (15) "Driveway" shall mean a privately or publicly maintained access to property(ies).
- (16) "Highway Capacity Manual" shall mean 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 HCM; 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.
- (21) "Private street" shall mean a road not owned or maintained by the City, the Washington State Department of Transportation, or other governmental jurisdiction.
- (22) "Public street" shall mean a road owned or maintained by the City, the Washington State Department of Transportation, or other governmental jurisdiction, and open for travel to the public.
- (23) "Right-of-way" shall mean property held by the City for existing or future public roads or other public improvements.
- (24) "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.
- (25) "SEPA" means the State Environmental Policy Act as implemented under the applicable state laws and the local jurisdiction ordinance.
- (26) "Sidewalk" shall mean a pedestrian-only surface within a public right-of-way or public easement containing a street.
- (27) "Signal spacing" shall mean the required distance between intersections controlled by traffic signals.

(28) "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 Director.

(29) "Traffic engineer" shall mean an engineer licensed by the State of Washington who has been retained by the City or others to analyze and/or design traffic conditions and roadway improvements.

(30) "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.

(31) "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.

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

(33) "WSDOT" shall mean the Washington State Department of Transportation.

12.60.030 Applicability.

(1) Connections. All new connections or modifications to existing connections to public streets shall require 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

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(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 permit for continued use of existing public street connections and the permit may require modifications to the existing connections.

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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 City, and to distribute trips from 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) Major Collector. The purpose of major 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 major 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.

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(4) Permit Issuance to receive a permit the applicant must comply with the following:

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- (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.

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 - (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
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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 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 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 unsignalized roadway intersections as well as driveways are described in Table 1 and shall be measured from the centerline of the intersections being measured.

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
Major Collector	400	200
Local Access	100	n/a
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 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

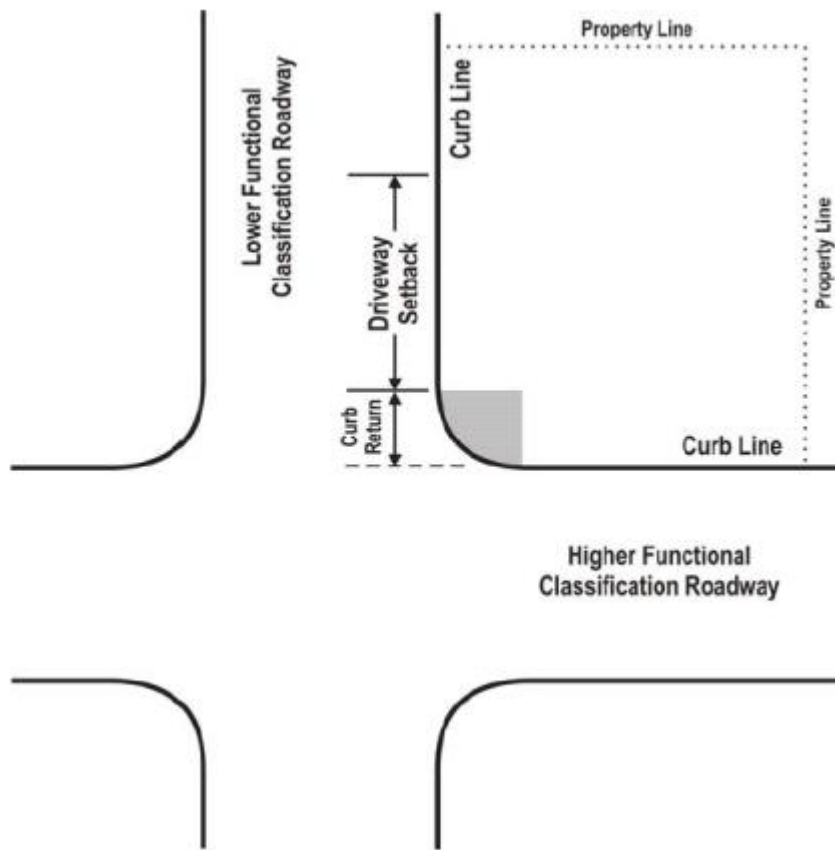
Functional Classification	Minimum Access Set-back from Corner (ft)
Principal Arterial	300
Minor Arterial	200
Major Collector	100
Local	75

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. 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 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 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 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 and should be evaluated using appropriate left or right turn lane warrants utilizing standards adopted by the eCity 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 permit requires a transportation impact analysis (TIA), the Engineer will review and process the TIA as follows:

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

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

(3) Peer Review. If the Engineer does not agree with the TIA findings and recommendations, and the applicant does not accept the 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 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 Engineer's findings or presents different findings, the recommended mitigation measures will be included in the SEPA and/or 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.



City of Longview

Agenda Summary

ORDINANCE NO. 3536 – ACCESS MANAGEMENT, DELETING THE ARTERIALS APPENDIX.

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3536

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

This is a deletion of an arterial appendix in the Longview Municipal Code. Arterials are now illustrated in an online map as referenced in Chapter 12.60.

STAFF CONTACT:

Ken Hash, Public Works Director

Attachments:

1. Arterials list redlined - kh
2. Ord No. 3536 deleting LMC arterail appendix - kh

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

Ordinance No. 3536

An Ordinance deleting the Longview Municipal Code Arterials Appendix.

WHEREAS, the City of Longview manages the rights-of-way within their corporate boundaries, and

WHEREAS, the City chooses to host the City arterial atlas as an online platform, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That the Arterials appendix of the Longview Municipal Code shall be and is hereby deleted:

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

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____



City of Longview

Agenda Summary

ORDINANCE NO. 3537 – ROUNDABOUTS FIRST, AMENDING CHAPTER 12.50.50, “STREETS, CURBS, AND SIDEWALKS.”.

RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE NO. 3537

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Improve Transportation Systems.

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

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, Public Works Director

Attachments:

1. Ord No. 3537 - roundabouts first LMC 12.50.50 - kh
2. Chapter 12.50.050 redlined - kh
3. chapter 12.50.050 clean

Ordinance No. 3537

An Ordinance amending chapter 12.50.50 of the Longview Municipal Code relating to Streets, Curbs, and Sidewalks.

