



A Member of the ICC Family of Solutions

December 23, 2024

Michelle Gaines, Clerk-Treasurer
Town of Winthrop
206 Riverside Avenue
P.O. Box 459
Winthrop, WA 98862

Dear Michelle:

Please find enclosed our analysis of the Winthrop Municipal Code for your review. The code has been thoroughly reviewed for issues of compliance with state law, obsolete material, and apparent internal conflicts.

This editorial and legal analysis is not provided as legal advice to the town. As codifiers, we are, by definition, prohibited from making substantive non-editorial changes to the code. Instead, we hope that the analysis will be useful as general guidance for town staff, elected officials, and legal advisers as you consider specific amendments and revisions to the code.

We appreciate the opportunity to work with the Town of Winthrop both in the regular upkeep of the town's code, as well as in offering broader suggestions for its improvement. Please do not hesitate to contact us with any questions or for help with additional codification needs.

Sincerely,

A handwritten signature in black ink that reads "Charles O'Toole".

Charles O'Toole, Editor
General Code

Enclosures: editorial/legal analysis



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Editorial and Legal Analysis

PREPARED FOR:

Town of Winthrop

Completed:

December 2024

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INTRODUCTION

Editorial and Legal Analysis

This Editorial and Legal Analysis is an in-depth, chapter-by-chapter review of the town's legislation as included in the Municipal Code, updated through Ord. No. 781. The purpose of this Editorial and Legal Analysis is to assist town officials in identifying code provisions that may be outdated or in need of revision (for example, those that may reflect inconsistencies and ambiguities in the language of the code).

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Legal Analysis, but rather to provide as much information as possible to enable municipal officials to make necessary decisions. Any questions as to the validity or legal sufficiency of legislation, or as to the interpretation of cases and statutes, will properly remain the responsibility of your municipal attorney.

Review by Town

Project Management. The town may wish to consider the following approaches for successful review of the Editorial and Legal Analysis:

- ◆ *Timeline.* Town officials may wish to establish an overall timeline to facilitate completion of the review, and to prioritize certain subjects for completion sooner than others.
- ◆ *Dividing the work.* Town officials may want to (1) divide up the Editorial and Legal Analysis questions and pass them along to the various departments affected by the subject matter; or (2) designate one person or a small committee to perform the detailed review work and to report back to the governing body with specific recommendations and any questions needing some type of policy decision.
- ◆ *Legal review.* Town officials will want to consult with the town attorney during the process or to forward consolidated amendments to the attorney for final review.

Review Tips. The questions and comments included in this Editorial and Legal Analysis are not intended to preclude revisions to any chapter based on the experiences or needs of the town. We encourage town officials to review all provisions in all chapters of the code, using this Editorial and Legal Analysis as a guide, paying particular attention to the following:

- ◆ Are certain provisions no longer enforced?
- ◆ Is the legislation the appropriate regulation of the subject matter or would such provisions be enforced under another law or statute?
- ◆ Are the procedures described accurate, or should they be changed to reflect current practices? Are there obsolete procedures that should be deleted?

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- ◆ Have problems in enforcement of particular provisions arisen in the past? Could the provisions be made more specific?
- ◆ Are the titles of officials and departments up-to-date? Are there other administrative terms that should be changed?
- ◆ Are the amounts of fees and bonds adequate? Will they cover the town's cost in administering the legislation?

Putting Decisions Into Effect

Once the Editorial and Legal Analysis has been reviewed and decisions have been made and approved by the town attorney, the town may wish to consider the following options for putting them into effect.

- **Option 1: Individual revisions.** The town could prioritize certain subjects and draft and adopt separate ordinances to amend the code over a period of time through routine supplementation/updates to the code as the town's schedule permits.
- **Option 2: One-time revision.** Town officials could review the entire Analysis, answer all questions and draft all revisions to be incorporated in their entirety.

If the town needs further information or would like to discuss an approach to putting decisions into effect, please contact us.

GENERAL DECISIONS & INFORMATION

Penalties, Fees, Insurance/Bonding Requirements

This Editorial and Legal Analysis provides the town with an opportunity to review penalties throughout the code, in the event the town wishes to do so. Any such review should be done in conjunction with current statutory provisions. For instance, the town may wish to review the general authority granted to towns in Chapter 35.27 RCW. The town may also wish to review state regulations regarding civil infractions and penalties in Chapter 7.80 RCW, e.g., 7.80.120; classification of crimes in Chapter 9A.20 RCW; monetary penalties for traffic infractions in RCW 46.63.110, etc. We have noted a few instances of penalties in need of a review in this body of this Analysis, but please refer to the table provided at the end of this document for convenience in conducting a more comprehensive review.

Likewise, this Analysis provides the town with an opportunity to review fees for licenses, permits, inspections, hearings, etc., for possible updating, as well as insurance and bonding requirements. All such requirements should be reviewed to ensure that they adequately reflect the current administrative and enforcement costs to the town. We have noted a few instances of fees in need of a review in this body of this Analysis, but please refer to the table provided at the end of this document for convenience in conducting a more comprehensive review.

All such decisions regarding penalties should be made in consultation with the municipal attorney.

Nomenclature

This code project provides the town with a good opportunity to review the titles of various boards, officers and employees as currently set out in town legislation. Any changes required can be noted in this table. *(The Review below may also contain particular questions regarding nomenclature.)*

Current Title	Change To

TITLE 1: GENERAL PROVISIONS

Chapters 1.01 – 1.12

These chapters appear generally suitable if reflective of the town's current practice.

TITLE 2: ADMINISTRATION AND PERSONNEL

Chapters 2.04 – 2.16

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 2.20, Municipal Court

A. **Section 2.20.020** cites state session law (Chapter 258, Laws of 1984, generally, and Section 104 thereof). The town should consider amending this section to substitute or add the applicable state code citations to ensure that any subsequent amendments are referenced as required. The town would likely wish to cite Chapter 3.50 RCW and RCW 3.50.020.

B. Similar to comment (A), above, **Section 2.20.030** cites two sections of the same session law, 106 and 110. The town should consider substituting or adding citations to RCW 3.50.040 and 3.50.097, respectively.

