



REGULAR COUNCIL AGENDA

Council Chambers – 1300 First Street

September 20, 2023 at 7:00 PM

1. FLAG SALUTE - PLEDGE OF ALLEGIANCE

2. CALL TO ORDER - ROLL CALL

3. APPROVAL OF AGENDA

4. PUBLIC COMMENTS

5. CONSENT AGENDA

A. Claims Vouchers

B. Meeting Minutes - August 16, 2023 Council Meeting, August 30, 2023 Special Meeting

6. COMMITTEE REPORTS

7. CITY OFFICIAL REPORTS

A. City Administrator Council Report

B. Fire Chief Report

8. MAYOR'S REPORT

9. NEW BUSINESS

A. Local Parks Maintenance Grant Application - Resolution

B. Letter of Support - WA State Coastal Counties Initiative

C. Ordinance 1383 (Building Permit Refunds)

D. Ordinance 1384 (Parking Restrictions Designated)

E. Ordinance 1385 (Noise Ordinance 2023)

F. Ordinance 1386 (Peddlers Business License Penalties)

10. COUNCIL COMMENTS

11. PUBLIC COMMENTS

Public comments may be made in-person during the meeting. If unable to attend, please submit comments to jpope@cosmopoliswa.gov by noon on meeting day.

If you are unable to attend the meeting in person, you may join with the following Zoom Information

Webinar ID: 842 6988 8976
Passcode: 749863
Phone Number: (253) 215-8782



REGULAR COUNCIL MINUTES

Council Chambers – 1300 First Street

August 16, 2023 at 7:00 PM

1. FLAG SALUTE - PLEDGE OF ALLEGIANCE

2. CALL TO ORDER - ROLL CALL

PRESENT

Councilmember Candice Makos

Councilmember Stana Carlisle

Councilmember Jim Ancich

Councilmember Raymond Robinson

Councilmember Miles Wenzel

3. APPROVAL OF AGENDA

Motion made by Councilmember Ancich to approve the agenda, Seconded by Councilmember Carlisle.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich, Councilmember Robinson, Councilmember Wenzel

4. PUBLIC COMMENTS

There were no public comments.

5. CONSENT AGENDA

Motion made by Councilmember Robinson to approve the consent agenda, Seconded by Councilmember Carlisle.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich, Councilmember Robinson, Councilmember Wenzel

6. COMMITTEE REPORTS

Finance - Councilmember Wenzel stated they discussed Heat Related Disconnects and the Budget.

Public Safety - Councilmember Wenzel stated they discussed EMS Cost Recovery,

Parks - Councilmember Carlisle stated they discussed the Lions Park repairs.

7. CITY OFFICIAL REPORTS

Finance Director - Director Pope stated she had given all the department heads the budget worksheets which are due back on September 15th.

Deputy Police Chief - Deputy Chief Miskell discussed National Night Out. Officer Bailey graduated from the academy and is in FTO. He should be done in Mid October/November. They are working on ordinances. The department is encouraging people to follow us on Facebook to keep up to date on occurring incidents. Officer Lefor received a commendation for a life saving incident.

Fire Chief - Chief Falley talked about National Night out and thanked the Friends of Highland Park. The department has been granted a change in occupancy for sleeping quarters. They have a bedroom set up and volunteers staying sporadically which allows for a quick response thanks to volunteers staying there. During the public safety meeting, they confirmed a new volunteer. We have three others in the process. Firehouse subs grant was submitted on July 13th. We should hear back by October 13th. DNR called regarding their fire assistance program. We qualify for wildlife

protection grants. they have engines that they gift to vol ff depts. there are only 2 in the co now. The process starts in October. He would like permission to apply for grant program. This is for a wildland fire truck. Cost to city would be outfitting the equipment. Chief Falley will bring back costs before applying for the grant.

Motion made by Councilmember Wenzel to apply for a grant for a DNR wildland fire truck ,
Seconded by Councilmember Carlisle.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich,
Councilmember Robinson, Councilmember Wenzel

Public Works Superintendent - Superintendent Nations stated the Mill Creek Dr culvert is fixed. It had dropped 16 inches. Alder drive repairs will start next week. The department will cut asphalt on Friday. Paving will be on August 28th.

