

## ORDINANCE NO. 2022-

**AN ORDINANCE** removing certain fees from the Yakima Municipal Code so that those fees can be placed into the City of Yakima Master Fee Schedule via subsequent resolution.

**WHEREAS**, in connection with the municipal functions and operations of the City of Yakima, the city requires certain fees be paid for said functions, services and operations; and

**WHEREAS**, the City strives to be transparent with regards to fees charged to the public by the City; and

**WHEREAS**, there are fees currently located in over fifty different sections of the Yakima Municipal Code; and

**WHEREAS**, removing these fees from the multiple sections of The Yakima Municipal Code and placing them in a single comprehensive document will create efficiencies with staff and the general public requesting this information; and

**WHEREAS**, the City Council of the City of Yakima finds that it is in the best interest of the City and its residents to remove certain fees from the municipal code and place them in a Master Fee Schedule so that many City fees are found in one document; now, therefore,

### **BE IT ORDAINED BY THE CITY OF YAKIMA:**

Section 1. Section 1.92.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

1.92.020 Fuel handling.

A. No person shall store, dispense or otherwise handle aviation fuel, lubricants or oxygen (other than articles and materials that are, or are intended to be, aircraft cargo) at the Yakima Air Terminal unless such person:

(1) Has completed an aviation fuel training course in fire safety that meets the requirements set forth in the Federal Aviation Administration Regulations 14 CFR Part 139.321; or

(2) Has successfully completed on-the-job training in aviation fuel handling fire safety from a person trained in subsection A of this section; and

(3) Is registered with the Yakima Air Terminal and has provided acceptable documentation that the training in subsection (A)(1) or (2) of this section has been successfully completed; and

(4) Possesses a valid identification badge issued by the Yakima Air Terminal manager.

B. Identification badges are available at the Yakima Air Terminal manager's office, by appointment, for a nonrefundable fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution. Within three days of termination of employment, the

fueler's identification badge must be returned to the airport manager's office. It shall be the responsibility of the fuel handler's employer to assure the return of the identification badge. The employer shall submit to the air terminal manager a fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, for each badge not returned within the stated time period. The air terminal manager must be notified within three days of any lost, stolen or missing identification badges. A nonrefundable fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, will be charged for reissuing identification badges.

C. Each air terminal tenant fueling agent shall annually certify to the air terminal manager that all fuel handlers employed by that agent have received the training outlined in subsection A of this section. This information shall be reported by June 1st of each year and shall include the name of each person authorized pursuant to subsection A of this section to fuel and a list of training accomplished.

D. It is a civil infraction for any person to fuel, or otherwise handle fuel, lubricants or oxygen on the airport without visibly displaying the fuel handlers identification badge, on his/her person, unless such person is receiving on-the-job training and is under the direct and immediate supervision of a person authorized to handle fuel as outlined in subsection A of this section.

E. It is a civil infraction for any person to use, or allow the use of, aviation fuel, lubricants or oxygen from any dispenser, whether fixed or mobile, which does not comply strictly with all pertinent sections of the Uniform Fire Code, National Fire Protection Association Part 407 (latest edition), FAA Advisory Circular 150/5230-4 (latest edition).

F. It is a civil infraction for any person at the Yakima Air Terminal to dispense fuel, lubricants or oxygen from any dispenser, whether fixed or mobile, in a manner that is not strictly in compliance with procedures outlined in the Uniform Fire Code, National Fire Protection Association Part 407 (latest edition), and FAA Advisory Circular 150/5230-4 (latest edition).

G. Penalty for Violations.

(1) Any person in violation of subsection A, C, D or F of this section shall be penalized as follows:

(a) First offense: revocation of fueling privilege until conditions have been corrected, as determined by persons with appropriate authority outlined in subsection I of this section.

(b) Second offense: a Class 3 infraction, subject to a civil penalty of not more than fifty dollars and seven-day revocation of fueling privilege.

(c) Third and any subsequent offense: a Class 2 infraction, subject to a civil penalty of not more than one hundred twenty-five dollars and thirty-day revocation of fueling privilege.

(2) Any person in violation of subsection E of this section shall be penalized as follows:

(a) First offense: immediate revocation of fueling privilege until discrepancy is corrected, as determined by persons with appropriate authority outlined in subsection I of this section.

(b) Second offense: a Class 3 infraction, deemed committed by the owner and/or operator of the dispenser, whether fixed or mobile; subject to a civil penalty of not more than fifty dollars and mandatory revocation of fueling privilege until the discrepancy has been corrected.

(c) Third and any subsequent offense: a Class 2 infraction, deemed committed by the owner and/or operator of the dispenser, whether fixed or mobile; subject to a civil penalty of not more than one hundred dollars and mandatory revocation of fueling privilege for one month. At the end of the suspension date, the dispenser may be put back into service only after it has been inspected and determined to be in compliance with all pertinent regulations.

#### H. Applicability.

(1) This subsection is applicable to all persons, corporations, firms and organizations which supply fuel, lubricants and oxygen to any other person, corporation, company or organization at the Yakima Air Terminal for use or intended for use in aircraft of any type or nature.

(2) Subsections (A)(1), (A)(2), (A)(3), C, E, F and G of this section are applicable to persons, corporations, firms and organizations who dispense fuel, lubricants and oxygen to aircraft owned and operated solely by said person, corporation, firm or organization at the Yakima Air Terminal.

(3) Subsections A, C, and D of this section are not applicable to FAA Part 121 or Part 135 Airline Operators while engaged in self-fueling.

(4) This section is not applicable to wholesale fuel distributors who are licensed in accordance with Yakima Air Terminal Board Resolution No. 12-83-003-A, Airport Petroleum Products License and Flowage Fee, except if such person, firm or corporation so licensed above engages directly in supplying fuel, lubricants or oxygen to aircraft, the subsections otherwise appropriate to the person, firm or corporation's activities apply.

I. Authority. The following persons have the authority to administer the regulations set forth in this section and initiate enforcement action:

(1) Yakima Air Terminal board and staff;

(2) City of Yakima code enforcement personnel;

(3) City of Yakima fire chief, or his designee. (Ord. 2010-14 § 1 (part), 2010: Ord. 93-116 § 2 (part), 1993).

Section 2. Section 1.92.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

1.92.030 Airport petroleum products license and flowage fee.

A. No person, firm or corporation shall deliver aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance (hereafter referred to as "fuel") to any person, firm or corporation located at the Yakima Air Terminal with the knowledge that such fuel will be

dispensed at the Yakima Air Terminal without first securing a license to do so, hereby designated as an airport petroleum license. Such license shall be obtained from the Yakima Air Terminal board through the airport manager's office and shall expire on the last day of December of each year. The annual fee for such license is set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, without regard to the date on which it is purchased.

The term "located at the Yakima Air Terminal" as used throughout this section means any person, firm or corporation with direct access to the Yakima Air Terminal whose prime business is dependent upon airport operations or usage.

B. Any person, firm or corporation who delivers said fuel to any person, firm or corporation located at the Yakima Air Terminal shall pay to the Yakima Air Terminal a fuel flowage fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

C. On or before the tenth day of each month, each person, firm or corporation delivering fuel as designated in this section shall render to the airport manager a statement showing the type of fuel, and the number of gallons delivered in the previous month, to whom delivered, and the amount due the Yakima Air Terminal board pursuant to this section, and remit with the statement the amount due.

D. Exemption. Fuels used exclusively by the city of Yakima fire department and the Yakima Air Terminal are exempt from this section. An air carrier whose lease with the Yakima Air Terminal prohibits the charge of a fuel flowage fee also is exempt from this section. (Ord. 2010-14 § 1 (part), 2010: Ord. 93-116 § 2 (part), 1993).

Section 3. Section 4.16.180 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 4.16.180 Collection of garbage in business class—License and tax—Regulations.

A. License Required. No person, association or corporation shall engage in the business of collecting and hauling garbage, refuse or debris within the city or in gathering the same within the city for disposal at some point or area outside of the city without obtaining a license therefor and complying with regulations of this section.

B. Application—Fee—Bond. Written application for the licenses or renewals thereof on forms provided by the city clerk shall be accompanied by payment of a yearly basic license fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, payable on or before January 1st of each year. The term of the license shall commence on January 1st of each year. In the event of an application for a license for a period of less than one year, the basic fee shall nevertheless be paid in full. The basic fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution shall be credited against the license tax provided for by subsection C of this section. Upon notification to the city clerk, licenses may be transferred to purchasers or assigns of the licensee's equipment or business. No basic fee shall be refunded.

At the time of making application, the applicant shall furnish a bond in the amount of five thousand dollars, issued by a surety company authorized to do business in the state of

Washington, the form of which bond shall be conditioned on the faithful compliance by the applicant with the provisions of this chapter, and further conditioned that the collection, transportation and disposal of garbage, refuse and debris shall be carried on by applicant according to the laws of the state of Washington, the ordinances of the city of Yakima and the rules and regulations of the Yakima County Health District.

C. License Tax Imposed—Amount. Commencing February 1, 2020, and effective thereafter, there is levied upon every person, association or corporation holding a license for the collection and hauling of garbage, refuse or debris within the city, or in gathering the same within the city for disposal at some point or area outside of the city, a tax for the privilege of doing so, such tax to be equal to twenty-five percent of the cash receipts from all customers within the city served by the license holder. Such tax shall be due and payable monthly and remittance therefor shall be made on or before thirty days after the end of the last preceding calendar month for which it is due.

D. Manner of Payment—Audit of Records of Licensee. Payment of the tax imposed by subsection C of this section shall be made to the office of the treasurer of the city of Yakima accompanied by a report of the licensee of the amount of gross cash receipts from customers within the city for the period for which the tax is paid, which report shall contain such information as may be deemed necessary or desirable by the treasurer to administer the collection of such tax. License holders shall afford access at all reasonable times to their books and records for inspection and audit by the city finance officer or other auditor appointed by the city manager or engaged by the city for that purpose, for the purpose of verifying the accuracy of reports and the amounts of tax payments made to the city treasurer pursuant to this section.

E. Rules and Regulations. There are established the following rules and regulations for the collection and hauling of garbage, refuse and debris in the business classification, as defined by YMC 4.16.140:

1. The beds of all trucks used by licensee within the city shall be of metal construction and completely watertight. Truck beds must be kept clean and free of any accumulation of garbage or other refuse.
2. All licensed collectors, after loading trucks, must leave all alleys and streets in a clean and sanitary condition. Such collectors shall not permit any material to be dropped or spilled from trucks in or upon any of the public ways of the city.
3. The charge for collection in the business class shall be paid by the owner or person in charge of the place from which such garbage or refuse shall be removed. Such charge shall be agreed upon between such person and the collector. Each licensed collector shall furnish to the city of Yakima semiannually a list of all accounts and frequency of collection thereof.
4. The owner or person in control or charge of each building in the business class shall maintain for refuse storage and disposal metal containers of good and watertight construction with no dents of not more than thirty-gallon capacity with a handle on each side thereof and tight-fitting lids, the gross weight of which container when full shall not exceed seventy-five pounds. In lieu of such containers, the premises may be served with drop-off bins; provided, bins with a capacity of one and one-half cubic yards (40.5 cubic feet) or greater shall not be stored within five feet of combustible walls, openings or combustible roofline eaves.

Refuse containers shall be placed on the premises in such a manner and at such a location so as to be readily accessible for collection and shall not be kept on the street, alley, sidewalk or other public place; provided, that garbage cans or other approved containers may be placed on a platform or rack in the alley in back of the premises in a location approved by the code administration manager with the lids for the cans or containers chained and locked or otherwise secured to the platform or rack. Lids shall not be removed except while refuse is being placed in or removed from the receptacles.

F. Revocation of License. A license issued pursuant to this section is subject to revocation by the city manager on a hearing conducted by him, after notice of such hearing given to the licensee no less than five days prior to the date of such hearing, on the finding by the city manager that a licensee has failed to comply with any provision of this section or with any city ordinance applicable to the conduct of the business of the licensee. In the event of the revocation of a license by the city manager as provided herein, the licensee shall have the right to a hearing on the matter by the city council on the filing with the city clerk of a written notice of appeal within ten days after the city manager's revocation of the license. The decision of the city council on such appeal shall be final and conclusive.

G. Purpose of Section. This section is enacted to provide regulation of the business of garbage collection within the city and to provide revenue for the operation of necessary city functions. (Ord. 2019-037 § 1, 2019: Ord. 2013-009 § 1 (part), 2013: Ord. 2011-59 § 7, 2011: Ord. 93-113 § 1, 1993; Ord. 93-104 § 1, 1993; Ord. 3488 § 1, 1992; Ord. 3321 § 1, 1990; Ord. 3159 § 1, 1989; Ord. 3005 § 7, 1987; Ord. 2659 § 1, 1982; Ord. 2573 § 1, 1981; Ord. 2447 § 1, 1980; Ord. 1881 § 1, 1975: Ord. 1552 § 2, 1973: Ord. 1360 § 2, 1971; Ord. 1206 § 1, 1969; Ord. 1195 § 1, 1969; Ord. 953, 1967: Ord. 441, 1963: Ord. 277, 1961: Ord. 259, 1961: Ord. B-1523 § 14, 1954).

Section 4. Section 5.11.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.11.030 Panoram location license—Nontransferability—Fee.

Each panoram location license shall be issued to a particular person named therein and shall be issued for a particular location to be stated in the license. The annual panoram location license fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, and all such licenses shall expire one year from the date of their issuance by the city. No such license shall be transferable for use at any location other than the location stated in the license. A panoram location license issued under the provisions of this section shall be prominently displayed on the premises for which it is issued. (Ord. 3143 § 1, 1988: Ord. 3002 § 1, 1987: Ord. 2926 § 1, 1985: Ord. 2838 § 1, 1985: Ord. 2736 § 1, 1983: Ord. 2080 § 1 (part), 1977).

Section 5. Section 5.11.040 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.11.040 Panoram operator's license.

A. It is unlawful for any person, for business purposes, to own, exhibit or display for use, or to place by lease or otherwise for the use, exhibit or display by another person, for business

purposes, any panoram or peepshow without a license which shall be designated a panoram operator's license.

B. The annual fee for the panoram operator's license shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution. Panoram operator's licenses shall expire one year from the date of issuance by the city and such licenses shall be nontransferable. (Ord. 3143 § 2, 1988; Ord. 3002 § 2, 1987; Ord. 2926 § 1, 1985; Ord. 2838 § 2, 1985; Ord. 2736 § 2, 1983; Ord. 2080 § 1 (part), 1977).

Section 6. Section 5.11.050 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.11.050 Panoram device license.

A. It is unlawful for any person who owns or occupies any premises for business purposes to exhibit or display for use on those premises any peepshow or panoram without having obtained a license for each such panoram or peepshow device, which license shall be designated a panoram device license.

B. The annual fee for each panoram device license shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by council. Panoram device licenses shall expire one year from the date of issuance by the city. Each panoram device license shall be issued to the applicant named in the license application, and shall be issued for a specific location and for a specific device identified on the application and license. Each panoram device shall have securely affixed to it, in a conspicuous place, a tag or label identifying the panoram device to be currently licensed, which tag or label shall be furnished by the city; and it is unlawful to exhibit or display for use any panoram or peepshow which does not have such panoram device identification tag or label conspicuously attached to it. Panoram device licenses shall not be transferable to any license holder, location or device other than as specified in the license. (Ord. 3143 § 3, 1988; Ord. 3002 § 3, 1987; Ord. 2926 § 3, 1985; Ord. 2838 § 3, 1985; Ord. 2736 § 3, 1983; Ord. 2080 § 1 (part), 1977).

Section 7. Section 5.12.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.12.020 Licenses.

A. Licenses Required. Commencing March 1, 1987, it is unlawful for any person to install, maintain or operate in any business establishment or for the purposes of profit within the city of Yakima any amusement device, pool table or billiard table without first obtaining from the city the applicable license and paying to the city of Yakima the appropriate license fee as required by this section. The licenses required under this chapter are separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable.

B. Business Operator's License—Fee. Each business operator who installs, maintains or operates an amusement device owned by the business operator at the business operator's location shall pay an annual license fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, per amusement device. This license shall be for each amusement device and, at the time of obtaining the license, the business operator shall furnish the city with all appropriate information as may be required, including a description and serial number of each amusement device being licensed.

The annual license fee for each billiard table or pool table shall be listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, payable annually in advance to the city at the time application is made for such license.

C. Location Licenses for Amusement Device Operators. Each amusement device operator shall, before doing business within the city limits of the city of Yakima, obtain a license from the city by paying an annual license fee per amusement device as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution. The amusement device operator shall furnish the city with all information as may be required including, but not limited to, a list of locations where the amusement operator has installed, maintains, or operates amusement devices, pool tables and billiard tables, and the number and location of the same. (Ord. 2020-006 § 3, 2020: Ord. 3143 § 4, 1988: Ord. 3002 § 4, 1987: Ord. 2926 § 4, 1985: Ord. 2863 § 2 (part), 1985).

Section 8. Section 5.26.070 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 5.26.070 Renewal.

At any time during the period of the license, application may be made to the city manager showing that all goods in the original inventory have not been sold, accompanied by an inventory of the remaining unsold goods, and if it appears to the city manager that undue hardship will result unless said license is not extended, he may extend and renew said license on a daily basis upon the payment of an additional daily license fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, which license shall continue in effect only so long as the daily license fee is paid and the licensee shall comply with the provisions of this chapter. Any application for such a license under the provisions of this chapter covering any goods, wares or merchandise previously inventoried and licensed, shall be deemed to be an application for renewal under this section, whether presented by the original applicant or by any other person. (Ord. 114 § 7, 1960).

Section 9. Section 5.26.120 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 5.26.120 License fee.

The license fee for each sale of distress merchandise under this chapter shall be listed in the City of Yakima Master Fee Schedule adopted by city council via resolution. (Ord. 1880 § 11, 1975: Ord. 1195 § 16, 1969: Ord. 114 § 12, 1960).

Section 10. Section 5.28.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 5.28.060 License fee.

The annual license fee for each dancehall or each cabaret shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution. (Ord. 1880 § 12, 1975: Ord. 1195 § 17, 1969: Ord. B-65 § 6, 1934).



Section 11. Section 5.28.070 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.28.070 Permit fee for public dance.