Chapters 2.24, Planning Commission; and 2.28, Regional Library District

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 2.32, Whistleblower Protection

Section 2.32.030(F) provides a P.O. box address in Lacey, WA, for the state Office of Administrative Hearings. This section has not been amended since its enactment in 1993; the town may wish to confirm that the address provided in this section is still accurate.

Chapter 2.36, Volunteer Firefighters’ Retirement System

A. **Section 2.36.010** refers to the definition of “firemen” provided in RCW 41.24.010. The term defined in that statutory section is “firefighter.” The town should consider substituting the updated term throughout this chapter.

B. **Section 2.36.030** provides, “The membership of the town fire department ... shall not be less than fifteen (15) members for the purpose of this chapter.” It is not clear what meaning is intended by establishing a minimum membership for the purpose of this chapter, but if the town wishes there to be a

minimum membership level for the town fire department, it should consider adding that requirement to Chapter 2.16.

Chapter 2.40, Civil Service Commission

Section 2.40.040 cites RCW 41.12.060, which was repealed in 2002. There does not appear to be a suitable replacement citation, but this section may be unnecessary at this point, and the town should consider repealing it.

Chapters 2.44 – 2.52

These chapters appear generally suitable if reflective of the town's current practice.

TITLE 3: REVENUE AND FINANCE

Chapter 3.04, Fiscal Provisions Generally

Section 3.04.030 fixes an eight percent interest rate for town warrants. This section has not been amended since it was enacted in 1924. Is that interest rate still suitable?

Chapter 3.08, Claims and Demands Against the Town

This chapter appears generally suitable if reflective of the town’s current practice.

Chapter 3.12, Bond Registration System

Section 3.12.010 cites RCW 39.46.020(3) for the definition of “obligation.” That definition is now found at RCW 39.46.020(4). The town may wish to remove the subsection numbers from the citations in this section in case the statutory section is amended in the future.

Chapter 3.16, Town Credit Cards

Section 3.16.020 provides a \$3,000 credit limit for town credit cards. This section was last amended in 2010; is that amount still sufficient?

Chapter 3.20, Real Estate Excise Tax

This chapter appears generally suitable if reflective of the town’s current practice.

Chapter 3.24, Sales and Use Tax

A. Section 3.24.010 cites state session law for the definition of “taxable event.” The town should consider adding or substituting the applicable code section, RCW 82.14.020.

B. Section 3.24.030 cites state session law for certain tax administration and collection provisions. The town should consider adding or substituting the applicable code section, RCW 82.14.050.

Chapter 3.28, Additional Sales and Use Tax

- A. **Section 3.28.010** cites a 1982 state session law pertaining to the additional sales and use tax. The town should consider adding or substituting the applicable code section, RCW 82.14.030(2).
- B. **Section 3.28.030** cites state session law in a confusing manner: “ ... pursuant to RCW 82.14.030 and now amended as Section 1, Chapter 49, Laws of 1982, First Extraordinary Session.” It is unclear what this construction was intended to mean; the town should consider simply removing the reference to session law, which seems redundant following the RCW section where it has been codified.
- C. **Section 3.28.040** cites state session law for certain tax administration and collection provisions. The town should consider adding or substituting the applicable code section, RCW 82.14.050.
- D. **Section 3.28.050** refers to definitions in RCW 82.14.020(1) through (7). That statutory section currently comprises only subsections (1) through (4). The town should consider removing the subsection numbering in this section.
- E. **Section 3.28.060(A)** adopts the procedures for initiatives upon petition provided under RCW 35A.11.100. Subsection (B) then provides that “all other ... procedures ... shall be exercised as ... set forth in RCW 35.17.260 through 35.17.360 ...” Please note that the latter range of statutory sections are already incorporated by reference in RCW 35A.11.100, in addition to RCW 35.17.240 and 35.17.250. Is the adoption in subsection (B) needed, given that it appears both redundant and also underinclusive given subsection (A)?

Chapter 3.30, Additional Sales and Use Tax – Specific Purpose

This chapter imposes a sales and use tax under RCW 82.14.450. The chapter does not directly address the statutory restrictions on the uses of funds collected under that section (see, e.g., RCW 82.14.450(5), which requires one-third of any such funds “be used for criminal justice purposes, fire protection purposes, or both.”). Provided that the town in fact conforms its use of these funds to state requirements, strictly speaking there may be no problem, but the town may wish to amend this chapter to add guidance on use (see, e.g., Section 3.31.010).

Chapter 3.31, Sales or Use Tax for Affordable and Supportive Housing

Section 3.31.010 provides that the tax imposed by this chapter “will be credited against the state’s share of the tax.” The meaning of the phrase “the tax” in this quoted text is arguably ambiguous. The town may wish to amend this section to clarify that the contemplated credit is against any sales or use tax payable to the state under Chapter 82.08 or 82.12 RCW and not, for instance, under RCW 82.14.540, which statutory section authorizes the tax imposed by this chapter.

Chapter 3.32, Admissions Tax

- A. **Section 3.32.010** defines “treasurer” as “the town treasurer.” The town should consider amending this definition to read “the town clerk-treasurer” to reflect the consolidation of those two roles per Section 2.12.060.
- B. **Section 3.32.020** imposes an admissions tax but does not appear to incorporate the exceptions set forth under the proviso in RCW 35.21.280(1). The town should review the current statutory language (which has been amended several times since this section was enacted in 1943) and ensure this section complies with current state requirements.

Chapter 3.36, Transient Occupancy Tax

- A. **Section 3.36.050(B)** cites RCW 82.08.050 through 82.08.070. That latter statutory section was repealed and replaced with RCW 82.32.045. To cover the same subject matter, the town may wish to revise the current citation to refer to RCW 82.08.050 through 82.08.064 and 82.32.045.
- B. **Section 3.36.060** makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapter 3.40, Utilities Tax

- A. **Section 3.40.050(D)** and **(E)(2)** impose utility taxes on suppliers of water and sewer services, respectively. Please note that, per RCW 35.92.460, these tax rates must be disclosed to utility customers. If it has not already done so, the town should review this statutory section and ensure any required disclosures are made.
- B. **Section 3.40.130** provides that that the clerk/treasurer “may enter the premises of the taxpayer at any reasonable time for the purpose of inspecting his books or records” This unqualified right of entry may pose Fourth Amendment problems. The town should consider amending this section to provide that the clerk/treasurer shall request access and, if denied, may seek a warrant or subpoena to obtain access.