8. MAYOR'S REPORT

Mayor Pauley asked that everyone look out for neighbors during the heat. He was encouraged to hear there may be hiring at Cosmo Specialty Fibers.

9. NEW BUSINESS

A. Resolution 2023-09 (Utility Disconnects during Heat Related Events)

Motion made by Councilmember Ancich, Seconded by Councilmember Robinson.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich,
Councilmember Robinson, Councilmember Wenzel

B. EMS, Fire & Law Cost Recovery

Motion made by Councilmember Wenzel, Seconded by Councilmember Makos.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich,
Councilmember Robinson, Councilmember Wenzel

C. 2023-11 (Water & Sewer Rates for RV Park Addition)

Motion made by Councilmember Robinson, Seconded by Councilmember Carlisle.

Voting Yea: Councilmember Makos, Councilmember Carlisle, Councilmember Ancich,
Councilmember Robinson, Councilmember Wenzel

10. COUNCIL COMMENTS

Councilmember Makos – Stated Public Works did a great job at Mill Creek for festival.

Councilmember Carlisle – Also stated Public Works did a great job at Mill Creek and hope everyone makes it out to the festival.

Councilmember Ancich-Lions Park bathrooms keep getting vandalized. can we put cameras?steve say can put outside. Lions club has cameras and we can have access to those. DC says it is difficult to figure who did it. Happy to see Fire Truck out.

Councilmember Robinson – Thanked the Police Department for their responses in neighborhood and the Fire Department for what they are building.

Councilmember Wenzel - Recognized Officer Lefor for his actions in a high stress incident.

11. PUBLIC COMMENTS

There were no public comments.



SPECIAL MEETING MINUTES
Council Chambers – 1300 First Street
August 30, 2023 at 6:00 PM

1. FLAG SALUTE - PLEDGE OF ALLEGIANCE

2. CALL TO ORDER - ROLL CALL

PRESENT

- Councilmember Stana Carlisle
- Councilmember Jim Ancich
- Councilmember Raymond Robinson
- Councilmember Miles Wenzel

ABSENT

- Councilmember Candice Makos

3. APPROVAL OF AGENDA

Motion made by Councilmember Carlisle to approve the agenda, Seconded by Councilmember Ancich.

Voting Yea: Councilmember Carlisle, Councilmember Ancich, Councilmember Robinson, Councilmember Wenzel

4. PUBLIC COMMENTS

There were no comments.

5. NEW BUSINESS

A. Grant Application for Holiday Street Lights

Administrator Raines asking permission for up to \$5,000 from GH Community Foundation for holiday street lights. The application is due tomorrow.

There is no match required. City staff will be assisting to put up the lights. These will match the ones we received last year.

Motion made by Councilmember Carlisle, Seconded by Councilmember Robinson.

Voting Yea: Councilmember Carlisle, Councilmember Ancich, Councilmember Robinson, Councilmember Wenzel

6. COUNCIL COMMENTS

There were no comments.

7. PUBLIC COMMENTS

Debbi Moran - Happy we are going to get the lights.

Linda Springer - Good Job Darrin

CITY OF COSMOPOLIS

DARRIN C. RAINES
CITY ADMINISTRATOR

Section 7, ItemA.



PHONE (360) 532-9230
FAX (360) 532-9215
WWW.COSMOPOLISWA.GOV
EMAIL: DRAINES@COSMOPOLISWA.GOV

September 12, 2023

RE: September 20, 2023, City Administrator Council Report

Informational Items Only

Item 1) *Municipal Building Update*- After much discussion on scheduling, Rognlin's has opted to break ground during the first week of October. The plan is to excavate the asphalt in the current parking lot, drive piling, then form and pour the foundation. Once this work is complete, construction will be suspended until late March or April of 2024, so we are not starting framing during the wettest months of the year.

