

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.02

MAYOR

Sections:

2.02.010 Compensation

2.02.010 Compensation. The annual compensation of the Mayor of the Town is set at nine thousand dollars (\$9,000.00) per year effective January 1, 2005. (Ord. 1372 §1, 2004: Ord. 1160 §1, 1994: Ord. 890 §1, 1983).

Chapter 2.04

TOWN COUNCIL

Sections:

2.04.010 Meetings.

2.04.020 Compensation.

2.04.010 Meetings. The regular meeting nights of the Town Council will be the first and third Tuesdays of each month at six-thirty (6:30) p.m. (Ord. 1311 §1, 2002: Ord. 1080 §1, 1991: Ord. 1075 §1, 1991: Ord. 285 §1, 1955).

2.04.020 Compensation. The salary of each member of the Town Council whose term of office commences on or after December 31, 2005, is fixed in the amount of three hundred dollars per month. (Ord. 1398 §1, 2005: Ord. 992 §1, 1987: Ord. 889 §1, 1983).

Chapter 2.06

TOWN ADMINISTRATOR

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- 2.06.010 Position created.**
- 2.06.020 Appointment.**
- 2.06.030 Duties.**
- 2.06.040 Authority to assign employees.**
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- 2.06.060 Vacancy in position--Delegation of powers.**

2.06.010 Position created. There is created the position of Town Administrator of the Town. (Ord. 712 §1, 1979).

2.06.020 Appointment. The Town Administrator shall be appointed by and hold office at the pleasure of the Mayor. (Ord. 712 §2, 1979).

2.06.030 Duties. In addition to the duties assigned by succeeding sections of this chapter and other sections of the Steilacoom Municipal Code, the Town Administrator shall assist the Mayor by exercising such authority as the Mayor shall delegate to the Town Administrator in managing the affairs of Town government, and by supervising and directing activities of subordinate Town officers and employees. (Ord. 1327 §2, 2003: Ord. 712 §3, 1979).

2.06.040 Authority to assign employees. For the efficient performance of duties assigned his position, the Town Administrator may delegate to subordinate officers and employees working under the Town Administrator's direction and control, such assignments as he deems appropriate. (Ord. 712 §4, 1979).

2.06.050 Authority limitations. This chapter shall not be construed as granting the Town Administrator the authority to perform or responsibility for performance of duties assigned by statute to any other Town officer. (Ord. 712 §5, 1979).

2.06.060 Vacancy in position--Delegation of powers. Responsibilities, duties and powers assigned by ordinances and resolutions of the Council to the Town Administrator shall, during periods of vacancy in that position, be vested in and exercised by such officers or employees of the Town as are designated by the Mayor. (Ord. 940 §1, 1985).

Chapter 2.07

TOWN ATTORNEY

Sections:

2.07.010 Created--Appointment.

2.07.020 Duties.

2.07.030 Compensation.

2.07.010 Created--Appointment. The office of Town Attorney in and for the Town of Steilacoom is confirmed pursuant to the laws of the State of Washington. The office of Town Attorney shall be filled by appointment of the Mayor and the Town Attorney shall hold the office at the pleasure of the Mayor and the Town Attorney shall not be subject to confirmation by the Town Council. The Mayor shall also appoint a prosecutor or assistant to the Town Attorney as may be needed to assist the Town Attorney in the performance of his/her duties. (Ord. 1117 §1(part), 1993).

2.07.020 Duties. In accordance with RCW 35.27.250, the Town Attorney and/or his/her assistant shall advise the Mayor, the Town Council, boards, commissions and Town officials on all legal matters pertaining to the business of the Town, and will represent the Town in all actions brought by or against the Town or Town officials in their official capacity. He or she shall also perform such other legal duties as the Town Council by ordinance may direct. In addition to the duties set forth above and all those prescribed by the laws of the State of Washington, the Town Attorney, the prosecutor and/or the Town Attorney's assistant(s) shall:

(1) Attend all regular and special meetings of the Council or be represented by an Attorney of his or her designation unless otherwise excused by the Mayor and Council;

(2) Approve all ordinances as to form, language and legality;

(3) Review all leases, contracts, agreements, and such other and similar instruments as may be required by the business of the Town;

(4) Represent the Town in municipal court actions and prosecute all violations of Town ordinances;

(5) Keep the Mayor and Council apprised of all contract negotiations, pending litigations and other legal matters which may ultimately require Council action. (Ord. 1117 §1(part), 1993).

2.07.030 Compensation. The compensation of the Town Attorney, the Prosecutor and/or his/her assistants shall be governed by annual budget adoption as approved by a majority of the Town Council. (Ord. 1117 §1(part), 1993).

Chapter 2.08

CLERK-TREASURER

Sections:

2.08.010 Combination of offices.

2.08.020 Deputy Clerk-Treasurer--Position established.

2.08.030 Deputy Clerk-Treasurer--Duties.

2.08.010 Combination of offices. The office of Town Treasurer shall be combined with the office of Town Clerk and the Clerk shall exercise all the powers vested in and perform all the

duties required to be performed by the Treasurer, and in cases where the law requires the Treasurer to sign or execute any papers or documents, it shall not be necessary for the Clerk to sign as Treasurer, but shall be sufficient if he or she signs as Clerk. (Ord. 258 §1, 1952).

2.08.020 Deputy Clerk-Treasurer--Position established. There is established in the office of the Clerk-Treasurer the subordinate position of assistant Clerk-Treasurer, the same to be filled by appointment by the Clerk-Treasurer from among persons occupying positions as Town employees. (Ord. 1327 §3, 2003: Ord. 953 §1, 1985).

2.08.030 Deputy Clerk-Treasurer--Duties. In addition to the performance of his or her regular duties as town employee, the deputy Clerk-Treasurer shall, during any period of temporary absence of the Clerk-Treasurer, and subject to the latter's directions and control, possess and may exercise the authority vested by law in the office of Clerk-Treasurer. (Ord. 2003 §4, 2003: Ord. 953 §2, 1985).

Chapter 2.12

PLANNING COMMISSION

Sections:

- 2.12.010 Created.**
- 2.12.020 Membership--Appointment.**
- 2.12.030 Terms.**
- 2.12.040 Vacancies.**
- 2.12.050 Nonpartisan members--Compensation.**
- 2.12.060 Chairman--Meetings--Records.**
- 2.12.080 Recommendations to Council.**
- 2.12.090 Advisory function.**
- 2.12.100 Hearings.**

2.12.010 Created. There is recreated in the Town an administrative body known as the Steilacoom Planning Commission. (Ord. 425 §2, 1971).

2.12.020 Membership--Appointment. The Planning Commission shall consist of seven members who shall be registered voters residing within the Town. The members shall be appointed by the Mayor and confirmed by majority vote of the Town Council. (Ord. 1327 §5, 2003: Ord. 461 §1, 1972; Ord. 425 §3, 1971).

2.12.030 Terms. The term of the first appointive members of the reestablished Planning Commission shall be set forth below. The term of office thereafter of each appointive member shall be six years:

- Position No. 1, effective upon appointment and terminating on May 1, 1972.
- Position No. 2, effective upon appointment and terminating on May 1, 1973.
- Position No. 3, effective upon appointment and terminating on May 1, 1974.
- Position No. 4, effective upon appointment and terminating on May 1, 1975.
- Position No. 5, effective upon appointment and terminating on May 1, 1976.
- Position No. 6, effective upon appointment and terminating on May 1, 1977.
- Position No. 7, effective upon appointment and terminating on May 1, 1978. (Ord. 461 §2, 1972: Ord. 425 §4, 1971).

2.12.040 Vacancies. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed by the appointing official, with the approval of the Council, for inefficiency, neglect of duty or malfeasance in office. Any member whose removal is contemplated for these reasons shall be entitled to a public hearing and such hearing shall be held unless waived in writing. (Ord. 425 §5, 1971).

2.12.050 Nonpartisan members--Compensation. The members shall be selected without respect to a political affiliation and they shall serve without compensation. (Ord. 425 §6, 1971).

2.12.060 Chairman--Meetings--Records. The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for the transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 425 §7, 1971).

2.12.080 Recommendations to Council. The Council may provide for the preparation by the Planning Commission and the adoption and enforcement of coordinated plans for the physical development of the Town. The commission shall make recommendations to the Council in the interest of the health, safety, morals and general welfare of the Town and for the purpose of regulating and restricting location and the use of buildings, structures and the land for residence, trade industrial and other purposes, the height, number of stories, size, construction and design of building and other structures, the size of yards, courts and other open spaces on lot or tract, the density of population, the setback of buildings along highways, parks or water frontages, and the subdivision and development of land. (Ord. 425 §9, 1971).

2.12.090 Advisory function. All actions and functions of the Planning Commission shall be advisory in nature and subject to review by the Town Council. (Ord. 425 §10, 1971).

2.12.100 Hearings. The Planning Commission shall hold public hearings when required by law and shall hold other public hearings only when authorized by the Town Council by resolution. (Ord. 425 §11, 1971).

Chapter 2.14

STEILACOOM HISTORIC DISTRICT -- HISTORIC PRESERVATION AND REVIEW BOARD

Sections:

- 2.14.010 Purpose.**
- 2.14.020 Short Title.**
- 2.14.030 Definitions.**
- 2.14.040 Steilacoom Historic Preservation and Review Board.**
- 2.14.050 Steilacoom Register of Historic Places.**
- 2.14.060 Review of changes to Steilacoom Register Properties.**
- 2.14.061 Review process.**
- 2.14.062 Demolition process.**
- 2.14.063 Adoption of design standards.**
- 2.14.065 Review of properties outside of the Historic District.**
- 2.14.070 Review and monitoring of properties for special property tax valuation.**

2.14.010 Purpose. The purpose of this chapter is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of Steilacoom Washington. It is also the purpose of this chapter to preserve and rehabilitate historic properties within the Town of Steilacoom for future generations by encouraging special valuation, a property tax incentive, as provided in Chapter 84.26 RCW and other incentives together with educational opportunities provided to owners covered by this Chapter in order to:

(A) Safeguard the heritage of the Town of Steilacoom as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the Town of Steilacoom's history and promote new construction that is sensitive to its historic character;

(B) Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the Town of Steilacoom's history;

(C) Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

(D) Assist, educate, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;

(E) Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and,

(F) Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 1387 §1(part), 2005).

2.14.020 Short title. The following sections of this chapter shall be known and may be cited as the "Historic Preservation Code of the Town of Steilacoom." (Ord. 1387 §1(part), 2005).

2.14.030 Definitions. The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

(A) "Actual Cost of Rehabilitation" means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following: a) improvements to an existing building located on or within the perimeters of the original structure; or b) improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/-habitable floor-space attributable to new construction; or c) architectural and engineering services attributable to the design of the improvements; or d) all costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

(B) "Building" means a resource created principally to shelter any form of human activity, such as a house.

(C) "Building Inspector" Is the individual employed by the Town and charged with the inspection of construction related activity within Town and the issuance of construction related permits.

(D) "Building permit" means an official document or certification which is issued by the Building Inspector and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. The permit application also serves as a trigger for design review process for properties located within the Historic District and individually registered properties. Before issuance of building permit, applicant must receive Certificate of Appropriateness from the Preservation and Review Board (PRB).

(E) "Building proportions" include size of the elements that compose a building, including but not limited to, each story of a structure, location and size of windows and doors, porches, roof massing, eave overhangs, retaining walls, etc.

(F) "Bulk" means the magnitude, dimension and size of the structure.

(G) "Bylaws" are the rules and procedures governing the internal operations set and maintained by the PRB.

(H) "Character defining features" means those elements or aspects or architectural details of a property that defines its style. Examples include, but are not limited to, window and door openings and styles, stylistic details such as exposed rafters, decorative shingles in gable ends, porch or window trim, building materials, wall and roof materials, and form.

(I) "Certificate of Appropriateness" means the document indicating that the Board has approved the proposed changes.

(J) "Certificate of Approval for Demolition" means the document indicating that the Board has approved the proposed whole or partial demolition of a local register property. or in a local register historic district and, failing to find alternatives to demolition, has issued a Certificate of Approval for Demolition which allows the building or zoning official to issue a permit for demolition.

(K) "Certified Local Government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own Historic Preservation Board and a program meeting Federal and State standards.

(L) "Class of properties eligible to apply for Special Valuation in Steilacoom" means all properties listed on the Steilacoom and National Register of Historic Places or properties certified as contributing to a Steilacoom and National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

(M) "Commercial" is any revenue-generating property excluding single family rentals and licensed home occupations.

(N) "Compatible" means composed of similar massing, scale, and building proportions as contributing resources within the Historic District.

(O) A "complex roof" means a roof that combines more than two (2) roof configurations.

(P) A "contributing resource" is a building, site, structure or object that adds to the historic architectural qualities, historic associations, or archaeological values for which a property is listed on the register within a district because a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or b) it independently meets the Steilacoom and/or National Register Standards. Contributing resources were classified as both primary and secondary on the Steilacoom and National Register Historic District nominations.