Chapter 3.44, Miscellaneous Fund Accounts

A. **Section 3.44.010(A)** creates a fund pursuant to “Chapter 7, Laws of the 1961 Extraordinary Session of the state of Washington.” We believe this citation corresponds to Chapter 82.36 RCW, which was repealed as of 2016. The town should review current statutes to determine what substitute authority there may be (e.g., Chapter 82.38 RCW and RCW 46.68.090).

B. **Section 3.44.050** creates two cumulative reserve funds for water and sewer capital improvements that appear contemplated to receive one-time transfers in 1987. Are these funds still active? If they have been closed, the town should consider repealing this section. If they are still being used, the town should amend this section if needed to authorize and reflect current practice.

TITLE 5: BUSINESS LICENSES AND REGULATIONS

Chapter 5.04, Business Licenses Generally

A. **Section 5.04.010(B)** provides exemptions from business licensing requirements for certain activities but omits the statutory exemption under RCW 36.71.090 for farmers and gardeners to sell “fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person” The town should review this statutory provision and ensure that its requirements are incorporated here as needed.

B. **Section 5.04.080(A)** permits the town council to revoke a business license if the licensee violates any law within the licensed premises, with or without a conviction. This provision may violate statutory protections under RCW 9.96A.020, which forbids disqualification from employment solely because of a felony conviction. The lesser bases for disqualification contemplated in this section would likely be even more questionable. The town should commission a review of this provision by the town attorney to confirm whether it is enforceable.

TITLE 6: ANIMALS

Chapter 6.04, Animals Generally

A. **Section 6.04.030** prohibits the keeping of any animal “which constitutes a nuisance as determined by the town council because of noise, odor, running at large, marauding or chasing people or animals” The amount of discretion given to the council necessarily makes the conduct prohibited by this section vague and uncertain. The town may wish to amend this section to provide more objective guidance ex ante to keepers of animals.

B. **Section 6.04.040** makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapter 6.08, Dogs

Section 6.08.030(D) makes it a public nuisance to keep a dog that “behaves in such a manner as to disturb the peace and quiet and safety of persons in the neighborhood.” This provision is quite vague and liable to give rise to disputes about what does or does not constitute a nuisance. The town may wish to amend this section to refer to specific times of day that noises must not occur or by reference to decibel levels outside the subject property (see, e.g., WAC 173-60-040 for Wash. Dept. of Ecology regulations; see also Chapter 8.12 of the town’s own code).

Chapters 6.10, Animal Cruelty; and 6.12, Hunting and Trapping

These chapters appear generally suitable if reflective of the town’s current practice.

TITLE 8: HEALTH AND SAFETY

Chapter 8.04, Emergency Medical Services

This chapter appears generally suitable if reflective of the town’s current practice.

Chapter 8.08, Litter, Refuse, Trash and Burning Regulations

Section 8.08.050 makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00. An increased maximum penalty of \$500.00 is permitted in cases of potentially dangerous litter (as defined under RCW 70A.200.030), but that exception does not apply to all violations of this chapter. The town should consider amending this section to provide two maximum penalties depending on the nature of the litter giving rise to the violation.

Chapters 8.12 – 8.16

These chapters appear generally suitable if reflective of the town’s current practice.

TITLE 9: PUBLIC PEACE, MORALS AND WELFARE

Chapter 9.04, State Criminal Code

This chapter appears generally suitable if reflective of the town's current practice.

Chapter 9.08, Parental Responsibility

A. **This chapter** imposes a juvenile curfew. Juvenile curfew laws have often been the subject of constitutional challenges throughout the country because of concerns about vagueness, First Amendment freedoms, and both procedural and substantive due process. This chapter was enacted in 1991 and has not since been amended. The town should review the prohibition and exemptions provided in Sections 9.08.030 and 9.08.040 in light of current case law, including *Sumner v. Walsh* (148 Wn.2d 490 (Wash. 2003)) and amend those sections as needed to minimize the chances of similar challenges to the town's law.

B. **Section 9.08.050** cites both RCW 13.32A.050(2) and 13.32A.060. These statutory sections were recodified in 2015 as RCW 43.185C.260 and 43.185C.265, respectively.

C. **Section 9.08.060** makes violation of this chapter a civil infraction and provides a maximum fine of \$300.00 for second and subsequent offenses. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case

Chapter 9.12, Weapons

Section 9.12.010 exempts the town from RCW 9.41.050(4), pursuant to subsection (6) of the same statutory section. These two subsections of RCW 9.41.050 were repealed in 1997. The town should review the current statutory language to see if any substitute exemption is needed, but we expect that this section should simply be repealed.

Chapter 9.16, Emergency Responses Involving Intoxication

Section 9.16.010 includes two erroneous state code citations:

A. RCW 88.12.025. This statutory section has been recodified as RCW 79A.60.040

B. RCW 46.61.502(1)(a). This statutory section is cited as pertaining to vehicular homicide while intoxicated. That provision is found at RCW 46.61.520(1)(a).

TITLE 10: VEHICLES AND TRAFFIC

Chapters 10.04, Model Traffic Ordinance; and 10.08, Speed Limits

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 10.12, Fire Lanes

Section 10.12.050(A) makes violation of this chapter a civil infraction and provides a maximum fine of \$350.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapters 10.16, Parking; and 10.20, Loading Zones

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 10.24, Automobile Hulks

A. Section 10.24.040 provides that no one may be charged for violating this chapter until 10 days after being served notice. The only form of notice permitted under this section is personal service. The town may wish to consider providing for other forms of notice, such as posting in a conspicuous place on the premises for a certain period of time, in case it is difficult or impossible to effect personal service.

B. Section 10.24.050 makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapter 10.28, Skateboards, Roller Skates and Coasters

This chapter appears generally suitable if reflective of the town’s current practice.

TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.04, Street Design and Construction Standards

Section 12.04.020 makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapters 12.06, Complete Streets; and 12.08, Street Names and Numbers

These chapters appear generally suitable if reflective of the town's current practice.