We were discussing not breaking ground until next spring, however the near-term forecast is looking like we should be able to complete the tasks listed above before it gets too wet.

Item 2) *Mill Creek Multi Objective Plan*- I met with HDR Engineering in late August to discuss the status of the Mill Creek Multi Objective Plan. Their intention is to have a draft of findings and potential flood hazard reduction projects ready to present to the City Council and public by the end of 2023.

Currently HDR is performing hydraulic flow modeling of Mill Creek to seek out potential areas of restrictions in the creek that are causing the flooding in the low-lying areas within Cosmopolis. The results of this modeling along with historical data from flood prone areas will help drive future projects that will help reduce flooding.

Item 3) *Comprehensive Stormwater Management Plan*- I met recently with Engineers from HDR who are performing the Comprehensive Stormwater Management Planning for the cities of Cosmopolis, Hoquiam, and Aberdeen. As a refresher, this is funded by a \$400,000 grant we received to develop the plans for each city. I have been appointed the Local Project Manager for this project, so I will be working with both the Engineers from HDR, and representatives from Hoquiam and Aberdeen.

For Cosmopolis, this document will expand on the Mill Creek Multi Objective Plan, to further study future flood hazard reduction projects, such as pumps at the mouth of Mill Creek, and possible localized pump stations. This plan will also inventory our storm drainage system and give

us a new electronic mapping system. Other extremely useful and important tools we will get from the plan will be an operations and maintenance plan for Public Works staff, as well as a rate study of our stormwater utility. The estimated time of completion for the plan is December 2024.

Item 4) I Street Right of Way Vacations- Back in November of 2022, I brought up under new business on the agenda, a discussion of the potential vacating of twenty feet of right of way on I Street between First Street and Southside Levy. This would be a vacation of ten feet on both sides of I Street, reducing the overall right of way from eighty feet to sixty feet, and would not block any access to the waterfront area. All sidewalks will remain within the public right of way.

When the streets between First and Sixth Street, and A through J Streets were platted, they were set at 80 foot right of way. A standard street right of way is sixty feet. Over the last thirty plus years, (*as shown on attachment Vacated Streets*) several of our streets have been reduced from eighty feet to sixty feet right of way.

We have a request to vacate ten feet of right of way from the landowner who owns the parcel between I and H Streets and between First Street and the Southside Levy (*see attached aerial photo Proposed I Street Vacation*), **parcel #031001200000**. They want to make the entrance to their property come off I Street rather than First Street, which will be much safer.

Item 5) Utility Easements for Parcel 031001200000- This item is related to Item 4; in that we need a 10-foot utility easement for water and sewer in what was the platted 10-foot alley for this parcel. To the best of our knowledge and the research that we have done, the City of Cosmopolis vacated the platted alley for Parcel 031001200000 sometime in the early 80's. The problem is the water and sewer mains are already located in what was the alley.

I have discussed this with the owners of the property, and we have a proposed solution that would be the most cost effective for the City. In exchange for a 10-foot easement for the water and sewer utilities, we would grant the property, Parcel 031001200000 free water and sewer connection fees for whenever they are ready to be installed. Currently each connection would cost \$1,000 plus expenses. This item will need approval by the City Council if we want to proceed. I will mention this for discussion at this meeting, and if this is agreeable to you, then this item will be placed on the October 4th agenda for approval.

Item 6) C Street School Zone Lights- We are waiting for new solar batteries to arrive for the school zone lights on C Street. The battery at 5th and C St will no longer accept a solar charge, and the battery at 2nd and C St is working with reduced capacity. The new batteries have shipped and should be here any day.

Item 7) Community Foundation Grant- We submitted the grant application to the Grays Harbor Community Foundation for Christmas Lights on First Street. We should be hearing if we were successful by the next meeting in October. This grant would fund installing lights on the north side of First Street. No local match is required for this grant.

Item 8) Recreation and Conservation Office (RCO) Grant- I have submitted the Parks Maintenance Grant to RCO in the amount of \$100,000. This grant, if successful will fund the deferred maintenance projects within Mill Creek Park. Grant recipients will be notified if successful by the end of October. No local match is required for this grant.