(Q) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(R) "Demolition" means the destruction or partial destruction of a structure and includes loss of character defining elements.

(S) "Demolition by neglect" is the process of allowing a building to deteriorate to the point where demolition is necessary to protect public health and safety.

(T) "Design Standards" are the Steilacoom Historic Preservation and Review Design and Development Standards adopted by Town Council, published and held in the town offices to aid applicants in their decision making processes in order to meet the required design elements of this chapter.

(U) A "district" is a geographically definable area urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

(V) "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by weather, fire, flood, earthquake or other disaster.

(W) HABS/HAER- The Historic American Building Survey and Historic American engineering Record were created by the National Parks Service in 1933 for the purpose of compiling a record of America's historic and architecturally significant buildings and structures through written and drafted documentation. This archival collection is housed at the Library of Congress.

(X) "Hearing Examiner" means any person authorized and meeting applicable professional standards to act as a Hearing Examiner by the Town of Steilacoom.

(Y) "Historic property" means real property, together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a Certified Local Government or the National Register of Historic Places.

(Z) "Incentives" are such rights or privileges or combination thereof which the Town Council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of Register properties. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

(AA) "Integrity." A property retains its integrity, if a sufficient percentage of the structure dates from the period of significance. The majority of a building's structural system and materials should date from the period of significance and its character defining features also should remain intact. These may include architectural details, such as dormers and porches, ornamental brackets and moldings and materials, as well as the overall mass and form of the building.

(BB) "Local Review Board" or "Board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the Board created in Section 2.14.040.

(CC) "Mass/Massing." Means the physical size and bulk of the structure.

(DD) "Minor alteration" means a change, modification, or addition to an existing building, including, but not limited to, modifications that do not affect architectural style or details such as modifications not visible from a public right-of-way, and the installation of storm windows or anything that can be undone or removed to facilitate return to original appearance.

(EE) "Multi-family" refers to any structure designed to house three or more families.

(FF) "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

(GG) "Non-contributing resource" means a building, site, structure, or object that does not add to the historic architectural qualities, historic associations with people, events or practices significant in town, state or national history, or archaeological values for which a property is significant within a historic district because, a) it was not present during the period of significance (1851-1945), or b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at the time or is incapable of yielding important information about the period, or c) it does not independently meet the National Register Criteria. Also resources listed as intrusions in the Steilacoom National Register District nomination. Some properties classified as non-contributing may still have historic significance and may still be eligible for the Steilacoom and/or National Register.

(HH) An "object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. Objects may include but are not limited to sculpture, monuments, mile posts, boundary markers, and fountains.

(II) "Ordinary repair and maintenance" means work for which a permit issued by the Town of Steilacoom is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

(JJ) "Owner" of property is the fee simple owner of record as exists on the Pierce County Assessor's records.

(KK) "Public building" refers to any site or structure publicly owned and operated including property owned by the Town, County, State or Federal governmental bodies.

(LL) "Public-right-of-way" includes streets and paths.

(MM) "Physical constraint" means that a property may have natural geographic features that prohibit the property owner from complying with design regulations. Examples of physical constraints include creeks, steep grade differentials and wetlands.

(NN) "Quasi-Public" refers to a facility operated by a non-profit private community, educational, religious, charitable, medical institution or service organization having the primary purpose of serving the general public. Examples include religious institutions, churches, private schools and museums.

(OO) "Regulated properties" means those properties that the Historic Preservation and Review Board has authority to review. These properties include new construction and modifications, to all buildings, sites, objects, and structures that are located within the boundaries of the Steilacoom Historic District, all properties individually listed on the Steilacoom Register of Historic Places. It also includes review of all new or substantially modified commercial, multifamily, duplex, industrial, quasi-public and public structures outside of the Historic District but within the Town of Steilacoom.

(PP) "Resource" is an eligible site, object, structure, etc for the local, state and national registers of historic places or identified as significant in the survey.

(QQ) "Review" refers to the design review, unless otherwise noted, with approval or denial for properties as set forth in this chapter.

(RR) "Scale" is The size of structure as it appears to the pedestrian.

(SS) "Secretary of the Interior's Standards for Rehabilitation" are a set of standards established by the National Park Service to aid Review Boards and property owners in their decision making process regarding the retention of character defining features of contributing and significant buildings, compatible additions, and limited maintenance advice. They establish a standard for the treatment of historic properties.

(TT) "Significance" or "significant" used in the context of historic significance, means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area may include Steilacoom, Pierce County, or south sound region of Washington, or a modest geographic or cultural area. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state, and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation. The term may apply to registered and non-registered properties.

(UU) A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical

remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now non-extant building or structure of the location itself possesses historic cultural or archaeological significance.

(VV) "Site improvements" means the process for preparing the land for development and construction. Site improvements including excavation for foundations, setting forms for foundation, etc are not allowed without approval of the PRB and issuance of a Certificate of Appropriateness.

(WW) "Special Valuation for Historic Properties" or "Special Valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).

(XX) "State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

(YY) "Street frontage" means that side of a lot abutting a street. On corner lots, the frontage may be designated by the owner but it should be consistent with the orientation of the other lots and improvements on the same side of the street. On improved lots, the frontage is usually the side where the main building entrance is located and in the general direction in which the principal building faces.

(ZZ) "Steilacoom Historic Inventory" or "Inventory" means the comprehensive survey of historic and prehistoric resources within the boundaries of the Town of Steilacoom. This is an informational resource that is updated periodically and used as a stepping stone for nominations to the Steilacoom and or National Register.

(AAA) "Steilacoom Historic Preservation and Review Board or "Board" means the Board created by Section 2.14.040.

BBB. "Steilacoom Register of Historic Places," "Local Register," or "Register" means the listing of locally designated properties provided for in Section 2.14.050.

(CCC) "Structure" means a constructed form either building or other with a function of creating shelter, as well as meeting other needs. Examples include but are not limited to water towers and utility buildings.

(DDD) "Substantial alteration" means any change that alters the exterior appearance of the structure, modification, or addition to an existing building including, but not limited to modification of architectural style or details, such as rooflines, window treatments, and change in exterior building materials.

(EEE) "Town Council" is the elected legislative body of the Town.

(FFF) "Universal Transverse Mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.

(GGG) "Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's Council's Standards" means the rehabilitation and maintenance standards used by the Steilacoom Historic Preservation and Review Board as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

(HHH) "Historic Preservation Officer" or "HPO" is the person designated by the Town as the individual charged with the staff functions set forth in this Chapter. The HPO shall meet the qualifications for a cultural resource management professional under 36 CFR Part 61. (Ord. 1439 §2, 2008; Ord. 1387 §1(part), 2005).

2.14.040 Steilacoom Historic Preservation and Review Board.

(A) **Creation and Size** There is hereby established a Steilacoom Historic Preservation and Review Board, consisting of seven (7) members, as provided in subsection B below. Members

of the Steilacoom Historic Preservation and Review Board shall be appointed by the Mayor and shall be residents of the Town of Steilacoom, except as provided in subsection B below.

(B) Composition of the Board

(1) All members of the Board must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

(2) At least four members are residents of Steilacoom.

(3) At least two members are residents of the historic district.

(4) The Board shall always include at least three professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, cultural anthropology, and historic landscapes, law, or related disciplines. A Board action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the Board action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the Town and the State Historic Preservation Officer on behalf of the State. Furthermore, exception to the residency requirement of Board members may be granted by the Mayor in order to obtain representatives from these disciplines.

(5) In making appointments, the Mayor may consider names submitted from any source, but the Mayor shall notify history and town development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source. The Board may, from time to time, include a nonvoting advisor who shall be appointed by and serve at the pleasure of the Mayor. The Board may request that the Mayor appoint an advisor regarding specific historic preservation issues. In making such appointments the Mayor shall assure that nonvoting advisory members are persons who have special expertise in matters within the jurisdiction of the Board.

(C) Terms

(1) Appointments shall be made for a three (3) year term. Board members appointed after adoption of this chapter shall serve no more than two consecutive three (3) year terms with mandatory one (1) term vacancy from the Board. Each member shall hold office until a successor is appointed. Vacancies shall be filled by the Mayor for the unexpired term in the same manner as the original appointment.

(2) The Mayor may dismiss any Board member for cause. "For cause" shall include but shall not be limited to: misfeasance, malfeasance, or nonfeasance in office or three or more unexcused absences from Board meetings.

(D) Powers and Duties

The major responsibility of the Historic Preservation and Review Board is to identify and actively encourage the conservation of the Town's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties or regulated properties; to raise community awareness of the Town's history, registered historic properties, and other historic resources; and to serve as the Town's primary resource in matters of history, historic planning, preservation, and design.

In carrying out these responsibilities, the Historic Preservation Board shall engage in the following:

(1) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the Town of Steilacoom and known as the Steilacoom Historic Inventory, and publicize and periodically update inventory results. This data is informational and used as a tracking method of historic properties across the Nation and is also used as a stepping stone for nominations to the Steilacoom Register of Historic Places.

(2) Initiate and maintain the Steilacoom Register of Historic Places. This official register is composed of historic properties listed in SMC Section 2.14.050.C as contributing to the

Historic District and properties individually listed by owners. The Steilacoom Register of Historic Places will be maintained in a location accessible to the public during normal business hours.

(3) Review nominations to the Steilacoom Register of Historic Places according to criteria in 2.14.050.A of this chapter and adopt procedural standards in its bylaws to be used to guide this review.

(4) Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 2.14.060 and adopt procedural standards in its bylaws to be used to guide process and adopted design standards to guide design review and the issuance of a certificate of appropriateness or approval for demolition.

(5) Review proposals for new construction, or substantial modifications, of commercial, multi-family, duplex, quasi-public, and public structures within Town limits.

(6) Provide for the review either by the Board or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources.

(7) Conduct all Board meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, provide for adequate public participation and adopt standards in its bylaws to guide this action.

(8) Participate in the promotion of and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources.

(9) Establish liaison support, communication and cooperation with federal, state, and other local government entities and non-profit organizations which will further historic preservation objectives, including public education, within the Steilacoom area.

(10) When requested by the Town Council, review and comment to Town Council and the Mayor on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the Town of Steilacoom, other neighboring communities, Pierce County, the state or federal governments, as they relate to historic resources of the Town of Steilacoom.

(11) When requested by the Town Council, advise the Town Council and the Mayor on matters of Steilacoom history and historic preservation.

(12) Perform other related functions assigned to the Board by the Mayor.

(13) Educate and inform the public including but not limited to historic property owners on methods and benefits of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops and individual meetings.

(14) Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.

(15) Provide information and education to the public and Town departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.

(16) Provide review of nominations to the State and National Registers of Historic Places per CLG requirements.

(17) Investigate and report to the Town Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the Town of Steilacoom.

(18) Serve as the local review Board for Special Valuation and:

(a) Make determination concerning the eligibility of historic properties for special valuation;

(b) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance:

(c) Recommend to the Town Council to authorize the Mayor on behalf of the Town to enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);

(d) Approve or deny applications for special valuation;

(e) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and

(f) Adopt bylaws and/or administrative bylaws and comply with all other local review Board responsibilities identified in Chapter 84.26 RCW.

(19) The Board shall adopt rules of procedure in their bylaws to address responsibilities discussed in points 3, 4, 6, and 15 inclusive.

(E) Compensation

All members shall serve without compensation.

(F) Rules and Officers

The Board shall establish and adopt its own rules of procedure called bylaws, and shall select from among its membership a chairperson, vice-chairperson, and such other officers as may be necessary to conduct the Board's business.

(G) Board Staff

Board and professional staff assistance shall be provided by the administrative staff of the Town or a qualified consultant with additional assistance and information to be provided by the Mayor, or the Mayor's designee, as may be necessary to aid the Board in carrying out its duties and responsibilities under this chapter. Board staff may conduct administrative review of select design review applications further defined in adopted design standards. (Ord. 1387 §1(part), 2005).

2.14.050 Steilacoom Register of Historic Places. In 1975 the Steilacoom Historic District was nominated to the National Register of Historic Places. The boundaries established for the National Register are also the boundaries that are used to define the local, Steilacoom Historic District. A map detailing the Steilacoom Historic District boundaries and a list of contributing properties in the district are in subsection C and D.

(A) Criteria for Determining Designation in the Register

Any building, structure, site, object, or district may be designated for inclusion in the Steilacoom Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories.

(1) Associated with events that have made a significant contribution to the broad patterns of national, state, or local history.

(2) Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.

(3) Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art.

(4) Exemplifies or reflects special elements of the Town's cultural, special, economic, political, aesthetic, engineering, or architectural history.

(5) Is associated with the lives of persons significant in national, state, or local history.

(6) Has yielded or may be likely to yield important archaeological information related to history or prehistory.

(7) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event.

(8) A birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person.

(9) A cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns.

(10) A reconstructed building that has been executed in a historically accurate manner on the original site.