WHEREAS, the City of Longview manages the rights-of-way within their corporate boundaries, and

WHEREAS, roundabouts have been proven to be more efficient, cost saving and safer than traditional intersections, and

WHEREAS, the City wishes to prioritize roundabouts as a first intersection alternative, and

WHEREAS, an amendment to the LMC is required to accomplish this purpose.

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

Section 1. That Chapter 12.50.50 of the Longview Municipal Code shall be and is hereby amended to read as follows: provided, manifest and numbering errors shall be corrected prior to publication:

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.

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 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 from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 23rd day of May 2024.

Approved by the Mayor the 23rd day of May 2024.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Dana Gigler
City Attorney

Published: _____

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.

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.
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City of Longview

Agenda Summary

HOPE VILLAGE UPDATE

Attachments: None



City of Longview

Agenda Summary

REVISED AND RESTATED AGREEMENT FOR OPERATION AND MANAGEMENT OF THE COLUMBIA THEATRE FOR THE PERFORMING ARTS

RECOMMENDED ACTION:

MOTION TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO THE AGREEMENT

DATE: May 23, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and enhance neighborhoods
Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

The City of Longview, Public Facilities District and the Columbia Theatre Association for the Performing Arts entered into an agreement for the operation and maintenance of the Columbia Theatre in 2005 and subsequently entered into four supplements to that agreement. The parties wish to enter into this agreement to replace the original agreement of 2005 and its four supplements in order to update the parties' respective obligations and to consolidate those obligations into a single document.

RECOMMENDED ACTION:

Motion to authorize the Interim City Manager to enter into the Agreement.

STAFF CONTACT:

Interim City Manager Jim Duscha

Attachments:

1. CTA Ops Agreement Final For Adoption 05.14.24

REVISED AND RESTATED
AGREEMENT FOR OPERATION AND MANAGEMENT
OF
THE COLUMBIA THEATRE FOR THE PERFORMING ARTS

THIS AGREEMENT, made and entered into this _____ day of _____, 2024, by and between THE CITY OF LONGVIEW, WASHINGTON, hereinafter referred to as “City”, the Cowlitz County Public Facilities District, a municipal corporation duly organized and existing under the laws of the State of Washington, hereinafter the “PFD”, and THE COLUMBIA THEATRE ASSOCIATION FOR THE PERFORMING ARTS, a Washington non-profit corporation, hereinafter referred to as "Facility Manager"; collectively referred to as the “Parties”.

WITNESSETH:

WHEREAS, the Parties entered into an agreement for the operation and maintenance of the Columbia Theater for the Performing Arts on February 10, 2005 and subsequently entered into four supplements to that agreement on November 29, 2006, February 12, 2009, December 10, 2009 and February 4, 2015; and

WHEREAS, as discussed below, the Parties wish to enter into this Agreement to replace the original agreement dated February 10, 2005 and its four supplements in order to update the Parties’ respective obligations and to consolidate those obligations into a single document; and

WHEREAS, the City acquired the real property described on Exhibit A attached hereto and incorporated herein by this reference, which property, up until its acquisition by the City of Longview, was used as a theater for the exhibition of moving pictures on a commercial basis; and

WHEREAS, the portion of said real property described in said Exhibit A, and not described in Exhibit B, attached hereto and incorporated herein by this reference, is the subject of a long-term Lease to the Longview Housing Authority, and this Agreement has no application thereto; and

WHEREAS, the City Council of the City of Longview deems it to be in the best interests of the citizens of the City that the real property described in Exhibit B (hereinafter referred to as

the " Theater Facility"), be operated and managed for the benefit of all of the citizens of the City as a center for the performing arts, and the City desires to encourage extensive use and successful operation of said theater for such purpose; and

WHEREAS, it is the intent and desire of the City Council that the principal use of the entire building (Exhibit A and Exhibit B) should be as a focal point for community entertainment involving matters relating to the performing arts and that such intent and desire is the reason the building was purchased by the City, and that the use of a portion of the building for occupancy as residential dwellings is secondary to such principal use; and

WHEREAS, it is believed by the City that the operation, management, supervision, restoration and maintenance of said Theater Facility would best be conducted by an independent Facility Manager, operating as a non-profit corporation, under contract with the City; and

WHEREAS, the City intends to retain ownership of said Theater Facility, and the Facility Manager shall not be granted or otherwise acquire any interest in the ownership of said Theater Facility; and

WHEREAS, the real property described in Exhibit A and Exhibit B will hereafter be used for purposes that may conflict and it is necessary to avoid as much conflict as possible and make provision for the resolution of other conflicts; and

WHEREAS, after negotiations with the Facility Manager, it was determined by the City Council of the City of Longview that the Theater Facility should be maintained, repaired, restored, supervised, managed and operated by the Facility Manager for the benefit of the City and for the benefit of the citizens of the City of Longview, and said Facility Manager was willing to enter into such an agreement, and the Agreement for Operation and Management of the Columbia Theatre for the Performing Arts (the original agreement) was executed on February 10, 2005; and

WHEREAS, in 2005 the City and Facility Manager determined that the theatre grid and rigging system must be replaced in order to assure the safety thereof and to provide for future performances, and the cost of replacement of said system was estimated to be the sum of \$345,421.81; and

WHEREAS, in Supplement No. 1 to the original agreement, dated November 29, 2006, the City agreed, using funds available to it along with a CDBG grant, to pay the cost of such work and materials, and the Facility Manager agreed to contribute a sum equal to one-half of the

cost of such work, payable to the City in annual increments in the sum of \$24,942.70 each, commencing on or about December 1, 2006; and

WHEREAS, effective July 27, 2007, the Parties entered into an Agreement, Assignment and Amendment of the Operating Agreement wherein the authority and responsibilities of the City and City Manager as set forth in the Operating Agreement and Supplement No. 1 was assigned to the PFD except for the authority and responsibilities set forth in paragraphs 11, 12, 13 and 16; and the duration of the Operating Agreement was extended; and