Items Needing Action

Item 9) Set Public Hearing for I Street Vacation- As mentioned in item #4 above, we will need to set a Public Hearing for the October 4th Council Meeting so we can take public input on this issue.

Item 10) Resolution Approving Application for Parks Maintenance Grant Application- Back in July, I asked for and received permission from the City Council to apply for the Recreation and Conservation Office (RCO) Parks Maintenance Grant. However, RCO required approval to be in Resolution form which we did not do. Since we had already approved the application, RCO staff has granted us an extension to formally adopt a Resolution at this Council Meeting.

Item 11) Requesting Permission to apply for Vehicle Charging Station Grant- I will be asking for conditional approval to apply for a grant from Washington State Department of Commerce for a Vehicle Charging Station. Currently there is a 25% local match required, however there may be other funds available from Washington State Department of Ecology to help fund the local match. If we cannot get assistance for the local match, then we will not be able to apply. If can get assistance, then I would like to apply for this grant.

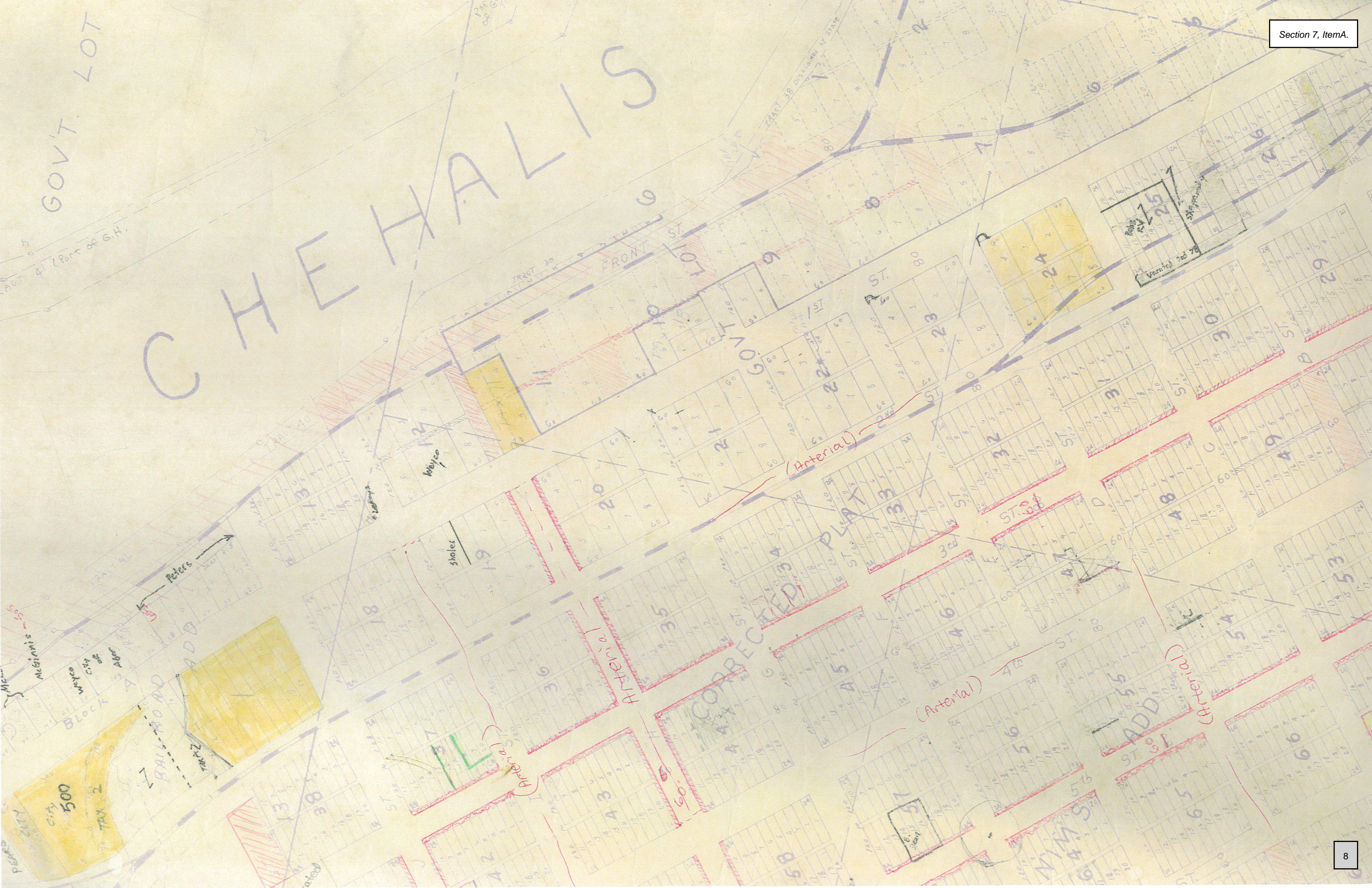
Sincerely,

Darrin C. Raines

Darrin C. Raines
City Administrator

GOV'T. LOT

CHEHAZIS



I Street Vacation





COSMOPOLIS FIRE DEPARTMENT

PO Box 2007 / 111 D Street Cosmopolis, WA. 98537
Nick Falley, Fire Chief

City Council Report September 20, 2023

Thank you for excusing my absence from today's meeting. I am out of the area for a work conference.

Aberdeen Fire Agreement

As you are all aware, the Fire Agreement with the City of Aberdeen is set to expire at the end of this month. I have worked with Chief Golding in Aberdeen and Chief Miller in Hoquiam to discuss what the future of this agreement needs to look like. We are in agreement that it is no longer needed. At the end of this month, we will be resuming as an active member in the County-Wide mutual aid agreement. Fire resources from the Cities of Aberdeen and Hoquiam will continue to respond; however, they will be reciprocated by Cosmopolis at no fee to any of the cities.

Hazard Mitigation Plan Update

The city is continuing to work with Grays Harbor County Emergency Management and other municipalities in the County on updating our All-Hazard Mitigation Plan. The risk assessment information will be available once it's completed on the [County's Website](#). Once this information is published, we will be conducting public outreach for on the risk assessment. In the mean time, public can provide input via our [survey](#).