The permit fee for public dances shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution.. (Ord. 3143 § 5, 1988: Ord. 3002 § 5, 1987: Ord. 2926 § 6, 1985: Ord. 2838 § 6, 1985: Ord. 2736 § 6, 1983: Ord. 1880 § 13, 1975: Ord. 1195 § 18, 1969: Ord. B-65 § 7, 1934).

Section 12. Section 5.28.080 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.28.080 Permit fee for cabaret.

The annual permit fee for cabaret shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution.. The floor space to be used for dancing shall be designated by enclosing same on four sides with a black line four inches wide painted on the floor, and dancing shall be confined to such designated floor space. (Ord. B-65 § 8, 1934).

Section 13. Section 5.28.100 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.28.100 Application for permit.

A. Application for a permit to conduct, operate or sponsor public dances or cabarets shall be made in writing to the city manager and filed with the code administration manager, and upon approval by the city manager and upon payment of fee as hereinbefore provided, the code administration manager shall issue the permit. The application shall contain a complete description of the premises to be occupied with the name of streets and street number of entrances and shall contain a statement by the applicant or applicants that they will abide by all ordinances and regulations passed or imposed by the city for the control and regulation of public dances or cabarets and of the conduct of operators, managers and patrons.

B. The application fee for each permit issued under this chapter shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution. The application fee shall be credited to payment of the permit fee. Application fees shall not be refundable. (Ord. 93-74 § 4, 1993: Ord. 1880 § 14, 1975; Ord. 1465 § 1, 1972: Ord. B-65 § 10, 1934).

Section 14. Section 5.30.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.30.020 Licenses—Application.

A. Adult Entertainment Establishment License. It is unlawful for a person to own, conduct or operate an adult entertainment establishment unless such establishment is licensed as provided in this chapter. The annual fee for an adult entertainment establishment license and renewal shall be included in the City of Yakima Master Fee Schedule adopted by city council via

resolution. The license shall expire one year from the date of its issuance. In addition, a nonrefundable application fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution must be paid at the time of filing an application in order to defray the costs of processing the application.

1. All applications for an adult entertainment establishment license shall be submitted to the code administration manager in the name of the person or entity proposing to conduct an adult entertainment business on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, and shall be complete when the following information and submittals are provided:

a. For each applicant: names; any aliases or previous names; driver's license number, if any; Social Security number, if any; business, mailing, and residential address; and business and residential telephone number.

b. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.

c. Whether the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters, adult commercial establishment and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

d. A summary of the business history of each applicant owning or operating the adult entertainment, adult commercial establishment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.

e. For each applicant, any and all criminal convictions or forfeitures within ten years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.

f. For each applicant, a description of business, occupation or employment history for the three years immediately preceding the date of the application.

g. The location and doing-business-as name of the proposed adult entertainment business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

h. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application, showing only the full face.

i. Documentation that the applicant has attained at least eighteen years of age. Any one of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

- ii. A state-issued identification card bearing the applicant's photograph and date of birth;
- iii. An official passport or military ID issued by the United States of America;
- iv. An immigration card issued by the United States of America.

j. A scale drawing or diagram showing the proposed configuration of the premises for the adult entertainment business, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult entertainment establishment and adult commercial establishment shall include building plans which demonstrate conformance with YMC 5.30.040(C).

2. Notification of the acquisition of new general partners, managing members, officers or directors, subsequent to the issuance of an adult cabaret license, shall be provided in writing to the code administration manager no later than twenty-one days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.

3. The adult entertainment establishment license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult entertainment establishment. The permit shall be posted in a conspicuous place at or near the entrance to the adult entertainment business premises so that it can be easily read at any time the business is open.

4. No person granted an adult entertainment establishment license pursuant to this chapter shall operate the adult entertainment establishment under a name not specified on the license, nor shall any person operate an adult entertainment establishment under any designation or at any location not specified on the license.

5. Upon receipt of any complete application and fee, the code administration manager shall provide copies to the police department, and to other appropriate city departments or contractors, for a full investigation and review to determine compliance of the proposed adult entertainment establishment with this chapter and other applicable laws. Each adult entertainment establishment license shall be issued with a notification that it shall be subject to revocation for noncompliance of the premises with building and zoning codes and this chapter.

6. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted with the application. Any adult entertainment establishment license approved prior to premises construction shall contain a condition that the premises must be inspected prior to occupancy, and determined to be in substantial conformance with the drawings submitted with the application and other applicable building and development regulations.

7. No person granted a license pursuant to this chapter shall operate the adult entertainment establishment under a name not specified in the license, nor shall he or she conduct business under any designation or location not specified in the license.

8. The code administration manager shall not issue or renew any license under this section if the information received by the code administration manager indicates that:

- a. Any knowingly false statement was made in the application;
- b. The applicant, within ten years of the date of application, has pleaded guilty to, forfeited bail on, or has currently pending against applicant, or been convicted of violating any law, of any jurisdiction, for prostitution; pandering; pimping; lewd conduct; sexual misconduct; indecent exposure; rape in the first, second or third degree; indecent liberties; rape of a child in the first, second or third degree; child molestation in the first, second, or third degree; sexual misconduct with a minor in the first or second degree; any violation of this chapter; or other substantially similar crimes.

**B. Adult Entertainment Manager's License.**

1. It is unlawful for any person to be employed as or act as a manager, as defined in YMC 5.30.010, without a valid license. The annual fee for a license per calendar year or portion thereof, shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution. Application for such license or renewal shall be made to the code administration manager. In addition to the annual license fee, a nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application. The fee shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution.

2. All applications for issuance or renewal of a manager's license shall be made to and filed with the code administration manager on forms furnished by the code administration manager for such purpose. All applications for a manager's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.
- b. The name and address of each business at which the applicant intends to work as a manager.
- c. Documentation that the applicant has attained at least eighteen years of age. Any one of the following shall be accepted as documentation of age:
  - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
  - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
  - iii. An official passport or military ID issued by the United States of America; or
  - iv. An immigration card issued by the United States of America.

- d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within ten years immediately preceding the date of the application, except parking violations or minor traffic infractions.
- e. A description of the applicant's principal activities or services to be rendered.
- f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application, showing only the full face. Such photograph, if the license applied for is issued, shall be affixed thereto in a manner designed to discourage alteration or substitution of photographs.

This application shall state the true name of the applicant and any other names the applicant may have used, together with such other information as the code administration manager may deem necessary or desirable for the purpose of enforcing or otherwise administering this chapter. Applicants shall not be less than eighteen years of age.

3. Each manager license shall be issued to a specific person named in the license document to manage an adult entertainment establishment at a specific location designated by street address in the license document. Manager licenses shall not be transferable to any person or adult entertainment establishment location other than as specified in the license document.

4. The code administration manager shall not issue or renew any license under this section if the information received by the code administration manager indicates that:

- a. Any knowingly false statement was made in the application;
- b. The applicant, within ten years of the date of application, has pleaded guilty to, forfeited bail on, or has currently pending against applicant, or been convicted of violating any law, of any jurisdiction, for prostitution; pandering; pimping; lewd conduct; sexual misconduct; indecent exposure; rape in the first, second or third degree; indecent liberties; rape of a child in the first, second or third degree; child molestation in the first, second, or third degree; sexual misconduct with a minor in the first or second degree; any violation of this chapter; or other substantially similar crimes.

#### C. Entertainer's License.

1. It is unlawful for any person to be employed as or act as an entertainer, as defined in YMC 5.30.010, without a valid license. The annual fee for a license application, per calendar year or portion thereof, shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution. Application for such license or renewal shall be made to the code administration manager. In addition, a nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application.

2. All applications for issuance or renewal of an entertainer's license shall be made to and filed with the code administration manager on forms furnished by the code administration manager for such purpose. All applications for an entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The entertainer's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, Social Security number, and any stage names or nicknames used in entertaining.
- b. The name and address of each business at which the applicant intends to work as an entertainer.
- c. Documentation that the applicant has attained at least eighteen years of age. Any one of the following shall be accepted as documentation of age:
  - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
  - ii. A state-issued identification card bearing the applicant's photograph and date of birth;
  - iii. An official passport or military ID issued by the United States of America; or
  - iv. An immigration card issued by the United States of America.
- d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within ten years immediately preceding the date of the application, except parking violations or minor traffic infractions.
- e. A description of the applicant's principal activities or services to be rendered.
- f. Two two-inch by two-inch color passport-quality photographs of the applicant, taken within six months of the date of application, showing only the full face. Such photograph, if the license applied for is issued, shall be affixed thereto in a manner designed to discourage alteration or substitution of photographs.
- g. The names and addresses of all employers or individuals or businesses for whom the applicant was an employee or independent contractor for the period of two years immediately prior to the application date, and the time period of such employment.

This application shall state the true name of the applicant and any other names the applicant may have used, together with such other information as the code administration manager may deem necessary or desirable for the purpose of enforcing or otherwise administering this chapter. Applicants shall not be less than eighteen years of age.

- 3. Any license issued under the provisions of this section shall be valid for employment in any adult entertainment establishment licensed under this chapter, but shall not be transferable to any other person.
- 4. The code administration manager shall not issue or renew any license under this section if the information received by the code administration manager indicates that:
  - a. Any knowingly false statement was made in the application;

b. The applicant, within ten years of the date of application, has pleaded guilty to, forfeited bail on, or has currently pending against applicant, or been convicted of violating any law, of any jurisdiction, for prostitution; pandering; pimping; lewd conduct; sexual misconduct; indecent exposure; rape in the first, second or third degree; indecent liberties; rape of a child in the first, second or third degree; child molestation in the first, second, or third degree; sexual misconduct with a minor in the first or second degree; any violation of this chapter; or other substantially similar crimes. (Ord. 2012-58 § 2 (Exh. A) (part), 2012: Ord. 98-2 § 1, 1998: Ord. 94-24 § 3, 1994: Ord. 3143 § 6, 1988; Ord. 3002 § 6, 1987; Ord. 2926 § 7, 1985; Ord. 2838 § 7, 1985; Ord. 2736 § 7, 1983; Ord. 2081 § 1 (part), 1977).

Section 15. Section 5.42.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.42.020 Licenses required—Fees.

It is unlawful for any person, firm or corporation to engage in the business of buying, selling or collecting junk in the city of Yakima without first obtaining from the city a license so to do, which shall be known as a junk dealer's license. The annual fee for issuing such license shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, and no license shall be issued for a period of more or less than one year. The license required under this chapter is separate from and in addition to the business license issued under Chapter 5.52 YMC, which may also be required when applicable. (Ord. 2020-006 § 8, 2020: Ord. 3143 § 7, 1988: Ord. 3002 § 7, 1987: Ord. 2926 § 8, 1985; Ord. 2838 § 8, 1985; Ord. 2736 § 8, 1983: Ord. 1880 § 16, 1975: Ord. A-455 (part), 1920: Ord. A-260 §§ 2, 3, 1917).

Section 16. Section 5.46.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.46.030 Fee—Designation of floor space—Term.

A. The fee for such license shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution per year or fraction thereof, except as provided by subsection B of this section. The floor space to be used for dancing shall be designated by enclosing the same on four sides with a black line four inches wide painted on the floor and dancing shall be confined to such designated floor space. Such license shall be effective for the period beginning January 1st and ending December 31st of the same year or for any portion thereof, except as provided in subsection B of this section.

B. In the event the activity to be licensed by this chapter is to be conducted for five days or less, a temporary license fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution shall be paid by the license for each day the licensed activity is to be conducted, which temporary license fee shall be collected by the city in lieu of the annual license fee called for by subsection A of this section.



C. The application fee for each permit issued under this chapter shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution which amount shall be credited to payment of the permit fee. Application fees shall not be refundable. (Ord. 3143 § 8, 1988; Ord. 3002 § 8, 1987; Ord. 2926 § 9, 1985; Ord. 2838 § 9, 1985; Ord. 2736 § 9, 1983, Ord. 1880 § 17, 1975; Ord. 1465 §§ 3, 4, 1972; Ord. 1144 § 1, 1969; Ord. B-1576 § 3, 1954).

Section 17. Section 5.52.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.52.030 Persons subject to license—Fees.

Commencing January 1, 1988, there is levied upon and shall be collected from every person engaging in business in the city a business license and annual license fee or tax amount for the privilege of engaging in business activities. Such license fee is measured by the number of employees of each business employed during the period immediately preceding the period for which the license fee is payable. These annual fees shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution. The fee is per calendar year or portion thereof.

Employees working more than one thousand six hundred hours, including legal holidays and vacation time, during the twelve-month period immediately preceding the period for which the license fee is payable are considered full-time employees; employees working one thousand six hundred hours or less, including legal holidays and vacation time, are considered part-time employees.

In determining the license fee to be paid hereunder by each business the total number of employees must be computed by adding together the number of full-time employees and the number of part-time employees. The latter figure of part-time employees is to be computed by dividing total man hours, including legal holidays and vacation time, worked by all part-time employees, by one thousand six hundred. When computing the number of part-time employees, fractions of less than one-half should be rounded down to the next lower whole number, and fractions of one-half and greater should be rounded up to the next higher whole number. (Ord. 2020-006 § 13, 2020; Ord. 3060 § 1, 1987; Ord. 2836 § 1, 1985; Ord. 2565 § 1, 1981; Ord. 2473 § 1, 1980; Ord. 1877 § 1, 1975; Ord. 1269 § 1, 1970; Ord. 1194 § 1, 1979; Ord. B-2014 § 3, 1957)

Section 18. Section 5.53.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.53.030 Permit required in B-2 zone—Fee.

No person, firm or corporation shall conduct a sale in a B-2 local business zone, where merchandise is displayed for sale outside of the building where the business is carried on without first obtaining a permit to do so and paying a fee for each sale. The fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution. Only one



permit shall be required where two or more persons, firms or corporations conduct such sales in a B-2 zone contemporaneously with each other and in the same general location. No permit shall be issued to conduct such a sale on premises where no business has been established prior to the time application for a permit is made, and such sale shall be of a character so as to be related and incidental to the established business. Application for such permit shall be made with the building inspector; and all information required by the building inspector, including a plot plan, necessary for the administration of this chapter shall be furnished by the applicant before a permit may be issued. (Ord. 348 § 1, 1962).

Section 19. Section 5.54.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.54.020 License required—Application—Bond—Fee—Transfer.

No person shall engage in the business of a pawnbroker in the city of Yakima without first procuring a license therefor, and in order to procure a license he or she shall present to the city an application which shall contain the name of the applicant, the place where he or she proposes to conduct his or her business, the name under which the same shall be conducted, the names of persons interested in the business, if a copartnership or corporation, and in addition thereto shall supply the city with such other and further information as may be required to administer the provisions of this chapter. If such application is approved the city shall issue a license to the applicant upon his or her executing and delivering to the city of Yakima a bond to be approved by the city attorney in the sum of one thousand dollars conditioned that he or she will conduct such business in compliance with all of the ordinances of the city of Yakima and the laws of the state of Washington. The annual license fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution. . Said license shall not be assignable or transferable. The license and fee required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable. (Ord. 2020-006 § 23, 2020: Ord. 3143 § 11, 1988: Ord. 3002 § 11, 1987: Ord. 2926 § 12, 1985: Ord. 2838 § 12, 1985: Ord. 2736 § 12, 1984: Ord. 1880 § 18, 1975: Ord. 1195 § 23, 1969: Ord. A-58I § 2, 1921).

Section 20. Section 5.56.026 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.56.026 Fees.

At the time the application is filed with the department, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. The permit fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution for each solicitor, peddler or street seller. This fee shall be waived for charitable groups or organizations and public or private educational institutions; provided, however, that the charitable group, organization or educational institution maintains a permanent business address in Yakima County. (Ord. 96-26 § 5, 1996).

Section 21. Section 5.64.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.64.030 License required—Application—Fee.

No person shall engage in the business of a secondhand dealer in the city of Yakima without first procuring a license therefor, and in order to procure a license he or she shall present to the city an application which shall contain the name of the applicant, the place where he or she proposes to conduct business, the name under which the same shall be conducted; if a copartnership, the names of the members of the firm; if a corporation, the names of its officers; and in addition thereto shall supply the city with such other and further information as may be required to administer the provisions of this chapter. If such application is approved, the city shall issue a license to the applicant upon his or her paying a license fee set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council. Said license shall not be assignable or transferable. The license and fee required under this chapter are separate from and in addition to the business license required under Chapter 5.52 YMC, which may also be required when applicable. (Ord. 2020-006 § 28, 2020: Ord. 3143 § 13, 1988: Ord. 3002 § 13, 1987; Ord. 2926 § 14, 1985: Ord. 2838 § 14, 1985: Ord. 2736 § 14, 1983: Ord. 1880 §20, 1975: Ord. 1470 § 2, 1972: Ord. 1195 § 27, 1969: Ord. A-620 § 3, 1921).

Section 22. Section 5.78.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.78.060 Fees.

The annual license fee for the respective types of for-hire vehicles shall be as follows:

(a) Taxicab, as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution. The fee is per calendar year or portion thereof. (b) Sightseeing car, as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution. The fee is per calendar year or portion thereof. (Ord. 1880 § 21, 1975: Ord. 1195 § 28, 1969: Ord. 1030 § 4; 1968: Ord. 147 § 6, 1960).

Section 23. Section 5.78.170 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.78.170 City driver's license—Application and renewal fee.

(a) No person shall drive a for-hire vehicle in the city without first obtaining a license to do so by making application to the city clerk on forms furnished by the city clerk, which application shall be signed and sworn to by the applicant before a notary public or some other officer authorized to administer oaths, and upon the payment to the city clerk of an application fee in the amount set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, none of which shall be returned to the applicant in the event his application is denied.

(b) The annual fee for a city driver's license shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.. (Ord. 1880 § 23, 1975; Ord. 1245 § 1, 1970: Ord. 1195 § 29, 1969: Ord. 1030 § 11, 1968: Ord. 147 § 17, 1960).

Section 24. Section 5.79.30 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.79.030 TNC license required.

A. It is a violation of this chapter for any TNC to operate in the city of Yakima without a current and valid city of Yakima TNC license.

B. Administration may issue a TNC license; provided, that the TNC applicant submits an affidavit sworn under penalty of perjury, on a form provided by administration, that to the best of the applicant's knowledge, formed after a diligent inquiry into the facts, the TNC is in full compliance with this chapter, including, but not limited to, all driver, vehicle, insurance, and operational requirements.