WHEREAS, Supplements No. 2 and 3 to the original agreement, dated February 12, 2009 and December 10, 2009 respectively, modified the Facility Manager's repayment schedule due to revenue shortfalls experienced by the Facility Manager, and

WHEREAS, in Supplement No. 4 to the original agreement, dated February 4, 2015, the City assumed maintenance responsibilities related to the HVAC system of the Theater Facility, and

WHEREAS, the City and the PFD executed The Interlocal Agreement Regarding the Design, Development, Financing, Construction and Remodeling and Operation of the Columbia Theatre for the Performing Arts Between the Cowlitz County Public Facilities District and the City of Longview, and executed a Commercial Lease, both effective July 27, 2007, providing for the PFD to lease the Theater Facility for the purpose of designing, constructing, and financing the remodel and operation of the Theater Facility, and to utilize state law providing for retained sales tax financing of community theater facilities as set forth in RCW 82.14.485 ("Retained Sales Tax:), and

WHEREAS, effective November 12, 2008, the City and PFD amended the Interlocal Agreement (the 1st amendment) to allow the PFD to borrow funds from Cowlitz County and established the priority level for PFD payments from retained sales taxes to Cowlitz County for services provided in accordance with an interlocal agreement between the PFD and Cowlitz County dated October 21, 2008; and

WHEREAS, effective February 11, 2009, the City and PFD amended the Interlocal Agreement (the 2nd amendment) to acknowledge the Facility Manager's obligations related to the Theater Facility grid and rigging project; and

WHEREAS, effective June 12, 2014, the City and PFD amended the Interlocal Agreement (the 3rd amendment) to provide for the PFD to make the annual debt payments to the City for the Theater Facility grid and rigging project; and

WHEREAS, effective December 11, 2017, the City and the PFD amended the Interlocal Agreement (the 4th amendment) to provide for installation of a new chiller in the HVAC system of the Theater Facility, including financing and project management, and extending the term of the interlocal agreement to 40 years or final repayment of the debt, whichever occurs first; and

WHEREAS, effective January 22, 2018, the City and the PFD amended the Commercial Lease to coincide with the 40-year term of the amended Interlocal Agreement; and

WHEREAS, the terms of the above noted 2007 Interlocal Agreement and its four amendments (the Interlocal Agreement), and the above noted 2007 Commercial Lease and its amendment (the Lease), contain provisions that affect the obligations, responsibilities, and funding requirements of the original operation and maintenance agreement and supplements between the Parties; and

WHEREAS, the Parties to this Agreement wish to revise and restate the original operation and management agreement to incorporate the four supplements to the agreement executed in the intervening years, along with incorporating the additional roles, responsibilities, obligations, and funding related to operation, maintenance, repair, and replacement of the Theater Facility established by the Interlocal Agreement and the Lease, for ease of reference.

NOW, THEREFORE, in consideration of the mutual promises and agreements of the parties herein contained, and the benefits to be derived therefrom, it is hereby agreed as follows:

1. The City and the PFD hereby engages and contracts with the Facility Manager, subject to the limitations contained herein, to operate, supervise, manage, repair and restore, and maintain, as hereinafter provided, the Columbia Theatre for the Performing Arts facility of the City of Longview, hereinafter sometimes referred to as the “Theater Facility”, through December 1, 2047. This Agreement may also be earlier terminated or renewed as herein provided. Facility Manager shall not acquire any interest in said Theater Facility by virtue of this Agreement, and the occupancy, operation, management and utilization by the Facility Manager of said Theater Facility shall be and is hereby limited to the responsibilities and duties outlined herein.

2. It is hereby expressly understood, agreed and declared that the Facility Manager is an independent contractor, and is not an agent or employee of the City or PFD in any way whatever, and that although the City as owner, or PFD as lessee of said Theater Facility, may direct results to be achieved by said Facility Manager and may make decisions to resolve conflicts between the Facility Manager and the Longview Housing Authority, and between the Facility Manager and the City or PFD, the City or PFD shall not direct the means or methods by which such results are accomplished. No liability shall attach to the City or PFD by reason of entering into this Agreement, except as may be expressly provided herein.

3. The Facility Manager shall, during the term of this Agreement, devote its time, skill and attention to the management, operation, maintenance, repair and restoration of the Theater Facility described in Exhibit B, including the whole thereof, it being understood and agreed that the Theater Facility consists not only of a place to conduct and observe performances, but facilities for commerce and trade as well; provided, however, that use of the premises described in Exhibit B, or any part thereof, for any purpose other than performances and activities directly related to performances shall not be undertaken except upon the prior written approval of the City Manager and the PFD.

4. The Facility Manager shall work closely with the City Manager and the PFD in the planning and facilitating of any changes to the building described in Exhibit A or the Theater Facility of said building as described in Exhibit B, and any changes in the use thereof, or any changes in the appearance of said building.

5. The Facility Manager shall provide, and be responsible for, the following:

a) The operation and security of the Theater Facility as a place for conducting and attending plays, shows, exhibitions, broadcasts and other forms of entertainment;

b) The management and operation of all portions of the Theater Facility, including the parking facilities;

c) The supervision of the collection of all rents, fees, admission charges for the use of the Theater Facility and attendance of patrons to performances conducted in said Theater Facility and all other income to be derived from the operation and maintenance of said Theater Facility;

d) The recordation of all revenue and expenses in the operation, maintenance, supervision, repair, and restoration of the Theater Facility, and the books and records relating to all of such revenue and expenses shall be open to examination by the City Manager and the PFD,

or their designee, at any reasonable time. The Facility Manager shall not be responsible for recording revenue and expenses related to projects contracted and managed by the PFD;

e) The provision of public liability and property damage insurance, naming the City and the PFD as a co-insured, and said insurance shall be for an aggregate single limit in the total sum of two million dollars or more per policy year;

f) The maintenance of the Theater Facility in a neat, clean and orderly condition at all times, and compliance with all health requirements of the governmental entity having jurisdiction with regard to a public theater facility. The entrances and exits to the Theater Facility shall be kept in a neat and clean condition at all times;

g) The devotion of the Theater Facility to live performances or exhibitions as its primary use. The Facility Manager shall not exhibit moving pictures as a principal use of said Theater Facility.

