



DAYTON CITY COUNCIL
112 S. 1st Street, Dayton, WA 99328

REGULAR MEETING
Monday, November 14, 2016
6:00 p.m.
Craig George, Mayor

PRELIMINARY AGENDA

This meeting will be held at St. Joseph's Catholic Church Parish Hall. It is located directly across the street from Dayton City Hall, 111 S. 1st Street, Dayton, WA 99328.

1. **CALL TO ORDER**
 - A. Roll Call
2. **CONSENT AGENDA – Action**
 - A. Approve City Council Minutes
 - i. September 12, 2016
 - ii. October 10, 2016
 - B. Authorize Voucher Warrants as audited by the Finance Committee
 - C. Authorize Payroll Warrants
3. **SPECIAL GUESTS AND PUBLIC COMMENT**
4. **COMMITTEE/BOARD/COMMISSION REPORTS**
5. **REPORTS OF CITY OFFICERS**
6. **UNFINISHED BUSINESS**
 - A. **ACTION:** Authorize Resolution No. 1292, accepting the N. Front Street Project as complete
7. **NEW BUSINESS**
 - A. **PUBLIC HEARING:** To receive testimony on surplus 20' by 130' of city-owned property generally located at the northwest corner of N. Second Street and E. Dayton Avenue, Columbia County Property Id. No. 263771
 - i. **ACTION:** Authorize Resolution No. 1293, declaring certain real property as surplus and authorizing the Mayor to sell the same
 - B. **PUBLIC HEARING:** To receive testimony regarding proposed Ordinance 1903, amending the Dayton Municipal Code, Titles 10, 11, 12, 17, and 19, for consistency with Title 10, Administration of Development Regulations and Title 21, Code Compliance.
 - i. **ACTION:** Authorize Ordinance 1903, amending the Dayton Municipal Code, Titles 10, 11, 12, 17, and 19, for consistency with Title 10, Administration of Development Regulations and Title 21, Code Compliance
 - C. **PUBLIC HEARING:** To review proposed revenue sources including potential ad valorem tax increases and proposed appropriations as presented in the City of Dayton 2017 Preliminary Budget.

i. **ACTION:** Authorize Resolution No. 1294, authorizing property tax revenue pursuant to RCW 84.55.120

D. **ACTION:** Authorize Ordinance No. 1904, amending Section 6-9.020 of the Dayton Municipal Code, to provide that it shall be a public nuisance to grow marijuana plants or to process marijuana or marijuana-infused products in a manner such that marijuana can be seen or smelled from a public place or the private property of a housing unit

8. **FINAL PUBLIC COMMENT**

9. **EXECUTIVE SESSION:** Consideration of the minimum offering price for sale or lease of real estate if there's a likelihood that disclosure would decrease the price. RCW 42.30.110(1)(c).

10. **ADJOURN**

AGENDA ITEM NOS. 2 (A-C) are not available at this time, but will be provided to you prior to the meeting.

RESOLUTION NO. 1292

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON, ACCEPTING THE TRANSPORTATION IMPROVEMENT BOARD (TIB) FY 2017 OVERLAY PROJECT, PROJECT NO. 2-E-924(004)-1, AS FINAL AND COMPLETE

WHEREAS, the City of Dayton contracted with Humbert Asphalt, Inc. to complete the TIB FY 2017 Overlay Project, Project No. 2-E-924(004)-1, more commonly known as the N. Front Street Overlay/Water Drain Line Project ("Project");

WHEREAS, the Project has been completed by , Humbert Asphalt, Inc., as prescribed in the contract dated May 23, 2016, and amended September 12, 2016; and

WHEREAS, Humbert Asphalt, Inc. has met all obligations associated with said contract; and,

WHEREAS, the Public Works Director and City Engineer determined the Project to be completed satisfactorily.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The performance of Humbert Asphalt, Inc. in the completion of the Transportation Improvement Board 2017 Overlay Project, Project No. 2-E-924(004)-1, more commonly known as the N. Front Street Overlay/Water Drain Line Project, is hereby accepted as final and complete.

PASSED by the City Council of the City of Dayton, Washington on this 14th day of November, 2016

City of Dayton

By: Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

REPORT TO THE CITY COUNCIL

DATE: November 9, 2016
TO: City Council Preliminary Agenda Packet for 11/14/2016
FROM: Trina Cole, City Clerk-Treasurer

RE: Agenda Item No. 7 (A) & 7(A)(i) – Consideration of authorizing Resolution No. 1293, declaring certain real property as surplus and authorizing the Mayor to negotiate sale of the real property

ISSUE: Shall the City Council authorize Resolution No. 1293, surplusing city-owned real property?

BACKGROUND/DISCUSSION: The City received a request from Jim and Lolita Erskine to purchase a piece of city-owned real property that is approximately 20' wide and 130' in length. The property is situated generally at the northwest corner of N. Second Street and E. Dayton Avenue, Columbia County Property Id. No. 263771 (Attachment 1).

