

**TOWN OF YARROW POINT  
ORDINANCE 693**

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON,  
AMENDING YARROW POINT MUNICIPAL CODE CHAPTER 12.30 TO EXPAND  
THE USE OF CONSTRUCTION PERMIT DEPOSIT FEES AND PROVIDE FOR  
AUTOMATIC REFUND OF UNUSED CONSTRUCTION PERMIT DEPOSIT FEES;  
AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, the Town is invested in ensuring that its roads, streets, and stormwater systems remain clean, safe, and in good repair; and

**WHEREAS**, during construction, excavating, material hauling, or demolition of certain projects, the Town's roads, streets, and stormwater systems are at risk of being damaged; and

**WHEREAS**, the Town may require and collect a deposit fee to assure that project applicants maintain the Town's roads, streets, and stormwater systems in good repair during the course of their project; and

**WHEREAS**, the Town Council determine to set the deposit fee periodically via resolution instead of ordinance and so desires to strike the fee amount set in the code and concurrently adopt a fee resolution; and

**WHEREAS**, the Town finds it in the best interest of the Town to establish a procedure to expedite refunding the balance of certain deposit fees to the person or entity entitled to same upon issuance of the certificate of occupancy for the project;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT AS FOLLOWS;**

SECTION 1. Section 12.30.050(A) of the Yarrow Point Municipal Code is hereby amended in full to read as follows:

A. Any person or entity engaging in activities pursuant to Chapter 12.04 or Chapter 20.04 shall: (i) prevent damage to the public rights-of-way, (ii) keep streets clean and free of dirt, mud, or other debris, and (iii) be prohibited from discharging, directly or indirectly, any matter into the storm and surface water system that may cause, or may tend to cause, damage to the surface water system, and cause the introduction of any pollutant into such system, and cause pollution of water within the system or its discharge location. ~~site development construction, excavation, material hauling, or demolition activities is required to prevent street damage, and to keep streets free of dirt, mud, or other debris pursuant to this chapter and Chapter 12.04 YPMC.~~

SECTION 2. Section 12.30.050(B) of the Yarrow Point Municipal Code is hereby amended in full to read as follows:

B. Any person or entity engaged in activities pursuant to YPMC Chapter 12.04 or Chapter 20.04 shall ~~site development construction, excavation, material hauling, or demolition activities is required~~ to take all appropriate and necessary measures, in consultation with the town building official, to (i) prevent damage to the public right-of-way, street surfaces or subsurfaces, storm and surface water systems, and (ii) keep the street surfaces and ways open to the public free of dirt, mud, or other debris. Depending on the extent of the site development construction, excavation, material hauling, or demolition work, the town building official may require measures including, but not limited to (i) ~~pre-activity photographs;~~ (iii) a cash deposit sufficient to guarantee full repair of storm and surface water systems, and cleaning and restoration of street surfaces and ways open to the public; (iv); temporary protective sheeting; (v); special haul route times and designations; (vi); temporary wheel washing stations or vehicle cleaning methods before a vehicle enters the public right-of-way; (vii); covering of loads; (viii); temporary erosion and sedimentation control; (ix); temporary storm water runoff control; (x); street vacuum sweeper cleaning, and/or (xi) any other measures that are deemed appropriate or to be necessary to preserve and protect public streets, public rights-of-way, and ways open to the public.

SECTION 3. Section 12.30.050(C) of the Yarrow Point Municipal Code is hereby amended in full to read as follows:

C. A ~~\$3,000~~ deposit for street cleaning and repairs, and/or repairs and storm or surface water system cleaning and repairs, may be required at the time a permit involving building construction, site development, excavation, material hauling, or demolition permit is issued, and prior to the beginning of any construction activities, ~~if when~~, in the opinion of the town building official, such ~~the~~ construction activity will likely, or could reasonably result in damage to the public rights-of-right, or dirt, mud, or other debris on, the streets. The deposit balance shall promptly be replenished to the initial deposit amount \$3,000 following any town draws pursuant to subsection D of this section. Deposit amounts shall be periodically set by Town resolution.

SECTION 4. Section 12.30.050(E) of the Yarrow Point Municipal Code is hereby amended in full to read as follows:

E. The balance of any cleaning deposit received pursuant to Section 12.30.050(C) shall be refunded by the Town to the depositing person or entity within forty-five (45) days after the final inspection of the project to which the deposit was made. ~~following 180 days after the completion of the project or work, and only then upon approval by the town building official that all damage or repairs to the public right-of-way or ways open to the public) are satisfactorily repaired or restored.~~

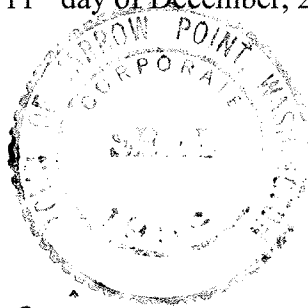
SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance shall be held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 6. The Town Clerk-Treasurer is directed to take steps as required to implement and effectuate the terms of this Ordinance and incorporate its provisions into the Yarrow Point Municipal Code. The Clerk-Treasurer is authorized to correct scrivener's errors, internal references, and the like.

SECTION 7. This Ordinance shall be in full force and effect five days after publication of a summary hereof consisting of the title of this Ordinance, in accordance with RCW 35A.13.200.

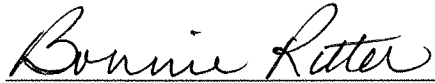
**PASSED AND APPROVED** by the Council of the Town of Yarrow Point at a regularly scheduled meeting this 11<sup>th</sup> day of December, 2018.

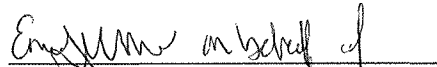


  
Richard Cahill, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Bonnie Ritter, Clerk-Treasurer

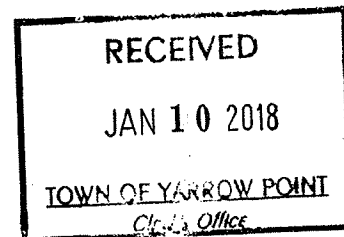
  
Scott Missall, Town Attorney

FILED WITH THE TOWN CLERK: December 7, 2018  
PASSED BY THE TOWN COUNCIL: December 11, 2018  
PUBLISHED: December 17, 2018  
EFFECTIVE DATE: December 21, 2018  
ORDINANCE NO.: 693

# The Seattle Times

Town Of Yarrow Point  
Town Clerk  
4030 95th Ave NE

Yarrow Point, WA 98004



Re: Advertiser Account # 101357

Agency Account #: 0

Ad #: 857672

Agency Name:


## Affidavit of Publication

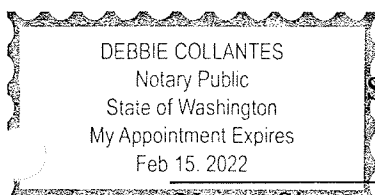
STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, Publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	12/17/18

Agent James Chung Signature 



Subscribed and sworn to before me on 12/17/18

DATE

Debbie Collantes

**Debbie Collantes**

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

# The Seattle Times

Re: Advertiser Account # 101357

Ad #: 857672

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## AD TEXT

NOTICE IS HEREBY GIVEN that the Town Council of Yarrow Point, Washington, passed Ordinance No. 692 on December 11, 2018. Ordinance 692 is an ordinance of the Town adopting the budget for fiscal year 2019, and setting forth in summary form the total of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined; and establishing an effective date. This ordinance and the Final 2019 budget, in its entirety are available for public inspection at the office of the City-Treasurer, 4030 95th Ave. NE, Yarrow Point, WA 98004.