C. The TNC license shall be effective for one year.

D. The annual TNC license fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, and shall be paid in full at the time of submitting all initial and renewal applications. (Ord. 2016-020 § 1 (part), 2016).

Section 25. Section 5.96.050 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.96.050 Annual license fee.

At the time the ambulance service license application and any subsequent license renewal application is filed with the fire chief, the applicant shall pay a fee to the city to cover the cost of processing the application. The license fee shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council. (Ord. 97-71 § 1 (part), 1997).

Section 26. Section 5.96.080 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.96.080 Conditions of ambulance service.

Each ambulance service operating within the city must comply with the following minimum conditions:

(a) Provide ALS and BLS ambulance services throughout the city on a twenty-four hours per day, seven days per week basis.

(b) Each ambulance of the ambulance service that is operating in the city must be licensed by the state of Washington and must meet all standards and requirements set forth in WAC Chapter 246-976 as now or hereafter amended. Proof of a current state license must be maintained and available in the ambulance at all times.

(c) Each ambulance of the ambulance service that is on duty and operating in the city shall be staffed with a minimum of two ambulance attendants, and staffed in accordance with the applicable ALS and BLS personnel requirements in WAC Chapter 246-976-390 as now or hereafter amended.

(d) Emergency incidents shall require that the closest appropriate level of ambulance, BLS or ALS, be dispatched as determined by the EMO criteria outlined and approved by the Yakima County MPD.

(e) The city may provide first response EMS. An ambulance service receiving a direct request for EMS shall notify the city's 9-1-1 communication center immediately so that the department's first response can be initiated. The only exception to this requirement shall be for the transport of nonemergent interfacility transfer of patients, routine medical transports, and BLS standbys.

(f) For emergency responses, ambulances shall maintain a response time of eight minutes or less on ninety percent of those calls occurring within the corporate city limits.

(g) Within ten calendar days following the end of each month, the ambulance service shall provide the fire chief with a written report from the previous month that demonstrates whether the ambulance service has complied with the city's response criteria. The report will include date of each incident, location, the time the call was received, the time of arrival of the ambulance at the incident scene, and the calculated response time. The report shall include a separate

section that identifies all ambulance service responses that did not comply with the city's response criteria and description of the reasons for the delay of each such response.

(h) Each ambulance service shall comply with all applicable state and local laws, rules, regulations, procedures, and protocols, including but not limited to those that are specific to ambulances, ambulance service, ambulance equipment, ambulance personnel, EMS, ALS, and EMT and paramedic personnel.

(i) Each ambulance service shall, equip each of its in-service ambulances with a fully functioning AVL unit of a type and model that is acceptable to the city. City personnel shall monitor the location of each AVL unit and respective ambulance on a twenty-four-hour basis in order to ensure that the closest available appropriate ambulance is dispatched to any incident requiring an ambulance. The ambulance service shall be responsible for all costs associated with the purchase and maintenance of the AVL unit for each ambulance and are required to pay the city a monthly monitoring fee within ten calendar days following the end of each month of monitoring service. The monthly monitoring fee will be set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council. Any ambulance service contracting for dispatch services with the city shall be excluded from monthly AVL monitoring fees. (Ord. 97-71 § 1 (part), 1997).

Section 27. Section 5.98.10 of the City of Yakima Municipal Code is hereby amended to read as follows:

5.98.010 Temporary use permits.

1. The administrative official may authorize special short-term temporary uses including, but not limited to, public assemblies, special exhibitions, community activities, public sales, and seasonal events; provided, that such temporary use occurs entirely on private property and does not affect or impact the normal use by the general public of public property or public rights-of-way within the vicinity of such event. Any temporary use that is to be held in whole or in part upon publicly owned property or public rights-of-way, or if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of such event, may be a "special event" subject to the provisions of Chapter 9.70 YMC.

Authorized temporary uses, regardless of land use classification, may occur in any zoning district for up to seventy-two consecutive hours, except that seasonal events may exceed the seventy-two-hour limit as approved by administrative official to reflect the customary duration and/or celebratory period of the event. Seasonal events include non-sale events associated with calendared holidays (e.g., Christmas light shows, haunted houses) and other non-sale seasonal entertainment activities (e.g., circuses, carnivals, traveling shows). Except in cases of emergency arising from unforeseeable circumstances, an application for a temporary use permit under this section must be submitted at least two weeks prior to the proposed temporary use

period. To be complete, an application for temporary use under this section shall address the following criteria in detail and show they are and/or shall be satisfied by the proposed temporary use:

- a. Adequate and sufficient parking will be available for the anticipated occupancy and the proposed temporary use shall not cause the number of available parking spaces for existing on-site uses to fall below the minimum required by this chapter;
  - b. Public streets and transportation systems will be adequate and sufficient to handle the movement of vehicles and persons to and from the proposed temporary use;
  - c. Adequate access for police, fire, and emergency services will be maintained;
  - d. Adequate and sufficient public sanitary facilities will be available to serve the anticipated occupancy;
  - e. Police, fire and emergency services will be adequate and sufficient to meet the needs of the temporary use;
  - f. The proposed temporary use is compatible in terms of location, access, traffic, noise, nuisance, dust, and hours of operation with existing land uses in the immediate vicinity of the temporary use;
  - g. The impacts of the temporary use will not disrupt normal residential living patterns and activities in the vicinity;
  - h. The activity or event will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the proposed temporary use.
2. The administrative official may request additional information if in his/her judgment, such additional information is necessary to properly consider a proposed temporary use.
  3. The administrative official may, based on special circumstances or need, waive any of the requirements of this section, except he/she may not waive the requirements of subsections (1)(c) and (e) of this section.
  4. The administrative official shall consult with the police chief, fire chief, public works director, and community development director in the review of the application for temporary use.
  5. Upon a finding that the criteria of subsection (1) of this section will be satisfied, the administrative official may, at his/her sole discretion, issue a temporary use permit for an event or activity lasting no more than seventy-two consecutive hours, or for a longer time for seasonal events as authorized by the administrative official. No more than one temporary permit may be issued for the same site in a two-month period.
  6. The administrative official shall cause public notice to be posted in conspicuous locations at the site which is subject to the temporary use permit at least seven days prior to the activity or

event. The public notice shall state the date, time, hours, location, and nature of the temporary use and provide an address and phone number where the public may contact the administrative official regarding the temporary use.

7. The administrative official may, for good cause, cancel the temporary use permit prior to or during any event or activity and cause the site to be returned to or otherwise maintained in a neat and orderly condition.

8. The administrative official shall apply special conditions to a temporary use permit to assure compliance with this chapter and to ensure that such temporary use is not detrimental to neighboring properties and the public health, safety and general welfare. Further, the administrative official may require a cash bond to be posted by the applicant to defray the costs of cleanup and repair of property should the permittee fail to do so.

9. An application fee, as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be submitted with each temporary use permit application.

10. Any person can appeal a decision of the administrative official under this section directly to the city council. (Ord. 2014-004 § 1, 2014: Ord. 99-37 § 1, 1999).

Section 28. Section 6.27 070 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 6.27.070 Fees and disposition of carts.

A. Impounded Carts. When a shopping cart bearing the identification of ownership as required by YMC 6.27.050, or bearing other such ownership information or identification that is in the city's determination sufficient to establish ownership, is impounded in accordance with this chapter, the city may charge a cart collection fee to the owner of the shopping cart. The fee per cart shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council and each cart collected shall constitute a separate violation. Any owner having installed a locking device on its carts which has been disabled by one other than the owner or his agent shall be exempt from the fee.

1. Fee Deferrals. Within any calendar month, enforcement personnel shall defer fees for the first three impounded carts owned by any business that, prior to the impoundment, has waived the impound notice requirement. If four or more shopping carts under common ownership are impounded within a calendar month, no fees shall be deferred by enforcement personnel.

B. Disposition of Carts. The city may sell or otherwise dispose of any cart not reclaimed within fourteen days from the date of notification to the owner or the owner's agent of the cart's discovery and location. (Ord. 2019-047 § 3, 2019: Ord. 2018-030 § 2, 2018: Ord. 2009-31 § 1 (part), 2009).

Section 29. Section 7.04.90 of the City of Yakima Municipal Code is hereby amended to read as follows:



#### 7.04.090 Rules.

Following are the rules, including schedules of fees and charges, applicable to the operation of Tahoma Cemetery:

A. Liner sizes are as follows:

“Regular” means an outside measurement of approximately thirty-three by eighty-nine inches.

“Undersized” means an outside measurement less than thirty-three by eighty-nine inches.

“Oversized” means an outside measurement greater than thirty-three by eighty-nine inches.

B. The applicable fees at Tahoma Cemetery will be listed in the City of Yakima Master Fee Schedule adopted by city council via resolution. With the exception of the Washington Department of Social and Health Services, United States Veterans Administration, and funeral homes located within the state of Washington, all fees and charges shall be paid in advance unless otherwise provided.

C. Chapel service may not be scheduled to start on weekdays after three p.m. Graveside service may not be scheduled to start on weekdays after three-thirty p.m. Chapel service may not be scheduled to start on Saturdays after eleven a.m. Graveside service may not be scheduled to start on Saturdays after eleven-thirty a.m. Interments and disinterments may not take place on Sundays, public holidays as defined in YMC 9.10.060, or Saturdays after twelve p.m., except in cases of emergency as determined by the parks and recreation manager or appointee.

D. If the cemetery is provided with verification and documentation that the deceased has no surviving family members and was receiving one of the following types of public assistance at the time of his or her death: aid to families with dependent children, general assistance, or poverty-related veterans' benefits, the cemetery charges will be fifty percent of the normal charge. This fifty percent reduction in price shall not apply to monument setting fees, vases or vase setting fees. The cemetery reserves the right to designate the location of all indigent burials with the exception of burials intended for previously purchased gravesites. Indigent burials will be allowed Monday through Friday only, unless by special permission of the parks and recreation manager or appointee.

E. All graves shall be numbered with a permanent number. The cemetery staff shall keep an accurate record of the name of the decedent and the number of the grave.

F. A maximum of four cremains may be placed on an occupied full-size lot with the proper notarized authorizations from the lot owner or the next of kin. A maximum of six cremains may be placed on an unoccupied full-size lot. Full-size lots may not be divided and sold as individual cremains lots by a private owner.

G. A person may not bring a dog into Tahoma Cemetery. A person violating this section is subject to a penalty of one hundred dollars.



H. The speed limit for vehicular traffic within the cemetery is fifteen miles per hour. Violation of this section is a civil infraction and shall be enforced in accordance with city and state law.

I. Notification of and payment for interment or disinterment must be received by the cemetery office at least one business day in advance of such interment or disinterment. The cemetery staff may limit the number of services scheduled on any given day. The cemetery staff may require services to be rescheduled if the service was published prior to receipt of notification. The purpose of this section is to provide ample time for proper opening and closing and to ensure adequate parking and privacy for each service.

J. The Tahoma Cemetery office must receive a burial transit permit for the decedent before interment. The Tahoma Cemetery office must receive a death certificate for the decedent before inurnment.

K. The cemetery staff may correct any errors related to interments, disinterments, the description of a cemetery block or part thereof, or the conveyance of a cemetery block or part thereof. The cemetery staff may select, substitute, and convey other cemetery property of equal value and similar location or refund the purchaser. The cemetery staff may remove and reinter remains to such substituted property.

L. All interments must be made in cement liners, cremains liners, or steel liners. All liners shall be made according to specifications designated by the parks and recreation manager or appointee. The funeral director shall determine the size of grave liner to use in all cases.

M. No grave shall be opened or closed by anyone other than employees of the city of Yakima.

N. A tomb or personal mausoleum may not be erected on top of the ground. A marker may not be placed on a gravesite until all marker setting fees are paid in full. A marker may not be placed at a pre-need gravesite until the gravesite and marker setting fee are paid in full.

O. Foundations for all markers and vases shall be built by the city of Yakima or an approved vendor, at the expense of the owner. All foundations must have a three- to six-inch-wide border around the base of the marker. The border must have a depth of four to six inches. The foundation must be flush with the ground level. All marker bases must be made of granite or marble. No sandstone or artificial base will be permitted.

P. All markers must be set in line according to the cemetery survey except on the tracts of irregular shape; markers in the west row of each block must face west, markers in the east row of each block must face east, all markers in Section M must face east. The parks and recreation manager or appointee shall determine the setting of markers on the tracts of irregular shape.

Q. In Section M, upright markers are only permitted in Block 69, Block 58 and all blocks north thereof, Block 285 and all blocks east thereof, and Block 274 and all blocks northeast thereof.

R. All markers placed in Section L, in the Masonic baby plot, and in that part of Section E lying south of a line drawn from the southwest corner of Block 161 to the southeast corner of Block 27, and west of a line drawn from the southeast corner of Block 27 to the southeast corner of Block 70, thence west to the southwest corner of Block 68, thence south to the southwest corner of Block 143, shall be level with the ground.

S. Markers for single full-size graves may not exceed twenty-four inches in length and twelve inches in width. Double markers for two full-size graves may not exceed thirty-six inches in length and twelve inches in width except in Section M double markers may not exceed sixty inches in length and twelve inches in width. Larger markers may be allowed with prior approval by the parks and recreation manager or appointee. Markers for single cremains graves may not exceed twenty-four inches in length and twelve inches in width. Double markers for two cremains graves may not exceed twenty-four inches in length and twelve inches in width. Ledger-type markers will not be allowed in the cemetery except ledger-type markers presently existing in the cemetery. Flat markers shall be set flush with the ground.

T. Care and maintenance of a marker is the sole responsibility of the family of the deceased. Tahoma Cemetery and the city of Yakima are not responsible for damage to markers that is caused by weather or by the actions of persons not employed by the city of Yakima.

U. The indiscriminate planting of trees and shrubs in the cemetery is prohibited, and the parks and recreation manager or appointee shall remove all landscape features determined to be objectionable. If trees or shrubs in any lot become detrimental to adjacent lots or avenues in the judgment of the parks and recreation manager or appointee, they shall be removed.

V. Coping, fences, posts, and chains, and all wooden structures around lots, blocks, or graves are prohibited.

W. Any inscription, marker, effigy or other structure which the parks and recreation manager or appointee deems offensive or improper shall be removed upon order of the parks and recreation manager or appointee.

X. Funeral designs and floral pieces will be removed to a designated place as soon as the same become unsightly or interfere with mowing in the judgment of the parks and recreation manager or appointee. The city is not responsible for damage to or theft of cut flowers, potted plants, displays or containers. Anyone leaving such articles in the cemetery does so at their own risk.

Y. Due to the inconvenience to mowing and grounds maintenance, artificial floral pieces, stones, rocks, and foreign objects will not be allowed during the period from April 1st to October 31st, with the exception of Memorial Weekend. Footstones will not be allowed in the cemetery except for footstones presently existing in the cemetery.

Z. Receptacles for cut flowers must be sunk level with the ground. Tin cans sunk in the ground are prohibited. Glass containers are prohibited. Receptacles must be approved by the parks and recreation manager or appointee.

AA. All employees or other people engaged in performing work within the confines of the cemetery shall be under the supervision and direction of the parks and recreation manager. A person may not interfere with the performance of duties of any employee or groundskeeper.

BB. Lost and found articles shall be turned in to the Tahoma Cemetery office.

CC. A person shall deposit all paper and other rubbish that person is responsible for in a receptacle provided for that purpose.

DD. As provided for by this chapter, a person may transfer or assign that person's block or a part thereof to another person provided that a record of the transfer or assignment is noted on the cemetery records. The cemetery staff shall keep a copy of the transaction in the cemetery office.

EE. The parks and recreation manager or appointee shall expel from the cemetery any person disturbing its sanctity by boisterous or other improper conduct, or who shall violate any provision of this chapter.

FF. Endowment care lots, pre-need arrangements or a combination of both may be purchased on installment contracts in the form provided by the city of Yakima. No lot(s) or service(s) may be used until property fees and service fees are paid in full. No monument(s) may be placed until monument setting fees are paid in full.

GG. All contracts require a ten percent down payment with an appropriate payment schedule designated. Contracts for endowment care lots shall require payment in full within twelve months. A combined contract for an endowment care lot and pre-need services shall require payment in full within thirty-six months. Any payment that is more than sixty days past due will be assessed a one percent per month interest penalty on the unpaid balance. The cemetery staff shall mail a grave use permit to the lot owner within thirty days of final payment. In the event the delinquent account is for a pre-need gravesite, the city may, at its option, return the grave to open inventory for the purpose of resale and the purchaser will forfeit any moneys paid to that date. Upon default in payment of the balance due for contracted services, the cemetery may deny further burials in the cemetery until full payment is made.

HH. The public works director and parks and recreation manager are hereby authorized to enter into contracts for the sale of lots, liners, vases, markers and other incidental services. All contracts must be approved and signed by the public works director and parks and recreation manager. All contracts will constitute a personal obligation on the part of the purchaser(s) and shall be binding on the purchaser(s)' heirs, successors, and assigns.

II. The cemetery staff shall keep all signed contracts on file in the cemetery office.

JJ. No refunds on endowment care lots or pre-need services will be given. Any property abandoned for seven years with no contact from the owner(s), after attempt by certified mail to contact, shall revert back to the city of Yakima.

KK. Any person that purchases ten or more lots at one time is entitled to a seven percent discount on the total price of the lots.

LL. A maximum of two cremains may be placed in a columbarium niche. This must be accompanied with the proper notarized authorizations from the niche owner or the owner's next of kin. Columbarium niches may not be divided and sold as individual niches by a private owner. Urns must not exceed five inches by five inches by seven inches in size.

MM. All inscriptions on the columbarium niches shall be of similar style and size. Opening and closing niche fees must be paid in full prior to inscription services being ordered. All inscription services will be performed by Tahoma Cemetery staff or their appointees determined by the parks and recreation manager. Vases will be allowed only at the discretion of the parks and

recreation manager or appointee. (Ord. 2017-026 § 1 (part), 2017: Ord. 2010-51 § 1 (part), 2010: Ord. 2009-41 § 1, 2009: Ord. 2007-64 § 1, 2007: Ord. 2006-66 § 1, 2006: Ord. 2004-79 § 1, 2004: Ord. 2003-76 § 2, 2003: Ord. 2003-51 § 2, 2003: Ord. 2001-77 § 1, 2001: Ord. 2000-56 § 2, 2000: Ord. 99-49 § 1, 1999: Ord. 97-11 § 1, 1997: Ord. 96-85 § 1, 1996: Ord. 3433 § 1, 1992: Ord. 3074 § 1, 1988: Ord. 3040 § 2, 1987: Ord. 2937 § 1, 1986: Ord. 2845 § 1, 1985: Ord. 2589 § 1, 1982: Ord. 2490 § 1, 1981: Ord. 2356 § 1, 1979: Ord. 2254 § 1, 1979: Ord. 2034 § 1, 1976: Ord. 1873 § 1, 1975: Ord. 1364 § 1, 1971: Ord. 1099 § 1, 1969: Ord. 799 § 1, 1966: Ord. 585 § 1).