As shown on Attachment 1, Mr. & Mrs. Erskine own the lot west of the proposed surplus. Jim Costello, Public Works Director, has determined that the City does not have any existing or proposed plans or uses for the properties. He supports the proposed surplus.

Because the original purpose and or use of the property is unknown, the City Council is holding a public hearing to receive public testimony prior to taking action on Resolution No. 1293.

At Karen Scharer's direction, the Erskine's had the property appraised. If the Council authorizes Resolution No. 1293, an Executive Session will be held to determine a fair market value of the property, allowing the Mayor to negotiate the sale accordingly.

ALTERNATIVES:

1. Reject Resolution No. 1293.
2. Authorize Resolution No. 1293
3. Take no action.

RECOMMENDED ACTION:

- i. **MOVE TO** authorize Resolution No. 1293, declaring certain real property as surplus and authorizing the Mayor to sell the same.

Attachment 1: Copy of an Assessor's Plat Map

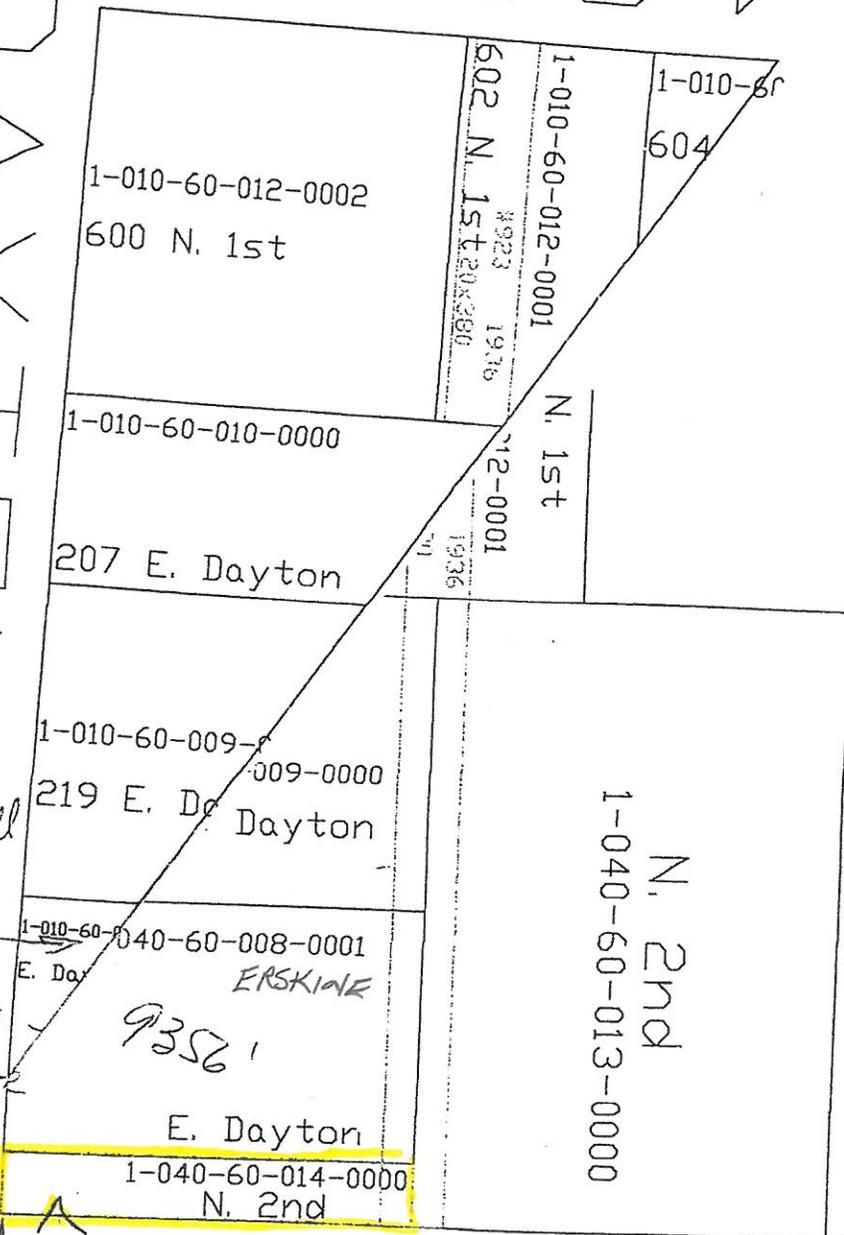
Attachment 2: Bryan Martin Land Surveying Aerial Photo