Chapter 12.12, State Highway Ingress and Egress

Section 12.12.130 includes the following sentence: "The notice will indemnify and request that the deficiencies be corrected within thirty (30) days of service of the notice." It is unclear what this sentence is intended to mean, especially in respect of the nature of the indemnity contemplated. The town should consider amending this section to clarify.

Chapter 12.16, Sidewalk Maintenance

This chapter appears generally suitable if reflective of the town's current practice.

Chapter 12.18, Park and Trail Regulations

A. Section 12.18.020, Rules and regulations.

1. Subsection (B) provides, "It is unlawful to disturb the peace of others using the parks and park facilities." This prohibition is quite vague and is likely to give rise to disputes about what conduct qualifies. The town may wish to amend this subsection to provide more precise guidance (see, e.g., Chapter 8.12).
2. Subsections (E)(1) and (Q)(1) provide that dogs and other animals must be leashed. The town may wish to provide a maximum leash length in this subsection. For example, is a standard six-foot leash required, or is it sufficient to have a dog on a 50-foot leash?

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B. **Section 12.18.030** makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00. An increased maximum penalty of \$500.00 is permitted in cases of potentially dangerous litter (as defined under RCW 70A.200.030), but that exception does not apply to most violations of this chapter. The town should consider amending this section to provide two maximum penalties depending on the nature of the violation.

Chapter 12.24, Vacation of Streets and Alleys

This chapter appears generally suitable if reflective of the town's current practice.

TITLE 13: PUBLIC SERVICES

Chapter 13.04, Water Service System

A. Section 13.04.010, Definitions.

1. The definition of “town water system” cites Chapter 248-55 WAC for the definition of “public water system.” That regulatory chapter has been repealed. Chapter 246-290 WAC or WAC 246-290-020 may be suitable substitutes.
2. The definition of “wastewater operator” cites Chapter 70.95 RCW, which has been substantially recodified as Chapter 70A.205 RCW. The town should review the current chapter to ensure that the requirement contemplated in this definition still obtains.
3. The definition of “water distribution manager” cites Chapter 70.119 RCW, which has been substantially recodified as Chapter 70A.120 RCW. The town should review the current chapter to ensure that the requirement contemplated in this definition still obtains. This definition also cites Chapter 285-55 WAC, which does not exist; we are unsure what citation the town intended to use in this case – perhaps Chapter 246-290 WAC.
4. The definition of “water system extension” cites Chapter 248-54 WAC. That regulatory chapter has been repealed. Chapter 246-03 WAC may be a suitable substitute.

B. Section 13.04.030 requires certain hardware be installed in connection with projects valued over \$10,000. This section has not been amended since it was enacted in 1993. Is \$10,000 still an appropriate amount to trigger this requirement?

C. Sections 13.04.085(E) and **13.04.406** each seem to provide town employees unlimited access to private property to carry out their duties under this chapter. This sort of broad grant of authority can pose Fourth Amendment concerns (see, e.g., *Camara v. Municipal Court*, 387 U.S. 523 (1967)). The town should consider amending these sections to require that town employees seek permission from the property owner before entering.

D. Section 13.04.530 makes violation of this chapter a civil infraction, and subsection (A)(3) provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapter 13.08, Water Meter Installation

Section 13.08.010 provides town employees very broad authority to enter private property to install and maintain water meters. See comment (C) under Chapter 13.04, above.

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Chapter 13.12, Sewer Service System

A. **Section 13.12.010, Definitions.**

1. The definition of “wastewater operator” cites Chapter 70.95B RCW. That statutory chapter has been substantially recodified as Chapter 70A.212 RCW.
2. The definition of “water distribution manager” cites Chapter 70.119 RCW. That statutory chapter has been substantially recodified as Chapter 70A.120 RCW. The town should review the current chapter to ensure that the requirement contemplated in this definition still obtains. This definition also cites Chapter 285-55 WAC, which does not exist; we are unsure what citation the town intended to use in this case – perhaps Chapter 246-290 WAC.

B. **Section 13.12.020** prohibits the placement of waste within the town “in any unsanitary manner.” This standard is quite vague; the town may wish to amend this section or add a definition to Section 13.12.010 to clarify what qualifies as an unsanitary manner of placement.

C. **Section 13.12.070** requires certain hardware be installed in connection with projects valued over \$10,000. This section has not been amended since it was enacted in 1993. Is \$10,000 still an appropriate amount to trigger this requirement?

D. **Section 13.12.570** makes violation of this chapter a civil infraction, and subsection (A)(3) provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapters 13.16 – 13.25

These chapters appear generally suitable if reflective of the town’s current practice.

TITLE 15: BUILDINGS AND CONSTRUCTION

Chapter 15.04, Uniform Construction Codes

A. **Section 15.04.010** adopts parts of several model codes and cites Chapter 51-50 WAC as adopting the same. This section is outdated as compared to state regulations; it adopts 2018 editions, whereas the state, in Title 51 WAC, has largely progressed to the 2021 editions.

B. **Section 15.04.030** makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

Chapter 15.06, Outdoor Lighting

This chapter appears generally suitable if reflective of the town's current practice.

Chapter 15.08, Westernization

Sections 15.08.030(I) and **15.08.040(B)** set forth Westernization permit requirements and exemptions pertaining to certain kinds of signs. Following the Supreme Court decision *Reed v. Gilbert* (576 U.S. 155 (2015)), to avoid infringing on First Amendment protections, municipalities must ensure sign regulations do not consider the content of signs. One exception to this general rule is commercial signs, which may be regulated differently than noncommercial signs. The sign regulations provided in this chapter mostly pertain to commercial signs, but **Section 15.08.040(B)(8)** exempts political election signs from Westernization permit. This exemption, which regulates political speech differently from other noncommercial speech, may run afoul of current case law on sign regulation. If it has not already done so, the town should request the town attorney review this provision to confirm whether any amendments are needed.

Chapter 15.12, Flood Damage Prevention Regulations

A. **Section 15.12.010** cites RCW 86.16.080 and 86.16.085, which have been repealed. It appears that the express delegation of authority contemplated in this section is no longer in force, though local governments are still permitted to adopt flood-related regulations provided they are at least as restrictive as state requirements (see RCW 86.16.160 and WAC 173-158-086).