Section 30. Chapter 7.10 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### Chapter 7.10

#### YAKIMA COMMUNITY TELEVISION

##### Sections:

7.10.010 Cable television training, equipment, and facilities fees.

7.10.010 Cable television training, equipment, and facilities fees.

A. Nonresident User Fee Imposed. Persons who do not reside within the city of Yakima shall be assessed an annual nonresident user fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution ,for training on and use of Yakima Community Television facilities and equipment.

B. Payments. Nonresident user fees shall be paid in advance to the cable television coordinator or his/her designee. Such fees shall be credited to the cable television communication fund for use and expenditure as provided for by Section 3.05.030 of this code.

C. Exemptions. All city employees and all employees or volunteers of a nonprofit corporation with offices in the city of Yakima shall be exempt from the fees assessed in subsection A of this section when such training, facilities or equipment is required in the performance of their employment or production of public service programming. (Ord. 95-8 § 1, 1995: Ord. 3026 § 1, 1987).

Section 31. Section 7.24.100 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.24.100 Annual rates and charges.

A. Annual charges shall be calculated as a function of the total square footage ("TSF") of each lot, tract, or parcel served. These rates will be set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council.

B. All moneys billed and collected pursuant to this section shall be deposited in the irrigation operating or Capital Improvement fund pursuant to YMC 3.112.020.

Section 32. Section 7.28.025 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.28.025 Fruitvale Canal—Irrigation water use and service fee—Rate.

An irrigation water use and service fee is established to be charged for irrigation water supplied directly to consumers from the Fruitvale Canal owned, operated and maintained by the city. The irrigation water use and service fee shall be based on the area of land served with water from the canal per acre, or fraction thereof, per year, as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council. The fee shall be paid annually by irrigation water consumers according to billings therefor issued by the city. (Ord. 2006-07 § 8, 2006: Ord. 1961 § 1, 1976).

Section 33. Section 7.56.040 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.56.040 Elements of the domestic water connection charge.

A. Classifications. The following chart lists the elements of the domestic water connection charge applicable to the various classes of connections subject to such a charge:

Class	Connection Charge(s)
1. New domestic water system connection where the lot or facility is also connected to an irrigation system, and for which water from the domestic water system will therefore be drawn for domestic purposes only.	Domestic charge
2. New domestic water system connection where the lot or facility is not connected to an irrigation system or for which irrigation system water service is unavailable, and for which water from the domestic water system will therefore be drawn for both domestic and irrigation purposes.	Domestic charge plus base irrigation charge
3. New domestic water system connection made pursuant to YMC Section 7.78.020.	Charge established by council, not to exceed base irrigation charge

Class	Connection Charge(s)
4. Existing domestic water system connection where irrigation system water service to the lot or facility owner is terminated pursuant to YMC Section 7.24.150 or 7.24.160.	Base irrigation charge
5. New domestic water system connection to a lot, tract or facility for which no there has been no payment of distribution system costs through a local improvement district, developer contributions or other direct contributions.	Distribution connection charge

where:

“Domestic charge” is a charge calculated pursuant to YMC Section 7.56.050;

“Distribution connection charge” is a charge calculated pursuant to YMC Section 7.56.055;

“Base irrigation charge” is a charge calculated pursuant to YMC Section 7.56.060; and

“Charge established by council, not to exceed base irrigation charge” is any charge established by the city council upon conversion pursuant to YMC Section 7.56.070. All such connections and charges are subject to the following additional elements:

1. City services charge in the amount of six percent assessed on the applicable charge or the sum of the applicable charges;

2. Engineering charge per lot as included in the City of Yakima Master Fee Schedule adopted by city council via resolution. in addition to any required inspection, permit, or plan review fees; and

3. Water tax, pursuant to YMC Chapter 7.64, and any other applicable tax, assessed on the sum of all charges except the city services charge and the engineering charge.

B. Charges to be Published. The city engineer shall maintain a schedule of current base charges, shall post such schedule conspicuously, and shall make copies available to interested persons.

C. Initial Charges. Commencing on the effective date of the ordinance codified in this chapter and until amended pursuant to subsection D of this section, domestic water connection charges shall be calculated as set forth by this chapter.

D. Amendment of Charges. The base charges set forth in this chapter may be amended by ordinance of the city council. Such amendments shall become effective no earlier than thirty days after publication. (Ord. 2003-47 § 6, 2003: Ord. 2001-26 § 1, 2001: Ord. 97-63 § 7 (part), 1997).Section 34. Section 7.56.050 of the City of Yakima Municipal Code is hereby amended to read as follows:

Section 34. Section 7.56.040 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 7.56.050 Domestic charge.

The domestic charge shall include both an equitable share of the cost of the existing facilities related to the supply, treatment, transmission, storage and pumping of domestic water and a reasonable estimate of the actual cost of connection of domestic water demand to the domestic water system (including costs associated with expanding the system). The amount of this charge is a function of the amount of water flowing to the facility to be connected, and shall be determined pursuant either to subsection A or B of this section.

A. The domestic charge shall be determined by the size of the water meter to be installed. The domestic charge for a particular facility shall be imposed based on the City of Yakima Master Fee Schedule adopted by city council via resolution that is in effect at the time of application .

The domestic charge for water meter sizes not listed in the City of Yakima Master Fee Schedule shall be established by the division manager based upon the same methodology and data as the charges listed above.

B. For any facility to be served by a water meter that is larger than four inches in diameter, the division manager shall calculate a recommended domestic charge pursuant to this subsection. The recommended domestic charge shall be calculated according to the methodology employed to calculate the rates listed in subsection A of this section. The division manager shall forward the recommended domestic charge to the city council. The council shall establish the domestic charge for the facility. (Ord. 2016-035 § 1, 2016: Ord. 97-63 § 7 (part), 1997).

Section 35. Section 7.56.055 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 7.56.055 Distribution connection charge.

The distribution charge shall include an equitable share of the cost of the existing facilities related to the distribution of domestic water. The amount of this charge is the proportionate share of distribution facilities based on an amount equal to the average equity per customer in the existing distribution system established by the existing customer base, and shall be determined pursuant either to subsection A or B of this section. This charge would be imposed on the owner of any lot, tract or facility to be connected to the domestic water distribution system and that has not previously contributed a share of the cost of the distribution system through a local improvement district (LID) assessment, developer contribution or other direct contributions. This charge does not apply to new development where the developer pays for the cost of the distribution system water main extensions and the cost of connecting these extensions to the existing domestic distribution system.

A. The distribution charge shall be determined by the size of the water meter to be installed. The distribution charge for a particular facility shall be imposed based on the City of Yakima Master Fee Schedule that is in effect at the time of application. The distribution charge for water meter sizes not listed in the City of Yakima Master Fee Schedule shall be established by the manager of the water/irrigation division based upon the same methodology and data as the charges listed above.

B. For any facility to be served by a water meter that is larger than four inches in diameter, the manager of the water/irrigation division shall calculate a recommended distribution charge pursuant to this subsection. The recommended distribution charge shall be calculate according to the methodology employed to calculate the rates listed in subsection A of this section. The division manager shall forward the recommended distribution charge to the city council. The city council shall establish the distribution charge for the facility. (Ord. 2016-035 § 2, 2016: Ord. 2001-26 § 2, 2001).

Section 36. Section 7.56.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.56.060 Base irrigation charge.

The base irrigation charge includes both an equitable share of the cost of the existing domestic water system and a reasonable estimate of the actual cost of connection of irrigation demand to the domestic water system (including costs associated with expanding the system). This charge is a function of the size of the irrigable portion of the lot to be connected. For single-family dwellings and two-family dwellings, the base irrigation charge shall be determined by multiplying the lot area (measured in square feet (sf)) by the rate listed in the current City of Yakima Master Fee Schedule. For other parcels, the base irrigation charge shall be, at the property owner's option, determined either by multiplying the total lot area by the rate listed in the City of Yakima Master Fee Schedule or by multiplying the permeable portion of the lot area by a rate listed in the City of Yakima Master Fee Schedule. In no event shall the charge be applied to less than five percent of the total lot area for purposes of this section. (Ord. 2016-035 § 3, 2016: Ord. 2003-01 § 2, 2003: Ord. 97-63 § 7 (part), 1997).

Section 37. Section 7.58.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.58.030 Connection to the wastewater system—Connection charge imposed.

A. A connection charge is imposed on the owner of any facility to be connected to the wastewater system when the owner of the facility to be so connected has not paid a wastewater connection charge for connecting such facility to the wastewater system, subject to the provisions below. Payment of the connection charge does not convey any ownership interest in the wastewater system. Payment of the connection charge authorizes connection only to the designated lot and is not transferable to any other lot.

B. The wastewater connection charge for any facility located on a lot that has participated in a local improvement district (LID) for wastewater facilities and has fully executed an outside utility agreement, if applicable, shall not exceed that in effect at the time the preliminary assessment roll was passed, provided the wastewater connection charge is fully paid within one year of time the final assessment roll was passed; provided, however:

C. If a property owner participated within an LID and remains current or has previously paid in full the amount owed to the city, at the time of connection, the property owner receives credit for a single-family dwelling equal to the assessed charge for a three-quarter-inch meter. If at any time the property owner proposes a connection of multiple dwellings, multifamily, and/or commercial/industrial facilities on the parcel which participated in an LID, the cost of the



connection charge shall be based on the amount determined by YMC 7.58.040 at the time of connection, minus the credit determined for a single-family dwelling.

D. All parcels that participate in a local improvement district (LID) for wastewater facilities initiated after the effective date of the ordinance codified in this section must, within one year from the recording of the final assessment roll of such LID, either (1) connect a facility on the parcel to the wastewater system for purposes of regular wastewater service; or (2) have a “placeholder” wastewater account established for the parcel. Customers with a “placeholder” account shall be billed at a flat rate set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.. In the event that an owner fails to make timely payments on a placeholder account, the parcel shall become permanently ineligible for an LID credit for that parcel.

E. The wastewater connection charge for any facility located on a lot within the boundaries of a local improvement district for wastewater facilities that does not participate in said local improvement district shall be the greater of the wastewater connection charge established by the applicable provision of the municipal code or the final assessment of the LID plus interest. (Ord. 2011-56 § 3, 2011: Ord. 2007-66 § 3, 2007: Ord. 2007-16 § 1, 2007: Ord. 2005-22 § 3, 2005: Ord. 2004-69 § 3, 2004: Ord. 98-42 § 1 (part), 1998: Ord. 97-38 § 3 (part), 1997).

Section 38. Section 7.58.040 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.58.040 Calculation of the wastewater connection charge.

A. The wastewater connection charge for “inside city” and “outside city” shall be calculated based on information and rates existing at the time when payment will be made pursuant to YMC 7.58.080 or when a local improvement district final assessment is authorized by the city council. The connection charge for “inside city” and “outside city” shall be based on the rates set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

B. Multifamily Dwellings: connection charge based on the number of units multiplied by a “per dwelling unit.” The per dwelling unit represents seventy-five percent of the three-quarter-inch meter charge:

Inside city per dwelling unit = current rate x .75

Outside city per dwelling unit = current rate x .75

C. High Impact Facilities. Facilities with one-and-one-half-inch meter(s) or larger and/or may discharge “strong waste” to the WWTP; may, at the city’s discretion, be applied a demand component for flow/BOD/TSS in lieu of meter size schedule to calculate the wastewater connection charge due to potential loading to the WWTP. Demand Component rates will be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

1. City services charge in the amount set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution will be assessed on the sum of the connection charge;

2. Administration charge per lot, in the amount set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution , in addition to any required inspection, permit, or plan review fees; and

3. Wastewater tax, and any other applicable tax, assessed on the sum of the connection charge (pursuant to Chapter 7.64).

D. Charges to Be Published. The city code administration and planning manager shall maintain a schedule of current charges and shall post such schedule conspicuously, and shall make copies available to interested persons.

E. Initial Charges. Commencing on the effective date of the ordinance codified in this chapter and until amended pursuant to subsection F of this section, wastewater connection charges shall be based upon charges set by this chapter.

F. Amendment of Charges. The charges set forth in this chapter may be amended by ordinance of the city council. Such amendments shall become effective no earlier than thirty days after publication.

G. Connection Charge for Properties Not Within the Identified "Inside City" or "Outside City." Any person wishing to connect facilities located on property outside the identified "inside city" or "outside city" shall contact the wastewater manager. Such properties may be connected only upon the written approval of the city manager, and only upon payment of a connection fee established in an amount sufficient to allocate to the applicant an equitable share of the cost of the existing wastewater system and a reasonable estimate of the actual cost of connection. (Ord. 2011-56 § 5, 2011: Ord. 2007-66 § 4, 2007: Ord. 2005-22 § 4, 2005: Ord. 2004-69 § 4,

Section 39. Section 7.58.085 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.58.085 Alternative, periodic payment method.

A. At any time prior to connection of a facility to the wastewater system, the owner of that facility may apply to the code administration and planning division for periodic payment of the applicable connection charge; provided, that: (1) the facility owner is a low- or moderate-income facility owner; (2) the facility is the facility owner's primary and legal residence; (3) a certificate of occupancy has been issued for the facility and that certificate remains valid; (4) the facility is connected to a private septic system or some system of sewerage other than the wastewater system; and (5) the connection charge applicable to the facility is equal to or greater than one thousand dollars. This periodic payment method shall be an alternative to payment of the full connection charge prior to connection pursuant to YMC 7.58.080(A).

B. To apply for the periodic payment method provided by this section, the facility owner must execute a request form to be provided by the code administration and planning division. The request form shall be in the form of a contract between the facility owner and the city, and the general form of the request form shall be approved by the city attorney and city manager.

C. At the time of delivery to the facility owner, the request form shall state the amount of the applicable connection charge and the number and amount of quarterly payments. The code administration and planning division shall determine the amount of the connection charge by reference to YMC 7.58.040 through 7.58.090. The code administration and planning division shall also calculate a substantially equal, quarterly payment amount sufficient to pay the entire principal amount of the connection charge, together with interest thereon at an annual interest rate equal to the prime rate as quoted in the Wall Street Journal on the last business day of the month preceding preparation and delivery of the request form to the facility owner, within three years of the date of connection if the applicable connection charge is less than or equal to five thousand dollars, or within five years of the date of connection if the applicable connection charge is more than five thousand dollars. The first quarterly payment shall be due three months after the date of connection.

D. The facility owner shall provide the remaining information required by the request form and execute the request form.

E. The city shall not accept or execute the original or any updated request form unless: (1) the facility owner qualifies as a low- or moderate-income facility owner; (2) the form is first executed by the facility owner; (3) the applicable connection charge has not changed from that stated on the request form; (4) the prime rate as quoted in the Wall Street Journal on the last business day of the month preceding presentation of the executed request form by the facility owner has not changed; and (5) the facility owner has paid an administrative fee as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution for processing the request form and administering the installment payment program.

F. If either the applicable connection charge or the prime rate as quoted in the Wall Street Journal on the last business day of the month preceding presentation of the executed request form by the facility owner has changed, the city code administration and planning manager shall revise the terms and quarterly payment amount to reflect such changes, and shall return an updated request form to the facility owner, who may execute the updated request form and return it to the city code administration and planning manager for acceptance and execution by the city.

G. Once the city has executed the request form, the connection charge, interest rate, and periodic payments applicable to the subject property shall not be changed from that amount stated in the request form for a period of ninety days from the date of final execution by the city. In the event that the facility owner fails to complete the connection within ninety days from the date of final execution by the city, the facility owner must request, complete, and submit a new request form, which shall be subject to the requirements of this section.

H. Nothing in this section shall be construed to limit the city's authority to collect any delinquent connection charge payment or payments, including the city's authority to impose a lien or shut off water service as provided in Chapter 35.67 RCW. For purposes of a lien imposed pursuant to Chapter 35.67 RCW, any delinquency of four quarterly payments shall constitute a delinquency of one year's charges subject to a sewerage lien and that lien shall be effective without the necessity of any writing or recording of the lien. (Ord. 2011-56 § 11, 2011: Ord. 2007-66 § 10, 2007: Ord. 2005-22 § 10, 2005: Ord. 2004-69 § 10, 2004: Ord. 2000-12 § 1, 2000: Ord. 99-17 § 2, 1999).

Section 40. Section 7.60.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.60.020 Retail wastewater service charge and strong waste surcharge.

A. Wastewater Service Charge. There shall be charged to and collected from all premises within the city served by the city wastewater system a wastewater service charge composed of a monthly ready-to-serve charge and a volume charge based on either the quantity of water supplied to the premises or, if metered, the quantity of wastewater discharged into the wastewater sewer system. In addition, a strong waste surcharge shall be charged to and collected from all premises served by the city wastewater system that discharge wastewater exceeding the domestic strength thresholds set forth in subsection B of this section; provided, that in no event shall the total wastewater service charge be less than the minimum charge set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

(1) Wastewater Service Charge—Schedules for Inside-City Customers. The wastewater service charge for premises inside the city shall be calculated and charged according to the schedule of rates set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

(a) Ready-to-Serve Charges. For all customers other than multiple-unit residential customers are set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

For multiple-unit residential customers, the monthly ready-to-serve charge shall be based on the number of accounts and the number of dwelling units, according to the rates set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

(b) Volume Charge. For all customers inside the city, the volume charge shall be determined by number of hundred cubic feet (ccf) of water consumed or, if metered, the number of ccf of sewage discharged, multiplied by the rates set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

(c) Minimum Charge. In no event shall the total wastewater service charge be less than the ready-to-serve charge for a three-quarter-inch meter, except that customers beginning or ending wastewater service shall have the ready-to-serve charge prorated to their number of days of service during the billing period.