6. In consideration of the promises and agreements of the Facility Manager contained herein, the City and PFD hereby agree that the Facility Manager shall have, as its compensation, all revenues generated from the operation of the Theater Facility including, but not limited to, admission charges, rental revenue from use of the Theater Facilities, all revenues from fund-raising activities, the sale of concessions, and any other commerce and trade. Except as provided for in Section 5.b. of the Agreement, Assignment and Amendment of the Operating Agreement, the City and PFD hereby disclaim any interest in any revenues generated by the Facility Manager. It is agreed and warranted by the Facility Manager that it is and will remain a non-profit corporation of the State of Washington, and that any funds or property received by it shall be used solely for the purposes described in this Agreement, and that none of such funds and no part of such property shall inure to the benefit of or be distributed to any member of such corporation except for the payment of earned wages, salaries or benefits, or for the purposes of restoration, operation and management of the Columbia Theater for the Performing Arts.

7. The Facility Manager shall provide, at its own expense, such employees as it may deem necessary, to aid and assist it in the performance of the duties required under this contract. The Facility Manager shall provide adequate supervision over all personnel employed by it. In connection with employees of the Facility Manager, such employees shall be employees of the Facility Manager, and not of the City or PFD, and the Facility Manager shall be fully responsible for such employees, their compensation and their employment benefits, and shall make any and

all provisions for unemployment compensation contributions, industrial accident coverage (worker's compensation), FICA, Federal Income Tax withholding, and other requirements of law in connection with such employees.

8. All taxes arising from the existence and/or operation of said Theater Facility shall be paid by the Facility Manager, and the same shall not be allowed to become delinquent or a lien upon the premises.

9. The Facility Manager shall pay the cost for all water, sewer, garbage, telephone, electricity, cable television, natural gas and any and all other utilities furnished to the Theater Facility or any portion thereof, and the same shall not be permitted to become a lien upon the premises for delinquency or non-payment at any time.

10. Categories of cost and expense of the Theater Facility are as follows:

Category 1: Operational costs and expenses. All of the costs and expenses described in Sections 7, 8, & 9, together with general maintenance and minor repairs of the Theater Facility premises and furnishings, and the furnishing of supplies and services, all office furnishings and equipment, including, but not limited to generator fuel, day-to-day janitorial and cleaning services and the provision of disposable items such as soap, toilet paper, paper towels, facial tissue and other similar items.

Category 2: Capital costs and expenses. Category 2 costs include, but are not limited to, the following items:

- Maintenance and repairs of Theater Facility property and equipment that are considered "performance related". For purposes of this agreement, "performance related" shall mean such items as the stage rigging system, the sound system, the stage lighting system, dressing rooms, the stage and back-stage areas, theater seats, and other items which uniquely relate to performances within the Theater Facility, as opposed to items which are common to general use structures.
- Maintenance, restoration and repairs of the exterior glass on the first or ground floor of the building, electrical and plumbing facilities, floors, carpets, entrance area, ticket booth, doors, windows, generator and HVAC contained within and which exclusively serve the Theater Facility, and the parking lot that is situated on Lot 19, Block 82, Plat of Longview No. 17; excluding those portions of the building and premises which are leased to the Longview Housing Authority.

- Maintenance, restoration and repairs of all other portions of and improvements to the Theater Facility, including without limitation, the roof, the exterior walls on the first or ground floor of the building, plus exterior walls higher than the ground floor but excluding those portions of the exterior walls included in the Longview Housing Authority Lease.

11. The Facility Manager shall be responsible for the performance of and payment for all costs and expenses, direct and indirect, described in Section 10, Category 1. The City, the PFD, or the Facility Manager shall perform or cause to be performed and shall pay those capital costs and expenses described in Section 10, Category 2, except that the City shall be responsible to perform or cause to be performed the maintenance and repair of the Columbia Theatre generator, HVAC systems and the basement dewatering systems. The scope of HVAC maintenance and repair shall be as set forth in Exhibit C, attached to this Agreement and incorporated herein by this reference.

12. The PFD shall arrange at its cost for major repair and replacement of the facility systems and the structure of the Columbia Theatre Project when considered necessary by the PFD, subject to the availability of funds.

In support of such responsibility, the PFD shall establish and maintain a Depreciation Reserve Account to be funded as provided in the 2007 Interlocal Agreement and its Amendments. Such sums, together with accrued interest, shall be designated by the PFD from time to time for repair and replacement of the facility systems and the structure. The PFD may withdraw amounts in the Depreciation Reserve Account as it deems necessary for payment or partial payment of the costs of such major repairs or replacements.

With the written concurrence of the City, funds accumulated in the Revenue Stabilization Reserve Account, described in the Interlocal Agreement and its Amendments, may be withdrawn for payment or partial payment of the costs of repairs and replacement of the facility and its major systems, if funds in the Depreciation Reserve Account, described in the Interlocal Agreement and its Amendments, are deemed inadequate by the PFD.

It is understood that the Theatre Association has been responsible for all operating expenses of the facilities consistent with this agreement including insurance,

repairs, utilities, cleaning, and maintenance to a standard consistent with the budget established for the facility and grounds. The PFD will maintain responsibility for repair and replacement of the facility and its major systems during the period of this Agreement, provided that this obligation shall be limited to the extent of the funds available from the Retained Sales Tax after the payments provided in the Interlocal Agreement and its amendments.

13. The PFD shall use available retained sales tax revenue and accrued interest to pay or assist to pay the costs identified in Section 10, Category 2, after the priority obligations identified in the Interlocal Agreement have been met. Additionally, notwithstanding Section 11 of this Agreement, available retained sales tax revenue may be used to pay or assist to pay the costs identified in Section 10, Category 1 and/or the costs of contracted HVAC maintenance, generator maintenance, and basement dewatering system maintenance.