B. **Section 15.12.080** makes violation of this chapter a civil infraction and provides a maximum fine of \$500.00. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

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C. **Section 15.12.140(E)** includes a parenthetical citation for the National Flood Insurance Program regulations of “44 CFR 59 – 76”. This citation should be “44 CFR 59 – 80.”

TITLE 16: SUBDIVISIONS

Chapter 16.04, General Provisions

Section 16.04.050 sets forth a list of types of subdivision not subject to this title, pursuant to RCW 58.17.040. That statutory section has been substantively amended several times since this section was enacted in 1995. The town should review the current statutory text and make additions and changes to this section as needed.

Chapters 16.06 – 16.16

These chapters appear generally suitable if reflective of the town's current practice.

Chapter 16.20, Preliminary Plats

A. **Section 16.20.110(D)** cites Chapter 86.17 RCW, which does not exist. The town may have intended to cite Chapter 86.15 RCW, Flood control zone districts.

B. **Section 16.20.140** sets forth factors the council will consider in determining whether to approve a preliminary plat, pursuant to RCW 58.17.110. That statutory section has been amended since this section was enacted and now includes a subsection pertaining to water supply by well. The town should review this new statutory language and determine whether any changes or additions to this section are needed.

Chapter 16.24, Final Plats

Section 16.24.050(E) provides that a decision whether to approve a final plat shall be made within 60 days of filing. Please note that RCW 58.17.140(2) requires this decision be made within 30 days of filing.

Chapters 16.28 – 16.40

These chapters appear generally suitable if reflective of the town's current practice.

TITLE 17: ZONING

Chapter 17.04, Introductory Provisions

This chapter appears generally suitable if reflective of the town's current practice.

Chapter 17.08, Definitions

Section 17.08.010, Definitions.

- A. "Building code" is defined to mean the Uniform Building Code, as adopted by the town. The Uniform Building Code was replaced by the International Building Code in 1997, and the town (as well as Washington State) now uses the latter code.
- B. The definition of "child care home, family" cites WAC 388-155-010 as regulating such uses. That regulation has been repealed. A suitable substitute citation may be found in Title 110 WAC.
- C. The definition of "hazardous waste and/or material" cites Chapter 70.105 RCW, which has been recodified as Chapter 70A.300 RCW.
- D. The definition of "hazardous waste treatment and storage facility" cites RCW 70.105.240, which has been recodified as RCW 70A.300.400.
- E. The definition of "modular home" relies on the Uniform Building Code, which has been superseded by the International Building Code.

Chapter 17.12, General Regulations

- A. **Section 17.12.030(B)(3)** prohibits a home occupation from being conducted in such a way as to create a nuisance and provides a list of possible nuisance phenomena. The list is varied but provides no criteria to judge at what point any of the items becomes a nuisance. The town may wish to expand this provision to provide clarity and minimize disputes in that regard.
- B. **Section 17.12.040(K)(3)** creates town fund No. 103. This account is not reflected in Chapter 3.44; the town may wish to incorporate the fund into that chapter for convenience.

Chapters 17.16 – 17.24

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 17.28, Industrial and Public Use Districts

Section 17.28.010(E)(4) prohibits building openings adjacent to nonindustrial districts to the extent they would “cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.” These standards are vague and may give rise to disputes about, e.g., what constitutes “excessive noise.” The town may wish to amend this subsection to provide more certainty about what conduct is prohibited.

Chapters 17.30, Overlay Zones; and 17.32, Planned Development Permits

These chapters appear generally suitable if reflective of the town’s current practice.

Chapter 17.36, Administration and Enforcement

A. Section 17.36.045(F)(1)(b) refers to the Uniform Fire Code. That code was superseded by the International Fire Code in 1994, and Washington State now uses the latter code.

B. **Section 17.36.100, Enforcement – Violation – Penalty.**

1. Subsection (A)(2) makes violation of this chapter a civil infraction and provides a maximum fine of \$1,000. Please note that RCW 7.80.120 makes the maximum penalty for a class 1 civil infraction \$250.00, with certain exceptions not applicable in this case.

2. Subsection (C) makes willful violation of this chapter a gross misdemeanor and provides a maximum fine of \$10,000 for a third and any subsequent offense. Please note that RCW 9A.20.021 makes the maximum fine for a gross misdemeanor \$5,000.

TITLE 18: ENVIRONMENT

Chapter 18.04, State Environmental Protection Act Procedures

A. **Section 18.04.040(B)** cites WAC 173-806-020, part of the SEPA model ordinance. That regulatory chapter has been repealed, with no apparent replacement. The relevant section of the model ordinance adopted most of Part 2 of Chapter 197-11 WAC. The town may wish to review those regulations and adopt them independently as a substitute for this defunct citation. A historical copy of WAC 173-806-020 can be found at this URL: <https://lawfilesexternal.wa.gov/law/WACArchive/2012/WAC-173-806-CHAPTER.pdf>.

B. **Section 18.04.230** adopts certain SEPA-related definitions from state regulations. One adopted definition has since been repealed: WAC 197-11-748, Environmentally sensitive area. And two definitions have been added: WAC 197-11-721, Closed record appeal, and 197-11-775, Open record hearing.

C. **Sections 18.04.240** and **18.04.250** adopt several sections of Chapter 173-806 WAC, which has been repealed with no apparent replacement. We understand that the Department of Ecology may offer similar information in the form of uncodified guidance, but we are unsure where that guidance may be found.

D. **Section 18.04.260(E)** cites Chapter 42.17 RCW, which has been recodified as Chapter 42.17 RCW.

Chapter 18.06, Critical Areas Regulation

A. **Section 18.06.150** cites several sections from Chapter 232-12 WAC, which has been broken up and recodified. The citations should be updated as follows:

1. WAC 232-12-014 should be WAC 220-610-010.
2. WAC 232-12-001 should be WAC 220-400-010.
3. WAC 232-12-011 should be WAC 220-200-100.
4. WAC 232-12-292 should be WAC 220-610-100.