(11) A creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

(B) Process for Designating Properties or Districts to the Steilacoom Register of Historic Places

(1) Any person may nominate a building, structure, site, object, or district for inclusion in the Steilacoom Register of Historic Places. Members of the Historic Preservation and Review Board or the Board as a whole may generate nominations.

(2) In the case of individual properties, the designation shall include the UTM reference and all features—interior and exterior—and outbuildings that contribute to its designation.

(3) In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district. District nominations will also include a map of the proposed district.

(4) The Historic Preservation Board shall consider the merits of the nomination, according to the criteria in Section 2.14.050.A and according to the nomination review procedure established in bylaws, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in bylaws and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Steilacoom, and posting of the property. If the Board finds that the nominated property is eligible for the Steilacoom Register, the Board shall make recommendation to the Town Council that the property be listed in the register with the owner's written consent.

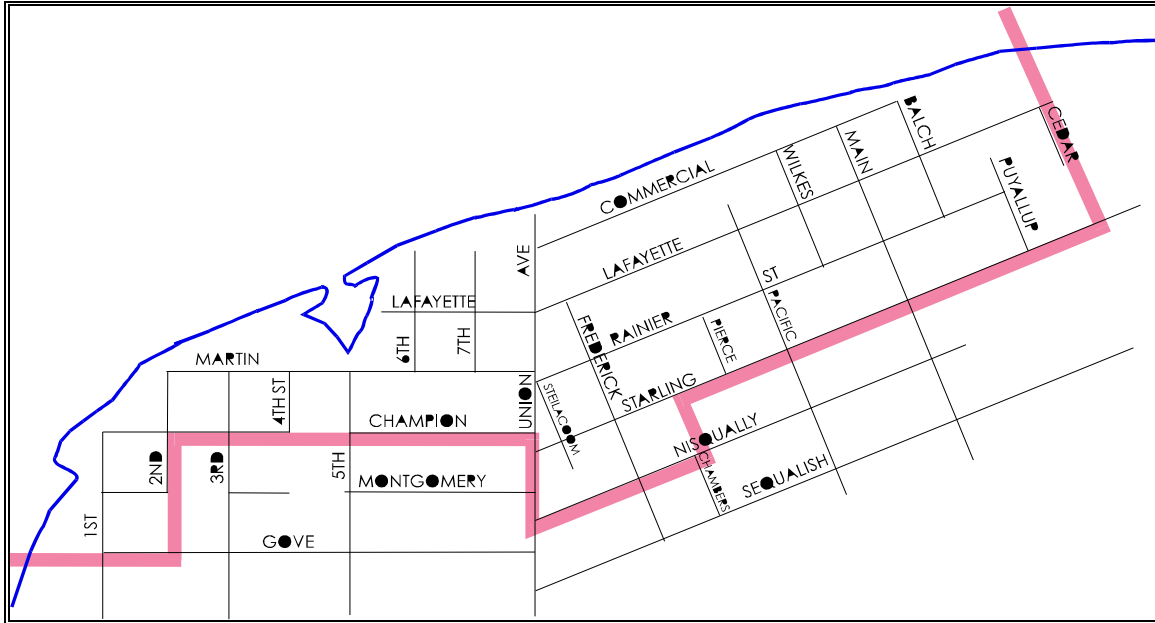
In the case of future historic districts, the Board shall consider a simple majority to be adequate for owner consent. Owner consent and notification procedures in the case of districts shall be further defined in bylaws. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing. Town Council will pass a resolution for each new district and individual property placed on the Steilacoom Register.

(C) Registered Districts

Steilacoom Historic District

The Steilacoom Historic District is the area encompassed within the following area: Blocks 1-6 inclusive, Blocks 9-15 inclusive, Blocks 33-36 inclusive, Blocks 38-47 inclusive, Blocks 49-57 inclusive; and Blocks 60 and 61 in Balch's Part of Steilacoom, and Blocks 1-20 inclusive and Blocks 27-30 inclusive in Chapman's Part of Steilacoom.

The District's boundary is the center line of the following streets: Cedar Street from Puget Sound to the intersection with Starling Street; Starling Street from Cedar Street to the Chambers Street right-of-way; the Chambers Street right-of-way from Starling Street to Nisqually Street; Nisqually Street from Chambers Street to Union Avenue; Union Avenue from Nisqually Street to Champion Street; Champion Street from Union Avenue to 2nd Street, 2nd Street from Champion Street to Gove Street; and Gove Street from 2nd Street to Puget Sound. Properties on the interior of the above described area are within the district, properties on the exterior are not.



List of contributing properties:

BALCH'S PART OF STEILACOOM

COMMERCIAL STREET

1. 1810 Commercial Street (Clendenin Cottage)
2. 1802 Commercial Street (Philip Keach House)
3. 1706 Commercial Street (Captain Webster House)
4. 1702 Commercial Street (E.R. Rogers)
5. 1514 Commercial Street
6. Burlington Northern Railroad Station
7. Railroad corridor along the historic district boundary

LAFAYETTE STREET

1. 1606 Lafayette Street (Steilacoom Grocery)
2. 1514 Lafayette Street (Gardiner House)
3. 1510 Lafayette Street (Rigney House)
4. 1214 Lafayette Street (Annis House)
5. 1511 Lafayette Street
6. 1515 Lafayette Street (Oberlin Congregational Church-Steilacoom Tribal Center)
7. 1615 Lafayette Street (Bair Drug & Hardware)
8. 1717 Lafayette Street (Town Hall)
9. 1803 Lafayette Street (Gimel's Tavern)
10. 1915 Lafayette Street (Masonic Lodge)

RAINIER STREET

1. 1811 Rainier Street (Nathaniel Orr Home & Orchard)
2. 1507 Rainier Street
3. 1203 Rainier Street (Espresso By the Bay & She Sells Seashells)
4. 1302 Rainier Street, (Barlow House)
5. 1306 Rainier Street (Summer Cottage)
6. 1502 Rainier Street
7. 1514 Rainier Street (Eisenbeis House)
8. 1614 Rainier Street (Albert Balch House)
9. 1706 Rainier Street

STARLING STREET

1. 1115 Starling Street (Henly House)
2. 1302 Starling Street (Albert Whyte House)
3. 1307 Starling Street (Captain Henly House)

NISQUALLY STREET

1. 1315 Nisqually Street (Packard_House)

PUYALLUP STREET

1. 211 Puyallup Street (Miles West Home)

MAIN STREET

1. 307 Main Street
2. 306 Main Street (Hughes House)
3. 308 Main Street (Hughes House)

PIERCE STREET

1. 302 Pierce Street (Shaeffer House)

FREDERICK STREET

1. 105 Frederick Street (Bradley House)

STEILACOOM STREET

1. 311 Steilacoom Street

CHAPMAN'S PART OF STEILACOOM

LAFAYETTE STREET

1. 706 Lafayette Street (Appleby House)
2. 702 Lafayette Street (Captain Black House)
3. 607 Lafayette Street (Captain Bartlett House)

MARTIN STREET

1. 603 Martin Street (Barclay House)
2. 612 Martin Street
3. 614 Martin Street
4. 615 Martin Street (includes both homes - the hipped roof house facing Martin and the gable ell house facing Seventh Street).
5. 514 Martin Street (Armbruster House)
6. 311 Martin Street (Fredrick House)
7. 211 Martin Street

MONTGOMERY STREET

1. 102 Montgomery Street (Barber House)

SIXTH STREET

1. 202 Sixth Street (Merrill House)

THIRD STREET

1. 214 Third Street
2. 210 Third Street

SECOND STREET

1. 300 Second Street (McCutcheon House)

UNION AVENUE

1. 415 Union Avenue (Old Independent Church)

(D) Properties Listed Individually on the Steilacoom Register of Historic Places:

1. The Catholic Church of Immaculate Conception
2. 511 Chambers Street (Steilacoom Grade School/Pioneer Middle School/Steilacoom Historic School District Administration Center)

(E) Maintaining the Steilacoom Register of Historic Places

The process for maintaining the Steilacoom Register of Historic Places shall be adopted in the rules and procedures set forth in PRB Bylaws. Any addition to or subtraction from the register requires Town Council action.

(F) Removal of Properties from the Steilacoom Register of Historic Places

An owner may request removal of the property from the Steilacoom Register of Historic Places if individually listed within the Steilacoom Municipal Code. Properties may be removed from the register if they no longer meet the criteria for placement on the register. The Preservation and Review Board will review the request and make a recommendation to the Town Council. Properties located within the Historic District would still be subject to the Preservation and Review Board review; however, their status from contributing to non-contributing may be changed by Town Council action.

In the event that any property is no longer deemed appropriate for designation to the Steilacoom Register of Historic Places, the PRB may initiate removal by following the same procedure as provided for listing. Appeals of any decision regarding removal of a property from the Steilacoom Register of Historic Places are appealed to the Town Council. A property may be removed from the Steilacoom Register of Historic Places without the owner's consent.

(G) Effects of Listing on the Register

(1) Listing on the Steilacoom Register is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

(2) Prior to the commencement of any work on a property listed on the Steilacoom Register of Historic Places, excluding ordinary repair and maintenance and emergency measures defined in Section 2.14.060, the owner must request and receive a Certificate of Appropriateness from the Board for the proposed work before obtaining a building permit. Violation of this rule shall be grounds for the Board to review the property for removal from the register.

(3) Prior to whole or partial demolition of a property listed on the Steilacoom Register of Historic Places, the owner must request and receive a Certificate of Approval for Demolition.

(4) All Properties listed on the Steilacoom Register of Historic Places may be eligible for Special Tax Valuation on their rehabilitation (Section 2.14.070). (Ord. 1565 §D2, 2017; Ord. 1409 §1, 2006; Ord. 1406§1, 2005; Ord. 1405 §1, 2005; Ord. 1399 §1, 2005; Ord. 1395 §1, 2005; Ord. 1392 §1, 2005; Ord. 1391 §1, 2005; Ord. 1390 §1, 2005; Ord. 1387 §1(part), 2005).

2.14.060 Review of Construction, Alteration and Demolition

(A) Review Required

(1) No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, move, or demolish any existing resource on the Steilacoom Register of Historic Places or within an historic district on the Steilacoom Register of Historic Places except as provided in this Chapter. No person shall construct new or substantially modify commercial, multifamily, duplex, industrial building, quasi-public, or public structures within the Town except as provided in this Chapter.

(2) All projects requiring review, whether by the Board or by staff, shall be issued a Certificate of Appropriateness prior to obtaining a building permit or Certificate of Approval for Demolition prior to obtaining a demolition permit, as appropriate. Review of resources listed on the Register of Historic Places shall include all features of the property both interior and exterior which contribute to its designation and are listed on the nomination form.

(3) For projects reviewed by the Board, the applicant must provide nine (9) copies of the application. For projects reviewed administratively, the applicant shall provide one copy.

(B) Applications for Review

Applications for proposals requiring review shall be filed with the Town Administrator on forms provided for that purpose. Applications may be filed at any time; however, for those applications requiring Board review, complete applications must be received fifteen (15) days in advance of the scheduled Historic Preservation and Review Board public hearing.

(1) A complete application for new construction and modifications to existing buildings shall consist of the information required in subsection (i), and those items in subsections (ii) through (vii) that are appropriate to the application. The HPO shall determine whether an application is complete or whether further information is necessary for review.

(i) A completed Town of Steilacoom application form setting forth the following information: date of application, name of applicant, name of contractor or architect, address of subject property, address of applicant if different than subject property, address of contractor or architect, daytime telephone number of applicant and contractor or architect, written project description.

(ii) Scaled plot plan, showing:
-Proposed siting of new building or addition, location of any existing buildings on or adjacent to the property,

-Dimensions of proposed building or existing building and addition

-Distances of proposed building or addition from property lines

-Location of driveway

-Property lines, names of adjacent streets and north arrow

(iii) Elevations, showing:
-The design of the front, rear and sides including the style of windows and doors, and the type of exterior building materials for the building and roofing and all proposed trim. Elevations should be identified as front, rear and sides or by direction that the building is facing

(iv) Color chips of exterior colors, identified by manufacturer name and number

(v) Sample of proposed roofing material, identified by manufacturer name and number

(vi) Landscaping plans:

-Type, location and spacing of existing and proposed shrubs and trees

-Initial size of all proposed plant material

-Grading, cuts and fills and proper drainage

-Fencing including height, location and materials

-Lighting and signs

(vi) Walks and terraces

(vii) For modifications to existing buildings, photographs of the front facade of the building and photographs of the affected elevations.

(2) Applications for demolition of all properties within a Steilacoom Historic District, both contributing and noncontributing, and all properties on the Steilacoom Register shall include a completed Town of Steilacoom application form setting forth the following information: date of application, name of applicant, name of contractor or architect, address of subject property, address of applicant if different than subject property, address of contractor or architect, daytime telephone number of applicant and contractor or architect, and a written project description addressing the criteria listed in SMC 2.14.062 C.

(a) Properties on the Steilacoom Register may require additional information. The Board shall determine if the following information is necessary for review.