14. The City shall include in its biennial budget an annual amount of funds to be allocated and expended for the payment of a portion of the costs and expenses described in Sections 10 and 11. This is intended to be used primarily for Category 1 expenses; however, such funds are not precluded from the payment of Category 2 expenses. The amount of such allocations shall be as determined by the City Council in its sole discretion, taking into consideration other needs of the City, the amount of estimated available funds, and priority of expenditures as determined by the City Council; provided, however, that it is the expectation of the City that such annual amount shall be the sum of \$79,852.68, increased each calendar year in a manner that reflects cost-of-living increases and funds available to the City, payable in equal monthly increments unless otherwise agreed between the City and the Facility Manager. Although such payments shall be made to the Facility Manager for its use in the payment of such costs and expenses, accounting for expenditures shall only be required as provided in Section 19 of this Agreement.

15. The City shall include the Theater Facility in its biennial Capital Budget in connection with the costs and expenses described in Section 10, Category 2. It is the expectation of the parties hereto that the Facility Manager will engage in fund raising activities, solicit contributions, and otherwise attempt to acquire funds for such Category 2 costs and expenses. It is recognized that the Theater Facility is an old building having historical significance in the City, and that insofar as reasonable, the City Council intends to assist in the restoration,

maintenance, repair and improvement thereof; however, the Theater Facility is one of many buildings owned by the City and all must be maintained, repaired and, in some instances replaced. The City Council is responsible for the maintenance of all City property, and the providing of services to all its citizens, and the City Council must use funds available to it in a manner that, in its sole discretion, best serves the City and its citizens. The Facility Manager shall submit to the City Manager by July 1 of every even-numbered year of this Agreement, a projection of estimated alterations, improvements, maintenance and repairs requested to occur or which are planned to take place during the ensuing two (2) year period. The City Manager shall consider said request in conjunction with all other requests for monies from the City Capital Budget. The Facility Manager shall continue to charge a capital admission fee of at least \$1 per ticket for all performances and the City shall annually match such fee revenue, up to \$25,000, and such funds shall be exclusively used for payment of Category 2 costs and expenses. If it is mutually agreed by both parties, use of these funds may be used for Category 1 expenses.

16. No major alterations or improvements to the Theater Facility, or any portion thereof, shall be undertaken or performed without the prior written approval of the PFD, which approval shall not be unreasonably withheld, and which approval shall not be granted until it is shown to the PFD that adequate funds exist or are available to the Facility Manager to pay for the cost of such improvements or alternations. All major improvements and alterations proposed by the Facility Manager shall take into consideration the use of the remainder of the real property described in Exhibit A as apartments for residential dwelling. Approval of such improvements and alterations by the PFD shall only be made if the Longview Housing Authority has been given not less than ten (10) business days' advance written notice thereof by the Facility Manager during which time the Longview Housing Authority may lodge written objections with the PFD. In the event that a proposed improvement or alteration by the Facility Manager is opposed by the Longview Housing Authority, the PFD may grant approval if, in its judgment, the proposed improvement or alteration will not have a significantly adverse effect on the use of the building for dwelling purposes. The decision of the PFD with reference thereto shall be final and binding.

17. Contributions of funds by the City from its general revenues or from revenues that may lawfully be used for performing arts facilities or activities is deemed to be in the best interests of the citizens of the City. It is the intent and the desire of the City Council, therefore,

to make such annual contributions to the maintenance, operation, repair and restoration of the Theater Facility as is or may be, in the sole judgment of the City Council from year to year, reasonable in relation to other financial obligations of the City and in relation to needs or desires for other municipal services and facilities. Priorities for the use of City funds, as determined in the City's annual budget, are expected to change as time passes, and contributions by the City toward and for the maintenance, operation, repair and restoration of the Theater Facility are not, by this Agreement, entitled to unchangeable priority.

18. The City shall, at all times, maintain fire, earthquake, and flood insurance or property damage coverage on the entire building, including the portion thereof excluded from this Agreement, and the amount of such insurance shall not be less than the replacement cost of the building. If the City elects to self-insure and not purchase commercial insurance or join an insurance pool for coverage, the provisions of this section shall not be applicable; provided that coverage through the self-insurance or insurance pool must be for the same risks and in an amount not less than the replacement cost of the building. The premiums for such insurance, insofar as it applies to the Theater Facility shall be paid by the City. In the event that the premises are destroyed or damaged by fire, earthquake or other casualty to such an extent as to render the same untenable, in whole or in substantial part, it shall be optional with the City, using the proceeds from such insurance, to rebuild or repair the same or to replace the structure at the same or another location. After the occurrence of any such casualty, the Facility Manager shall give the City immediate notice thereof. The City shall have not more than ninety (90) days after the date of the occurrence of such casualty to notify the Facility Manager of its intention to rebuild or repair the premises, or the part so damaged, or to replace said structure, and if the City elects to rebuild or repair the premises, the work shall be performed without unnecessary delay. During the time of such rebuilding or repair, or until replacement of the structure occurs, the terms of this Agreement shall be continued only to the extent that such terms are consistent with such rebuilding and repair, after which time all of the terms hereof shall be resumed. In the event that the City should elect not to rebuild or repair the premises, any insurance proceeds received and not used for demolition, destruction, or removal of the building shall, if so determined by the City Council to be in the best interests of the City and its citizens, be earmarked and accumulated for use in connection with the replacement of the structure by the

development of future facilities for the performing arts, passive arts and other matters of “cultural expression”.

19. During the month of August of each year, the Facility Manager shall provide the City Council and PFD with a written report setting forth a description of its operations for the previous twelve (12) months. In addition, the Facility Manager shall include in said report a provision stating the amount of all expenditures made or then underway pursuant to Section 10, Category 2 which have taken place in the Theater Facility during the previous twelve (12) months. Said report shall also include the Facility Manager’s proposed fiscal year budget for the ensuing fiscal year for all operational and capital expenditures.

20. In the event that the Facility Manager should violate any of the provisions of this Agreement, and such violation should continue after the giving of thirty (30) days written notice thereof by the City or PFD to the Facility Manager, this Agreement may be terminated, subject to the provisions of paragraphs 21 and 22.