TITLE 18: ADMINISTRATIVE PROCEDURES

Chapters 19.02 – 19.08

These chapters appear generally suitable if reflective of the town's current practice.

Chapter 19.10, Open Record Public Hearings

Section 19.10.100(A)(3) cites Chapter 43.21 RCW as pertaining to determinations of significance under SEPA. That statutory chapter has been repealed; Chapter 43.21C may be a suitable replacement.

Chapter 19.12, Closed Record Decisions and Appeals

This chapter appears generally suitable if reflective of the town's current practice.

WINTHROP MUNICIPAL CODE: TABLES

These tables of bonds, fees, and penalties for town permits and services reflects those shown in the Winthrop Municipal Code as of December 2024. They allow the town to review bonds, fees, and penalties for currency or redundancy, as well as compare the nominal fees to the amounts actually collected. Where a particular section of the code shows a complex table of charges based on variables such as construction project value, these tables will present such information in summary form. In such cases, the particular section of the code should be consulted for more precise information.

Bond/Insurance Table

<u>WMC Section</u>	<u>Description</u>	<u>Bond/Insurance Amount</u>
2.12.020	Official surety bonds shall be furnished by each person appointed to and assuming the appointive offices below designated:	
	Clerk-treasurer	\$10,000
	Town marshal	\$1,000
8.14.110	A certificate of insurance as evidence that the applicant carries a comprehensive general liability insurance policy, to accompany application for public fireworks display permit	Min. \$1,000,000 for bodily injury; not less than \$25,000 for property damage
12.12.080	Prior to the beginning of construction of any Category II or Category III connection, the town may require the permittee to provide a surety bond	Not specified
12.18.020	Groups hosting private events of more than thirty (30) people, or events that are open to the public and/or include commercial activity, may be required to provide an insurance policy naming the town as additional insured.	Not specified

<u>WMC Section</u>	<u>Description</u>	<u>Bond/Insurance Amount</u>
13.04.500	Licensed water/sewer contractor applicant surety bond	Set forth in water/sewer construction standards
13.04.510	Licensed water/sewer contractor shall maintain a comprehensive liability insurance policy	With minimum limits as set forth in the water construction standards
13.12.540	Licensed water/sewer contractor surety bond	Amount set forth in the water/sewer construction standards
13.12.550	Licensed water/sewer contractor liability insurance	Minimum limits set forth in the water/sewer construction standards
16.28.190	Bond in lieu of completion of actual construction of any required improvements prior to approval of a final plat	Amount satisfactory to town council and town attorney
17.32.030	One-year maintenance bond for planned development that includes utility extensions which are to be dedicated and become the responsibility of the town	Not specified
17.32.060	When preliminary development plan application calls for construction or alteration of roads, utilities, or other improvements for which public agencies would have responsibility for completion should the developer fail to complete them adequately, or when the application or the recommendation of the planning commission conditions the project on improvements or changes to mitigate anticipated adverse impacts therefrom, and when such required improvements will not be completed at the time of final approval of the plan	Bond or other acceptable security in an amount equal to at least 120% of estimated cost of required improvements

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<u>WMC Section</u>	<u>Description</u>	<u>Bond/Insurance Amount</u>
17.36.045	Performance bond or acceptable security that may be required by town council for conditional permit application	In an amount satisfactory to town council
18.06.110	If a development proposal is subject to mitigation, maintenance or monitoring plans the town of Winthrop, in a form acceptable to the town attorney, may require an assurance device or surety	Not specified

Fee Table

<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
3.40.050	<u>Occupation license fee/tax</u>	
	Upon every person engaged in or carrying on the business of selling or furnishing electrical lights and power, natural or manufactured gas, if distributed by pipelines	A fee or tax equal to six percent of the total gross income from such business in the town during his fiscal year next preceding the tax year for which the license is required
	Upon every person engaged in or carrying on a telephone business	A tax equal to six percent of the total gross operating revenue, as that term is defined herein, including the revenues from intrastate tolls, rendered subscribers within the town limits
	Upon every person engaged in the business of constructing, operating and maintaining a coaxial cable subscribed system for television, radio and other audio-visual electrical signal distribution throughout the town	A fee or tax equal to six percent per annum of the total gross income from such business in the town during his fiscal year next preceding the tax year for which the license is required; the minimum fee or tax shall not be less than two hundred dollars (\$200.00) per tax year
	Upon every person engaged in or carrying on the business of selling or supplying domestic water	A fee or tax equal to fifteen (15) percent of the total gross income from such business in the town during the fiscal year next preceding the tax year for which the license is required; provided, however,

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<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
		that the minimum fee or tax shall not be less than two hundred dollars (\$200.00) per year
	Upon every person engaged in carrying on the business or activity in the town of collecting garbage and garbage disposal service, and/or the operation and sale of services for sewer utilities, including the sewer department of the town, all said departments to be construed as separate persons for taxable purposes	<p><i>For collecting garbage and garbage disposal service, a tax equal to seven percent of the total gross income on said business in the town</i></p> <p><i>In the operation of services for sewer utilities, a tax equal to fifteen (15) percent of the total gross income for such business in the town.</i></p>
5.04.040	Town business license application handling fee	Up to \$90 (per RCW 19.02.075)
5.04.050	Annual town business license fee	As determined by resolution of town council
5.04.060	Business relocation admin transfer fee	\$5.00
5.04.070	Business license renewal application handling fee	\$10.00 (per RCW 19.02.075)
6.04.025	Feeding deer	\$100.00
6.08.020	License fee for neutered or spayed dog	\$5.00
6.08.020	Unspayed or unneutered	\$10.00
6.08.020	Replacement license tag	\$1.00

<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
6.08.040	Redemption of impounded dog	\$10.00
12.12.080	<u>State highway connection fees</u>	
	Category I base fees for one connection:	
	Field (agricultural), forest lands, utility operation and maintenance	\$50.00
	Residential dwelling units (up to 10) utilizing a single connection point	\$50.00 per dwelling unit
	Other, with 100 AWDVTE or less	\$100.00
	Fee per additional connection point	\$50.00
	Second and additional inspection	\$15.00/hour
	Category II base fees for one connection	Fees TBD
	Category III base fees for one connection	Fees TBD
Category IV base fees for one connection	Fees TBD	
12.24.030	Street or alley vacation petition fee	\$500.00
13.04.280	Town water service permit application fee	\$25.00
13.04.290	Physical installation of any part of a town water service within any public area by town utility personnel	Actual cost of the labor, machine time, and materials, plus ten (10) percent to cover overhead and billing