(i) Where demolition of the building is sought due to unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer knowledgeable in historic structures that substantiates that the building thereof is an unsafe structure to the public pursuant to the Town Building Code.

(ii) Where demolition of the building is sought for reasons other than unsafe conditions, the applicant shall supply a report from a Washington-licensed structural engineer and/or a financial analyst or economist with demonstrated competence in the field and knowledge of historic structures or a qualified consultant knowledgeable in rehabilitation of historic properties demonstrating that maintenance of the building or structure or any important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impractical to renovate, restore, or reuse the structure in comparison to the economic value of the proposed redevelopment. The report shall analyze the reasonable economic alternatives to demolition, including redevelopment for uses permitted by Town Codes, and an analysis showing whether the redeveloped property provides a reasonable economic return upon completion of reasonable renovation or repair activities. The report shall also contain the following information:

(1) The current level of economic return including the amount paid for the property, date of purchase, party from whom purchased and the relationship between the current owner of record, the applicant and the person from whom the property was purchased;

(2) The annual gross income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) Remaining balance on the mortgage or other financing secured by the property, real estate taxes paid on the property for the previous four years, and the most recent assessed value of the property;

(4) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the property;

(5) Any listing of the property for sale or rent, price asked for and offers received, if any, within the previous two years;

(6) Fair market value of the property at the time of the application;

(7) Whether the remainder of the site is capable of economically viable development even if the structure is required to remain on site.

(8) Reason or justification for demolition (should include statements of why the property is not salvageable or why it cannot be maintained).

(9) Scaled architectural renderings, drawings, and plans of sufficient detail showing the replacement buildings or structure proposed to be built on the site upon completion of demolition work. Sufficient detail means detail to allow conceptual review. These plans will not be reviewed for construction or building permit issuance as a part of the demolition application process.

(b) Applicants for demolition permits of structures more than fifty (50) years old located outside of a Steilacoom Historic District and not individually listed on the Steilacoom Register must observe a fourteen (14) day delay from the date of application to allow for Town staff to photo-document the property. (Ord. 1439 §3, 2008).

2.14.061 Review process.

(A) Coordination with the Building Department.

(1) The Building Department shall notify the Historic Preservation Officer of any application for a permit to work on any project subject to review under this Chapter, and shall notify the applicant of the review requirements. The Building Department shall not issue any such permit until a Certificate of Appropriateness or Certificate of Approval for Demolition, as appropriate, is issued.

(2) The Building Department shall advise the HPO and the Board on Town Building and Fire Code requirements.

(B) Board Review

(1) Upon receipt of an application for review, the HPO shall determine if the project is exempt, subject to administrative review, or subject to Board review.

(2) For projects subject to Board review, the HPO shall prepare a staff report evaluating the project under the criteria in this Chapter and the adopted design standards. The HPO shall recommend approval, approval with conditions or denial as appropriate, and draft appropriate findings and conclusions for the Board's consideration.

(3) The Board shall hold a public meeting to consider the application. Notice of public hearings shall be given in accordance with SMC Title 14. The Board shall complete its review and make its decision within sixty (60) calendar days from the date of the Board meeting where the application was first scheduled to be heard by the Board, unless delay is agreed upon by all parties or unless the applicant requested a delay in the review of his/her application.

(4) If the Board determines that more information is required to determine if the application meets the design criteria, the Board shall request the applicant provide the information in a timely manner. If the Board requests more information, the Board's decision may exceed the sixty (60) calendar day limitation. However, the Board must issue a decision prior to the expiration of 120 calendar days from the Board meeting date where the application was first scheduled to be heard by the Board.

(5) The Board shall review the proposal, using information from the application materials, staff report and public testimony. The Board may conduct a site visit if the Board determines that a visit would be beneficial. The Board shall determine if the proposal meets the criteria set forth in this Chapter and the adopted design standards. The Board shall approve the application if it meets the criteria, and shall adopt findings and conclusions to support its decision. The Board may approve applications subject to specified conditions if necessary to meet the design standards.

(6) If the proposal fails to meet the design standards, and no conditions would bring the proposal into compliance with the standards, the Board shall deny the application and issue findings and conclusions supporting its decision.

(7) Any modifications to the proposal or conditions agreed to by the applicant during the review process shall become conditions of approval and be incorporated into the Board's decision.

(8) Following Board approval, the HPO shall issue a Certificate of Appropriateness incorporating the Board's decision to the applicant. The applicant shall sign the Certificate and return a signed copy to the HPO. The HPO shall forward the signed Certificate to the Building Department. The Building Department shall incorporate the terms of the Certificate into any building permit issued.

(9) The applicant may choose to withdraw an application at any time and reapply. Reapplication begins the process anew, including requiring a new review fee and time deadlines.

(10) The applicant may appeal the decision of the Board to the Town Council as provided for in SMC Title 14.

(C) Administrative Review

The following projects shall be reviewed administratively by the HPO.

- (1) Projects involving non-contributing resources.
 - (a) Replacement of roofing, siding, windows, railings, doors or decks.
 - (b) Minor alterations including additions and decks not visible from the street frontage.
 - (c) New construction of duplex buildings outside a Steilacoom Historic District.
- (2) Projects involving contributing resources.

(a) Interior modifications not visible from the outside of the building. If the HPO determines that the interior modifications affect design features previously identified as contributing to the designation of the property, the modifications shall be reviewed by the Board.

(b) Replacement of roofing, siding, windows, railings, doors or decks with in-kind materials. Replacement of these features with substantially different materials or in a manner that affects the design of the resource shall be reviewed by the Board.

(3) The HPO shall determine compliance with this Chapter and the adopted design standards within seven working days from the date of application. The HPO shall approve the application if it meets the criteria, and shall adopt findings and conclusions to support the decision. The HPO may approve applications subject to conditions if necessary to meet the design standards.

(a) If the proposal fails to meet the design standards, and no conditions would bring the proposal into compliance with the standards, the HPO shall deny the application and issue findings and conclusions supporting the decision.

(b) Following approval, the HPO shall issue a Certificate of Appropriateness incorporating the decision to the applicant. The applicant shall sign the Certificate and return a signed copy to the HPO. The HPO shall forward the signed Certificate to the Building Department. The Building Department shall incorporate the terms of the Certificate into any building permit issued.

(c) An applicant that has been denied a Certificate of Appropriateness by the HPO may request Board review of the project. The applicant must request Board review within 30 days of issuance of the denial.

(D) Exemptions

The following activities are exempt from review under this Chapter and do not require a Certificate of Appropriateness.

(1) Ordinary repair and maintenance, including painting, which does not involve a change in design or the outward appearance of the building.

(2) Temporary emergency repairs using any materials or emergency repairs using like materials.

(3) New construction of single family buildings outside a Steilacoom Historic District.

(4) Interior modifications for non-contributing structures.

(5) Exterior modifications to single family buildings outside a Steilacoom Historic District not individually listed on the Steilacoom Register.

(6) Demolition of structures outside a Steilacoom Historic District not individually listed on the Steilacoom Register. If the structure is more than fifty (50) years old, the applicant must allow the Town to photo-document the structure as provided in SMC 2.14.060.B.2.b.

(7) Activity certified by the Building Inspector to be necessary to abate an unsafe or dangerous condition that will not adversely affect any character defining features.

(8) Site development.

(E) Relocation

A decision by the Board approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

(1) The historic character and aesthetic interest the building, structure or object contributes to its present setting.

(2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.

(3) Whether the building, structure or object can be moved without significant damage to its physical integrity.

(4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(5) Whether the building, structure or object will remain within Town of Steilacoom limits.

(F) Expiration of Approval

All Certificates for Appropriateness will expire if action is not taken on the project within two years from the date of issuance. The applicant may request a one-time extension of one additional year in writing prior to the expiration of the Certificate. (Ord. 1439 §4, 2008).

2.14.062 Demolition process.

(A) Meeting with Board.

Applicants for demolition of resources listed on the Steilacoom Register of Historic Places shall meet with the Board prior to a public hearing to explore alternatives to demolition. If no alternative to demolition are found the Board shall review the application.

(B) Conditions and Removal from Register

Any conditions agreed to by the applicant during the review process shall become conditions of approval of the permits granted. After the property is demolished, the Board shall initiate removal of the property from the Register.

(C) Criteria for approval of Certificate of Approval for Demolition

An application for demolition of a building or structure regulated under this chapter shall be approved if the application is based on the building being an imminent threat (as defined in subsection 3) or meets the following criteria:

(1) Removal would not be detrimental to the historic character of the Historic District, based on criteria set forth in subsection (4),

(2) If removal would be detrimental to the historic character of the Historic District, then the application shall be denied unless:

(a) The denial or partial denial will deprive the owner of reasonable economic use of the property;

(b) The building, structure, or portion thereof to be removed cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable economic return;

(c) There is no viable or reasonable alternative which would have less impact;

or

(d) The structure is so deteriorated, and there is so little historic fabric, that it would be impossible to retain the historic, cultural, and architectural significance of the structure through rehabilitation or renovation.

(3) "Imminent threat" means the building, structure, or portion thereof to be removed constitutes a documented major and imminent threat or immediate danger to the public's health and safety, or likely to partially or totally collapse and thereby injure persons or damage property, and said demolition or removal is the only reasonable way to alleviate said threat.

(4) The removal of a structure will be determined detrimental to the historic and architectural character of the Historic District if the structure is at least 50 years old, meets three or more of the following criteria or is less than 50 years old and meets at least five of the following criteria:

(a) is associated with events that have made a significant contribution to the broad patterns of national, state or local history;

(b) embodies distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

(c) is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

(d) Exemplifies or reflects special elements of the town's cultural, special, economic, political, aesthetic, engineering, or architectural history;

(e) is associated with lives of persons significant in national, state or local history;

(f) It is the only remaining, or one of the few remaining structures of a particular style, building type, design, material or method of construction;

(g) It is a conspicuous visual landmark in the community;

(h) It is an important or critical element in establishing or contributing to the continuity or character of the street, district, or town.

(5) The applicant has the burden of proof to establish by clear and convincing evidence that supports the issuance of the Certificate of Approval for Demolition.

(6) If the proposed action is necessary to correct an unsafe or dangerous condition on the property, but does not meet the criteria to allow demolition of the entire structure, the building inspector with the concurrence of the Historic Preservation Officer may issue a permit strictly limited to correcting emergency conditions.

(7) No building which has been designated as non-contributing in the historic district shall be demolished without prior approval of the Board. The Board shall approve a proposal upon determining that demolition will not be detrimental to the historic or architectural character of the Town. If the Board determines that demolition will be detrimental to the historic or architectural character of the Town, the Board shall issue an order directing that demolition be postponed for a period fixed by the Board but not exceeding sixty (60) calendar days from the date of the Board meeting where the application was first scheduled to be heard by the Board, unless delay is agreed upon by all parties or the applicant requests in delay in review of the application for demolition.

During the period of postponement, the Board shall consult with interested persons, agencies or organizations to ascertain what may be done by the Town or by any agency, organization or individual to preserve the building. If no means are found to preserve it, the Board shall, at the conclusion of the postponement period, approve the demolition permit. During the period of postponement, the applicant shall allow staff to photo-document the property.

(8) If a property is demolished without a Certificate of Approval for Demolition, the Town will levy a monetary penalty in the amount of

(a) 10% of the most recent regular assessed valuation excluding exemptions as determined by the Pierce County Assessor of the demolished structure and the property parcel on which the structure was located for a noncontributing structure, or

(b) 25% of the most recent regular assessed valuation excluding exemptions as determined by the Pierce County Assessor of the demolished structure and the property parcel on which the structure was located for a contributing structure.

The levying of and the amount of the penalty may be appealed to the Town Council. Proceeds from the penalty will be used for historic preservation projects within the District. Additionally, any proposed new initial construction will be required to be built within the original footprint of the demolished structure. This construction will be reviewed based upon the adopted Design Standards for "infill construction." Any future modifications, however, will be held to the Design Standards for historic structures regardless of parcel ownership.

(D) Demolition by Neglect

The intent of this section is to prevent the situation where a building is intentionally allowed to become unsafe.

A property owner shall not permit a structure to deteriorate so badly that it produces a “detrimental effect” on a historic district or landmark.

(1) Neither the owner of nor the person in charge of a contributing structure as identified on the Steilacoom Register of Historic Places shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure. Examples of the type of disrepair prohibited include, but are not limited to:

- (a) The deterioration of exterior walls or other vertical supports;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of exterior chimneys;
- (d) The deterioration or crumbling of exterior plasters or mortar;
- (e) The ineffective waterproofing of exterior walls, roofs and foundations,

including broken windows or doors;

(f) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(2) The Historic Preservation Officer shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure or property shall have sixty (60) days to remedy such violation; provided that the Historic Preservation Officer, upon request, may allow an extension of up to sixty (60) days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation and shall be punishable as provided in this chapter of the Steilacoom Municipal Code.