BLOCK # 60

PAGE # 1A

E. DAYTON AVE

OKLYN



1-010-60-012-0002
600 N. 1st

1-010-60-012-0001
1923 1976
602 N. 1st

1-010-60-012-0001
604

1-010-60-010-0000

207 E. Dayton

1-010-60-009-0000
219 E. Dayton

1-010-60-040-008-0001
ERSKINE
9356
E. Dayton

1-040-60-014-0000
N. 2nd

1-040-60-013-0000
N. 2nd

N. 2ND



20 City 130

STREET

09

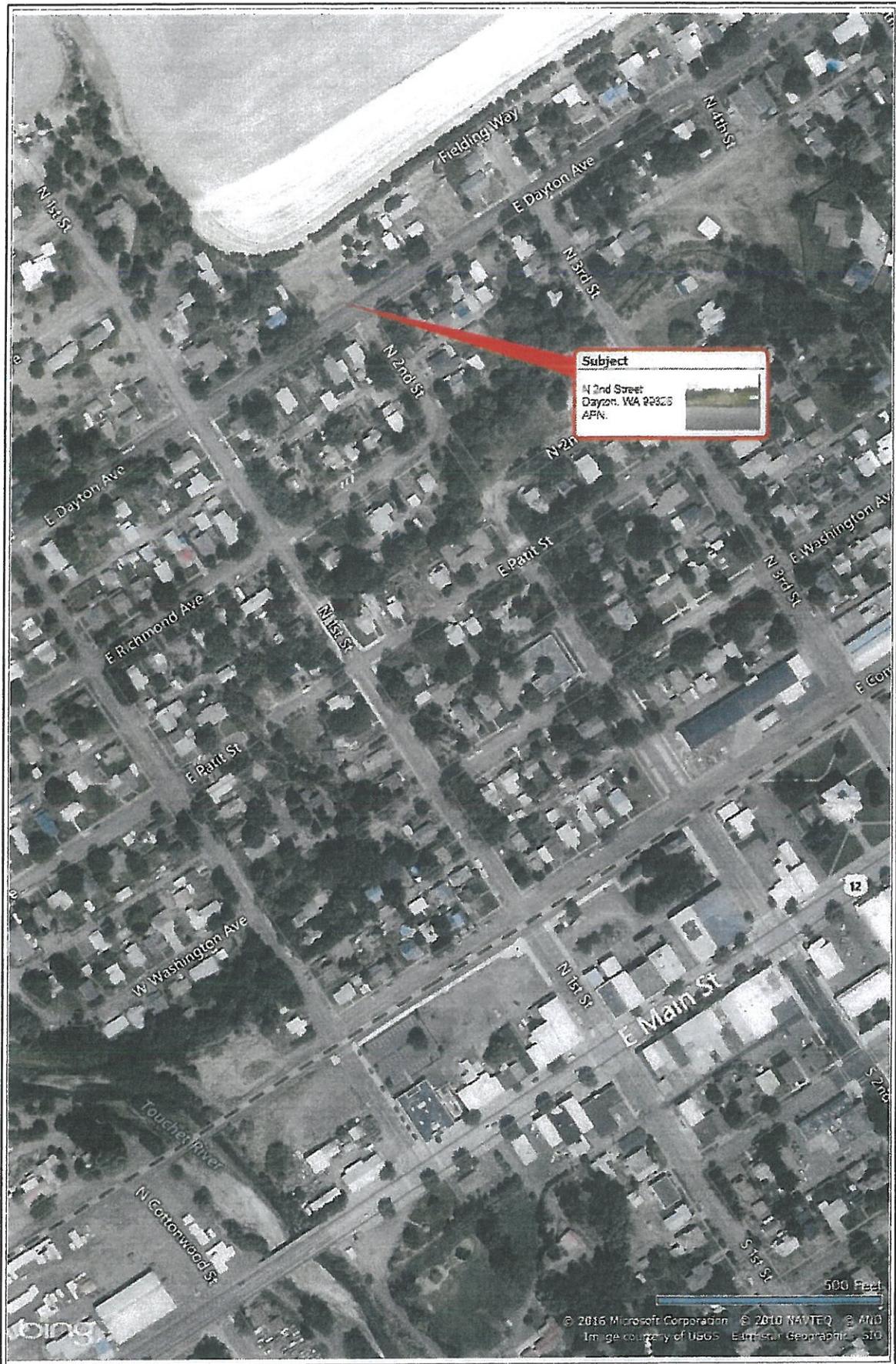
70

1044
ERSKINE

Bell

ATTACHMENT 2

| | | | | | | | |
|------------------|----------------|--------|----------|-------|----|----------|-------|
| Borrower | Loleta Erskine | | | | | | |
| Property Address | N 2nd Street | | | | | | |
| City | Dayton | County | Columbia | State | WA | Zip Code | 99324 |
| Lender/Client | Loleta Erskine | | Address | | | | |



CITY OF DAYTON, WASHINGTON

**NOTICE OF PUBLIC HEARING
TO SURPLUS CITY PROPERTY**

NOTICE IS HEREBY GIVEN that a public hearing will be held on **November 14, 2016** at a regular meeting of the City Council of the City of Dayton *to consider surplusing 20' by 130' of city-owned property generally located at the northwest corner of N. Second Street and E. Dayton Avenue.*

Said public hearing shall be held at St. Joseph's Catholic Church Parish Hall located at **112 S. 1st Street, Dayton, WA**, at **6:00 p.m.** or as soon thereafter as the hearing may be held.