(2) Wastewater Service Charge for Outside-City Customers. Minimum, ready-to-serve, and volume charges to premises located outside the city shall be one and one-half times the inside-city rates set forth in subsection (A)(1) of this section.

B. Strong Waste Surcharge. For customers discharging wastewater which contains more than three hundred parts per million (ppm) of biochemical oxygen demand (BOD) and/or total suspended solids (TSS) and/or one hundred parts per million of fats, oils, greases (FOG), there shall be a surcharge, in addition to the ready-to-serve charge and the volume charge, which shall be calculated utilizing the national average values of BOD and TSS concentrations typical to each classification under the Standard Industrial Code or by actual concentrations verified by the city. If the customer chooses, at its expense, to install a sampling station, the strong waste charge shall be calculated based upon actual

concentrations. Any testing done by the city may be charged at the rates set forth in YMC 7.60.105. The following formula shall be utilized to calculate the strong waste surcharge:

Monthly surcharge for BOD or TSS or FOG equals (unit cost per pound of BOD or TSS or FOG) times (8.34, which is the weight of one gallon of water) times (customer's monthly volume in one hundred cubic feet divided by one thousand three hundred thirty-seven) times (customer's concentration of BOD or TSS or FOG in parts per million according to [the national average values] or [verified concentrations], minus the domestic strength threshold in parts per million, but not less than zero). The separate monthly surcharges for BOD, TSS, and FOG shall be summed together to create the strong waste surcharge.

The unit cost per pound of BOD, TSS and FOG will be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution,

Hypothetical example: In a given month, a customer discharges 50 ccf of wastewater measured with BOD of 400 ppm, TSS of 350 ppm, and FOG of 80 ppm. This customer is not charged a FOG surcharge because the customer's measured FOG is below the domestic threshold. Assume a unit cost per pound of \$0.5680 for BOD and \$0.5266 for TSS. The strong waste surcharge for the given month is calculated as follows:

BOD surcharge:  $\$0.5680/\text{pound} \times 8.34 \times (50 \text{ ccf} \div 1,337) \times (400 \text{ ppm} - 300 \text{ ppm}) = \$17.72$

TSS surcharge:  $\$0.5266/\text{pound} \times 8.34 \times (50 \text{ ccf} \div 1,337) \times (350 \text{ ppm} - 300 \text{ ppm}) = \$8.21$

Total strong waste surcharge:  $\$17.72 + \$8.21 = \$25.93$

(Ord. 2018-048 § 1, 2018: Ord. 2016-036 § 2, 2016: Ord. 2011-65 § 1, 2011: Ord. 2011-62 § 1, 2011: Ord. 2009-49 § 6, 2009: Ord. 2007-65 § 3, 2007: Ord. 2005-23 § 1, 2005: Ord. 2003-75 § 3, 2003).

Section 41. Section 7.60.025 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.60.025 Charges to industrial wastewater customers.

A. In lieu of the regular rates set forth in YMC 7.60.020, industrial wastewater customers shall be charged the industrial wastewater charge, wastewater service charge and strong waste surcharge set forth in subsection B of this section, except that the total charged to a given industrial wastewater customer in a given year pursuant to subsection B of this section shall not exceed the amount that would have been charged to that same industrial wastewater customer under the regular rates set forth in YMC 7.60.020.

B. Industrial Wastewater Charge, Wastewater Service Charges and Strong Waste Surcharge for Industrial Wastewater Customers.

(1) Industrial Wastewater Charge. Industrial wastewater customers shall be charged the amount set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, per hundred cubic feet (ccf) of flow discharged into the industrial wastewater sewer line.

(2) Wastewater Service Charges for Industrial Wastewater Customers. Industrial wastewater customers shall be charged a percentage, as set forth in the City of Yakima master Fee Schedule adopted by the city council via resolution of the regular ready-to-serve and volume charges set forth in YMC 7.60.020.

(3) Strong Waste Surcharges for Industrial Wastewater Customers. Industrial wastewater customers shall be charged the regular strong waste surcharges set forth in YMC 7.60.020(B); provided, that the BOD surcharge for an industrial wastewater customer shall be calculated based on the adjusted BOD concentration, which means the measured BOD concentration multiplied by the BOD adjustment percentage.

C. If a given property discharges into both the industrial wastewater line and the regular sewer system, the regular rates set forth in YMC 7.60.020 apply to the effluent discharged into the regular sewer system. If a given property discharges wastewater to the industrial wastewater line that is harmful to the UASB treatment process or wastewater that is not amenable to the UASB treatment process as determined by the wastewater division manager, thereby requiring that the wastewater bypass the UASB treatment process, the regular rates set forth in YMC 7.60.020 apply to the wastewater. (Ord. 2018-048 § 2, 2018: Ord. 2016-036 § 3, 2016: Ord. 2011-65 § 2, 2011: Ord. 2011-62 § 2, 2011: Ord. 2009-49 § 7, 2009: Ord. 2007-65 § 4, 2007: Ord. 2003-75 § 4, 2003).

Section 42. Section 7.60.035 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.60.035 Septage and exceptional wastewater disposal charges.

A. Septage Wastewater Disposal Charge. For septage wastewater disposed pursuant to Chapter 7.63, the rates will be listed in the City of Yakima Master Fee Schedule adopted by city council via resolution.

B. Exceptional Wastewater Disposal Charge. For exceptional wastewater disposed pursuant to Chapter 7.63, the charge shall be calculated by reference to the following formula:

Exceptional Wastewater Charge = (Treatment Costs) + (Receiving Costs) + (Testing Costs)

(1) Treatment Costs. Treatment costs shall be determined by reference to the following formula:

Treatment Costs =  $[(UBOD/TSS) \times (WW) \times (V/1,337) \times (CBOD/TSS)] + [(UV) \times (V)]$  where:

V = Volume discharged (in one hundred cubic feet);



CBOD/TSS = Concentration of BOD or TSS (in parts per million); and the remaining values are set forth in the City of Yakima Master Fee Schedule adopted by the city council via resolution.

(2) Receiving Costs. Receiving costs shall be calculated by the wastewater manager and based on actual or estimated staff time, materials, and related costs incurred in connection with receiving the particular waste at issue.

(3) Testing Cost. The costs of any testing are set forth in YMC 7.60.105. The wastewater manager shall have final authority over what tests shall be required for any discharge.

C. The amount of the disposal fee, at the rate specified in subsection A or B of this section, shall be based upon the actual quantity measured and discharged. Measurement shall be through methods and instruments as determined by the city. (Ord. 2018-048 § 3, 2018: Ord. 2016-036 § 4, 2016: Ord. 2011-65 § 3, 2011: Ord. 2011-62 § 3, 2011: Ord. 2007-65 § 6, 2007: Ord. 2003-75 § 6, 2003).

Section 43. Section 7.60.105 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.60.105 Rates, charges and fees for pretreatment program.

A. It is the purpose of this section to provide for the payment of rates, charges and fees for certain discharges to the wastewater system, to compensate the city for the cost of administration of the pretreatment program established in Chapter 7.65. Connection charges for dischargers subject to Chapter 7.65 are as set forth in Chapter 7.68 of this code.

B. Rates, Charges and Fees to Be Published. The wastewater manager shall maintain a schedule of current rates, charges and fees, shall post such schedule conspicuously, and shall make copies available to interested persons. Upon request, the wastewater manager shall prepare an estimate of annual fees for a significant industrial user.

C. Significant Industrial Users (SIUs). Commencing on the effective date of the ordinance codified in this section, SIU permit fee amounts shall be set at ninety percent of that amount identified in the industrial facility categories of WAC 173-224-040. The permit fee shall cover the costs of administering the SIU wastewater discharge permit program including inspections, technical assistance, education, and compliance administration. Costs associated with any sampling and testing shall be in addition to the permit fee. This annual fee is based on the state's fiscal year (July 1st through June 30th).

D. Monthly Base Fee for Minor Industrial Users (MIUs). Commencing on the effective date of the ordinance codified in this section and until amended pursuant to subsection F of this section, minor industrial users (as defined in Chapter 7.65) shall pay a monthly base fee for pretreatment service, as shown in the City of Yakima Master Fee Schedule adopted by city council via resolution.

The daily rate for MIUs shall be the monthly rate divided by 30.417.

Significant industrial users shall not be subject to the base fee for minor industrial users.

E. Charges and Fees for Related Services. Commencing on the effective date of the ordinance codified in this section and until amended pursuant to subsection F of this section, significant industrial users shall pay the sampling and laboratory testing charges and fees provided in the City of Yakima Master Fee Schedule for those specific services described or listed below. All customers shall also be subject to the sampling, laboratory testing, and flat rate charges and fees provided herein, in addition to any base rate provided for in subsection D of this section, but only for those services requested by the customer or provided as part of a required compliance inspection.

(1) Sampling Charge. The sampling charge includes sampler set-up, pick-up, and statistical analysis, as well as billing program charges from the customer service manager. The sampling fee is based on the length of the sampling period, pursuant to the City of Yakima Master Fee Schedule.

(2) Laboratory Testing Fees. A laboratory testing fee is assessed for each type of test conducted on each sample. Fees are assessed pursuant to the City of Yakima Master Fee Schedule as adopted via resolution by the city council.

Notes:

(a) This testing is conducted by an outside laboratory. The actual fee will be based on the actual cost of the test performed, plus any related costs and taxes incurred.

(b) Glossary:

BNA: base neutral acids (semivolatile organic compounds).

BTEX: benzene, toluene, ethylbenzene, and xylene (highly volatile hydrocarbons).

TPH: total petroleum hydrocarbons (includes oils, gasoline, diesel, and other fuels).

(3) Other related service fees are assessed on each of certain transactions or services, can be found in the City of Yakima Master Fee Schedule adopted via resolution by the city council.

Notes:

(a) Includes only the first fifty thousand gallons of flow. See Chapter 7.65.

F. Amendment of Base Rates, Charges and Fees.

(1) The base rate or rates ("rates" for purposes of this subsection) set forth in subsection D of this section may be amended from time to time by ordinance of the city council. Any such amendment shall be based upon changes in the city's cost of providing wastewater pretreatment service as reflected in the city's budget.

(2) The charges and fees set forth in subsection E of this section may be amended from time to time by ordinance of the city council upon recommendation of the wastewater manager. Such



amendments shall be based on changes in the costs of providing sampling, laboratory and miscellaneous wastewater pretreatment services. In determining whether there has been a change in the costs of providing service, the city council may consider the city's expenses associated with obtaining services from private laboratories and other third persons, and the city's own administrative and other costs.

G. Money to Be Credited to Wastewater Operating Fund. All moneys collected pursuant to this section shall be paid into and credited to the wastewater operating fund as provided in Chapter 3.101. (Ord. 2022-007 § 22, 2022; Ord. 2018-048 § 4, 2018; Ord. 2016-036 § 5, 2016; Ord. 2011-65 § 4, 2011; Ord. 2011-62 § 4, 2011; Ord. 2009-49 § 9, 2009; Ord. 2007-65 § 14, 2007; Ord. 2003-75 § 14, 2003).

Section 44. Chapter 7.68 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.68.043 Service installation charges.

Applicants for new water service installations shall pay to the director of finance and budget or his/her designee the installation charges as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council, which payment shall be made prior to such installation being commenced.

The installation charge for a new water service where a meter larger than one-inch diameter is to be installed or the service line is larger than one-inch shall be an amount adequate to pay all estimated costs of materials, installation, permit fees and surface restoration as computed by the water/irrigation manager or his/her designee. (Ord. 2018-006 § 1, 2018; Ord. 2007-67 § 1, 2007; Ord. 2006-07 § 34, 2006; Ord. 97-16 § 5, 1997; Ord. 3260 § 1, 1990; Ord. 2955 § 1, 1986; Ord. 2858 § 1, 1985; Ord. 2594 § 1, 1982; Ord. 1874 § 2, 1975; Ord. 1489 § 1, 1973; Ord. 982 § 4, 1967; Ord. B-2192, 1958; Ord. B-1462, 1953; Ord. B-606 § 11, 1944).

Section 45. Chapter 7.68.250 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.68.250 Water services charges.

A. The charge for domestic water supplied within the city of Yakima shall consist of a ready-to-serve charge and a charge for water consumed, as set forth in The City of Yakima Master Fee Schedule adopted via resolution by city council. B. The ready-to-serve charge may be computed on a daily basis by dividing the two-month charge by sixty days.

C. All charges for water supplied outside the city shall be computed by multiplying the applicable rates set forth in subsections A and B of this section by one and one-half.

D. Home Kidney Dialysis. A residential customer who undergoes kidney dialysis at his or her home, or whose home is also the home of a different person who undergoes home kidney dialysis, shall not be required to pay utility charges for domestic water service or sewer service for the quantity of water that is necessary for the home dialysis. In order to be excused from utility charges under this subsection, the residential customer must present to the director of finance and budget or their designee written documentation annually from a recognized kidney

dialysis center certifying that the person requires dialysis and the quantity of water needed for that person's dialysis. (Ord. 2019-008 § 1, 2019: Ord. 2018-052 § 1, 2018: Ord. 2016-034 § 1, 2016: Ord. 2013-052 § 1, 2013: Ord. 2011-63 § 1, 2011: Ord. 2009-49 § 10, 2009: Ord. 2007-67 § 2, 2007: Ord. 2004-81 § 1, 2004: Ord. 2001-26 § 3, 2001: Ord. 97-16 § 21, 1997: Ord. 96-17 § 1, 1996: Ord. 93-32 § 1, 1993: Ord. 93-22 § 3, 1993: Ord. 3366 § 1, 1991: Ord. 2922 § 1, 1985: Ord. 2880 § 1, 1985: Ord. 2693 § 1, 1983: Ord. 2513 § 2, 1981: Ord. 2424 § 1, 1980: Ord. 1874 § 3, 1975: Ord. 1563 § 1, 1973: Ord. 1556 § 2, 1973: Ord. 982 § 5, 1967: Ord. 680, 1965: Ord. B-2026, 1957: Ord. B-606 § 32, 1944).

Section 46. Section 7.68.251 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.68.251 Bulk rate/fire hydrant water meter assembly rental.

A. The charge for water supplied through fire hydrants, when the water is used by either the city or a private person for any use authorized by the water/irrigation division, shall be the same as the highest UOC charge set forth in YMC 7.68.250. No charge shall be made for water supplied through fire hydrants when the water is used for fire suppression or for maintenance and operation purposes by the city.

B. All water served through a fire hydrant shall comply with YMC 7.68.300.

C. Water served through a fire hydrant shall have an authorized water meter assembly as provided by the water/irrigation division. Such water meter assembly shall be rented through the city of Yakima, water/irrigation division.

D. Water meter assemblies shall not be rented for more than thirty consecutive days. Water meter assemblies shall be returned to the water/irrigation division for a meter reading and inspection at the end of the rental period. A late fee as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council will be assessed for water meter assemblies kept longer than thirty days. If the renter has kept the water meter for more than fifteen days after the end of the rental period, the city may enter onto any property upon which the water meter is located and repossess such meter. If such meter is not on the premises listed in the rental agreement as the location of the use of the meter or the street address of the renter, and the renter has not returned the meter at the end of the rental period, the city may charge the renter with theft.

E. Water meter assemblies shall not be rented if the renter, or any business entity they are associated with, has a past due account.

F. Daily water meter assembly use charge for temporary water service shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council. The minimum water meter assembly use charge shall be equal to the daily water meter assembly charge. (Ord. 2020-005 § 1, 2020: Ord. 2019-016 § 1, 2019: Ord. 2018-052 § 2, 2018: Ord. 2016-034 § 2, 2016: Ord. 2006-07 § 47, 2006: Ord. 2004-81 § 2, 2004: Ord. 2001-26 § 4, 2001: Ord. 97-16 § 22, 1997: Ord. 93-32 § 2, 1993: Ord. 2922 § 2, 1985: Ord. 2693 § 2, 1983: Ord. 2519 § 1, 1981: Ord. 2513 § 3, 1981: Ord. 1100 § 1, 1969).

Section 47. Section 7.68.282 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.68.282 Fire service charges.

The bimonthly charge for each fire service shall be as follows:

A. Charges within the city of Yakima shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council. B. Daily charge is calculated by dividing the bimonthly charge by sixty days.

C. Charges for fire services outside the city limits shall be computed by multiplying the applicable rate above by one and one-half.

D. The inside diameter of the pipe leading to a fire hydrant shall determine the service charge. Any fire hydrant installed and maintained by the city outside of city limits will be billed as a fire service, which charge shall be terminated at such time as the responsible consumer's property is annexed to the city. (Ord. 2018-052 § 3, 2018: Ord. 2016-034 § 3, 2016: Ord. 2009-49 § 11, 2009: Ord. 2007-67 § 3, 2007: Ord. 2004-81 § 4, 2004: Ord. 2001-26 § 7, 2001: Ord. 97-16 § 27, 1997: Ord. 93-32 § 5, 1993: Ord. 3366 § 4, 1991: Ord. 2922 § 5, 1985: Ord. 1874 § 4, 1975: Ord. 1556 § 5, 1973: Ord. 982 § 9, 1967).

Section 48. Section 7.80.110 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.80.110 Base rate.

The base rate shall be calculated to provide adequate revenues to cover all costs allowable under applicable law that are incurred by the utility. The base rates shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

The ongoing revenue requirements for the stormwater utility shall be reviewed and the annual base rates shall be adjusted or maintained as needed. The frequency of adjustments to base rates thereafter shall be as required to ensure fair and full funding of the program. (Ord. 2018-049 § 1, 2018: Ord. 2016-037 § 1, 2016: Ord. 2012-43 § 1, 2012: Ord. 2011-55 § 1, 2011: Ord.

Section 49. Section 7.90.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

7.90.020 Transit fees.

The transit division fare rates, effective March 8, 2013, are as follows:

A. Adult Fare.

(1) Except as provided in subsections (A)(2), B and C of this section, a fare set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, referred to as an “adult fare,” shall be collected from each transit passenger for each trip taken on a transit bus, “trip” being defined for purposes of this chapter as the duration of a single transport from the point of a passenger entering the bus to the point of the passenger exiting the bus.

(2) An adult holding a current and valid monthly adult pass issued by the city of Yakima transit division for a fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be entitled to ride any Yakima city transit bus an unlimited number of times, and at any time, by exhibiting such pass to the bus driver.