Economic hardship can be claimed if the repairs necessary for the house would amount to more than value of the building or the property owner is eligible for or currently on public assistance. Staff will review the claim to determine if economic hardship applies.

(E) Penalties for Non-Compliance

A person not complying with the provisions of subsection D of this section is subject to a daily fine of \$250 for each day of noncompliance. If no compliance has occurred at the end of 120 days of penalties, the Town is authorized to perform the work to stop the deterioration and to place a lien on the property for the cost of the work performed along with any associated administrative or legal fee costs.

(F) Appeal of Approval or Denial of a Certificate of Approval for Demolition.

Decisions of the Board to approve or deny a Certificate of Approval for Demolition may be appealed to the Town Council under the provisions in SMC Title 14. (Ord. 1528 §(C)(8), 2016: Ord. 1439 §5, 2008).

2.14.063. Adoption of design standards.

(A) Criteria for Standards

The adopted design standards shall identify character defining features of the Town, consider the history of the Town, include a statement of purpose and intent, and shall be consistent with the purposes of this chapter. The standards shall identify design characteristics which have either a positive or negative effect upon character defining features of the Town and shall specify the materials, colors, form, massing, scale and other design related considerations which will be allowed, encouraged, limited or excluded from the Steilacoom Historic District and individually registered properties. If such design considerations are limited, the standards shall state either the reasons for such limitation or conditions under which such considerations will be permitted.

(B) Adoption of Standards

The official Town of Steilacoom design standards consist of the design and development standards adopted by the Town Council and the Secretary of the Interior's Standards for Rehabilitation.

(C) **Procedures for changes to the adopted design standards.** Upon recommendation from the Board, the Town Administrator is authorized to make minor, non-substantial changes to the design standards without further Town Council approval or adoption, although such minor changes must still be forwarded to Town Council. Such changes shall be effective upon filing with the Town Clerk. Significant or substantive changes to the design standards require approval by the Town Council and are only effective upon such approval.

(D) **Clarification of Current Standards**

In the Design Standards adopted by the Town Council in 2005, Chapters 1, 2, 3, 4, 5, 6, 7, 8, and 10 specifically apply to those properties listed in Section 2.14.050. All other properties, although encouraged and recommended to follow these chapters, are subject to the standards outlined in Chapters 1,2,3,4,8,9 and 10.

(E) **Relationship of Standards to Municipal Code**

Where the provisions of the Design Standards conflict with the Steilacoom Municipal Code, the Steilacoom Municipal Code will prevail. (Ord. 1439 §6, 2008).

2.14.065 Review of changes to properties outside of the Historic District.

(A) Duplexes: No side-by-side mirror image duplex designs shall be permitted.

(B) New Construction and Substantial Alterations of Multifamily Residences Outside the Historic District: Areas outside the historic district have continued the building traditions found in the district. The use of natural building materials and a respect for traditional design lends to the overall cohesiveness of the Town of Steilacoom.

(1) Site Considerations:

(a) Setbacks, lot coverage, and open space of the unit(s) shall conform to the requirements as described in SMC, Title 18.

(b) For development with six (6) or fewer residential units, the units shall be connected to the public by locating the front doors on the street frontage.

(c) For developments with seven (7) or more residential units, the buildings shall be clustered in such a manner that the development as a whole is connected to the public by a walkway from the building to the street right-of-way.

(d) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular parking stalls shall be allowed without a landscape break. The landscape break shall be at a minimum three (3) feet in width and a minimum length of ten (10) feet.

(e) Parking stalls shall not be located or positioned to cause headlights to shine into windows of residential units.

(f) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight-obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.

(2) Design Considerations:

(a) Multifamily residential development shall have a design form that echoes the residential, human scale of the Town of Steilacoom.

(b) Building materials shall blend the building with existing buildings in the immediate vicinity of the project. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).

(c) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.

(d) Roofs shall be standard gable, gambrel, hip, or shed design with no more than (2) roofing configurations.

(e) Design street facades with entries, windows, and or detailing. There should be no blank walls.

(f) The design shall provide some form of individualized exterior living spaces.

(g) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.

(3) Landscaping:

(a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.

(b) Landscaping treatment shall be adapted to fit existing topography.

(c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.

(d) Privacy for outdoor living areas through fencing or plantings shall be provided for.

(e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.

(f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.

(C) New Construction and Substantial Alterations of Commercial Buildings Outside the Historic District:

There are not many examples of commercial architecture located outside the Steilacoom historic district. A notable example includes the gas station/mini-mart, designed to blend with the historic character of Steilacoom.

(1) Site Considerations:

(a) There are no requirements for the street setback, as described in SMC Title 18

(b) The building shall be connected to the public by locating the front door on the street frontage. It is also encouraged to provide a walkway connecting the building to the street right-of-way.

(c) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular-parking stalls shall be allowed without a landscaping break.

(d) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosure and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.

(2) Design Considerations:

(a) An applicant should not rely on the use of standardized "corporate or franchise" style buildings.

(b) Commercial development shall have a design form that echoes the residential nature, and human scale of the Historic District.

(c) Building materials shall blend the building with the existing buildings in the immediate vicinity. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).

(d) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.

(e) Roofs shall be standard gable, hip, gambrel, shed, or flat with stepped parapets.

(f) The street facade shall be emphasized by a prominent front door and display window(s).

(g) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.

(3) Landscaping:

(a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.

(b) Landscaping treatment shall be adapted to fit existing topography.

(c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.

(d) Privacy for outdoor living areas through fencing or plantings shall be provided for.

(e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.

(f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.

(D) New Construction and Substantial Alterations of Public/Quasi Public Buildings Located Outside the Steilacoom Historic District.

(1) Site Considerations:

(a) Setbacks and lot coverage shall conform to the requirements as described in SMC Title 18.

(b) The building shall be connected to the public by locating the front door on the street frontage. It is also encouraged to provide a walkway connecting the building to the street right-of-way.

(c) Parking lots shall be visually broken up by the use of landscape planters. No more than eight (8) angled or perpendicular-parking stalls shall be allowed without a landscaping break.

(d) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.

(2) Design Considerations:

(a) Public/Quasi Public buildings shall have a design form that echoes the residential nature, and human scale of the Town of Steilacoom.

(b) Building materials shall blend the building with the existing buildings in the immediate vicinity. Buildings shall utilize no more than two (2) primary visible wall materials (excluding foundation materials).

(c) Choices of natural building materials are encouraged, and decisions regarding selection of building materials should take into account the neighboring buildings. It is encouraged that one of the building materials selected by the applicant be wood. Aluminum or vinyl siding is strongly discouraged.

(d) Roofs shall be standard gable, hip, gambrel, shed, or flat with stepped parapets.

(e) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.

- (3) Landscaping:
 - (a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.
 - (b) Landscaping treatment shall be adapted to fit existing topography.
 - (c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.
 - (d) Privacy for outdoor living areas through fencing or plantings shall be provided for.
 - (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.
 - (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged.
- (E) New Construction and Modifications to Industrial Buildings.
 - (1) Site and Design Considerations:
 - (a) A landscape break shall be used as a visual buffer from the street right-of-way to the parking lot.
 - (b) Locate trash enclosures (dumpsters) and mechanical equipment away from the street frontage, and screen the trash enclosures and mechanical equipment by using substantial sight obscuring landscaping which will achieve a height of 6 feet within three (3) years of planting, or by constructing an enclosure using building materials similar to and complementary to that of the primary building.
 - (c) Colors should be earth tones, whites, or subdued colors. Bright and brilliant colors shall be avoided.
 - (2) Landscaping:
 - (a) Select plant materials that are suitable for Steilacoom's climate zone, and provide a viable irrigation system.
 - (b) Landscaping treatment shall be adapted to fit existing topography.
 - (c) Plantings susceptible to pedestrian or motor vehicle damage shall be protected by appropriate devices.
 - (d) Privacy for outdoor living areas through fencing or plantings shall be provided for.
 - (e) Landscape lighting shall be consistent with other elements of design, and be harmonious in scale, color, and style. Light intensity shall be limited and back lighting is encouraged.
 - (f) The placement and/or preservation of trees or shrubs in parkways or paved areas is encouraged. (Ord. 1387 §1(part), 2005).

2.14.070 Review and monitoring of properties for special property tax valuation. In 1985, the Washington State Legislature passed a "special valuation" law which makes it possible for Certified Local Governments (CLGs), for a ten year period, to insure that property taxes will not reflect substantial improvements made to certain classes of properties as identified by the CLG. The CLG may amend the criteria for eligibility, however, if made more restrictive these do not become effective for two years following October 1 of the year they were enacted. This means that owners of certain types of historic properties have the potential to realize substantial tax savings.

Only properties on the Steilacoom Register of Historic Places or properties within the Steilacoom Historic District are eligible for special valuation.

(A) Time Lines

- (1) Applications shall be forwarded to the Board by the assessor within 10 calendar days of filing.

(2) Applications shall be reviewed by the Board before December 31 of the calendar year in which the application is made.

(3) Board decisions regarding the applications shall be certified in writing and filed with the County Assessor within 10 calendar days of issuance.

(4) Applications shall include work performed within a 24 consecutive month period and shall be submitted at any time but no later than October 1st to for valuation to be processed the year of application.

(B) Procedure

(1) The County Assessor forwards the application(s) to the Board.

(2) The Board reviews the application(s), consistent with its rules of procedure, outlined in the bylaws, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in Section 2.14.070.C.

(a) If the Board finds the properties meet all the criteria, then, on behalf of the Town of Steilacoom, the Town Council authorizes the Mayor on behalf of the Town to enter into an Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120 and in Section 2.14.070) with the owner. Upon execution of the agreement between the owner and Board, the Board approves the application(s).

(b) If the Board determines the properties do not meet all the criteria, then it shall deny the application(s).

(3) The Board certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the County Assessor.

(4) For approved applications:

(a) The Board forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) and identified in Section 2.14.070) to the County Assessor,

(b) Notifies the State Review Board that the properties have been approved for special valuation, and

(c) Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.

(5) The Board determines, in a manner consistent with its bylaws, whether or not properties are disqualified from special valuation either because of

(a) The owner's failure to comply with the terms of the agreement or

(b) Because of a loss of historic value resulting from physical changes to the building or site.

(6) For disqualified properties, in the event that the Board concludes that a property is no longer qualified for special valuation, the Board shall notify the owner, County Assessor, and State Review Board in writing and state the facts supporting its findings.

(C) Criteria

(1) **Historic Property Criteria:**

The class of historic property eligible to apply for Special Valuation in Steilacoom means all properties listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, The class of property eligible to apply for Special Valuation in Steilacoom means all properties listed on the Steilacoom and National Register of Historic Places or properties certified as contributing to a Steilacoom and National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

(2) **Application Criteria:**

Complete applications shall consist of the following documentation:

(a) A legal description of the historic property,

(b) Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,

(c) Architectural plans or other legible drawings depicting the completed rehabilitation work, and

(d) A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the Board upon request, and

(e) For properties located within historic districts, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

(3) Property Review Criteria:

In its review the Board shall determine if the properties meet all the following criteria:

(a) The property is historic property;

(b) The property is included within a class of historic property determined eligible for Special Valuation by the Town of Steilacoom under Section 2.14.070;

(c) The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in Section 2.14.070) within twenty-four months prior to the date of application; and

(d) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in Section 2.14.070).

(4) Rehabilitation and Maintenance Criteria:

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the Board as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

(D) Agreement:

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the Board as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

(E) Appeals:

Any decision of the Board acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.04.130 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization. (Ord. 1387 §1(part), 2005).

Chapter 2.16

MUNICIPAL COURT

Sections:

2.16.010 Established.

2.16.020 Jurisdiction.

2.16.030 Practice and procedure.

2.16.040 Session days and times.

2.16.050 Municipal Court Judge.

2.16.060 Municipal Court Commissioner.

- 2.16.070 Disposition of revenue.**
- 2.16.080 Municipal Court Seal.**
- 2.16.090 Sentencing.**
- 2.16.100 Criminal process.**
- 2.16.110 Pleadings, practice, and procedure.**

2.16.010 Established. There is established an inferior court to be entitled "The Municipal Court of Steilacoom." (Ord. 315 §1, 1961).

2.16.020 Jurisdiction. The Municipal Court shall have the jurisdiction and shall exercise all the powers declared to be vested in the court by RCW 3.50, together with such other powers and jurisdiction generally conferred in the State of Washington, either by common law or by express statute upon the court. (Ord. 315 §2, 1961).

2.16.030 Practice and procedure. The court practice and procedure established in RCW 3.50, are adopted as the practice and procedure for the Municipal Court. (Ord. 315 §3, 1961).

2.16.040 Session days and times. The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body; provided that the municipal court shall not be open on nonjudicial days as established by state law. This section shall not prevent the judge from granting telephonic approval or entry of search warrants, issuing no-contact orders, or making determinations of probable cause, regardless of whether or not the municipal court is officially open. (Ord 1502 §1, 2013; Ord. 1262 §1, 1999; Ord. 1225 §1, 1998; Ord. 1148 §1, 1994; Ord. 1113 §1, 1993; Ord. 652 §1, 1978; Ord. 642 §1, 1978).