Member Confirmation

Since the last City Council meeting, the Public Safety Committee has approved the addition of one new member.

Respectfully Submitted,

Nick Falley



Local Parks Maintenance Program Applicant Authorization and Electronic Signature

Organization Name (sponsor) _____

Resolution No. or Document Name _____

Project Number and Name _____

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS grant assistance is requested by our organization to aid in financing the cost of the Project referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Routing Order	Name of Signatory and Title of Person Authorized to Sign	Email Address
Grant application (submission thereof)			
Project contact (day-to-day administering of the grant and communicating with the RCO)			
Agreement/amendment approver ¹	1		
Agreement/amendment approver	2		
Agreement/amendment approver	3		
Agreement/amendment approver	4		
RCO Grant Agreement signer ²			
Agreement amendments signer ²			

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide updated documentation of authorized signers, if needed.

3. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
4. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
5. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
6. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
7. Our organization acknowledges that the grant will only be used for maintenance of local park property owned by our organization.
8. This resolution/authorization is deemed to be part of the formal grant application to the Office.
9. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises, and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

This Applicant Resolution/Authorization was adopted by our organization during the meeting held:

Location: _____ Date: _____

You may reproduce the above language in your own format; however, text may not change.

¹ **Agreement/Amendment Approver:** refers to an individual or several individuals who review and approve the electronic document and contacts RCO if corrections are needed. The approver does not sign the document. You may add more than one approver but please designate the order for routing purposes.

² **RCO Grant Agreement/Agreement Amendments Signer:** refers to the individual who must officially sign the document with an electronic signature and may be required to enter data such as title, date, agency name, etc. into fields. The signer of Agreements may differ from the individual who is delegated to sign Amendment documents, but we can only accept one signature per document.