Information pertaining to the proposed surplus of city-owned property is available and may be obtained by contacting Jim Costello, Public Works Director, at (509) 382-2361 or by emailing info@daytonwa.com.

Written testimony to be considered at the public hearing may be submitted to the City of Dayton, 111 S. 1st Street, Dayton, WA 99328 or by email to info@daytonwa.com. Written testimony must be received not later than 4:00 p.m. on Monday, November 14, 2016.

Dayton City Council

By: Trina Cole, City Clerk-Treasurer

Published: Dayton Chronicle, October 26, 2016 and November 2, 2016

RESOLUTION NO. 1293

**A RESOLUTION OF THE CITY OF DAYTON, WASHINGTON DECLARING
CERTAIN REAL PROPERTY AS SURPLUS AND AUTHORIZING THE
MAYOR TO SELL THE SAME**

WHEREAS, the City of Dayton owns certain real property located generally at the northwest corner of N. Second Avenue and E. Dayton Avenue, Columbia County Property Id. No. 263771;

WHEREAS, the City has no anticipated plans or need to utilize the real property for any municipal purpose; and

WHEREAS, the parcel has limited use because it is 20' feet in width and 130' in length;

WHEREAS, a public hearing for the surplus and disposition of real property pursuant to RCW 35.94.040, was held November 14, 2016; and

WHEREAS, as part of the City of Dayton 2016 Budget, the City Council has determined that surplus and selling unused and unneeded property is in the best interest of the residents of the City of Dayton and will promote the general health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The real property owned by the City of Dayton, Washington with Columbia County Property Id. No. 263771, is hereby declared surplus property.

Section 2. The Mayor is hereby authorized to negotiate the sale of Columbia County Property Id. No. 263771 in a commercially reasonable manner for a price that equals or exceeds the fair market value. The Mayor is further authorized to execute any sale, transfer or related document substantially in a form as approved by the City Attorney, as reasonably necessary to effectuate the sale of said property.

Passed by the City Council of the City of Dayton, Washington, this 14th day of November, 2016.

City of Dayton

By: Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer



Date: November 8, 2016

To: Dayton City Council and Mayor Craig George

From: Karen Scharer, Planning Director

Re: Agenda Item Nos. 7(B) & 7(B)(i) - ORD. 1903 – Housekeeping for Code Compliance November 14, 2016 City Council Meeting and Public Hearing

Recommendation: Move to approve Ord.1903, amending DMC Titles 10, 11, 12, 17, and 19 for consistency with Title 10, Administration of Development Regulations and Title 21, Code Compliance.

Before the City Council is proposed Ordinance 1903, which in summary is a housekeeping ordinance amending the following Dayton Municipal Code titles in relation to code implementation and code compliance. These titles include:

Title 10 - Administration of Development Regulations

Title 11 - Zoning Code

Title 12 - Signs Code

Title 17 - Critical Areas Code

Title 19 - Land Divisions Code

Attachment:
Ord. 1903

ORDINANCE NO. 1903

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON, AMENDING CODIFIED DAYTON MUNICIPAL CODE
TITLES 10, 11, 12, 17, 19 FOR CONSISTENCY WITH TITLE 10,
ADMINISTRATION OF DEVELOPMENT REGULATIONS AND TITLE 21,
CODE COMPLIANCE**

WHEREAS, the Dayton City Council adopted Ordinance 1894 on March 14, 2016 creating a new Title 21 “Code Compliance”; and

WHEREAS, the Dayton City Council adopted Ordinance 1841 on November 12, 2013 creating a new Title 10 “Administration of Development Regulations”; and

WHEREAS, this ordinance provides a housekeeping function in amending the Dayton Municipal Code Titles 10, 11, 12, 17 and 19 for consistency with Title 10 and consistency with Title 21; and

WHEREAS, the City staff posted and published notice of the public hearing; and

WHEREAS, the hearing was held on November 14, 2016, and all persons who wished to testify were provided an opportunity to do so; and

WHEREAS, the City Council deliberated as to whether the proposed code amendments would comply with state and local law, the Comprehensive Plan and benefit the City and residents of Dayton at their regular open public meeting on November 14, 2016; and

WHEREAS, the City Council finds and determines that the amendments are in the benefit the City and residents of Dayton.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1 Title 10 - Administration of Development Regulations, Section 10-10.010 – “Enforcement”. Section 10-10.010 is amended to read as follows:

Enforcement of development code violations of the Dayton Municipal Code (DMC) Title 10 shall be in accordance with the provisions of ~~Chapter 9-26~~ DMC Title 21, Abatement of Public Nuisances Code Compliance. The city-planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of development codes as referenced herein and shall have the authority to initiate corrective action as provided in ~~Chapter 9-26~~ DMC Title 21.

Section 2 Title 11 – Zoning, Section 11-18.030 – “Violation—Enforcement authority, notice and penalties”. Section 11-18.030 is amended to read as follows:

It is the intent of this section to establish consistent procedures for code enforcement toward violations of this title. The ~~Planning~~planning Director~~director~~ or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements and procedures of Dayton Municipal Code (DMC) Title 21, Code Compliance Chapter 9-26, for violations of the Zoning Code, unless DMC 11-18.040 is applicable. Penalties for violations are set forth ~~on~~in DMC Title 21, Code Compliance~~DMC, Chapter 9-26~~.