21. The Parties recognize that the success of the Theatre Facility is dependent upon the Facility Manager contracting in advance for the services of performers, musicians, exhibitors, technicians, vendors, and others. The Parties further recognize that it is in their mutual interests to avoid the breach of such contracts. Towards that end, this Agreement shall not be terminated in the middle of the term without first providing the Facility Manager sufficient opportunity to complete then existing contractual obligations or, at its option, the terminating party or parties may assume liability for the performance of the Facility Manager’s obligations contained in then existing contracts and indemnify Facility Manager from any contractual liability resulting therefrom.

22. Unless this Agreement is sooner terminated as provided in Sections 20 or 21, upon the expiration of the term of this Agreement, this Agreement shall automatically be extended for the City and Facility Manager for one year to provide an opportunity to negotiate a new agreement. During this one-year extension, the City shall assume all obligations and authority of the PFD in this Agreement, except that all funding and support provided by retained sales taxes shall cease.

23. Upon expiration or termination of this agreement, all merchandise, equipment, funds and inventory of the Facility Manager and not constituting personal property owned by others or fixtures of the Theater Facility, shall be available to the Facility Manager for use in the

repayment of then unpaid debts incurred in the operation of the Theatre. Upon satisfaction of such indebtedness, all remaining merchandise, equipment, funds and inventory shall remain on the premises, and be retained and be deemed to be owned by and the property of the City, and held, managed and used as determined by the City Council. In connection with this provision, it is acknowledged and agreed that all personal property and funds acquired by the Facility Manager are for the sole purpose of operating the Theatre Facility or enabling its operation as a Performing Arts Facility for the benefit of the City of Longview and its citizens. In the event this Agreement is terminated with the intent to discontinue use of the Theater Facility in a substantially similar manner, the City Council shall use such personal property and funds in a manner determined to be in the best interests of the City and its citizens, taking into account the probability that such property and funds resulted from donations by citizen-donors with expectations that matters of art and performances would be promoted; the use and disposition of such personal property and funds by the City Council should be in an attempt to fulfill such expectations.

24. In the event that any dispute should arise as to the interpretation of this Agreement or any of the terms hereof, the Parties shall attempt to resolve such dispute. If the Parties are not able to resolve such dispute in a manner satisfactory or acceptable to the parties thereto within thirty (30) days, the parties may seek to mediate the dispute.

25. Neither this Agreement nor any rights or benefits accruing by reason hereof shall be sold, assigned, mortgaged, pledged, encumbered or otherwise disposed of by the Facility Manager without the prior written consent of the City Council of the City of Longview and the PFD, which consent shall not be arbitrarily or unreasonably withheld.

26. In the event of changes in City policy, or changes in federal or state rules or regulations regarding matters that materially affect or modify any of the terms of this Agreement, the City and PFD shall have the right to initiate negotiations with the Facility Manager to amend this Agreement accordingly. The Facility Manager shall be entitled, at any time, to request the City and PFD for an amendment to this Agreement and/or the budget appropriations of the City or PFD, based on unanticipated changes in its cost of operations, including those brought about by changes in federal, state, county, or City laws or regulations, or unanticipated occurrences or conditions. This Agreement may be amended, altered, or modified only in writing, executed by the parties hereto and a copy attached hereto as a supplement to this Agreement.

27. This Revised and Restated Agreement is intended to incorporate, update, and revise the responsibilities and obligations established by the 2005 Agreement for Operation and Management of the Columbia Theater for the Performing Arts and Supplements 1-4. This Agreement is also intended to replace the responsibilities and obligations related to the maintenance of the Theater Facility as stated in the Interlocal Agreement and its amendments, the Commercial Lease and its amendments, and the Assignment. It may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in Longview, Washington, the day and year first above written.

By: _____ By: _____
COLUMBIA THEATRE ASSOCIATION FOR THE PERFORMING ARTS

Attest:

CITY OF LONGVIEW

COWLITZ COUNTY PUBLIC
FACILITIES DISTRICT

By: _____ By: _____
Jim Duscha, Interim City Manager

Attest:

Attest:

Approved as to form:

Approved as to form:

Dana Gigler, City Attorney

E. Bronson Potter, Attorney for PFD

EXHIBIT A

LOTS 15, 16, 17, 18 and 19, BLOCK 82, PLAT OF LONGVIEW NO. 17, SITUATED IN
COWLITZ COUNTY, WASHINGTON.

EXHIBIT B

The following described portions of the land and building situated on Lots 15, 16, 17, 18, & 19, Block 82, Plat of Longview No. 10 in Cowlitz County, Washington, (which may be referred to as the "Theater portion").

(1) The entire ground-level portion of the presently existing building EXCEPT for an elevator/lobby area which shall consist of an area immediately southerly of and adjoining the southerly "firewall" of the Theater portion of said building, and which elevator/lobby shall be rectangular in shape having a "north-south" interior size of 18 feet and an "east-west" interior size of 43 feet, and the westerly end of which elevator/lobby area shall be the westerly wall of the presently existing building. (It is intended that the Housing Authority, exercising its rights with reference to the Exhibit A property, shall construct and install an elevator to serve the residents of the apartments above the first floor and a lobby area which shall enter the building from street address of 1538 Commerce Avenue, but that the remainder of the ground floor level of the building will be excluded from this Lease.)

(2) The entire " basement" area of the presently existing building. (except for the elevator shaft area.)

(3) That portion of the presently existing building which is described as the "Columbia Theatre", from the outside of the northerly "firewall" to the outside of the southerly "firewall", and from the floor of said theater upward to the ceiling and including the dressing rooms, the balcony area, and the stage area upward to the roof, and including access to the roof.

(4) The parking situated on Lot 19, Block 82, Plat of Longview Nov 10 as aforesaid; provided, however, that spaces within said parking lot may be used by Housing Authority, its contractors or its tenants during times when no performances are being conducted in the "Theater Portion," and when there is no interference with Performing Arts activities. Vehicles of the Housing Authority, its contractors, employees, agents or its tenants that are parked in said parking lot during times when performances or other activities of the Theater Portion are occurring, or when the parking of vehicles in said parking lot is needed to accommodate patrons or users of the Theater Portion, maybe subject to removal and impoundment.