Organization’s Letterhead

Date

U.S. Economic Development Administration
Recompete Pilot Program
1401 Constitution Avenue, NW, Suite 71014
Washington, DC 20230

Subject: EDA Recompete Pilot Program – Letter of Support for Washington State Coastal Counties Initiative

Dear Applicant Reviewers,

On behalf of [YOUR ORGANIZATION], EXPLAIN WHAT YOUR ORG IS IF NECESSARY, it is my pleasure to provide this letter of support for the ‘Washington State Coastal Counties Initiative’. This initiative aims to propel the advancement of Grays Harbor and Pacific Counties through the application for a Strategy Development Grant and Recompete Plan under the EDA Recompete Pilot Program. The Recompete Program is precisely tailored to benefit rural counties like Grays Harbor and Pacific, and we wholeheartedly endorse this collaborative endeavor in the pursuit of this opportunity with the EDA.

[Your organization] is a supporter of the Washington State Coastal Counties Initiative [please include language relevant to your organization’s support].

We endorse the EDA Recompete program due to its profound potential to positively impact our rural coastal region. Securing both the Strategy Development Grant and the Recompete Plan is pivotal in our efforts to tackle the economic hurdles within our community, particularly in closing the prime age employment gap. The program carries the promise of revitalizing our coastal region, fostering inclusivity, and a more prosperous future for all residents.

As a committed supporter of the Recompete Program, we are focused on ensuring a team approach is based on an equitable, bottom-up strategy that removes barriers, creates jobs, and ensures historically marginalized populations throughout our region benefit from this innovative initiative.

Sincerely,

Name, Title

Name of Organization

CITY OF COSMOPOLIS

ORDINANCE NO. 1383

AN ORDINANCE PERTAINING TO THE REFUNDING OF BUILDING PERMIT FEES, ADDING A NEW SECTION 14.04.015 TO THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. A NEW SECTION 14.04.015 is added to the Cosmopolis Municipal Code, to read as follows:

14.04.015 Building Permit Refund Policy.

A request for a refund of a fee paid for any permit as set forth in Section 14.04.013 shall be subject to the following policy:

- (1) A request for a refund shall be made in writing by the person or company that paid the permit fee. Any refund shall be made only to the person or company that paid the permit fee.
- (2) No permit fee shall be refunded that is less than \$150.
- (3) The state fee portion of any permit fee shall not be refunded.
- (4) No permit fee shall be refunded for an expired permit.
- (5) No more than 75% of a permit fee shall be refunded.
- (6) If a plan review has been completed, a plan review fee shall not be refunded, but if the plan review has not been performed, no more than 75% of the plan review fee shall be refunded.
- (7) All requests for a refund of a permit fee shall be forwarded to the Building Official, who shall verify whether any work has been done on the project before any refund shall be made.

PASSED AND APPROVED this 20th day of September, 2023.

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1383 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 20th day of September, 2023.

Finance Director

CITY OF COSMOPOLIS
ORDINANCE NO. 1384

AN ORDINANCE PERTAINING TO PARKING RESTRICTIONS, AMENDING SECTION 10.12.060 OF THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. Section 10.12.060 of the Cosmopolis Municipal Code is hereby amended, to read as follows:

10.12.060 Parking restrictions designated.

- (a) It is unlawful for any person to park any vehicle in violation of RCW 46.61.570 and RCW 46.61.575 ~~on First Street~~ in the city.
- (b) It is unlawful for any person to park any motor vehicle in any alley within the city except that a person making deliveries in an adjacent building may park his vehicle while making the delivery for a period not to exceed fifteen minutes..
- (c) It is unlawful for any person to park any motor vehicle in an alley in such a way as to obstruct the passage of vehicle traffic.
- (d) The city ~~street~~ public works superintendent shall paint the curbs and post such sign as he may find necessary.

PASSED AND APPROVED this 20th day of September, 2023

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1384 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 20th day of September, 2023.