Section 3 Title 11 – Zoning, Section 11-18.040 “Revocation of permit, or variance”. Section 11-18.040 title and text is amended to read as follows:

“Revocation of approval, permit, or variance.”

The planning director may revoke or suspend any approval, permit, or variance granted under this title if any of the following conditions is found to exist:

- A. Fraud in obtaining the approval, permit, or variance;
- B. Concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports;
- C. The operation is found to be in violation of the approved plans, conditions of approvals, time limits or the terms of the permit and the owner has failed to correct the violation after proper notice thereof.

The decision of the ~~Planning~~planning Director~~director~~ is appealable as set forth in Title 10 as a Type II application.

- D. Code enforcement under DMC 11-18-030 shall apply to a violation, where there was no approval, permit, or variance issued by the city.

Section 4 Title 12 – Signs Code, Section 12-1.12. – “Sign administration”. Section 12-1.12 is amended to read as follows:

1. All signs under this code require a sign permit to erect, alter or relocate a sign, except exempt non-structural signs. All signs whether permanent, temporary, or exempt are subject to DMC 12.1.24 “General sign requirements”, as applicable. No sign shall include a component or feature which is listed as prohibited in DMC 12-1.20 “Prohibited signs”.
~~No sign, except those exempted in this code shall be erected, altered or relocated by any person without a permit issued by the city.~~
12. It shall be the duty of the ~~city planner~~ planning director to interpret ~~and enforce~~ sign requirements ~~for all signs under of the this City of Dayton~~ title; and issue all non-structural sign permits.
23. It shall be the duty of the ~~The~~ building official ~~shall to~~ issue all structural sign permits for the construction, alteration, and erection of signs in accordance with the provisions of the ~~city~~ adopted Washington State Building Codes.
34. It shall be the duty of the ~~board of adjustment~~ hearing examiner to review any appeals of the ~~city planner's~~ planning director's decisions in regards to interpretation of Title 12, signs Signs Code.

Section 5 Title 12 – Signs Code, Section 12-1.28. – “Enforcement and penalties.” Section 12-1.28 is amended to read as follows:

The following section sets out treatment of non-conforming signs and the enforceable penalties for violation of this code.

1. Non-conforming signs.
 - a. A non-conforming sign, which is non-conforming due to its size, shall not be replaced with a sign that is larger than the original non-conforming sign.
 - b. If a business has more signs than is allowed by this code, new signs shall only be allowed in replacement of existing signs.
 - c. Any sign removed from more than 30 days shall lose its non-conforming status and can only be replaced if it is brought into compliance with the requirements of this code.
 - d. Portable non-conforming signs shall be removed within three months of the effective date of this code or, if located within an area being annexed to the city, within three months of the effective date of annexation, whichever is later.

2. Enforcement provisions. For any sign that violates any provision of this code, and does not qualify as a nonconforming sign or as an exempt sign in compliance with this title, the city shall utilize the following enforcement provisions: ~~which include removal of the sign and/or imposition of a penalty:~~
 - a. The following signs may be summarily removed by the ~~city planner~~planning director or other city employee as duly authorized by the city planner any designated alternate empowered by ordinance or authorized by the mayor:
 - 1) ~~1.~~—Signs located on public or private property that create an immediate threat to the safety of the public;
 - 2) ~~2.~~—Unauthorized signs that are placed on any utility pole, public property, public building or public structure, or on any traffic ~~sign~~control device;
 - 3) ~~3.~~—Signs placed in the right-of-way not permitted by this ~~code~~title.
 - b. Signs on private property ~~that violate~~ in violation of this title will be removed or will be subject to corrective action in accordance with the provisions of DMC Title 21, Code Compliance. The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations as referenced herein and shall have the authority to initiate corrective action as provided in DMC Title 21. ~~a provision of this code, except as provided in subsection 2.a.1, the city planner shall notify the owner of the sign, business, building, structure, or premises, by written notice sent by first class mail:~~
 1. ~~Notice shall advise the owner of the sign, business, building, structure, or premises to bring the sign into compliance or to remove it by a specified date;~~
 2. ~~The city planner shall have discretionary power to set a time limit for compliance not to exceed 30 days from the date of mailing the written notice;~~
 3. ~~The written notice shall describe the violation, the appeal process, and the enforcement provisions including the penalties that may be assessed;~~
 4. ~~The owner may appeal the determination of the city planner that the sign is in violation of this code to the city's board of appeals within ten working days of the mailing of the city planner's initial notification to the owner. If no appeal is made within said period, the owner has waived their right to appeal the violation. Such determination constitutes an administrative determination. On appeal the board of adjustment will determine if the city planner has properly applied the provisions of this code.~~
 5. ~~Upon the owner's failure to comply with the provisions of this code or failure to remove the sign, the city planner may arrange to have the sign removed at the owner's expense:~~
 - a. ~~If the owner has appealed to the board of adjustment and the 30 day time limit for compliance has passed prior to a determination by the board of adjustment, the~~

~~removal of the sign by the city planner will be stayed until 48 hours after the determination by the board of adjustment has been made.~~

~~3. — Penalty. Any person found in violation of any provision of this code shall be found guilty of a misdemeanor punishable by a fine of not more than \$250.00 for each day the violation continues from date of citation.~~

Section 6 Title 17 Critical Areas, Section 17-01.020 - "Penalties for noncompliance".