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<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.04.300	Water system development fee for new town water service	[Current ENR CCI/Base ENR CCI] x [Total ERU Cost]
13.04.300	Base ENR CCI	Engineering News Record Construction Cost Index for Seattle on Nov., 1983. = 4,560
13.04.300	Current ENR CCI	Engineering News Record Construction Cost Index for Seattle for the month that the complete service application is filed.
13.04.300	Total ERU Cost	The total number of ERUs for the new service using the ERU schedule, Article 5, of this chapter, applied to the following costSchedule: First ERU \$500.00 Second through fourth ERU: \$450.00 Fifth through ninth ERU: \$405.00 10th through 14th ERU: \$365.00 15th through 19th ERU: \$328.00 20th or more ERUs: \$295.00

<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.04.300	Incremental water system development fee for any expansion of, change in use of, or addition to, a building or structure that raises the ERU rating of an existing service connection	Assessing the ERU cost only to the difference between the old and the new ERU rating established for that service.
13.04.300	Water system development fee for town water service outside the town limits	Two times the fee determined for town water service within the town limits
13.04.320	Water system inspection fee	Min. \$25.00
13.04.330	Investigation fee when work for which a permit is required by this chapter has been commenced without first obtaining such permit	Equal to the sum of the permit application fee and the inspection fee required under this chapter. The minimum investigation fee shall be the sum of the permit application fee and the minimum inspection fee.
13.12.250	Side sewer permit application fee	\$25.00
13.12.260	Charge for the physical installation of any part of a side sewer within any public area by town utility personnel as provided for in this chapter	Actual cost of the labor, machine time, and materials, plus 10%
13.12.270	Sewer system development fee for new town side sewer service	[Current ENR CCI/Base ENR CCI] x [Total ERU Cost]
13.12.270	Base ENR CCI	Engineering News Record Construction Cost Index for Seattle on Sept., 1989. = 4,932

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<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.12.270	Current ENR CCI	Engineering News Record Construction Cost Index for Seattle for the month that the complete service application is filed
13.12.270	Total ERU Cost	The total number of ERUs for the new service using the ERU schedule, Article 5, of this chapter, applied to the following cost schedule: First ERU: \$1,000 Second through fourth ERU: \$900.00 Fifth through ninth ERU: \$810.00 10th through 14th ERU: \$729.00 15th through 19th ERU: \$656.00 20th or more ERUs: \$590.00
13.12.270	Sewer system development fee for any expansion of, change in use of, or addition to, a building or structure that raises the ERU rating of an existing service connection	Incremental sewer system development fee, computed by assessing the ERU cost only to the difference between the old and the new ERU rating established for that service
13.12.270	Sewer system development fee for public sewer service outside the town limits	Two times the fee determined for public sewer service within the town limits
13.12.290	Sewer system inspection fee	Min. \$25.00

<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.12.300	Sewer system investigation fee	Equal to the sum of the permit application fee and the inspection fee required under this chapter. The minimum investigation fee shall be the sum of the permit application fee and the minimum inspection fee.
13.16.060	Equivalent residential unit charge (water/sewer)	Established in proportion to the volume of water used or volume and strength of wastes discharged per unit such that each user pays their proportionate share of the water or sewer utility costs
13.16.120	Sewer user charge within the incorporated town limits	Calculated by multiplying the total number of ERUs for each user by the constant cost factor-sewer.
13.16.120	Water user charge within the incorporated town limits	The sum of the base water charge and the water excess use charge
13.16.120	Base water charge	Calculated by multiplying the total number of ERUs assigned that user by the constant cost factor-water.
13.16.120	Water excess use charge	Calculated by multiplying the number of gallons, in hundreds, used in the month that are in excess of the user's base water volume allotment, by the water excess use cost factor(s)

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<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.16.130	Constant cost factor-water	\$11.65
13.16.140	Water excess use factor	\$0.09 per 100 gallons
13.16.150	Constant cost factor-sewer	\$13.00
13.16.160	Special user charge-water	Based on a calculated equivalent residential unit for water use.
13.16.170	Special user charge-sewer	Based on a calculated equivalent residential unit for flow, plus a surcharge for excessive strength, if any
13.16.120	Base water volume allotment per month for a user	Determined by multiplying the total number of ERUs assigned that user by eight thousand (8,000) gallons per ERU.
13.16.170	Special user's monthly charge	<i>See code section for formula</i>
13.16.250	User charge for property not located within incorporated town limits	Two times the user charge for users within town incorporated limits
13.16.290	Utility account late payment charge	\$10.00
13.16.310	Shut-off charge for delinquency	\$10.00
13.16.330	Reinstatement of service charge	\$10.00
13.16.350	Voluntary request for temporary shut-off and/or turn-on of water furnished by the town to any user thereof	\$10.00

<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
13.20.010	Latecomer charge to owners of property abutting upon the utility line extension who did not share in the cost of construction and installation but who may wish to connect with such utility line extension services within ten (10) years following date of completion of the utility line extension	Set forth in contract between property owners and town utility superintendent
16.04.070	Application for qualified exemption from requirements of Title 16 (Subdivisions)	Set forth in adopted town fee resolution
16.04.080	Application for a boundary line adjustment fee	Specified in town's adopted fee resolution
16.12.020	Application for short subdivision fee	Specified in the adopted town fee resolution
16.20.040	Submittal of an application for preliminary plat fee	Specified in the adopted town fee resolution
16.24.030	Final plat processing fee	Specified in the adopted town fee resolution
16.36.010	Application for a variance fee	Specified in the adopted town fee resolution
17.12.040	Payment in lieu of off-street parking	\$1,500 per parking stall
17.36.070	Petition for amendment to text of zoning title or zoning map fee	Determined by town council pursuant to zoning title
18.04.260	Environmental checklist review by town	\$50.00