2.16.50 Municipal Court Judge.

(A) Appointment. The Municipal Judge or Judges shall be appointed by the Town Mayor. Subsequent appointments or re-appointments shall be made on or before December 1st of the year next proceeding the year in which the term is to commence.

(B) Term. One or more Municipal Judge(s) shall be appointed for a term of office expiring January 1 of any fourth year after 1994. The terms of any subsequent re-appointments or successors shall commence on said January 1, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter, and RCW 3.50.040 et seq...

(C) Judicial Qualifications. Any person or persons appointed or elected as Municipal Judge shall be a citizen of the United States of America and of the State of Washington, and

(D) an attorney admitted to practice law before the courts of record of the State of Washington, and shall be a resident of Pierce County.

(E) Additional Judges. Additional full or part-time municipal judicial positions may be filled in accordance with RCW 3.50.055, when in the judgment of the Mayor, the public interest and the administration of justice makes such additional judge or judges necessary.

(F) Judges Pro Tem. The municipal judge shall, in writing, appoint judges pro tem who shall serve in absence, disability, or disqualification of the regular municipal judge, subsequent to the filing of an affidavit of prejudice, or when the administration of justice and the accomplishment of the work of the municipal court make it necessary; provided, however, that the compensation of all judges pro tem shall be within the municipal court budget adopted by the Town Council. A pro tem judge's term of appointment shall also be specified in writing. The judges pro tem shall receive such compensation as is received, on an hourly basis, by the municipal judge, or as otherwise fixed by resolution or by ordinance. The pro tem judge shall meet the qualifications required for the position of municipal court judge as provided herein. Before entering upon judicial duties, the pro tem judge shall take, subscribe, and file an oath in the same form as that of the duly appointed municipal judge and thereafter shall have all the powers of the appointed

municipal judge. When deemed necessary by the municipal judge, he/she may make a temporary appointment of a judge pro tem, to preserve an individual's rights according to law or to respond to emergency circumstances, effective for up to one week.

(G) Vacancy. Any vacancy in the municipal court due to death, disability, or resignation of a judge shall be filled by the Mayor for the remainder of the unexpired term. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this section.

(H) Removal.

(1) Removal for Misconduct/Malfeasance. Pursuant to RCW 3.50.095, a judge may be removed from office during the term of his or her appointment upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. Conviction of misconduct or malfeasance in office shall include without limitation:

(i) Conviction of any criminal offense by the judge during the term of office; or
(ii) A determination by the Washington State Judicial Conduct Commission that a code or standard of judicial conduct has been violated.

(2) Removal by Judicial Conduct Commission. A municipal court judge may also be removed from office by the Washington State Judicial Conduct Commission and/or the Washington State Supreme Court, as described in Chapter 2.64 RCW or other applicable law. No separate action by the Town Council is required to effect such removal.

(I) Oath. Every judge of the municipal court, before entering upon the duties of the office, shall take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the Municipal Court of the Town of Steilacoom according to the best of my ability. The oath shall be filed with the Town Clerk.

(J) Compensation. Pursuant to RCW 3.50.080, the judge's compensation shall be set by the Town Council by budget ordinance. Other terms of service may be set by separate agreement. (Ord 1502 §2, 2013).

2.16.060 Municipal Court Commissioner. Pursuant to RCW 3.50.075, municipal court commissioner(s) may be appointed by the judge so long as the compensation for such commissioner is within the municipal court budget adopted by the Town Council. The commissioner shall serve at the pleasure of the judge. (Ord 1502 §3, 2013).

2.16.070 Disposition of revenue. Costs in civil and criminal actions may be imposed as provided in municipal court pursuant to RCW 3.62.060 and 10.01.160 or other applicable law. Pursuant to the Interlocal Agreement between the Town of Steilacoom and the City of Lakewood dated September 19, 2013 (the "Interlocal Agreement"), all fees, costs, penalties and fines, except restitution payments to the Town of Steilacoom, assessed in the Steilacoom Municipal Court shall be administered in accordance with the Interlocal Agreement. In the absence of such Agreement, all above-mentioned fees, costs, penalties, fines and forfeitures, and other money imposed by the municipal court for the violation of any Town ordinance shall be collected, deposited, retained, and disbursed pursuant to Town ordinance and state law. (Ord 1502 §4, 2013).

2.16.080 Municipal Court Seal. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of Town of Steilacoom, Washington" surrounding the vignette. (Ord 1502 §5, 2013).

2.16.090 Sentencing. The judge shall have the broadest authority and greatest discretion consistent with the Steilacoom Municipal Code and applicable State law with respect to

sentencing and probation. In matters of execution of sentence, deferral of sentence, continuing jurisdiction after sentencing and termination of probation, the judge shall be guided by applicable State law, such as RCW 3.50.300 through 3.50.340 and 3.50.440. (Ord 1502 §6, 2013).

2.16.100 Criminal process. All criminal process issued by the municipal court shall be consistent with RCW 3.50.425, shall be in the name of the State of Washington and run throughout the State, and be directed to and served by the chief of police or other police officer of any Town or any sheriff in the State. (Ord 1502 §7, 2013).

2.16.110 Pleadings, practice, and procedure. Pleadings, practice, and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall be governed by RCW 3.50.450 and all other statutes and rules now existing or hereafter adopted governing pleadings, practice, and procedure applicable to municipal courts, including without limitation the Washington Rules for Courts of Limited Jurisdiction. (Ord 1502 §8, 2013).

Chapter 2.18

PUBLIC SAFETY DEPARTMENT

Sections:

- 2.18.010 Department established.**
- 2.18.020 Functions.**
- 2.18.030 Positions.**
- 2.18.040 Director duties.**
- 2.18.050 Fire Operations Chief.**
- 2.18.060 Reserve force--Established.**
- 2.18.070 Reserve force--Membership.**
- 2.18.080 Reserve force--Requirements.**
- 2.18.090 Policies.**
- 2.18.100 Reserve force--Benefits.**
- 2.18.110 Reserve force-Authority.**
- 2.18.120 Operations manual.**
- 2.18.130 Statutory benefits--Board of trustees.**
- 2.18.160 Civil service system adopted.**
- 2.18.170 Civil service commission created.**
- 2.18.180 Powers--Duties.**
- 2.18.190 Rules governing qualifications and selection of candidates.**
- 2.18.200 Probationary service.**
- 2.18.210 Selection of Public Safety Director.**
- 2.18.220 Benefits.**
- 2.18.230 Exceptions to SMC 2.18.160 through 2.18.220.**

2.18.010 Department established. There is established as a department of the Town, the Department of Public Safety, referred to herein as "the Department." (Ord. 979 §1, 1987).

2.18.020 Functions. The Department shall fulfill functions of crime prevention and suppression, traffic control, fire prevention, fire control, emergency services, emergency medical services and such related functions as may be assigned from time to time by the Mayor. (Ord. 979 §2, 1987).

2.18.030 Positions. Positions within the department are:

- (1) Director of the Department of Public Safety (herein, "Director")
- (2) Subordinate public safety officers and secretarial support for whose employment or services provision is made by annual budgets adopted by the Council. (Ord. 979 §3, 1987).

2.18.040 Director duties. The Director shall:

- (1) Be appointed by and serve at the pleasure of the Mayor;
- (2) Possess and exercise the powers and responsibilities of the office of Town Marshal, as that office, its powers and responsibilities are prescribed by state law;
- (3) Serve as chief executive officer of the Department, vested with final departmental authority on all matters of policy, operations and discipline.
- (4) Appoint, assign, discipline, demote and discharge all subordinate officers and employees of the department, subject to requirements and limitations of the Civil Service Law and Civil Service Commission's rules and regulations.
- (5) Not be part of the Town of Steilacoom's Classified Civil Service System and therefore not subject to the Civil Service Law and Civil Service Commission's rules and regulations. (Ord. 1483 §1(part), 2012: Ord. 979 §4, 1987).

2.18.050 Fire Operations Chief. A Fire Operations Chief shall be appointed and serve at the pleasure of the Mayor and shall not be part of the Town of Steilacoom's Classified Civil Service System and therefore not be subject to the Civil Service Law and Civil Service Commission's rules and regulations. Subject to the supervision of the Director or designee, the Fire Operations Chief shall exercise operational and tactical responsibilities with respect to fire control and prevention, and shall perform such related duties as may be assigned by the Director. (Ord. 1483 §1(part), 2012: Ord. 979 §5, 1987).

2.18.060 Reserve force--Established. A public safety reserve force (herein, "reserve force") is established as a volunteer unit of the Department. The reserve force shall assist regular officers of the department in protecting property and life safety, preserving peace and order, controlling traffic, suppressing fires and providing medical and emergency aid. (Ord. 979 §6, 1987).

2.18.070 Reserve force--Membership. Persons who as of February 17, 1987 are members of good standing of the Steilacoom Volunteer Fire Department and of the Steilacoom Reserve Police Officers' Program, shall be members of the reserve force. (Ord. 979 §7, 1987).

2.18.080 Reserve force--Requirements. The Director shall establish requirements for initiation of new members of the Reserve Force, and for maintenance of membership. Such requirements, at a minimum, shall include willingness to serve an average of at least twenty hours per month in volunteer public service and completion of training programs as required by the Director. (Ord. 979 s8, 1987).

2.18.090 Policies. To provide a maximum level of service commensurate with available resources, the Director shall implement the following policies:

- (1) Officers and employees and members of the Reserve Force shall be encouraged to develop skills, through cross-training, in all areas of public safety;
- (2) So far as is consistent with civil service requirements, officers, employees and reserve force members who complete cross-training shall be preferred for employment, advancement and assignment of supervisory responsibilities; and
- (3) To provide adequate trained personnel to respond to fire suppression calls, emergency aid calls and general emergency calls, provisions shall be made to recruit, train and

retain members of the Reserve Force whose responsibilities will be limited to those functions. (Ord. 979 §9, 1987)

2.18.100 Reserve force--Benefits.

(a) Members of the reserve force shall serve at the direction and pleasure of the Director, who is authorized to revoke appointments with or without cause. Members of the force shall not be compensated for their services. Notwithstanding the volunteer and uncompensated status, such members shall, for the efficient performance of functions performed by the reserve force:

- (1) Receive training at the expense of the Town, and/or by regular officers of the department;
- (2) Be furnished with uniforms, badges, equipment and identification cards, to be used only during their performance of volunteer duties and to remain the property of the Town, possession thereof to be returned to the Town immediately upon separation from volunteer service;
- (3) Be reimbursed costs for attendance at two training shifts per month and for performance of assignments at special Town functions and events, pursuant to a uniform allowance schedule;
- (4) Be provided with medical aid benefits authorized by the Washington Industrial Insurance Act;
- (5) Be registered as civil defense workers for purposes of eligibility for such benefits as may be authorized by state law and administered by the Washington Department of Emergency Services; and
- (6) Be eligible for such benefits as may be authorized through the Firefighters' Relief and Pension Act to include volunteer firefighters, emergency medical service district volunteers, and reserve law enforcement officers.

(b) The provision of the foregoing benefits shall not extend or be deemed to extend to any member of the reserve force and benefit, privilege, entitlement, right or protection afforded, extended, or provided by:

- (1) Statutory or ordinance provisions relating to civil service employment;
- (2) Statutes relating to the Washington Law Enforcement and Firefighters Retirement System;
- (3) Contracts entered into by the Town and any bargaining unit representing Town employees; or
- (4) Any contract, personnel policy, personnel manual or practice relating to regularly employed Town officers or employees. (Ord. 1297 §1, 2001; Ord. 979 §10, 1987).

2.18.110 Reserve force--Authority. While performing duties assigned by the Director, and subject to such limitations as the Director may impose on the exercise of such authority, a member of the Reserve Force may issue citations and notices of infraction, make arrests, as permitted by law, and summon aid and exercise all other powers necessary and requisite for prevention of disorder and apprehension of offenders. No member of the reserve force, while acting as such, shall carry a firearm unless such member has first obtained a certificate from the Director verifying that the member is qualified in the use of the same; and unless the member has been assigned duties in the performance of which the Director has determined that possession of a firearm is necessary. (Ord. 979 §11, 1987).

2.18.120 Operations manual. The Director shall prepare and maintain an operations manual assigning functions and responsibilities to positions within the department and to assignments of reserve force members. (Ord. 979 §12, 1987).

2.18.130 Statutory benefits--Board of trustees. Members of the reserve force assigned to fire control and prevention functions shall be enrolled for the benefits established by Chapter 41.24, Revised Code of Washington. The Municipal Board of Trustees mandated by that chapter shall be comprised of the Mayor, the Clerk-Treasurer, one Councilmember, the Public Safety Director, and a member of the Reserve Force elected by its members for an annual term. (Ord 1336 §3, 2003; Ord. 979 §14, 1987).