Section 17-01.020 is amended to read as follows:

A. It is the intent of this section to establish consistent procedures for code enforcement toward violations of this title. The planning director or any designated alternate empowered by ordinance or authorized by the mayor, shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements, procedures and penalties of Title 21, Code Compliance of the DMC for violations, , unless superseded by enforcement under Title 15, Shoreline Management.

~~B. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violations of the provisions of this title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 10 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained herein shall prevent the Planning-planning Director-director from taking such other lawful action as is necessary to prevent or remedy any violation.~~

Section 7 Title 17 Critical Areas, Section "17.01.600 – "Enforcement". Section "17.01.600 is amended to read as follows:

The methods of enforcement of critical area protection shall include inspections, monitoring, reporting requirements, bonds, permit revocation, civil penalties, and abatement.

Enforcement procedures shall comply with ~~Chapter 9-26~~ Title 21, Code Compliance of the DMC, unless superseded by enforcement under Title 15, Shoreline Management.

Section 8 Title 19 Land Divisions, Section "19-01.060. - Administration and enforcement".

Section 19-01.060 is amended to read as follows:

The ~~city~~ planning director is vested with the duty of administering and enforcing subdivision and platting regulations within the municipal boundaries of Dayton, and may prepare and require the use of such forms as are essential to their administration. ~~The city clerk shall be ex-officio administrator.~~

Any person violating or failing to comply with any of the provisions of Title 19 shall be subject to the enforcement provisions contained in Title 21, Code Compliance.

The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements, procedures and penalties of DMC Title 21, Code Compliance for violations.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. Transmittal to Department. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 11. Effective Date. This ordinance shall be published and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Dayton this _____ day of November, 2016.

City of Dayton, Washington

By: Craig George, Mayor

Attested:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP

By: Quinn N. Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES

ORDINANCE NO. 1903

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON, AMENDING CODIFIED DAYTON MUNICIPAL CODE TITLES 10,
11, 12, 17, 19 FOR CONSISTENCY WITH TITLE 10, ADMINISTRATION OF
DEVELOPMENT REGULATIONS AND TITLE 21, CODE COMPLIANCE**

- Section 1. Title 10 - Administration of Development Regulations, Section 10-10.010 – “Enforcement”.
- Section 2. Title 11 – Zoning, Section 11-18.030 – “Violation—Enforcement authority, notice and penalties”.
- Section 3. Title 11 – Zoning, Section 11-18.040 “Revocation of permit, or variance”
- Section 4. Title 12 – Signs Code, Section 12-1.12. – “Sign administration”.
- Section 5. Title 12 – Signs Code, Section 12-1.28. – “Enforcement and penalties.”
- Section 6. Title 17 - Critical Areas, Section 17-01.020 - “Penalties for noncompliance”
- Section 7. Title 17 - Critical Areas, Section “17.01.600 – “Enforcement”.
- Section 8. Title 19 - Land Divisions, Section “19-01.060. - Administration and enforcement”
- Section 9. Severability.
- Section 10. Transmittal to Department.
- Section 11. Effective date.

The full text of Ordinance 1903 adopted the 14th day of November, 2016 is available for examination at the City Clerk’s Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Thursday, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn P. Plant, City Attorney

The Dayton Chronicle

**CITY OF DAYTON
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Monday, November 14, 2016 at 6:00 p.m.**, or soon thereafter at a regular meeting of the City Council of the City of Dayton to review proposed revenue sources including potential ad valorem tax increases and proposed appropriations as presented in the City of Dayton 2017 Preliminary Budget.

NOTICE IS HEREBY FURTHER GIVEN that a public hearing will be held on **Monday, November 14, 2016 at 6:00 p.m.** or soon thereafter at a regular meeting of the City Council of the City of Dayton to review the 2017 Preliminary Budget and/or parts thereof as submitted by the Mayor to the City Council of the City of Dayton.

All of the above stated public hearings shall be held at Dayton City Hall, Council Chambers, 111 S. 1st St, Dayton, WA, 99328.

Copies of the 2017 Preliminary Budget will be available October 27, 2016 and can be obtained by contacting Dayton City Hall, 111 S. 1st Street, Dayton, WA, (509) 382-2361, tcole@daytonwa.com or may be viewed online at www.daytonwa.com.