#### B. Youth Fare.

(1) Except as provided in subsection (B)(2) of this section, a fare set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution,, referred to as a “youth fare,” shall be collected from each passenger who is between the ages of six and eighteen years of age for each trip taken on a transit bus. No fare shall be required for a passenger five years of age or younger when attended by another passenger who pays their appropriate fare. A youth fare shall be collected from each unattended passenger under six years of age.

(2) A passenger holding a current and valid youth bus pass issued by the city of Yakima transit division for a fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be entitled to ride any Yakima city transit bus an unlimited number of times, and at any time, by exhibiting such pass to the bus driver.

#### C. Reduced Fare.

(1) “Reduced Fare” Defined. “Reduced fare” shall mean a fare available to a person who has in his/her possession a reduced fare ID card and meets the following requirements:

- (a) Is a person sixty-two years of age or older; or
- (b) Is a person with disabilities and a Medicare cardholder.

(2) “Reduced Fare” Rates.

(a) A fare set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be collected from each “reduced fare” bus passenger.

(b) A passenger holding a current and valid “reduced fare bus pass” issued by the city of Yakima transit division for the fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, shall be entitled to ride any Yakima city transit bus an unlimited number of times by exhibiting such pass to the bus driver.

D. Dial-A-Ride Fare. A fare set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, referred to as the “dial-a-ride fare,” shall be collected from each passenger who has been prequalified by the city as being eligible under the Americans with Disabilities Act for dial-a-ride transport. The dial-a-ride fare shall be required for each one-way

trip made on the demand-responsive service provided by the city of Yakima and referred to as dial-a-ride, for qualified individuals with disabilities and subject to the following conditions:

(a) The dial-a-ride fare will not be collected from an attendant accompanying a dial a-ride passenger who has been authorized and preapproved by the city as requiring a personal care attendant.

(b) The dial-a-ride fare will be collected from each person six years of age or older who accompanies the disabled passenger, except as provided in subsection (D)(a) of this section, and in accord with the established dial-a-ride operating rules. (Ord. 2013-001 § 1, 2013: Ord. 2008-48 § 2, 2008).

Section 50. Section 8.20.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 8.20.030 Application for permit—Fee.

A. Applications for permits to be issued pursuant to this chapter shall be filed with the community development director upon an approved form, and shall be accompanied by a detailed scale drawing depicting the public right-of-way in the vicinity of the area for which the permit is sought, including existing utilities, street lights and traffic signal poles, street furniture and similar features of the area, as well as the dimensions and locations of the proposed use of the right-of-way. The community development director may require a traffic control plan or other documents, which shall be provided by the applicant and approved by the community development director before a permit is issued. Such application shall contain an accurate description of the public right-of-way or portion thereof desired to be used under the authority of the permit sought, the use desired to be made of the public right-of-way by the applicant pursuant to the permit, the plans and specifications for any utility or structure desired in or on a public right-of-way, evidence showing the applicant to be the owner of, or entitled to the possession and use of, the property adjacent to the right-of-way concerning which the permit is sought and such other information deemed necessary or desirable by the chief of code administration to enforce compliance with or to otherwise administer the provisions of this chapter.

B. All applications shall be accompanied by a fee. The fee shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council. (Ord. 2020-025 § 1, 2020: Ord. 2019-032 § 1 (part), 2019: Ord. 2009-15 § 3, 2009: Ord. 2938 § 2, 1986; Ord. 1672 § 1 (part), 1974).

Section 51. Section 8.20.057 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 8.20.057 Small wireless facilities.

Small wireless facilities, as defined in YMC 15.29.020, proposed to be placed on an existing or new utility pole in the right-of-way and meeting all applicable criteria found in YMC 15.29.060(G) and 15.29.070(B) shall be issued a right-of-way use permit after completing a small wireless facility right-of-way use application. The FCC in 47 CFR Section 1.6003 has established presumptively reasonable time periods for review of facilities for the deployment of small

wireless facilities. The city shall make every reasonable effort consistent with any conflicting provisions of state or federal law, and the preservation of the city's health, safety and aesthetic environment to comply with these time periods to the fullest extent possible.

A. Applications. The public works director or their designee shall specify submittal requirements, including type, detail, and standards for an application to be complete. The director may require additional material such as maps, studies, or photographic simulations when the director determines such material is needed to adequately assess the proposed project. The director may waive specific submittal requirements determined to be unnecessary for review of an application after a written request for such waiver is made to the director. The director has the sole authority to grant or deny such a request and all waivers are granted on a case-by-case basis, narrowly tailored to minimize deviation from the requirements outlined herein.

B. Incomplete Applications and Denial. Applications will be processed, and notices of incompleteness provided, in conformity with state, local and federal law. If an application is incomplete, it may be rejected by the director by notifying the applicant and identifying the material omitted from the application. Applications may be denied without prejudice when the applicant fails to provide a substantive response to the city within one hundred eighty days after the city deems the application incomplete. If the application is denied, a new application and the applicable fees will be required for the same location.

C. Post-Installation Inspection. All small cell permits requesting use of a city-owned utility pole require a post-installation inspection by the public works department. Such inspection shall occur prior to bringing the small cell facility online. The cost of that inspection, which shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council,, shall be paid by the applicant.

D. As-Built Drawings Required. After obtaining the permit and constructing the small cell facility, the applicant shall provide to the public works director the as-built drawings of the small cell facility. (Ord. 2019-032 § 1 (part), 2019).

Section 52. Section 8.20.070 of the City of Yakima Municipal Code is hereby amended to read as follows:

8.20.070 Term of permit—Renewal.

Permits issued pursuant to this chapter shall be valid for a period of up to one year from the date of issuance and shall be subject to renewal annually on application therefor, and on payment of the fee set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council,, provided permits granted under authority other than this chapter shall remain in full force and effect according to their terms without the necessity for application therefor or renewal thereof and without the payment of a permit fee, unless any such permit is terminated or revoked as provided by that permit. (Ord. 2019-032 § 1 (part), 2019: Ord. 2009-15 § 8, 2009: Ord. 2938 § 3, 1986: Ord. 1672 § 1 (part), 1974).

Section 53. Section 8.20.075 of the City of Yakima Municipal Code is hereby amended to read as follows:



#### 8.20.075 Short-term permits.

For uses of a right-of-way for less than thirty days, the following process shall be followed in lieu of the process outlined in YMC 8.20.030 through 8.20.052 and YMC 8.20.070.

A. Purpose. Short-term right-of-way permit uses are for those uses of the public right-of-way for less than thirty days, and include, but are not limited to, placement of limited-term container-type storage units, placement of limited-term dumpsters, use and occupation of the right-of-way for construction projects for less than thirty days, or use and occupation of the right-of-way to temporarily store landscaping materials being used in a project.

B. Application. Applications for short-term right-of-way use permits shall be filed with the community development director upon an approved form and accompanied by a detailed scale drawing depicting the public right-of-way in the vicinity of the area for which the permit is sought, including existing utilities, street lights and traffic signal poles, street furniture and similar features of the area, as well as the dimensions and locations of the proposed use of the right-of-way. The application shall be filed no less than seven business days before the proposed start-date of the permit. The community development director may require a traffic control plan or other documents, which all shall be provided by the applicant and approved by the community development director before a permit is issued. Such application shall contain an accurate description of the public right-of-way or portion thereof desired to be used under the authority of the permit sought, the use desired to be made of the public right-of-way by the applicant pursuant to the permit, the plans and specifications for any utility or structure desired in or on a public right-of-way, evidence showing the applicant to be the owner of, or entitled to the possession and use of, the property adjacent to the right-of-way concerning which the permit is sought and such other information deemed necessary or desirable by the chief of code administration to enforce compliance with or to otherwise administer the provisions of this chapter.

C. Fee. The fee for a short-term right-of-way use permit shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council. Additional fees based on the location and use may be required.

D. Processing. The planning manager or his or her designee, shall examine applications for compliance. Other city staff may examine applications if deemed appropriate by the planning manager or his or her designee. The planning manager will provide findings and conclusions to the community development director. If the short-term right-of-way use permit is in a residential area, the planning manager shall evaluate the request in light of the requirements of YMC 8.20.052. Upon review, the community development director may issue the permit based thereon, after receiving proof of insurance and the receipt of any other documents deemed necessary by the city.

E. Insurance. The provisions of YMC 8.20.060, including but not limited to the liability limits, shall apply to short-term right-of-way use permits.

F. Expiration. Short-term right-of-way use permits shall expire on the date listed on the permit.

G. Renewal. Short-term right-of-way use permits may be renewed one time upon completion of a new application and the payment of the application fee. (Ord. 2019-032 § 1 (part), 2019).8.20.077 Sidewalks shall remain accessible.

Permit holders shall take all measures to keep sidewalks accessible to pedestrians. This means that a minimum of four feet of sidewalk space must be available. Permit holders may be required to construct tunneling measures or other temporary measures to maintain pedestrian access. Permit applications should include information as to how the applicant plans to keep the sidewalk accessible. (Ord. 2019-032 § 1 (part), 2019).

Section 54. Section 8.30.70 of the City of Yakima Municipal Code is hereby amended to read as follows:

8.30.070 Application for permit—Fee.

A. Application to Be Submitted by Licensed Installer. Applications to hang a street banner or vertical banner shall be accepted only from licensed installers on behalf of qualified applicants.

B. Time for Submission of Application. Permit applications shall not be accepted more than six months prior to the proposed installation of the street banner. Permit applications, along with applicable fees, must be submitted at least thirty days in advance of installation.

C. Application. The permit application shall be in writing and shall contain the following information:

- (1) Date(s) of event;
- (2) Name and purpose of event;
- (3) Date of installation of banner, and date of removal;
- (4) Proposed location for banner;
- (5) All applications must include draft artwork, sample specification and message to be printed on the street banner or vertical banner, together with any acknowledgement of sponsors and/or sponsors' logos;
- (6) Copy of IRS tax-exempt certificate, if applicable;
- (7) Contact person, name and phone number to be used in the event of a problem;
- (8) Name, address and contact information of licensed installer; and
- (9) Any other information deemed necessary and appropriate by the economic development manager.

D. Review of Application. Upon the receipt of said application, the economic development manager shall review such application for compliance with the provisions of this chapter, and



whether the installation of said banner will be likely to constitute a hazard to the safety of the inhabitants of the city of Yakima or to property rights.

If, in the exercise of his judgment and discretion, the economic development manager determines, in consultation with the code administration manager, that the proposed banner is compliant with the provisions of this chapter and that installation thereof, as contemplated, could be made and thereafter maintained with reasonable safety, the economic development manager may order a permit to be issued therefor upon payment to the city of the applicable license fee.

The economic development manager may approve, deny or require modification of the proposed banner to meet the requirements of this chapter.

E. Fees. A weekly permit fee for banners located on Yakima Avenue and North Front Street and/or East A Street must accompany the application for permit. A two-week permit fee for banners located on Yakima Avenue, and North Front Street and/or East A Street, must accompany the application for permit. The fee shall be included in the City of Yakima Master Fee Schedule adopted by city council via resolution. (Ord. 2017-014 § 1 (part), 2017: Ord. 2012-60 § 1 (Exh. A) (part), 2012).

Section 55. Section 8.70.050 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 8.70.050 Renaming of streets.

(A) Any resident of the city of Yakima may petition in writing on a form provided by the city, to the Yakima city council, a request to officially rename a street that has an existing name. The petition shall be accompanied by a petition fee as set forth in the City of Yakima Master Fee Schedule approved via resolution by the city council.

(B) Upon receipt of a petition and payment of the petition fee, the city council shall consider the matter at a regular council meeting and make an initial determination of whether the petition is a valid request that should be considered in a public hearing. If so, the city council shall schedule a time, date and place for the public hearing.

(C) Upon scheduling of the public hearing, the director shall notify all property owners abutting the street by first-class mail of the public hearing time, date and place, which notice shall precede the hearing date by no less than thirty days. Tax assessment and city of Yakima utility records shall be used for ascertaining owner address information.

(D) The director will provide notice to, and solicit input from, government agencies and utility providers likely to have an interest in such renaming (for example, the Yakima fire department, the Yakima public safety communications division, the Yakima police department, the Yakima water/irrigation division, the Yakima wastewater treatment division, the Yakima engineering division, Yakima County, the U.S. Postal Service, Cascade Natural Gas Company, and Pacific Power).

(E) The city council shall approve by ordinance the request upon determining that the proposed renaming is in the best interest of the city of Yakima and is consistent with the street

naming policy set forth at YMC 8.70.030. (Ord. 2006-08 § 1 (part), 2006: Ord. 2005-24 § 1 (part), 2005).

Section 56. Chapter 8.72 of the City of Yakima Municipal Code is hereby amended to read as follows:

8.72.040 Conditions of permit.

A. The applicant is responsible for the permit and the traffic control plan. The permit covers the general contractor's subcontractors as long as such subcontractors are not excavating in the public right-of-way.

B. The excavation permit application form and submittal requirements shall be in such form as prescribed by the city. The following information shall be required for application:

1) General.

i. The name and residence or business address of the applicant, including the applicant's state contractor's license;

ii. The location and approximate area of the excavation;

iii. The purpose, a plan or drawing, and a schedule for the proposed period of excavation;

iv. A traffic control plan;

v. Insurance and bond;

vi. A plan showing the specific location and area of the excavation, including the dimensions of its length and width, and any other information that may be deemed by the city to clearly explain the work.

2) The applicant shall pay fees as determined by YMC 8.72.070.

i. No fee or requirement authorized or imposed pursuant to this chapter shall be construed to affect or alter in any way any obligation of public and private utilities with facilities installed in any public right-of-way to relocate the facilities at no cost to the city, in the event that relocation is required by the city to accommodate public safety within the public right-of-way. Any directive must comply with RCW 35.99.060, Relocation of Facilities—Notice—Reimbursement.

C. The permittee shall, at a minimum, be responsible for public safety as follows:

1) Comply with all current federal, state and local safety regulations and all federal and state disability laws including those requiring an accessible path of travel.

2) Utilize appropriate traffic control, per the Manual on Uniform Traffic Control Devices (MUTCD), at all times for the duration of the permit.3) A legible traffic control plan shall be included with all permit applications by the applicant unless a traffic control plan has already been submitted and approved.

i. Traffic control plans shall be designed and drawn, using MUTCD standards, by the American Traffic Safety Services Association (ATSSA), or equivalent certifying entity, certified traffic control supervisor.

a) A “training” grace period of ninety days, from the date the ordinance codified in this chapter is enacted, will be allowed for persons designing and drawing traffic control plans to be certified.

4) Excavations shall not be left unprotected at the end of a shift unless continuous shifts are planned.

i. Backfill, steel plates, security fencing and other safety options may be considered on a case-by-case basis by the city.

ii. Barricades, warning tape and plastic fence are not acceptable alternatives.

D. The permittee shall designate an employee responsible for the installation, maintenance and removal of barricades and warning signs, as required by the approved traffic control plan.

1) Barricades shall not be placed on sidewalks, pedestrian or bike paths, or dedicated bike lanes unless said pathways are permitted to be closed.

2) Barricades, including supports, shall be moved outside the clear zone when not in use.

3) The city will inspect barricading for compliance with approved traffic control plans as it deems necessary.

4) Barricades and warning signs shall be removed from the right-of-way promptly at the completion of the work.

E. All flaggers shall be trained and certified by a training agency normally engaged in the business of flagger training. Flaggers must show certification cards on request. Approved safety wear is required.

F. The permittee shall be responsible for the utility location service, surface (asphalt, concrete, other) cut, excavation, backfill, compaction, surface replacement, testing, any necessary remedial work, and materials incorporated in the work.

G. Indemnification, Hold Harmless, Insurance and Bond.

1) Indemnification and Hold Harmless.

i. Applicant agrees to protect, defend, indemnify, and hold harmless the city, its elected officials, officers, employees, agents, and volunteers from any and all claims, demands, losses,

liens, liabilities, penalties, fines, lawsuits, and other proceedings and all judgments, awards, costs and expenses (including reasonable attorneys' fees and disbursements) arising out of any act and/or omission of the applicant, its officers, employees, agents, volunteers and/or subcontractors, relating to the issuance of a permit to applicant pursuant to Chapter 8.72 YMC, and/or the performance of work done pursuant to a permit from, or contract with the city.

ii. Nothing contained in this section or this contract shall be construed to create a liability or a right of indemnification in any third party.