2.18.160 Civil service system adopted. Except as provided herein, the system commonly known as civil service as set forth in Chapter 13 of the Laws of 1937 (RCW 41.12), as amended, is adopted for the Public Safety Department of the Town of Steilacoom and all full paid employees therein except for those positions designated as unclassified, and all advancements, demotions, suspensions, discharges, or control thereof, and of the members thereof, shall be under the control of and governed by Civil Service Rules prescribed in or adopted pursuant to Chapter 13 as the same may have been heretofore or may be hereafter amended. (Ord. 1483 §1(part), 2012; Ord. 979 §13, 1987; Ord. 480 §1, 1973).

2.18.170 Civil Service Commission created.

(a) There is created for the administration of such civil service for the Public Safety Department, a Civil Service Commission composed of three members who shall be appointed by the Mayor of the Town. The term of office of such Civil Service Commission shall be six years, except that the first three members of such commission shall be appointed for different terms as follows:

- One to serve for a period of two years;
- One to serve for a period of four years;
- One to serve for a period of six years.

(b) In the event any Civil Service Commissioner resigns, becomes disqualified or is removed for cause, another commissioner shall be appointed to take his place for the unexpired portion of the term. (Ord. 979 §13, 1987; Ord. 480 §2, 1973).

2.18.180 Powers--Duties. Such commission upon appointment, qualification and organization, shall hold meetings, adopt rules and regulations, perform the duties and exercise the power of such commission in compliance with the state law governing the same. (Ord. 480 §3, 1973).

2.18.190 Rules governing qualifications and selection of candidates. Rules and regulations of the commission pertaining to the qualifications of applicants for full-time employment within the Public Safety Department, and selection of candidates for employment and promotion, shall conform to provisions of RCW 41.12, except:

(1) When any vacancy occurs in grades of sergeant or public safety officer, the Commission shall certify to the appointing authority the names of three persons highest on the eligible list for the grade, and willing to accept employment in the grade, to which the vacant position is allocated. The appointing authority may choose to appoint any one of the three candidates provided or may request additional names from the eligibility list. In the event there fewer than three candidates, the choice to proceed with the selection of names will be a management prerogative.

(2) When any vacancy occurs in the office of Public Safety Director, candidates to fill the vacancy shall be selected in the manner established by SMC 2.18.210. (Ord 1488 §1. 2012: Ord. 1483 §1(part), 2012; Ord. 1336 §4, 2003; Ord. 979 §13, 1987; Ord. 853 §1, 1982; Ord. 480 §4, 1973).

2.18.200 Probationary service. No appointment, employment or promotion in a public safety position subject to civil service shall be deemed complete until after satisfactory completion of probationary service. The probationary service shall be that which is specified in the current union contract. (Ord. 1336 §5, 2003; Ord. 196 §1, 1984; Ord. 870 §1, 1983).

2.18.210 Selection of Public Safety Director. When a vacancy occurs in the office of Public Safety Director, the appointing authority shall fill the vacancy by appointment with an individual of their selection able to fulfill the duties outlined in SMC 2.18.040. (Ord. 1483 §1(part); Ord. 979 §13, 1987; Ord. 853 §2, 1982).

2.18.220 Benefits. All members of the present Public Safety Department of the Town shall be entitled to the benefits accruing under SMC 2.18.160 through 2.18.220 and Chapter 13, Laws of 1937, as amended, including retaining their present positions and ranks without being subjected to the examinations and investigations to be required for the appointment of all subsequent employees of the Public Safety Department. (Ord. 979 §13, 1987; Ord. 480 §5, 1973).

2.18.230 Exceptions to SMC 2.18.160 through 2.18.220. SMC 2.18.160 through 2.18.220 shall not apply to part-time employees of the Public Safety Department. (Ord. 979 §13, 1987; Ord. 480 §6, 1973).

Chapter 2.20

EMERGENCY MANAGEMENT

Sections:

- 2.20.010 Purpose.**
- 2.20.020 Emergency Management Policy.**
- 2.20.030 Emergency management defined.**
- 2.20.040 Emergency or disaster defined.**
- 2.20.050 Director defined.**
- 2.20.060 Deputy Director defined.**
- 2.20.070 Emergency Management Plan.**
- 2.20.080 Emergency Management Program.**
- 2.20.090 Disaster and emergency powers of the Mayor.**
- 2.20.091 Succession of Authority.**
- 2.20.092 Continuity of Town Government.**
- 2.20.100 Disaster and emergency powers of the Director.**
- 2.20.110 Functions and duties of departments and employees.**
- 2.20.120 Private liability.**
- 2.20.130 Penalty.**
- 2.20.140 Severability.**

2.20.010 Purpose. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for mitigation, preparedness, response and recovery for persons and property within the Town of Steilacoom in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of the Town with Pierce County and other affected public agencies and private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including

mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants of the Town of Steilacoom. (Ord. 1145 §1(part), 1994).

2.20.020 Emergency Management Policy. It is the policy of the Town to make effective preparation and use of staffing, resources and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the Town of Steilacoom to respond to protect life, public health and public property. Therefore, citizens are advised to be prepared to be on their own for up to 72 hours should an emergency or disaster occur. (Ord. 1145 §1(part), 1994).

2.20.030 Emergency management defined. "Emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible; to mitigate, prepare for, respond to and recover from emergencies and disasters; and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or man-made; and to provide support for search and rescue operations for persons and property in distress. (Ord. 1145 §1(part), 1994).

2.20.040 Emergency or disaster defined. "Emergency or disaster" as used in this chapter shall mean an event or set of circumstances which:

- (1) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or
- (2) Reaches such a dimension or degree of destructiveness as to warrant the Mayor proclaiming the existence of a disaster or the Governor proclaiming a state of emergency in accordance with appropriate local and state statutes. (Ord. 1145 §1(part), 1994).

2.20.050 Director defined. "Director" shall mean the Director of Public Safety who is responsible for the administration and operation of the emergency management program for the Town of Steilacoom. (Ord. 1145 §1(part), 1994).

2.20.060 Deputy Director defined. "Deputy Director" shall mean the person appointed by the Director to represent him/her in his/her absence. (Ord. 1145 §1(part), 1994).

2.20.070 Emergency Management Plan. The emergency management plan, prepared by the Director and promulgated by the Mayor and Town Council is the official emergency management plan of the Town of Steilacoom. The Director shall file a copy of said plan in the office of the Town Clerk-Treasurer and distribute copies of said plan to appropriate town departments. (Ord. 1145 §1(part), 1994).

2.20.080 Emergency Management Program. The emergency management program of the Town of Steilacoom is hereby created and shall consist of:

- (1) The Mayor shall be the administrative head and have direct responsibility for the organization, administration and operation of the emergency management program for the Town of Steilacoom and direct responsibility for the emergency operation of departments of the Town of Steilacoom.
- (2) The Town Administrator who shall administer and carry out the decisions of the Mayor.
- (3) The Director who shall be appointed by the Mayor and who shall develop and maintain the Emergency Management Plan and program of the Town of Steilacoom, and shall have such other duties as may be assigned by the Mayor and the Town Administrator.
- (4) A Deputy Director who may be appointed by the Director, subject to the approval of the Mayor, shall perform such functions as outlined in the Emergency Management Plan and

shall act for and exercise the powers and perform the duties of the Director during his/her absence or disability.

(5) Compensated members of the emergency management organization.

(6) Volunteer members of the emergency management organization.

(7) Such advisory committees as may be appointed by the Mayor.

(8) The Town may form its own Department of Emergency Management, or it may contract pursuant to RCW Chapter 39.34 for emergency management services with another political subdivision which does have an approved emergency management program in accordance with RCW 38.52.

(9) Other members as deemed appropriate by the Town. (Ord. 1145 §1(part), 1994).

2.20.090 Disaster and emergency powers of the Mayor. In the event of a proclamation of disaster as herein provided, or upon the proclamation of a state of extreme emergency by the governor, the Mayor is hereby empowered:

(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Town Council.

(2) To request the Pierce County Executive to proclaim a state of emergency when, in the opinion of the Mayor, the resources of the area or region are inadequate to cope with the disaster.

(3) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the Town for the fair value thereof, and, if required immediately, to commandeer the same for public use.

(4) To control and direct the efforts of the emergency management organization of the Town for accomplishment of the purposes of this chapter;

(5) To require emergency services of any town officer or employee and, in the event of the proclamation of a state of extreme emergency by the governor in the region in which this Town is located, to command the aid of as many citizens of this Town as may be deemed necessary in the execution of the Mayor's duties and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers.

(6) To requisition necessary personnel or material of any town department or agency.

(7) To execute all of the special powers conferred upon the Mayor by this chapter, by any other statute, agreement or lawful authority, as necessary. (Ord. 1145 §1(part), 1994).

2.20.091 Succession of Authority.

(A) In the event the Mayor is absent or unavailable, the powers and duties of the office of the Mayor will be exercised and discharged by the following officers in the following order:

(1) Mayor Pro Tempore

(2) Councilmembers in order of seniority by consecutive years of service on the Council.

(B) Any Councilmember succeeding to the Office of the Mayor on a temporary interim basis pursuant to this Section will discharge the duties of that office until such time as the elected or appointed officer is available for duty or a regular successor is appointed by the ordinary means applicable to the Office of the Mayor.

(C) Whenever practicable, the Mayor or designee shall notify the Mayor Pro Tempore and Town Administrator at least 72 hours prior to the Mayor's absence. (Ord. 1618, 2020).

2.20.092 Continuity of Town Government.

(A) In the event of a disaster, it is essential to assure the continued operation of the Town government and to preserve and protect records essential to the continued functioning of the Town government. If a declared disaster reduces the number of members of the Town Council,

then those members who are available for duty, will have full authority to act in all matters as the Town Council. In the event no member of the Town Council is available for duty, then the County Council to the extent they are available for duty will jointly act as the Town Council and will possess by majority vote the full authority of the Town Council.

(B) Whenever it becomes impracticable due to disaster to convene the Council in the Town Hall, the Council may convene in any of the following alternate locations.

- (1) The Public Safety Building
601 Main Street
Steilacoom, Washington 98388

- (2) The Steilacoom Community Center
2301 Worthington Street
Steilacoom, Washington 98388

- (3) The Public Works Building
1030 Roe Street
Steilacoom, Washington 98388

If it becomes impracticable or unsafe for members of the Council to convene in person during a declared emergency, the Council may convene by teleconference or any other reasonable means. After any emergency relocation, the business of the Council will be lawfully conducted at such alternate site or sites for the duration of the emergency.

(C) Essential Records Preservation. All departments of the Town will identify records essential for continuity and preservation of government and provide for their protection according to the guidelines set by the State Archivist (Secretary of State's Office, RCW 40.10.010). (Ord. 1618, 2020).

2.20.100 Disaster and emergency powers of the Director. The Director is hereby empowered:

- (1) To request the Mayor and Council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the Town Council is in session, or to issue such proclamation, if the Town Council is not in session, subject to confirmation by the Town Council at the earliest practicable time;
- (2) To direct coordination and cooperation between divisions, services and staff of the departments and services of the Town in carrying out the provisions of the emergency management plan, and to resolve questions of authority and responsibility that may arise between them.
- (3) To recommend for adoption by the Town Council emergency management plans and mutual aid agreements;
- (4) To represent the emergency management organization of the Town in dealing with issues pertaining to emergency management;
- (5) To prepare and maintain the emergency management plan of the Town and manage the day to day responsibilities of the emergency management program activities of the Town. (Ord. 1145 §1(part), 1994).

2.20.110 Functions and duties of departments and employees. The Town Council hereby assigns to the various departments and to the officers and employees thereof the functions, duties and powers set forth in the emergency management plan referenced in SMC 2.20.070. (Ord. 1145 §1(part), 1994).

2.20.120 Private liability. No individual, firm, association, corporation or other party owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the Town of Steilacoom a license or privilege or otherwise permits the Town to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice emergency or disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any persons while in or upon said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof, except a willful act of misconduct, when such a person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during an emergency or disaster or an attack by enemies of the United States or during a disaster drill, exercise or test ordered by a lawful authority. (Ord. 1145 §1(part), 1994).

2.20.130 Penalty. Any person who shall:

(1) Willfully obstruct hinder, or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon such member by virtue of this chapter;

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this Town, or to prevent hinder or delay the defense or protection thereof;

(3) Wear, carry or display, without authority, any means or identification specified by the emergency management agency of the state, shall, upon conviction, be fined in any sum not exceeding one thousand dollars or by imprisonment for a period not exceeding ninety days, or both, at the discretion of the court. (Ord. 1145 §1(part), 1994).

2.20.140 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 1145 §1(part), 1994).