Finance Director

CITY OF COSMOPOLIS
ORDINANCE NO. 1385

AN ORDINANCE PERTAINING TO NOISE, AMENDING SECTIONS 9.48.010, 9.48.020, 9.48.050, 9.48.060, 9.48.150, AND 9.48.190 OF THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. Section 9.48.010 of the Cosmopolis Municipal Code is hereby amended, to read as follows:

9.48.010 Declaration of policy – Nuisance declared.

(a) In order to control unnecessary, excessive and annoying noises in all of the areas of the city, it is declared to be the policy of the city to prohibit such noises generated from all sources as specified in this chapter.

(b) It is determined that certain noise levels are detrimental to the public health, welfare and safety, and contrary to public interest, and therefore the city council does ordain and declare that creating, maintaining, causing or allowing to be created or maintained any noise in a manner prohibited by or not in conformity with the terms of this chapter is a public nuisance and shall be punishable as such.

(c) It is unlawful for any person to cause or any person in possession or control of property to allow to originate from the property, sound that is a public nuisance noise. It shall be a rebuttable presumption that any activities enumerated in this chapter disturb the peace, comfort, or repose of others when they take place between the hours of eleven p.m. and six a.m.

SECTION 2. Section 9.48.020 of the Cosmopolis Municipal Code is hereby amended to read as follows:

9.48.020 - Definitions.

The following words, phrases and terms, unless the context otherwise clearly indicates, shall have the meaning as indicated below:

(1) "Ambient noise level" means the lowest noise level in dBA as determined by employing a sound level meter and excluding transient peak sound conditions during a specified sample period using a specific procedure.

(2) "A weighted sound level" means the total sound level in decibels, or all noises as measured with a sound level meter using the "A" weighting network (scale). The unit of measurement shall be defined as "dBA."

(3) "Decibel (dB)" means a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

(4) "Emergency machinery, vehicles or work" means any machinery, vehicle or work used, employed or performed in the efforts to protect, provide, prevent or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

(5) "Microbar" means a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

(6) "Motor vehicle" means and includes, but shall not be limited to, motorcycles, motor-driven cycles, minibikes, and go-carts, automobiles and trucks.

(7) "Noise level" means sound level, as defined in this chapter.

(8) "Person" means a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

(9) "Residential area" means all parcels of real property within a quarter-mile section map which are zoned for residential purposes or which, if zoned for agricultural, commercial or industrial uses, are actually used for residential purposes as a legal nonconforming use.

(10) "Sound amplifying equipment" means any machine or device, mobile or stationary, used for amplifying music, the human voice, or any sound.

(11) "Sound level" means the noise level in decibels and is the weighted sound pressure level obtained by using a sound level meter whose weighting characteristics are specified in the American National Standard Institute's (ANSI) Standard S1-4-1961 for sound level meters with a reference pressure of 0.0002 microbars.

(12) "Sound level meter" means an instrument including an omnidirectional microphone, amplifier, output meter and meeting the ANSI Standard S1-4-1961.

(13) "Sound pressure level" means the sound pressure level in decibels of a sound which is twenty times the logarithm to the base ten of the ratio of the pressure of this sound to a reference pressure, which reference pressure shall be explicitly stated.

(14) "Public disturbance noise" means:

(a) sound from motor vehicle audio sound equipment installed in the vehicle or merely carried therein, to be operated at a volume as to be plainly audible by human ear at a distance of fifty feet or more from the vehicle itself;

(b) sound from portable audio equipment which is operated at such a volume so as to be plainly audible by the human ear at a distance of fifty feet or more from the source of the sound;

(c) the frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

(d) the creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interferes with the peace, conform and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound equipment, band sessions or social gatherings;

(e) yelling, shouting, hooting, whistling, or singing on or near the public streets, at any time and place so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;

(f) the creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential area or near any human service facilities.

SECTION 3. Section 9.48.050 of the Cosmopolis Municipal Code is hereby amended to read as follows:

9.48.050 - Noise performance standards.