Written testimony/comments to be considered at the public hearings by the City Council must be submitted to the City Clerk-Treasurer by 3:00 p.m. on Monday, November 14, 2016; Monday, November 28, 2016; and, Monday, December 5, 2016, respectively. All testimony/comments shall be submitted to the City of Dayton, City Clerk-Treasurer at 111 S. 1st Street, Dayton, WA 99328 or by email to tcole@daytonwa.com.

Dayton City Council

By: Trina Cole, City Clerk-Treasurer

Published: *Dayton Chronicle*, October 19, and October 26, 2016

An electronic copy of the CITY OF DAYTON 2017 Preliminary Budget is available on the City's website at www.daytonwa.com. A paper copy will be available at the City Council meeting on Monday, November 14, 2016.

RESOLUTION NO. 1294

**A RESOLUTION OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING
PROPERTY TAX REVENUE PURSUANT TO RCW 84.55.120.**

WHEREAS, the City Council of the City of Dayton, Columbia County, Washington has met and considered its budget for the calendar year 2017; and,

WHEREAS, the City Council of the City of Dayton, Columbia County after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Dayton requires a regular levy which includes tax revenue from the previous year plus amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the district and in its best interest; now, therefore,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE that there is an increase in the regular property tax levy for the 2017 or levy in the amount of \$3,480 which is a one percent (1%) increase from the previous year.

This is exclusive of additional revenue resulting from new construction and improvements to property and any increase in the value of state assessed property, and any additional amounts resulting from any annexations that have occurred and refunds made.

ADOPTED this _____ day of _____,
2016.

City of Dayton

By: Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

ORDINANCE NO. 1904

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON, AMENDING ORDINANCE NO. 1895, SECTION 6-9.020 OF THE DAYTON MUNICIPAL CODE TO PROVIDE THAT IT SHALL BE A PUBLIC NUISANCE TO GROW MARIJUANA PLANTS OR TO PROCESS MARIJUANA OR MARIJUANA-INFUSED PRODUCTS IN A MANNER SUCH THAT MARIJUANA CAN BE SEEN OR SMELLED FROM A PUBLIC PLACE OR THE PRIVATE PROPERTY OF A HOUSING UNIT

WHEREAS, the City of Dayton has authority pursuant to Article XI, Section 11 of the Washington State Constitution to take such actions as are necessary to protect and preserve the general health, safety and welfare of the residence of the City of Dayton; and

WHEREAS, the Washington State Legislature has in RCW 69.51A.260(2) prohibited growing or storing marijuana plants and the production or processing of marijuana or marijuana-infused products if any portion of such activity can be readily seen or smelled from a public place or the private property of a housing unit; and

WHEREAS, the Washington State Legislature has in RCW 69.51A.260(3) provided that cities such as the City of Dayton may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants in such a manner that marijuana can be readily seen or smelled from a public place or the private property of a housing unit; and

WHEREAS, the City Council of the City of Dayton finds that amending the Dayton Municipal Code to provide that it shall be a public nuisance to grow marijuana plants or to process marijuana or marijuana-infused products in a manner such that the marijuana can be readily seen or smelled from a public place or the private property of a housing unit is in the best interest of the residence of the City of Dayton and will promote the general health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Dayton Municipal Code Section 6-9.020, Definitions, is hereby amended to read as follows:

6-9.020 - Definitions.

As used in this chapter, unless a different meaning is plainly required:

- A. Act. "Act" means doing or performing something.
- B. Applicable official. "Applicable official" means the mayor or department manager or any designated alternate empowered by ordinance or by the mayor to enforce the City of Dayton ordinances or regulations.
- C. Civil violation. "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter.
- D. Development. "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level and all acts authorized by a City of Dayton regulation.
- E. Public nuisance. A "public nuisance" consists of any of the following conditions, events or acts:
 - 1. A violation of a City of Dayton Ordinance;
 - 2. Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which annoys, injures, or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant;
 - 3. The existence, without limitation, of any of the following conditions:
 - i. Debris. Filthy, littered, trash-covered, or overgrown premises or abutting street and alley rights-of-way, for which a property owner is responsible, including, but not limited to:
 - a. Animal parts or wastes which are improperly handled, contained, or removed from the premises, including bones, meats, hides, skins, or any part of any dead animal, fish, or fowl.
 - b. Overgrown, uncultivated, or unkempt vegetation of any type, including, but not limited to, shrubs,

brush, trees, weeds, blackberries, and grasses over one foot in height or length. Where erosion control issues or indigenous species are present, an exception or modification may be made to these requirements. Where a single parcel is undeveloped and over one acre in area, elimination of the fire hazard presented by vegetation may be accomplished by removing the vegetation from the area within 20 feet of abutting, improved properties.