Exhibit C

Columbia Theatre HVAC Preventative Maintenance Scope of Work

Services

The City of Longview Facility Maintenance Department will perform all work necessary to complete preventive maintenance and services on all Columbia Theatre HVAC equipment.

Typical work: (may include, but not limited to)

- Preventive maintenance inspections and services will be performed on all types of HVAC equipment and system.
- Cleaning and replacement of parts and equipment as scheduled and as needed.
- Lubrication of moving parts.
- Maintain records of maintenance, including labor costs and contractor costs, detailing services or repairs performed.
- Maintenance reports and other documentation will be submitted either by hard copy or electronic form, i.e., pdf format.
- There will be no charge by the City for normal preventive maintenance parts and labor costs.
- The City of Longview and Facility Maintenance will comply with all applicable federal, state and local laws, ordinances, rules and regulations.
- All non-emergency maintenance, services and repairs will be performed by Facility Maintenance during regular city business hours Monday – Thursday 6:00 am to 4:30 pm.
- Facility Maintenance is responsible for determining when a repair is to be contracted out to an applicable vendor.

It is the responsibility of Facility Maintenance to develop a routine preventive maintenance program for the HVAC equipment and systems located at the Columbia Theatre using, but not limited to, the following minimum requirements:

Systems:

- Air Conditioning
- Heating
- Condenser Units
- Roof Top Units
- Boilers, Hot Water Heating
- Cooling Towers
- Pumps
- Air Handlers

- Exhaust, Supply, Outside Fans
- Fan Coils
- Other related equipment and systems

Intervals: (Intervals to follow manufacture recommendations)

- Quarterly
- Bi-Annual
- Annual
- Seasonal, Fall, Winter, Spring, Summer

Preventive Maintenance: (may include, but not limited to)

- Visual inspection on components
- Check unusual noise or vibration
- Check duct work, damper doors, piping for damage, repair if necessary
- Check tension, condition and alignment on belts, adjust or replace if necessary
- Check related filters, clean or replace if necessary
- Inspect blower components for wear or damage, repair if necessary
- Lubricate related motors, bearings, pulleys, repair if necessary
- Check heating system components
- Check all operating and safety controls, repair if necessary
- Check oil levels where applicable, replace gaskets or seals if necessary
- Check refrigerant system, recharge or repair if necessary
- Check system interlocks where applicable
- Service all electrical connections and components, repair if necessary
- Maintain service records



City of Longview

Agenda Summary

AGREEMENT FOR PROFESSIONAL SERVICES WITH CHARLOTTE ARCHER, ON BEHALF OF THE LAW FIRM OF INSLEE BEST DOEZIE & RYDER, P.S.

RECOMMENDED ACTION:

MOTION TO ENTER INTO THE AGREEMENT

DATE: May 23, 2024

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management

CITY ATTORNEY REVIEW: REQUIRED

SUMMARY STATEMENT:

Attached is a special counsel services agreement to assist with city council meetings and other advice while it conducts a search for a new City Attorney.

RECOMMENDED ACTION:

Motion to enter into the Agreement for Professional Services.

STAFF CONTACT:

Interim City Manager Jim Duscha

Attachments:

1. Special City Attorney Services Agreement - Inslee Best(10871302.1)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT made and entered on the date set forth below (“Effective Date”), by and between the City of Longview, Washington (the “Client”) and Charlotte Archer, on behalf of the law firm of Inslee Best Doezie & Ryder, P.S. the (“Consultant”), collectively “the Parties.”

RECITALS:

1. The Client is in need of a qualified consultant to serve as Interim City Attorney while the City recruits and retains a new in-house City Attorney.
2. The Client desires to retain the Consultant, an attorney with significant prior experience representing clients in such matters, to provide certain legal services on behalf of the Client Attorney’s Office.
3. The Consultant is qualified and able to provide consulting services in connection with the Client’s needs on this issue and is willing and agreeable to provide such services upon the terms and conditions in this Agreement.

AGREEMENT:

In consideration of the mutual promises set out in this Agreement, Charlotte Archer and the Client agree as follows:

1. Term of Agreement.

The term of this Agreement will begin upon mutual execution and will end no later than December 31, 2024. The term of this Agreement may be extended on a month-to-month basis in writing by mutual agreement of the Parties.

2. Scope of Services.

The Consultant agrees to perform in a good and professional manner the tasks described in Exhibit “A.” The Consultant will perform the legal services called for in this Agreement in accordance with the rules of professional responsibility for attorneys in Washington State, keep the Client-Client informed of progress and developments, and respond promptly to Client’s inquiries and communications. The Consultant will perform the services as an independent contractor and will determine his working hours and the manner for performance of this role, in accordance with professional expectations. The Consultant will not be deemed, by virtue of this Agreement and the performance of, to have entered into any partnership, joint venture, or other relationship with the Client. Any approval by the Client of Consultant’s services shall not in any way relieve the Consultant of responsibility for the accuracy and adequacy of its services.

3. Consultant’s Representations.

The Consultant represents and warrants that he has all necessary licenses and certifications to perform the services provided for in this Agreement and is qualified to provide legal services to the Client.

4. Compensation.

As compensation for the Consultant's performance of the services, the Client shall pay the Consultant at the rates set out on Exhibit B, provided the total amount shall not exceed \$100,000 without advance approval by the Client. The Consultant shall submit to the Client an invoice or statement of time spent on tasks included in the scope of services, and the Client shall process the invoice or statement in the next billing/claim cycle following receipt of the invoice or statement and shall remit payment to the Consultant after in the normal course, subject to any conditions or provisions in this Agreement or addendum.

Consultant shall have the sole obligation to pay Washington State bar dues and maintain a valid Washington State bar license for the duration of the Agreement. The Consultant is solely responsible to pay all income taxes, withholdings, Social Security, and Medicare taxes, if applicable, and related to the compensation provided under this Agreement. The Client shall not be obligated to provide Consultant with any employee-type benefits such as insurance, retirement compensation, or leave provision, aside from the monthly monetary compensation set forth above.