## 2) Insurance.

### i. General Requirements.

a) The applicant shall obtain the insurance described in this section from insurers approved by the State Insurance Commissioner pursuant to RCW Title 48. The insurance must be provided by an insurer with a rating of A- VII or higher in the A.M. Best's Key Rating Guide, which is licensed to do business in the state of Washington (or issued as a surplus line by a Washington surplus lines broker). The city reserves the right to approve or reject the insurance provided, based on the insurer (including financial condition), terms and coverage, the certificate of insurance, and/or endorsements.

b) The applicant shall keep this insurance in force during the term of the affected work and for thirty days after the physical completion date, unless otherwise indicated (see subsection (G)(2)(i)(c) of this section).

c) If any insurance policy is written on a claims-made form, its retroactive date, and that of all subsequent renewals, shall be no later than the effective date of this permit. The policy shall state that coverage is claims-made, and state the retroactive date. Claims-made form coverage shall be maintained by the applicant for a minimum of thirty-six months following the final completion or earlier termination of this permit, and the applicant shall annually provide the city with proof of renewal. If renewal of the claims-made form of coverage becomes unavailable, or economically prohibitive, the applicant shall purchase an extended reporting period ("tail") or execute another form of guarantee acceptable to the city to assure financial responsibility for liability for services performed.

d) The applicant's and all subcontractors' insurance coverage shall be primary and noncontributory insurance as respects the city's insurance, self-insurance, or insurance pool coverage.

e) The applicant shall provide the city and all additional insureds with written notice of any policy cancellation, within two business days of their receipt of such notice.

f) Upon request, the applicant shall forward to the city a full and certified copy of the insurance certificate.

g) The applicant shall not begin work under the permit until the required insurance has been obtained and approved by the city.

h) Failure on the part of the applicant to maintain the insurance as required shall constitute a material breach of permit, upon which the city may, after giving five business days' notice to the applicant to correct the breach, immediately terminate the permit.

i) All costs for insurance shall be the responsibility of the applicant.

ii. Additional Insured. All insurance policies, with the exception of workers' compensation, shall name the following listed entities as additional insured(s):

a) The city and its elected and appointed officials, officers, employees, agents and volunteers.

b) The above-listed entities shall be additional insured(s) for the full available limits of liability maintained by the applicant, whether primary, excess, contingent or otherwise, irrespective of whether such limits maintained by the applicant are greater than those required by this permit, and irrespective of whether the certificate of insurance provided by the applicant pursuant to subsections (G)(2)(iv) and (v) of this section describes limits lower than those maintained by the applicant.

iii. Subcontractors. Applicant shall ensure that each subcontractor of every tier obtains and maintains at a minimum the insurance coverages listed in subsection (G)(2)(v) of this section. Upon request of the city, the applicant shall provide evidence of such insurance.

iv. Evidence of Insurance. The required certificates of insurance in subsection (G)(2)(v) of this section shall clearly state who the provider is, the coverage amount, the policy number, and when the policy and provisions provided are in effect. Said policy shall be in effect for the duration of this contract or permit. The policy shall name the city, its elected and appointed officials, officers, employees, agents and volunteers as additional insureds, and shall contain a clause that the insurer will not cancel or change the insurance without first giving the city prior written notice. A copy of the additional insured endorsement will be included with the certificate. The insurance shall be with an insurance company or companies rated A- VII or higher in Best's Guide and admitted in the state of Washington (or issued as a surplus line by a Washington surplus lines broker).

v. Coverages and Limits.

a) Insurance.

a. At all times during performance of the services, applicant shall secure and maintain in effect insurance to protect the city from and against all claims, damages, losses, and expenses arising out of or resulting from the performance of this contract or permit. Applicant shall provide and maintain in force insurance in limits no less than that stated below, as applicable. The city reserves the right to require higher limits should it deem it necessary in the best interest of the public.

b. Commercial General Liability Insurance. Before this contract or permit is fully executed by the parties, applicant shall provide the city with a certificate of insurance as proof of commercial liability insurance and commercial umbrella liability insurance with a total minimum liability limit of one million dollars per occurrence combined single limit bodily injury and property damage,

and two million dollars general aggregate. The aggregate limit will apply “per job” or “per project.” The policy will include Washington stop gap (employer’s liability) coverage.

b) Commercial Automobile Liability Insurance.

a. If the applicant owns any vehicles, before this contract or permit is fully executed by the parties, applicant shall provide the city with a certificate of insurance as proof of commercial automobile liability insurance and commercial umbrella liability insurance with a total minimum liability limit of one million dollars per occurrence combined single limit bodily injury and property damage. Automobile liability will apply to “any auto” and be shown on the certificate.

b. If the applicant does not own any vehicles, only “nonowned and hired automobile liability” will be required and may be added to the commercial liability coverage at the same limits as required in subsection (G)(2)(v)(a)(b) of this section, Commercial General Liability Insurance.

c) Workers’ Compensation. The applicant shall comply with workers’ compensation coverage as required by the industrial insurance laws of the state of Washington.

3) Bond.

i. The applicant shall provide a minimum of a ten thousand dollar bond to assure successful completion of the permitted work. The city may use this bond to complete unfinished work or to correct any damage to existing infrastructure that is caused by the permittee.

ii. The bond may be written for a single event, a specific duration, or it may be evergreen.

iii. The city reserves the right to request additional bonding should it be determined that the amount of the work or risk exceeds the capacity of the bond.

iv. If the bond is for a single event, the bond shall be returned to the permittee upon successful completion of the work, as determined by the city.

v. This requirement is not in addition or instead of the bonding/insurance requirements for a city capital improvement project.

H. Roads less than five years old can be cut, but will cost one hundred fifty percent of restoration fee with no PCI discount.

I. The permittee shall notify the city upon completion of the work.

J. The city will provide any necessary inspections, during normal business hours, at the applicant’s expense. Should the permittee request inspections outside normal business hours, or should additional inspections be necessary to ensure public safety, the permittee shall pay for all additional inspection costs, including overtime costs.

K. Except as otherwise expressly provided herein, all costs of complying with this chapter shall be borne by the applicant/permittee.

L. Upon receipt of a complete excavation permit application package, the city shall determine and set forth all requirements, approve or disapprove the application, and, if approved, sign and return it to the applicant with a permit number.

1) Each permit will state the estimated start and completion date of the permitted work.

i. One to thirty days : permit.

ii. Thirty additional days (additional fees will apply): permit extension.

2) The city may grant permit extensions if requested by the permittee.

i. The permittee must request the permit extension at least twenty-four hours prior to the stated completion date of the permit.

ii. Additional fees required by the requested extension must be paid prior to the issuance of the extension.

3) The city may modify the permit if circumstances or conditions appearing after the work is started make it impossible, dangerous or excessively inconvenient to the traveling public for the permittee to comply with the requirements of the permit.

4) No person in violation of any requirement of this chapter shall be issued an excavation permit, nor shall any contractor or agent apply for or be issued an excavation permit on the person's behalf, until the outstanding violation is corrected.

i. The foregoing requirement is in addition to any penalty or remedy for violation that may be imposed or sought by the city at law or equity. (Ord. 2022-019 § 1, 2022; Ord. 2014-015 § 1 (Exh. A) (part), 2014).

Section 57 Section 8.72.070 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 8.72.070 Fees.

A. All applicants and permittees subject to this chapter shall pay permit fees and be subject to penalty fees if they violate the requirements of this chapter, except as provided below.

1) City projects or crews that are funded out of the general fund may be exempt from paying permit fees, depending on the original source of the project funding, but must comply with the remainder of this chapter.

2) City projects or crews that are funded from Fund 142, Arterial Streets Fund, may be exempt from paying restoration fees, depending on the original source of the project funding, but must comply with the remainder of this chapter.



3) Roads that the city plans to resurface or reconstruct within the following eighteen months are exempt from the resurfacing fee. Notice shall be provided by December 1st of each calendar year.

4) Restoration fee area shall be calculated in square feet, as follows:

i. A fee as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, will be assessed per square foot of trench area, including an additional three-foot zone of influence on each side of the trench.

ii. Roads more than five years old shall be adjusted by the road pavement condition index (PCI), represented in decimal form, to compensate for the existing condition of the road when cut.

• Example: The restoration fee of a road with a PCI of forty would be discounted by sixty percent.

iii. Roads less than five years old will cost one hundred fifty percent of restoration fee, except in the case of emergency excavation they will be charged only one hundred percent of the restoration fee. Roads less than five years old, regardless of the reason for the cut, will not be adjusted by the PCI.

5) Revenues collected for restoration fee shall be deposited in the street reconstruction account.

6) The following fees shall apply to right-of-way use permits:

i. Base administration fee: as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution (renewable monthly for an additional fee as listed in the City of Yakima Fee Schedule).

ii. Inspection fee: as listed in the City of Yakima Master Fee Schedule adopted by city council via resolution with a one-hour minimum.

iii. Penalty Fees. Failure to comply with this chapter: five hundred dollars per violation per day. (Ord. 2014-015 § 1 (Exh. A) (part), 2014).

Section 58 Section 9.50.200 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### PARKING METER PARKING

9.50.200 Residential parking permits in the central business district.

A. Authority. Residential parking permits for the central business district may be issued by the Yakima city director of finance and budget or her/his designee. Such permits shall apply to the area bounded by the center line of 6th Street on the east; the center line of Spruce Street on the



south; the west curb line of 6th Avenue on the west; and the north curb line of Lincoln Avenue on the north less the area described as the core business district in YMC 9.10.030.

The parking manager has the authority to define a designated parking area for an issued residential parking permit.

Current residents of the Chestnut Manor Apartments are authorized to apply for the opportunity to obtain a special parking permit. The Chestnut Manor Apartments are located at 27 South 4th Street, Yakima, Washington, and where the allowed on-street parking by permit is defined by the property lines to curb on the northern boundary on 4th Street and the east boundary on Chestnut. The special parking permits for the Chestnut Manor Apartments residents, and any other applicant, are subject to the following conditions:

- (1) The parking exemption is only allowed adjacent to the Chestnut Manor Apartments as defined above.
- (2) The current resident shall submit a complete application on the form provided by the city.
- (3) The information contained in the application shall meet the requirements of the city's parking ordinances.
- (4) The application shall include any additional information deemed necessary for the city to allocate parking permits for the current residents of Chestnut Manor.
- (5) The Chestnut Manor Apartments residents shall submit the completed application prior to September 30, 2010.
- (6) Applications submitted after that date are not deemed timely.
- (7) These conditions are final and not subject to any exemption, extension or waiver.
- (8) The area additionally designated for on-street parking adjacent to the Chestnut Manor Apartments is not solely reserved for Chestnut Manor residents and is available to any permit holder under this section.
- (9) At such time as the Chestnut Manor Apartments cease to exist in its current use, the permits from Chestnut Manor Apartments residents and these entire amendments are rescinded.

B. Written Application. Permits may be issued by the director of finance and budget or her/his designee to a resident of the area described in subsection A of this section upon written application of such resident to the director of finance and budget or her/his designee. Such application shall contain the following information:

- (1) Name, address, and telephone number of the applicant together with proof of residency at such address;

(2) Make, model, and year of one passenger motor vehicle or pickup truck, which shall not exceed eight thousand pounds in gross weight, which is registered to the applicant and for which a permit is sought;

(3) The names of those persons living in the same residential unit as the applicant;

(4) A copy of the current vehicle registration;

(5) A copy of the applicant's current driver's license;

(6) A copy of the applicant's current proof of insurance in the form required by RCW 46.30.030;

(7) A representation that the vehicle is operable and may be legally driven on the public highways of Washington State; and

(8) Such other information as the director of finance and budget or her/his designee may deem necessary in complying with the terms of this section.

C. Issuance. Upon proper application, the director of finance and budget or her/his designee may issue a residential parking permit to the applicant upon payment of a nonrefundable fee as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council to cover the cost of administration. Such permit shall expire a year after its issuance and may be renewed annually. The permit shall be in the form of a vehicle windshield sticker issued by the director of finance and budget or her/his designee, containing the make, model, year, and license number of the vehicle to which such permit applies.

#### D. Rules and Regulations.

(1) No more than one residential parking permit may be issued to the resident of each residential unit within the area described in subsection A of this section. A "residential unit" means a housing unit in which all persons reside as a single group, such as a family, whether in a single or multiple dwelling.

(2) The permit granted under this section shall apply only to the area designated in subsection A of this section. Such permit does not reserve a parking space in such area upon the public streets.

(3) In order for such permit to be valid, it must be displayed on the left rear window of the vehicle to which it applies.

(4) Such permit shall not be transferable; provided, that a permit which has more than six months remaining may be reissued by the director of finance and budget or her/his designee for its unexpired term to the original applicant upon applicant's showing that the vehicle to which such permit applies has been sold, destroyed, or otherwise transferred or that the applicant has moved to another residential unit within the area described in subsection A of this section and for which no permit is issued.

(5) The permit granted under this section shall not apply to areas where parking is not otherwise allowed and the following restrictive parking zones: fifteen-minute, thirty-minute, loading zone, and handicapped zone. In addition, such permit applies only to parking within a quarter of a mile from the applicant's residence listed on the permit.

(6) It is unlawful to: (a) affix a permit issued under this section on a vehicle other than that to which it applies; (b) knowingly provide false information in obtaining such permit.

(7) Permits shall not be issued to persons with outstanding/unpaid parking violations and/or traffic infractions.

(8) The director of finance and budget is authorized to adopt such further rules and regulations, not inconsistent with rules and regulations of this subsection, as the director deems necessary or advisable to administer the permit system authorized and adopted by this section. (Ord. 2014-022 § 11, 2014: Ord. 2010-35 § 1, 2010: Ord. 2003-39 § 1, 2003: Ord. 3215 § 1, 1989).

Section 59. Section 9.50.210 of the City of Yakima Municipal Code is hereby amended to read as follows:

9.50.210 Special parking permit—Fees—Regulations.

A. Effective January 1, 1977, a special parking permit may be obtained by filing a written application therefor with the customer services manager of the city of Yakima, which application shall state the name and address of the applicant, a statement as to the business in which applicant is engaged, and a description of applicant's trucks or automobiles used in the conduct and operation of applicant's business. Special parking permits are to be issued and used only for vehicles used in building maintenance, building construction, or equipment service or installation.

B. It is the duty of the customer services manager to investigate the facts stated in the application and determine the necessity for the use of the special parking permit in conducting or operating the business of the applicant.

C. Upon the approval of the application by the customer services manager, the approved application shall be presented by the applicant to the director of finance and budget, and applicant shall pay the director one month's permit fee as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council.

D. The fee for a special parking permit is set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council, with all fees being payable in advance.

E. It is unlawful for any person, firm or corporation to use a special parking permit in violation of the rules and regulations set out in the approved application.

F. It is unlawful for any person, firm or corporation to use a special parking permit in any fifteen-minute or thirty-minute parking meter zone.

G. It is unlawful to use a special parking permit unless the parking space is occupied by a motor vehicle described in the application for such permit. (Ord. 2735 § 2 (part), 1983).

Section 60. Section 9.50.220 of the City of Yakima Municipal Code is hereby amended to read as follows:

9.50.220 Long-term parking permits.

A. Issuance of Permits. The issuance of permits to authorize long-term vehicular parking in parking lots owned by the city shall be administered by the city department of finance and budget according to the following rules and regulations:

1. Number—Existing Permits—Waiting List. The number of long-term permits to be issued for parking in any lot shall not exceed thirty percent of the parking spaces in each respective lot. The provisions of this section shall be administered by the economic development manager. Issuance of new long-term parking permits shall be issued on a first-come, first-served basis. When the quota is filled for any one parking lot, the applicant will be given the opportunity to be issued a long-term parking permit for any available parking space in another city-owned parking lot. When quotas are filled, subsequent applications for long-term parking permits received after the quota is filled will be placed on file in the order received, a waiting list will be established, and permits will be issued as openings occur.

2. Eligibility—Location. Permits shall be issued only upon the written application of a resident residing within, or an owner, manager or employee of a business or governmental agency located within the area bounded by the following streets:

East Martin Luther King, Jr. Boulevard on the north; Naches Avenue on the east; Walnut Street on the south; and First Street on the west.

3. Residential Permits. No more than one long-term parking permit may be issued to the resident of each residential unit within the area described in subsection (A)(2) of this section. A “residential unit” means a housing unit in which all persons reside as a single group, such as a family, whether in a single or multiple dwelling.

4. Application—Form. Application shall be made on forms furnished by the office of the director of finance and budget. Said application forms shall require, at a minimum, the following information and documentation:

- a. Name, address, and telephone number of the applicant;
- b. Make, model, and year of the passenger motor vehicle or pickup truck, which vehicle shall not exceed fourteen thousand pounds in gross weight, which is registered to the applicant and for which the permit is sought;
- c. In the case of a resident applying for a permit, the names of those persons living in the same residential unit as the applicant;
- d. A copy of the current vehicle registration;

- e. A copy of the applicant's current driver's license;
- f. A copy of the applicant's current proof of insurance in the form required by RCW 46.30.030;
- g. A representation that the vehicle is operable and may be legally driven on the public highways of Washington State; and
- h. Such other information as the director of finance and budget or her/his designee may deem necessary in complying with the terms of this section.

5. Issuance of Permit—No Designation of Parking Space. The issuance of a permit does not reserve a designated parking space in the parking lot and each applicant for a permit shall acknowledge in writing that no such space is reserved and that the issuance of a permit by the city does not guarantee the availability of a parking space at all times or at any particular time.

6. Permit—Designated Parking Lot. Each permit shall have designated thereon the parking lot for which the permit is valid, and the attempted use of a permit for parking in a lot other than designated on the permit shall not afford the parking privileges which otherwise may be enjoyed by the permit holder.

7. Term of Permit. Annual permits will be issued on an annual calendar basis, to expire on the last day of the month of December of each year. Quarterly or semi-annual permits may also be issued, with the calendar quarters consisting of: (a) January 1st through March 31st; (b) April 1st through June 30th; (c) July 1st through September 30th; and (d) October 1st through December 31st.

8. Fee. The fee for a long-term parking permit shall be set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council, to be paid to the city at the time a new permit is issued, or at the time of making application for a renewal. The fee for a new permit to expire in less than one calendar year will be prorated at the rate set forth in the City of Yakima Master Fee Schedule as adopted via resolution by city council for any full or partial calendar month remaining in the calendar year. No fee will be prorated for less than one full calendar month. Fees paid electronically by credit card or other means will be assessed a processing fee per transaction as set forth in the City of Yakima Master Fee Schedule adopted via resolution by city council or such other amount as incurred by the city.

9. Renewal of Permits.

A. Annual Permits. Permits previously issued may be renewed for the next succeeding year, upon submission of an updated application and payment of the renewal fee between December 15th and December 25th of the year of expiration; applications for renewals will not be accepted prior to December 1st of the year of expiration.

B. Quarterly or Semi-Annual Permits. Previously issued quarterly and semi-annual permits may be renewed for the next succeeding quarter or other term upon submission of an updated application and payment of the renewal fee between the fifteenth day of the month of expiration through the twenty-fifth day of the month of

expiration; applications for renewal shall not be accepted prior to the first day of the month of expiration.

10. Applications by Mail. Applications by mail for renewal will not be accepted unless applicant has made prior arrangement therefor with the office of the director of finance and budget.

11. Failure to Renew. Failure of a permit holder to apply for renewal within the renewal period specified by these rules may result in the loss of that permit to the next applicant therefor on the waiting list.

12. Cancellation by Permit Holder. Permits will be cancelled on the application by the permit holder for such cancellation, and the unused permit fee will be refunded as prorated at the rate set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution per month for each full calendar month remaining in the period for which the permit was issued. No refund of the permit fee will be made for a partial calendar month.

13. Parking Violations. Permits shall not be issued to persons with outstanding city of Yakima parking violations.

14. Rules and Regulations. The economic development manager is authorized to adopt such further rules and regulations, not inconsistent with rules and regulations of this section, as the director deems necessary or advisable to administer the permit system authorized and adopted by this section. Such further rules and regulations may include supplemental terms, conditions and timelines, for issuance and renewals of long-term parking permits on a quarterly and/or semi-annual calendar basis.