- c. Inappropriate disposal or accumulation of vegetation waste, including, but not limited to, grass clippings, cut brush, cut trees, and/or cut weeds.
- d. Weeds, foliage, grass, shrubs, or other vegetation that constitutes a fire hazard, or encroaches on sidewalks, alleys or neighboring properties, is damaging public improvements, or subjects neighboring residential properties to weed growth.
- e. Any noxious or toxic weed or any tree which is in danger of falling and creates a substantial risk of damage or injury.
- f. Any poisonous material or thing so as to allow access to it by any animal or person.
- g. Storing outside a completely enclosed building items that constitute a threat to the public health, safety or welfare, including but not limited to the following: old or scrap rope, rags, batteries, paper, trash, rubber debris, tires, waste, used lumber or salvaged wood, machinery or appliances or parts of such machinery or appliances, vehicular component parts, iron, steel, old or scrap household goods or hardware, medications, medical supplies, or medical devices, cut brush or wood including dead or decaying plant material except as contained in a compost pile or orderly stacked firewood if cut in lengths of four feet or less.
 - ii. Dangerous structures. Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure;
 - iii. Potential vermin habitat or fire hazard. Any accumulation of material including, but not limited

to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, rope, cordage, rubber, or paper wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles; which is screened from view;

- iv. Attractive nuisances. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;
- v. Abandoned vehicles—Private property. The keeping in any area on private property which is clearly visible from a public right-of-way, sidewalk, park or other public area any unused and abandoned, or inoperable and unlicensed trailer, house trailer, automobile, boat or other vehicle or major parts thereof. Such vehicles can only be kept if covered and/or out of sight of the public;
- vi. Abandoned vehicles—Public property. The abandonment of any automobile, truck, trailer, house trailer or other motor vehicle of any kind upon the public right-of-way or alleys of the city;
- vii. Health officer. All acts, failure to act, occupations, or use of property, which is determined by the health officer to be a menace to the health of the public;
- viii. Obstructions to the public right-of-way. Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any

obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the city. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

- ix. Illegal dumping. Dumping of any type by any person on public or private property not registered as a legal dump site;
- x. Dumping in waterways. Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse;
- xi. Noise. Making, causing, or permitting to be made by means of any speaker or other sound-amplifying device, horn, or other mechanical device, or by outcry, loud speaking, singing, or by any other means of discordant and unnecessary noise of any kind which annoys any significant number of persons lawfully in the immediate area, including but not limited to sounds measured at 45 decibels between the hours of 10:00 p.m. and 7:00 a.m., except for special events when the city council approves a motion allowing the noise limit to be exceeded between 10:00 p.m. and 7:00 a.m., before the event occurs.
- xii. Unpermitted development. Any building or structure where construction was commenced and the building or structure was left unfinished or any building or structure that has been constructed or modified without applicable permits or which is otherwise in violation of city ordinance, thereby causing a danger to the public safety, health, or welfare;
- xiii. Burning. Burning or disposal of refuse, sawdust, or other material in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast

upon the streets or alleys of the city, or to cause or permit the smoke, ashes, soot, or gases arising from such burning to become annoying or to injure or endanger the health, comfort, or repose of said persons;

- xiv. Animal manure or excreta in any quantity which is not securely protected from flies and the elements and which is likely to become putrid, offensive, and injurious to the public health, or which is kept or handled in violation of any city ordinance;
- xv. Abandonment or allowing the abandonment of personal property in any public right-of-way, alley or sidewalk. Personal property left in the public right-of-way of any road, alley, or sidewalk including but not limited to any personal and household items, furniture, appliances, machinery, equipment, building materials or other items shall be deemed abandoned;
- xvi. Excavations or naturally occurring holes, including, but not limited to, privies, vaults, cesspools, sumps, pits, wells, or any other similar conditions, which are not secure and which constitute a concealed danger or other attractive nuisances;
- xvii. The discharge of sewage, human excrement, or other wastes in any location or manner, except through systems approved for the conveyance of such, to approved public or private disposal systems and which are constructed and maintained in accordance with the provisions of city's ordinances as now or hereafter amended, and all other adopted laws pertaining to such systems; or
- xviii. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects.
- xix. The growing or storing of marijuana plants or the production or processing of marijuana or marijuana-infused products where any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit.

H. Omission. "Omission" means the failure to act.

I. Person. "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

SECTION 19. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 20. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS _____ DAY OF _____, 2016.

City of Dayton

By: Craig George, Mayor

Attested By:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP

By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1904

AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON,
AMENDING DAYTON MUNICIPAL CODE SECTION 6-9.020
TO PROVIDE THAT IT SHALL BE A PUBLIC NUISANCE TO
GROW MARIJUANA PLANTS OR TO PROCESS MARIJUANA OR
MARIJUANA-INFUSED PRODUCTS IN A MANNER SUCH THAT
MARIJUANA CAN BE SEEN OR SMELLED FROM A PUBLIC
PLACE OR THE PRIVATE PROPERTY OF A HOUSING UNIT

SECTION 1. AMENDING DAYTON MUNICIPAL CODE SECTION 6-9.020
SECTION 2. EFFECTIVE DATE

The full text of Ordinance 1904 adopted the 14th day of November,
2016 is available for examination at the City Clerk's Office,
111 S. 1st St., Dayton, WA during normal business hours, Monday
- Thursday, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn Plant, City Attorney

Published:
Dayton Chronicle, 11/16/2016