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<u>WMC Section</u>	<u>Description</u>	<u>Fee Amount</u>
18.06.070	Review of critical areas reports and associated application materials	Established by town's fee resolution
19.04.020	Type II, III and IV project permit application fee	Not specified
19.12.040	Appeal of hearing body's decision or recommendation on Type II, III or IV project permit application fee	Not specified

Penalties Table

<u>WMC Section</u>	<u>Description</u>	<u>Amount</u>
3.24.050	Nonpayment of sales and use tax	\$300.00
3.28.070	Nonpayment of addtl. S&U tax	\$300.00
3.30.080	Nonpayment of addtl. S&U tax – Specific purpose	\$300.00
3.32.070	Nonpayment of admissions tax	\$100.00
3.36.060	Nonpayment of transient occupancy tax	Up to \$500.00
3.40.200	Nonpayment of utilities tax	\$100.00
5.04.140	Late payment penalty for business license fee or renewal fee	\$5.00
5.04.140	Violation of business licenses chapter	Up to \$250.00
6.04.025	Feeding deer within town of Winthrop	\$100.00 per offense
6.04.040	Violation of Ch. 6.04 (Animals Generally)	\$25.00 to \$500.00
6.08.020	Penalty for dog license application made after 31 days of the licensing year have elapsed	\$1.00
6.08.050	Violation of Ch. 6.08 (Dogs)	\$25.00 to \$100.00
6.12.020	Violation of Ch. 6.12 (Hunting and Trapping)	\$100.00

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<u>WMC Section</u>	<u>Description</u>	<u>Amount</u>
8.08.050	Violation of Ch. 8.08 (Litter, Refuse, Trash and Burning)	\$10.00 to \$500.00
8.10.060	Noncorrection of nuisance	No less than \$25.00 nor more than \$250.00 per day following notice
8.10.090	Civil infraction citation for each nuisance violation	\$25.00 to \$250.00
8.12.050	Violation of Ch. 8.12 (Noise Control)	Up to \$250.00
8.14.180	Violation of Ch. 8.14 (Fireworks)	\$250.00
8.16.020	Violation of Ch. 8.16 (Aircraft)	\$150.00
9.08.060	Second violation of Ch. 9.08 (Parental Responsibility); third violation of chapter	\$25.00 to \$300.00 \$50.00 to \$300.00
10.12.050	Causing or allowing any vehicle or any impeding object to remain in a designated fire lane.	\$25.00 to \$350.00
10.16.010	Interference with snow removal or street cleaning	\$5.00 to \$25.00
10.16.020	Parking of motor vehicles, or posting, placing or erection of commercial or advertising signs, on and along the southwesterly right-of-way line of Primary State Highway No. 20 between milepost 193.58 and milepost 193.65	\$5.00 to \$25.00

<u>WMC Section</u>	<u>Description</u>	<u>Amount</u>
10.16.030	Parking any motor vehicle on either side of Riverside Avenue in the town between the hours of three a.m. and six a.m.	\$5.00 to \$25.00
10.16.040	Violation of 10-minute parking limit on the eastern side of Riverside Avenue in front of the Winthrop Information Center	\$5.00 to \$25.00
10.16.050	Parking of automotive vehicles in the same parking space or place for more than four consecutive hours on Riverside Avenue and Bridge Street between 7AM and 5PM.	First violation within any 12 consecutive months: \$50.00 Second violation within any consecutive 12 months: \$125.00
10.16.060	Violation of angle parking and parallel parking provisions	\$5.00 to \$25.00
10.20.040	Parking of a motor vehicle within the designated loading zones, or use of said loading zones by trucks and delivery vehicles except during hours herein provided	\$10.00 to \$50.00
10.24.050	Discards, abandons or places an automobile hulk on public or private property, or any owner, lessee or manager who knowingly permits automobile hulks to remain on premises under his control	Up to \$500.00 per offense
10.28.060	Violation of Ch. 10.28 (Skateboards, Roller Skates and Coasters)	Up to \$100.00
12.04.020	Violation of Ch. 12.04 (Street Design and Construction Standards)	Up to \$500.00 per offense
12.08.060	Violation of Ch. 12.08 (Street Names and Numbers)	Up to \$50.00

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<u>WMC Section</u>	<u>Description</u>	<u>Amount</u>
12.16.050	Violation for failure to keep sidewalk free and clear of snow, ice, litter and/or other impediments	\$25.00 to \$250.00
12.18.030	Violation of Ch. 12.18 (Park and Trail Regulations)	\$50.00 to \$500.00
13.04.530	Violation of Ch. 13.04 (Water Service System)	First: \$25.00 Second: \$50.00 Third or subsequent: \$500.00
13.12.050	Penalty for side sewer and connection to public sewer by town if not made by owner within given time frame	10% of costs, plus interest at 12% per year on total amount of cost and penalty
13.12.570	Violation of Ch. 13.12 (Sewer Service System)	First: \$25.00 Second: \$50.00 Third or subsequent: \$500.00
13.12.590	Addtl. penalties for continuation of violation	Interest at 12% per year from date of time limit to correct violation, plus all costs
13.25.020	Violation of Ch. 13.25 (Groundwater Well Drilling)	Up to \$250.00
15.04.030	Violation of Ch. 15.04 (Uniform Construction Codes)	Up to \$500.00
15.06.080	Violation of Ch. 15.06 (Outdoor Lighting)	Up to \$250.00
15.08.100	Continued violation of Ch. 15.08 (Westernization) after deadline for corrective action	\$250.00 per day

<u>WMC Section</u>	<u>Description</u>	<u>Amount</u>
15.12.080	Violation of Ch. 15.12 (Flood Damage Prevention Regulations)	\$50.00 to \$500.00
17.36.100	Delinquent permit penalty for application for permit after commencement of use or activity for which such permit is required	Not to exceed three times the appropriate permit fee for the required permit
17.36.100	Failure to conform to the terms of a permit or decision issued under Title 17 (Zoning) or who undertakes a development or use within the town in violation of the provisions of Title 17 (Zoning)	\$100.00 to \$1,000 per violation
17.36.100	Willful engagement in a use or activity in violation of the provisions of Title 17 (Zoning)	Up to \$1,000; min. \$10,000 per offense for third and all subsequent violations in any 5-year period