B. A vehicle displaying a valid parking permit issued pursuant to this section may remain parked in any parking space in the parking lot designated on the permit, without paying a parking fee, for a period of time not to exceed twenty-four consecutive hours; provided, however, that said time restriction shall not apply to long-term parking permits issued to residents under this section. The permit must be displayed within the parked vehicle in such a manner as to be plainly visible and legible from a point outside the vehicle near the driver's position. (Ord. 2012-52 § 1 (Exh. A), 2012: Ord. 2009-12 § 3, 2009: Ord. 2005-04 § 4, 2005: Ord. 2004-02 § 1,

Section 61 Section 9.70.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

9.70.060 Time for filing application for special event permit.

(a) Except as otherwise provided in this chapter, a preapplication meeting shall be held no less than six months in advance of a new special event and no less than three months in advance of a repeat special event. Upon good cause shown and provided that there is no significant risk or burden to the city, the economic development manager may, in his or her discretion, allow a later preapplication meeting.



(b) With the exception of an expressive activity special event, a complete application for a special event permit shall be filed with the economic development manager not less than forty-five calendar days before the time when it is proposed to conduct the special event. If the conditions of YMC 9.70.100 are satisfied, then, upon good cause shown and provided that no risk or burden to the city ensues, the economic development manager has discretion to allow a later filing. In addition to any applicable fees under YMC 9.70.190, a late fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, will be assessed on any application submitted less than three weeks before the scheduled event.

(c) An application for an expressive activity special event permit shall be filed with the economic development manager no less than fourteen calendar days before the time when it is proposed to conduct the expressive activity special event. Upon good cause shown and provided that no risk or burden to the city ensues, the economic development manager may, in his or her discretion, allow a later filing. (Ord. 2018-009 § 1 (part), 2018: Ord. 2015-043 § 1

Section 62 Section 9.70.190 of the City of Yakima Municipal Code is hereby amended to read as follows:

9.70.190 Cost recovery for special events—Fees—Security deposit.

A. Special Event Permit Application Fee. A nonrefundable application fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, must be submitted with any special event permit application. Any event application submitted less than three weeks before the scheduled event is subject to an additional late fee set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

B. City Services Permit Fee. Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the economic development manager should provide the applicant with a statement of the estimated cost of city services, equipment and materials used or provided by city in providing traffic control and management for parades and vehicle events, and permit fees. Exempt from the special event cost recovery fee are the community events listed as follows: Memorial Day Parade; Cinco De Mayo Parade; 4th of July Celebration; Sunfair Parade; Veterans Day Parade; Salvation Army Toy Run; Harley Owners Group Toy Run; and Christmas Light Parade.

The special event permit fee shall be calculated and assessed as follows:

(1) The economic development manager shall send copies of special event applications to affected city departments. By way of illustration, and without limitation, personnel services provided by affected city departments include, but are not limited to, services such as police escorts and traffic control. Costs of such services are called “event management personnel costs.” Each departmental personnel activity required for the special event shall be itemized, showing hourly rate and total cost. The “total event management personnel costs to the city” shall be the sum of each department’s personnel costs. Nonprofit applicants shall pay fifty percent of the costs of the personnel services provided by the city. For-profit applicants will pay one hundred percent of the total event management personnel costs.

(2) The economic development manager shall require payment of fees, or a reasonable estimate thereof, at the time the completed application is approved. The special event permit will not be issued until the special event permit fee is paid in full.

C. Security Deposit. Except for an application for a permit for a special event protected under the First and Fourteenth Amendments of the U.S. Constitution, and events solely sponsored by the city, each application for a special event permit shall be accompanied by a security deposit. For special events requiring the closure of public streets, the amount of the security deposit shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution, based on the factors listed below. For special events limited to any city designated special event venue or other venue, or a special event permit issued under the expedited process of YMC 9.70.100, the amount of the security deposit shall be in an amount determined by the economic development manager based on the factors listed below. The economic development manager shall consider the following factors when determining the amount of any security deposit for a special event. The security deposit shall be in an amount the economic development manager determines is necessary and appropriate to defray costs of cleanup, repair and/or restoration based upon: (i) the number of persons expected to attend or participate in the event; (ii) the type or nature of the event; (iii) the number and type of vendors participating in the event; (iv) whether alcohol will be provided, served or consumed on the event venue; and (v) any other factor deemed relevant to determine the amount of deposit based upon reasonably foreseeable costs of cleanup, repair and/or restoration.

(1) Payment of Funds to Be Used for Security Deposit. Payment of funds to be used for security deposit shall be by cash or certified check.

(2) Deposit of Funds. Funds received from the applicant for security deposit shall be receipted by the city and deposited in an appropriate fund.

(3) Refund of Security Deposit. Subject to compliance with the following conditions, funds held by the city as a security deposit shall be refunded to the applicant in accordance with applicable payment procedures of the city:

(a) Applicant has complied with all requirements of the permit;

(b) Applicant has cleaned, repaired and restored the site following the conclusion of permitted event to the condition existing prior to the event, reasonable wear and tear excepted, to the satisfaction of the economic development manager.

(4) Use of Funds in Security Deposit by City. In the event applicant fails to comply with the approved cleanup plan included within the permit and/or damage to city property or facilities has occurred on the event site attributed to participants in the event, the economic development manager shall use reasonable efforts to notify the applicant that the city will proceed to clean, repair and restore the subject site and facilities, and thereupon authorize city personnel to conduct such cleanup and restoration. The cost of such city cleaning, repair and restoration shall be computed using the hourly rate of each city employee (with overtime rate, as applicable) multiplied by the hours worked by each employee, and the hourly rate for city equipment used for the cleanup, repair and restoration multiplied by the number of hours such equipment was used. Costs incurred by the city also include the costs of any third-party contractor retained to conduct or assist with such cleanup, repair or restoration. City will



document its costs incurred in cleanup, repair and restoration and deduct from the security deposit the total amount incurred by the city for such cleanup, repair and restoration. In the event applicant fails to comply with any of the requirements of the permit, any costs incurred by the city resulting from such noncompliance shall be documented and deducted from the security deposit by the city. The city shall thereupon request a refund of the remaining balance of the security deposit to be processed and paid to the applicant, and shall provide the applicant with a copy of the document showing city costs incurred.

(5) **Recovery of Excess Costs—Responsibility of Applicant.** The applicant shall be responsible for all cleanup, repair and restoration required in this code, the approved permit and cleanup plan, and any other costs incurred by the city resulting from the applicant's failure to comply with any of the requirements of the permit. In the event city costs associated with cleanup, repair and/or restoration of the site or applicant's failure to comply with any of the requirements of the permit exceed the amount of the security deposit, applicant shall pay the excess amount to the city within fourteen days, and the city reserves the right to seek recovery of such amounts from any and all responsible parties, including but not limited to the applicant. (Ord. 2018-009 § 1 (part), 2018: Ord. 2015-043 § 1 (Exh. A) (part), 2015: Ord. 2013-043 § 1 (Exh. B), 2013: Ord. 2013-041 § 2 (part), 2013: Ord. 2012-61 § 2 (Exh. A) (part), 2012).

Section 63 Section 10.05.015 of the City of Yakima Municipal Code is hereby amended to read as follows:

10.05.015 Fire code plan review and inspection fees.

A. **General.** Fees as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution shall be paid to the city for review of building plans for compliance with Chapter 10.05 YMC and for inspection of construction for compliance with Chapter 10.05 YMC. Existing buildings, and special events licensed pursuant to Chapter 9.70 YMC, and other events requiring fire and life safety inspection, will be subject to an annual fire and life safety inspection, and fees for such inspections shall be paid as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

B. **Fees Required for Plan Review.** For construction projects for which the fire code requires submittal documents, the hourly plan review fee indicated in the City of Yakima Master Fee Schedule adopted by city council via resolution shall be charged for the time to perform the plan review. The plan review fees required by this section are separate from the inspection fees required by this section, and are in addition to any inspection fees. When submittal documents are incomplete or are changed so as to require additional plan review, additional plan review fees shall be charged at the rate shown in Table 10.05.015A.

C. **Fees Required for Construction Inspection.** For construction projects for which the fire code requires inspection, the hourly inspection fee set forth in Table 10.05.015A shall be charged for the time to perform the inspection. The inspection fees required by this section are separate from the plan review fees required by this section, and are in addition to any plan review fees.

D. **Fees Required for Annual Fire and Life Safety Inspection.** For existing buildings, and for special events for which the fire code or other applicable city codes require fire inspection, the

inspection fee set forth in Table 10.05.015B shall be charged based on the area to be inspected or for the time to perform the inspection, as applicable. The fees required by this section are separate from the plan review fee and construction inspection fee set forth in subsections B and C of this section, and are in addition to such fees.

E. Fees Required for Fire System Records Management. Independent fire system service providers shall submit copies of fire system inspection and/or maintenance reports within thirty days of completed inspection service. An administrative fee as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution will be charged to the service provider for each system inspection/maintenance report submitted. Independent fire system service providers performing inspection and maintenance on fire protection systems requiring inspection and maintenance by the state-adopted International Fire Code and associated NFPA standards shall submit copies of the service and inspection reports to the Yakima fire department (YFD). Upon receipt of the reports, the fire department shall:

1. Verify that the service was performed by a qualified fire system service company or individual;
2. Review the service report to determine if the service was completed in full with no deficiencies;
3. In the event there are deficiencies in the report, YFD shall provide an inspection, either on site, by telephone or by email, and shall affirmatively verify the necessary deficiency correction has been completed. Service providers shall provide documentation of the completed corrections.
4. Maintain the submitted service records in a databank.

For purposes of this section, a fire protection system includes, but is not limited to: carbon dioxide fire extinguishing systems, Halon 1301 fire extinguishing systems, dry-chemical extinguishing systems, wet-chemical extinguishing systems, water-based fire protection systems, fire alarm systems, smoke and heat vents, fire doors, hood and duct systems, water-mist systems, clean-agent extinguishing systems, and private fire hydrants.

F. Fees Required for Reinspections. For construction inspections, associated with fire code compliance, a fee shall be charged for reinspection for each inspection that must be made: (1) because work for which inspection is called by the permittee is not complete and ready for inspection; (2) when the inspection record card is not posted or otherwise available on the work site; (3) when the approved plans are not readily available to the inspector; (4) for failure to provide access on the date for which inspection is requested; or (5) when corrections required by an inspector are not satisfactorily made when the permittee calls for a follow-up inspection for corrections. No reinspection fee shall be incurred for verification of corrections when such corrections are satisfactorily made. To obtain a construction reinspection, the permittee must pay the reinspection fee listed in the City of Yakima Master Fee Schedule adopted by city council via resolution in advance.

G. Reinspection fees for compliance with the annual fire and life safety inspections are assessed in accordance with the fee rates set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution.

1. For vacant occupancies, deduct twenty-five dollars from the fee schedule. Vacant occupancies shall contain no storage and be unoccupied at time of inspection to qualify for the reduction.

2. The hourly rate listed in the City of Yakima Master Fee Schedule adopted by city council via resolution, charged in thirty-minute increments, will be applied if the "per square foot" fee schedule amounts above do not cover the time spent inspecting at the hourly rate, up to a maximum charge of two hundred dollars.

H. Severability. If any part of this section is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this section. (Ord. 2019-039 § 1, 2019: Ord. 2018-017 § 1, 2018: Ord. 2016-033 § 1, 2016: Ord. 2016-011 § 1 (Exh. A) (part), 2016: Ord. 2012-27 § 1 (Exh. A) (part), 2012: Ord. 2002-16 § 1, 2002).

Section 64 Section 11.04.J104 Addition to Section J104. of the City of Yakima Municipal Code is hereby amended to read as follows:

11.04.J104 Addition to Section J104.

Subsections J104.5 and J104.6 are added as new subsections to Section J104 of Appendix J (Grading) to the Washington State Building Code to read as follows:

J104.5 Grading plan review fees. A grading plan review fee shall be paid to the building official or his/her designee in accordance with the City of Yakima Master Fee Schedule adopted by city council via resolution at the time the plan is submitted for review. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in the Yakima Municipal Code. For excavation and fill on the same site, the plan review fee shall be based on the volume of excavation or fill, whichever is greater.

J104.6 Grading permit fees. A grading permit fee shall be paid to the building official or his/her designee in accordance with the City of Yakima Master Fee Schedule adopted by city council via resolution at the time the permit is issued. Separate permit fees shall apply to retaining walls or major drainage structures as required elsewhere in the Yakima Municipal Code. There shall be no separate charge for standard terrace drains and similar facilities.

1. The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fees paid for the original permit and the fee shown for the entire project.

2. Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

(Ord. 2021-001 § 2, 2021; Ord. 2016-011 § 1 (Exh. A) (part), 2016: Ord. 2013-030 § 1 (Exh. A) (part), 2013: Ord. 2012-27 § 1 (Exh. A) (part), 2012: Ord. 2005-06 § 19, 2005).

Section 65 Section 11.06.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 11.06.030 Permit fees—Penalties.

A. There shall be imposed a permit fee as set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution for the installation of the mobile home in a mobile home park payable to the code administration manager or his designee at the time of permit application. The permit fee shall be set forth in the City of Yakima Master Fee Schedule adopted by city council via resolution for the installation of a mobile home on real property other than within a mobile home park.

B. A penalty equal to double the normal fee shall be imposed against any person who installs any mobile home prior to the issuance of a permit by the code administration manager. The payment of such penalty shall not relieve any person, firm, or corporation from fully complying with any of the applicable requirements or provisions otherwise required by law. (Ord. 2894 § 1 (part), 1985).

Section 66 Section 11.08.110 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 11.08.110 License fee.

The annual license fee for all licenses provided for by this chapter shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council, payable in advance on or before January 1st of each year; provided, a license may be issued for any application filed after August 31st of any year on payment of one-half the annual license fee, which license shall expire and be subject to renewal on or before December 31st of that year. (Ord. 2017-013 § 1 (part), 2017: Ord. 3143 § 14, 1988: Ord. 3002 § 14, 1987: Ord. 2736 § 15, 1983: Ord. 1880 § 27, 1975: Ord. 1638 § 1 (part), 1974)..

Section 67 Section 11.44.050 of the City of Yakima Municipal Code is hereby amended to read as follows:

#### 11.44.050 Qualification of plumbers.

##### A. Side Sewer Installer's License Required.

(1) It is unlawful for any person, firm or corporation to engage in the business of installing or contracting to install, repair or alter plumbing or side sewers without first obtaining and being the authorized holder of a current certificate of registration issued by the Washington Department of Labor and Industries pursuant to the provisions of Title 18 of the Revised Code of Washington.

(2) It is unlawful for any person to engage in the business or trade of plumbing as a journeyman without first having a current certificate of competency issued by the Washington Department of Labor and Industries pursuant to the provisions of Title 18 of the Revised Code of Washington. A journeyman plumber's license permits the holder to work on all types of plumbing including side sewers, only while in the employ of a properly licensed plumbing contractor.

(3) It is unlawful for any person to labor at the trade of side sewer installer in the capacity of journeyman installer without first having obtained and being the authorized holder of a valid and subsisting journeyman sewer installer's license.

A journeyman sewer installer's license permits the holder to perform only such work as is provided for herein in the construction and installation of side sewers and such work shall not include any work within the interior of any building line.

**B. License Procurement and Fees.**

(1) All contractors' licenses required by this chapter shall be obtained from the Washington Department of Labor and Industries, Professional Licensing Division, and shall be maintained in accordance with Title 18 of the Revised Code of Washington.

(2) All journeyman plumbers' certificates of competency required by this chapter shall be obtained from the Washington Department of Labor and Industries, Building and Construction Safety Inspection Division, and shall be maintained in accordance with Title 18 of the Revised Code of Washington.

(3) All journeyman side sewer installers' licenses required by this chapter shall be obtained from the code administration manager or his designee upon presentation of a certificate of qualification issued and approved by the division of code administration. License fees shall be paid to the city of Yakima at the time of issuance in accordance with the rates set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council. Licenses expire on December 31st of each year. (Ord. 2016-011 § 1 (Exh. A) (part), 2016: Ord. 2013-030 § 1 (Exh. A) (part), 2013: Ord. 3401 § 3, 1991; Ord. 3145 § 5, 1988: Ord. 2900 § 5, 1985: Ord. 2671 § 2, 1983; Ord. 2459 § 3, 1980; Ord. 2027 § 3, 1976: Ord. 1618 § 4, 1974: Ord. 1237 § 3, 1970: Ord. 1025 § 4, 1968: Ord. 306, 1961: Ord. 293 § 4, 1961).

Section 68 Section 12.20.010 of the City of Yakima Municipal Code is hereby amended to read as follows:

12.20.010 Review and inspection fee for public work improvements.

The review and inspection fee shall be based on the construction cost estimate obtained from the Public Works Improvement Bid Item Prices sheet provided in YMC 12.20.030. For items that are not included in YMC 12.20.030, the consulting engineer shall provide the per unit cost to be reviewed and approved by the city engineer. The review and inspection fees shall be set forth in the City of Yakima Master Fee Schedule adopted via resolution by the city council. • (Ord. 2012-59 § 1, 2012: Ord. 2011-19 § 1 (part), 2011).

Section 69 Section 13.16.190 of the City of Yakima Municipal Code is hereby amended to read as follows:

13.16.190 Scattering of human cremains in city parks.

- A. Any individual desiring to scatter human cremains in a city park must first file an application with the city of Yakima parks department and pay a fee as set forth in the City of Yakima Master Fee Schedule.
- B. Applications must be submitted at least forty-eight hours before the requested date.
- C. After an application is approved and a permit granted, the ashes must be scattered:
1. At least one hundred feet from any walkway or hard surface, playground, basketball court, tennis court, parking lot, natural or manmade water feature, picnic table, or picnic shelter.
  2. To complete dispersal, without any large pieces, fragments, or obvious piles remaining.
  3. In a way that does not disturb or disrupt the enjoyment of others using the park.
  4. Without leaving behind any containers, urns, memorials, monuments, plaques, photos, flowers, or any other markers at the site of dispersal.
- D. If the scattering involves a group of more than ten people, a picnic shelter must be reserved at an additional fee.
- E. The permit should be in the possession of the person scattering the cremains at the time of the event and must be provided to park staff if requested.
- F. The violation of a provision of this section is an infraction, punishable by a fine of fifty dollars. (Ord. 2021-027 § 1, 2021).

Section 70. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 71. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication by law and by City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 6<sup>th</sup> day of December, 2022.

ATTEST:

\_\_\_\_\_  
Janice Deccio, Mayor

\_\_\_\_\_  
Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_