Chapter 2.28

PERSONNEL REGULATIONS

Sections:

2.28.010 Adopted.

2.28.010 Adopted. The *Town of Steilacoom Personnel Regulations* on file in the office of the Clerk-Treasurer, and by reference made a part hereof as though set out in full, is adopted. (Ord. 1354 §1, 2004; Ord. 1352 §1, 2004; Ord. 1347 §1, 2003; Ord. 1276 §1, 2000; Ord. 1240 §1, 1998; Ord. 1211 §1, 1997; Ord. 1187 §1, 1996; Ord. 1167 §1, 1995; Ord. 1131 §1, 1993; Ord. 1122 §1, 1993; Ord. 966 §1, 1986).

Chapter 2.44

FACILITIES POLICIES

Sections:

2.44.010 Adopted.

2.44.010 Adopted. That document entitled *Public Facilities Policy - Revised 1999*, on file in the office of the Clerk-Treasurer, is adopted. (Ord. 1290 §1, 2000: Ord. 1268 §1, 1999: Ord. 1253 §1, 1999: Ord. 1201 § 1, 1996: Ord. 1201 §1, 1996: Ord. 1150 §1, 1994: Ord. 1124 §1, 1993: Ord. 990 §1, 1987).

Chapter 2.48

PUBLIC ACCESS TO RECORDS

Sections:

- 2.48.010 Rules and regulations.**
- 2.48.020 Clerk-Treasurer designated records officer.**
- 2.48.030 Available for inspection when.**
- 2.48.040 Copying charge.**
- 2.48.050 Protection from damage.**
- 2.48.060 Exempt records.**
- 2.48.065 Determination of personal privacy interest.**
- 2.48.070 Denial of request.**
- 2.48.080 Petition for review when denied access.**

2.48.010 Rules and regulations. The Council adopts the following rules and regulations of this chapter, which shall govern public access to and copying of public records of the Town. (Ord. 607 §1, 1977).

2.48.020 Clerk-Treasurer designated records officer. The Clerk-Treasurer is designated Public Records Officer for the Town. (Ord. 607 §2, 1977).

2.48.030 Available for inspection when. On request to the Public Records Officer, all public records of the Town, except those exempted by SMC 2.48.060 or 2.48.065, Steilacoom Municipal Code, shall be available for inspection and for copying at the Office of the Clerk-Treasurer between the hours of ten a.m. and four p.m. Tuesday through Friday. (Ord. 1336 §6, 2003: Ord. 961 §1, 1986: Ord. 607 §3, 1977).

2.48.040 Copying charge. No fee is imposed for inspecting public records. Charges for copying public records shall be fixed by the Town Council by resolution. (Ord. 1051 §1, 1990: Ord. 607 §4, 1977).

2.48.050 Protection from damage. The Public Records Officer shall take reasonable precautions to assure that public records are protected from damage and loss; and may, in the exercise thereof, refuse to permit removal of public records from Town offices. (Ord. 1336 §7, 2003: Ord. 607 §5, 1977).

2.48.060 Exempt records. No records and information exempted from public inspection and copying by RCW 42.17.310 shall be made available for copying or inspection by the Public Records Officer. (Ord. 607 §6, 1977).

2.48.065 Determination of personal privacy interest. If a request is made for records or information including a name, list of names, address or list of addresses of an individual or indi-

viduals, the Public Records Officer shall determine whether a personal privacy interest inheres in the requested data. If so, and if release of the records or information would be highly offensive, the records or information shall not be made available for inspection or copying. (Ord. 961 §2, 1986).

2.48.070 Denial of request. If the Public Records Officer determines that a request for inspection or copying should be denied on grounds set forth in SMC 2.48.060 or 2.48.065, s/he shall notify the person requesting to inspect or copy of his determination and of the right of review provided for herein. The notification shall be in writing and shall contain a statement of the reason or reasons for denying the request. (Ord. 961 §3, 1986: Ord. 607 §7, 1977).

2.48.080 Petition for review when denied access. On denial by the Public Records Officer of a request to inspect or copy public records, the party requesting the same shall have a right to petition for review of the public records officer's determination. The petition for review shall be submitted to the Mayor or his designee, who shall, within the period specified by RCW 42.17.320, conduct an investigation of the denial and affirm, reverse or modify the determination of the Public Records Officer. The decision of the Mayor or his designee shall constitute final action of the Town with respect to the request. (Ord. 607 §8, 1977).

Chapter 2.50

TRANSCRIPT OF HEARINGS

Sections:

- 2.50.010 Definitions.**
- 2.50.020 Requirements of participants--Accurate record of proceedings.**
- 2.50.030 Recording--Exhibits.**
- 2.50.040 Requests for transcripts.**
- 2.50.050 Transcript for judicial proceedings--Priority.**
- 2.50.060 Copies of tapes.**
- 2.50.070 Certification of transcripts.**

2.50.010 Definitions. As used in this chapter, the following terms shall have the following meanings:

(a) "Adjudicatory hearing" means any hearing required by law and conducted before the Town Council or other town commission, board or agency determining rights or obligations of readily identifiable persons, including, but not limited to, the following:

(1) Hearings before the Council or any committee thereof on applications to grant licenses or franchises, vacate streets, review environmental impact statements, grant shoreline management permits or permits authorized by the zoning code, extend or amend provisions of the zoning code which affect or classify specific parcels of land, approve subdivision plats, or appeal or review determinations of subordinate commissions, boards, agencies or officers;

(2) Hearings before the Planning Commission or any committee thereof on applications to approve subdivision plats, grant variances or permits, or extend or amend provisions of the zoning code which affect or classify specific parcels of land;

(3) Hearings before the Preservation And Review Board;

(4) Hearings before the Civil Service Commission for police employees;

(b) "Secretary" means the person designated by the officer presiding at an adjudicatory hearing to record proceedings thereof. (Ord. 1327 §6, 2003: Ord. 732 §1, 1980).

2.50.020 Requirements of participants--Accurate record of proceedings. The officer presiding at any adjudicatory hearing shall require participants to disclose their identities on the record and to present evidence in an orderly manner, to the end that all participants will be extended the opportunity to fully and fairly present their positions, and that a complete and accurate record of proceedings will be preserved. The statements of any person attending an adjudicatory hearing who refuses to comply with the foregoing requirements may, in the presiding officer's discretion, be expunged from the record and disregarded by the body conducting the hearing. (Ord. 732 §2, 1980).

2.50.030 Recording--Exhibits. The secretary shall record proceedings on equipment furnished by the Town for that purpose, and shall retain custody of tapes or cassettes of each proceeding. Such tapes or cassettes may be erased or discarded one year after the close of any proceedings if no appeal is taken from determinations resulting from the proceedings, or six years after the final disposition of any appeal from determinations resulting from such proceedings. All documents or other materials offered into evidence at any proceeding shall be marked as exhibits by the secretary. The secretary shall retain custody of all exhibits until the same are filed by the secretary with any reviewing court or agency, or, on stipulation of parties to the proceeding, returned to the parties. All exhibits not so filed or returned may be disposed of by the secretary six years after the close of proceedings. (Ord. 1336 §8, 2003: Ord. 732 §3, 1980).

2.50.040 Requests for transcripts. Any party to an adjudicatory hearing who requests a transcript of part or all of the hearing, or obtains an order of a court requiring that a transcript or part or all of the hearing be provided to the court, may request the copies of tapes of the hearing for transcription. The responsibility to produce a transcript rests with the applicant. The completed transcript shall then be returned to the secretary who shall verify and certify the written transcript for completeness and accuracy against the original recordings. (Ord. 1336 §9, 2003: Ord. 732 §4, 1980).

2.50.050 Transcript for judicial proceedings--Priority. In the event multiple requests, accompanied by deposits, are made to a secretary for preparation of transcripts, the secretary shall assign the first priority to the preparation of any transcript or transcripts required by the order of a court of competent jurisdiction. (Ord. 732 §5, 1980).

2.50.060 Copies of tapes. Upon request and delivery to the Clerk-Treasurer of a sum sufficient to pay costs of reproducing tapes, any person may obtain copies of tape recordings of adjudicatory hearings from the secretary who has custody thereof. (Ord. 732 §6, 1980).

2.50.070 Certification of transcripts. The transcript used for judicial or administrative review of any determination made at an adjudicatory hearing shall be read and certified as true and accurate by the officer who presided at the hearing. (Ord. 732 §7, 1980).

Chapter 2.52

IDENTIFICATION CARDS

Sections:

2.52.010 Required--Contents.

2.52.020 Public access.

2.52.010 Required--Contents. All Town permanent employees will be furnished identification cards which will include a picture of the employee, first name of employee, name of department, and hair and employee number. The design of the cards shall be specified by the Town Administrator. (Ord. 1336 §10, 2003: Ord. 658 §1, 1978).

2.52.020 Public access. All persons within the Town's limits have the right to request to see employee identification cards and may write down any information contained therein. (Ord. 658 §2, 1978).

Chapter 2.60

AUDITING AND PAYMENT OF DEMANDS FOR EXPENDITURES

Sections:

2.60.010 Demands.

2.60.020 Claims for expenditures.

2.60.010 Demands. Demands for payment of expenditures by the Town, with the exception of those set forth in SMC 2.60.020, shall be compiled in convenient form and presented to the Council by the Clerk-Treasurer in advance of each regular Council meeting. The Council shall audit all such demands prior to or during each such meeting and shall at each such meeting allow such audited demands as it deems proper. (Ord. 829 §1, 1982).

2.60.020 Claims for expenditures. In advance of any regular meeting, checks may be issued for payment of the following expenditures, the allowance of which is hereby approved; provided, that at the next regular Council meeting following the issuance of any such checks, the Clerk-Treasurer shall report the same to the Council:

- (1) Checks payable to Bonneville Power Administration;
- (2) Checks payable to the U.S. Postmaster for postage expenses of the Town, provided no such check exceeds five hundred dollars in amount; and provided further, that the expenditure represented by the check has been authorized by town budget appropriations.
- (3) Checks payable to Association of Washington Cities or such other seminar sponsors for advance registration for conventions, meetings or seminars to be attended by town officials which have been authorized by Town budget appropriations;
- (4) Checks payable to the State Department of Revenue for excise tax due on utility and beach parking receipts;
- (5) Checks payable to the Washington State Employment Security Department for Social Security contributions. (Ord. 1336 §11, 2003: Ord. 899 §1, 1983; Ord. 894 §1, 1983; Ord. 829 §2, 1982).

Chapter 2.68

TOWN MEETING EXPENSES

Sections:

2.68.010 Purpose.

2.68.020 Policy established.

2.68.010 Purpose. The purpose of this chapter is to establish a policy for the payment of necessary expenses for meals and refreshments at certain meetings of town government. Payment of such expenses is appropriate due to when town meetings are scheduled at normal meal times or for an extended duration, particularly during late evening hours. (Ord. 1336 §12, 2003; Ord. 1011 §1(part), 1988).

2.68.020 Policy established. It shall be town policy to pay expenses for meals or refreshments, which shall in no event include alcoholic beverages, as may be specifically approved from time to time by the Mayor or Town Administrator, in the following circumstances:

(1) When town meetings have to be scheduled by the Town Council at normal meal times so that Town officials and employees will be precluded from having meals on their own time, meals may be provided for such officials and employees as approved by the Town Council for payment by the Town Administrator or designee, provided that the cost of such meals shall not exceed the amount specified in the Personnel Regulations adopted by Chapter 2.28, Steilacoom Municipal Code; and

(2) When town meetings will extend over a number of hours, refreshments may be provided for such participants. (Ord. 1336 §13, 2003; Ord. 1011 §1(part), 1988).

Chapter 2.72

SMALL WORKS ROSTER

Sections:

2.72.010 Roster established.

2.72.020 Requirements for use.

2.72.010 Roster established. The Small Works Roster shall be established as follows:

(1) At least twice every year, the Town of Steilacoom shall publish in a newspaper of general circulation a notice of the existence of the Small Works Roster and soliciting the names of contractors for such roster. The Town shall add to the Small Works Roster those qualified contractors who respond to the published notice and request to be included on the roster.

(2) In order to be included on the roster, the contractor shall supply information on a contractor qualification form to be developed by the Public Works Director. The contractor qualification form shall include, as a minimum the name and address of the contractor, the contractor's bonding company, and the contractor's areas of work. (Ord. 1212 §1, 1997).

2.72.020 Requirements for use. The Small Works Roster shall be utilized as follows:

(1) Whenever the Town of Steilacoom seeks to construct any public work or improvement, the estimated cost of which, including costs of material, supplies, and equipment, is \$200,000 or less, the small works roster may be utilized.

(2) When the small works roster is utilized, the Town of Steilacoom shall invite proposals from at least five (5) qualified contractors on the Small Works Roster.

(3) The invitation to submit proposals shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished.

(4) When awarding a contract for work under the small works roster, the Town of Steilacoom shall award the contract to the contractor submitting the lowest responsible bid,

provided, however, that the Town of Steilacoom reserves its right under applicable law to reject any or all bids and to waive procedural irregularities.

(5) Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal.

(6) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(7) A contract awarded from a Small Works Roster under this chapter need not be advertised. (Ord. 1298 §1, 2001: Ord. 1212 §2, 1997).