5. Ownership and Use of Documents.

All documents, reports, memoranda, and any other materials created or otherwise prepared by the Consultant as part of his performance of this Agreement (the "Work Products") shall be owned by and become the property of the Client if transmitted to Client staff or provided by Consultant to a third party and may be used by the Client for any purpose beneficial to the Client.

6. Records Inspection and Audit.

All compensation payments shall be subject to the adjustments for any amounts found upon audit or otherwise to have been improperly invoiced, and all records and books of accounts pertaining to any work performed under this Agreement shall be subject to inspection and audit by the Client for a period of up to three (3) years from the final payment for work performed under this Agreement.

7. Continuation of Performance During Contract Term.

In the event that any dispute or conflict arises between the parties while this Contract is in effect, the Consultant agrees that, notwithstanding such dispute or conflict, the Consultant shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities.

8. Insurance.

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

The Consultant shall obtain insurance of the types and coverage described below:

- A. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be as least as broad as Insurance Services Office (ISO) form CA 00 01.

- B. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

Minimum Amounts of Insurance

The Consultant shall maintain the following insurance limits:

- A. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

The Consultant's Automobile Liability Policy is to contain or be endorsed to contain that they shall be primary insurance as respect the Client. Any insurance, self-insurance, or self-insured pool coverage maintained by the Client shall be excess of the Consultant's insurance and shall not contribute with it. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

The Consultant shall furnish the Client with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. If the Consultant maintains higher insurance limits than the minimums shown above, the Client shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Client evidences limits of liability lower than those maintained by the Consultant.

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the Client may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the Public Entity on demand, or at the sole discretion of the Client, offset against funds due the Consultant from the Client.

9. Indemnification.

The Consultant shall indemnify, defend and hold harmless the Client and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including attorney fees, by any reason of or arising out of the act or omission of the Consultant, its officers, agents, employees, or any of them relating to or arising out of the performance of this Agreement except for injuries and damages caused by the sole negligence of the Client. If a final judgment is rendered against the Client, its officers, agents, employees and/or any of them, or jointly against the Client and the Consultant and their respective officers, agents and employees, or any of them, the Consultant shall satisfy the same to the extent that such judgment was due to the Consultant's negligent acts or omissions.

If a court of competent jurisdiction determines that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the Client, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and

cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

10. Assignment.

Neither party to this Agreement shall assign any right or obligation in whole or in part, without the prior written consent of the other party. No assignment or transfer of any interest under this Agreement shall be deemed to release the assignor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.

11. Amendment, Modification or Waiver.

No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound, or such party's or parties' duly authorized representative(s) and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default. Nothing in this Agreement shall limit the remedies or rights of the Parties.

12. Termination and Suspension.

Either party may terminate this Agreement upon written notice to the other party if the other party fails substantially to perform in accordance with the terms of this Agreement through no fault of the party terminating the Agreement. The Client may terminate this Agreement upon not less than seven (7) days written notice to the Consultant if the services provided for herein are no longer needed from the Consultant. If this Agreement is terminated through no fault of the Consultant, the Consultant shall be compensated for services performed prior to termination in accordance with the rate of compensation provided herein.

13. Parties in Interest.

This Agreement shall be binding upon, and the benefits and obligations shall inure to and bind, the Parties and their respective successors and assigns, provided that this section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Agreement. This Agreement is for the exclusive benefit of the Parties and it does not create a contractual relationship with or exist for the benefit of any third party, including contractors, sub-contractors and their sureties.

14. Costs to Prevailing Party.

In the event of such litigation or other legal action, to enforce any rights, responsibilities or obligations under this Agreement, the prevailing parties shall be entitled to receive its reasonable costs and attorney's fees.

15. Applicable Law.

This Agreement and the rights of the parties hereunder shall be governed by the interpreted in accordance with the laws of the State of Washington and venue for any action hereunder shall be in of the county in Washington State in which the property or project is located, and if not site specific,

then in King County, Washington; provided, however, that it is agreed and understood that any applicable statute of limitation shall commence no later than the substantial completion by the Consultant of the services.

16. Captions, Headings and Titles.

All captions, headings or titles in the paragraphs or sections of this Agreement are inserted for convenience of reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or sections to which they apply. Where appropriate, the singular shall include the plural and vice versa and masculine, feminine and neuter expressions shall be interchangeable. Interpretation or construction of this Agreement shall not be affected by any determination as to who is the drafter of this Agreement, this Agreement having been drafted by mutual agreement of the parties.

17. Severable Provisions.

Each provision of this Agreement is intended to be severable. If any provision hereof is illegal or invalid for any reason, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

18. Entire Agreement.

This Agreement contains the entire understanding of the Parties in respect to the transactions contemplated and supersedes all prior agreements and understandings between the parties with respect to such subject matter.

19. Counterparts.

This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the Parties and delivered to the other party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed effective the day and year first set forth above.

CLIENT

CONSULTANT – Inslee Best Doezie &
Ryder

Printed Name: _____

Title: _____

Date: _____

Title: Charlotte Archer, Shareholder

Tax ID: 91-0872275

Date: _____

SCOPE OF SERVICES
Exhibit A

The Consultant agrees to perform, and to continue to perform, in a good and professional manner legal representation on behalf of the Client to provide interim City Attorney Services for the City of Longview.

2023 BILLING RATES
Exhibit B

Municipal Attorneys	Hourly Rates*
Charlotte Archer	\$315
Jennifer Robertson	\$325
Paralegals and law clerks	Regular firm rates or special municipal rates if applicable, adjusted annually. These rates shall not exceed the lowest Municipal Group Associate rate.
Other firm partners (if approved in advance by Mayor)	10% less than regular firm rates, rounded to next lowest \$5 increment, adjusted annually.

*The Firm's Attorney Billing Rates are subject to change on January 1, 2024, based on the mutual consent of the Client and Firm.