(a) The following standards, unless otherwise specifically indicated, shall apply to all property their assigned noise zones (as specified in Section 9.48.030) and such standards shall constitute the maximum permissible noise level within the respective zones:

Noise Standard		
<u>Noise zone</u>	Day (maximum)	Night (maximum)
	6:00 a.m. to 11:00 p.m.	11:00 p.m. to 6:00 a.m.
I	50 dBA	45 dBA
II	65 dBA	55 dBA
III	80 dBA 7	5 dBA

(b) The maximum permissible noise level standards established for each of the respective noise zones shall be adjusted during the daytime (6:00 a.m. to 11:00 p.m.) periods by the inclusion of the following noise corrective factors when applicable:

- | | |
|--|----------|
| (1) Noise source operated less than 12 mm/hour | + 5 dBA* |
| (2) Noise source operated less than 3 mm/hour | +10 dBA* |
| (3) Noise source operated less than 1 mm/hour | +15 dBA* |
| (4) Noise source of impulsive character (bang, hammer) | - 5 dBA |
| (5) Noise source of periodic character (hum, screech) | - 5 dBA |

* apply only one plus factor.

SECTION 4. Section 9.48.060 of the Cosmopolis Municipal Code is hereby amended to read as follows:

9.48.060 - Noise monitoring procedures.

The following procedures shall be employed for monitoring and evaluating exterior noise nuisances in ~~the community~~ Zone II and Zone III unless otherwise specified in this chapter, but Zone I violations will be determined pursuant to the definition of "Public Disturbance Noise" as set forth in Section 9.48.020(14), above.

- (1) The evaluation shall be conducted any time of the day or night when the suspect noise source is being operated.
- (2) The location selected for monitoring shall be on any residential property adjoining the suspect property at a point approximately ten feet from any building, wall, or obstruction (trees, bushes, etc.) or on any property line, provided there are no walls, buildings, or obstructions within ten feet of the sampling location.
- (3) The sound level meter shall be equipped with an omnidirectional microphone.
- (4) No individual other than the operator shall be within ten feet of the sound level meter during the sample period.
- (5) The ambient noise level shall be determined with the noise source not in operation prior to or after a measure to determine a violation. The ambient noise level shall be determined as follows:(A)Allow time for the sound level meter to warm up;(B)Calibrate the sound level meter in accordance with the manufacturers s instructions;(C)Get the sound level meter on the "A" weighted network at slow response;(D)Without the noise source in operation, set the microphone in a vertical position with the microphone head approximately four feet above the ground. The operator shall face the noise source and record the meter' s instantaneous response (reading) observed at fifteen-second intervals for a period of fifteen minutes. The lowest reading is interpreted as the ambient noise level of that sampling point. If this reading is at any level above the standard set for the noise zone, steps must be taken to determine the source or sources of the intruding high-level noise followed by the appropriate control action before continuing the survey. If the reading is equal to or below the standard, continue the survey.
- (6) With the noise source in operation, the operator shall again record the instantaneous response at fifteen- second intervals for a fifteen-minute period. Or, for a noise source of less than fifteen minutes, the operator shall record the instantaneous response at fifteen-second intervals for the time the noise source is in operation. The lowest response level recorded while the noise source is in operation is interpreted as the intruding noise level.
- (7) Apply the noise corrective factors as set forth in Section 9.48.050 to the noise standard established for the specific noise zone.

(8) Compare the intruding noise levels with the standard. If the noise level generated from the noise source exceeds the standard, the noise source is generating noise levels in excess of the allowable standards set for the noise zone.

SECTION 5. Section 9.48.0150 of the Cosmopolis Municipal Code is hereby amended to read as follows:

9.48.150 - Enforcement.

The chief of police or his duly authorized representatives are empowered, and it shall be their duty, to enforce all provisions of this chapter. The content of the sound will not be considered in determining a violation of this chapter.

SECTION 6. Section 9.48.0190 of the Cosmopolis Municipal Code is hereby amended to read as follows:

9.48.190 - Violation—Manner of prosecution.

~~Violation of this chapter shall be prosecuted in the same manner as other misdemeanor violations of the city's code; provided, however, that in the event of violation of Sections 9.48.070 (2) or (4) and 9.48.100, a written notice of intention to prosecute will be given the alleged violator not less than three calendar days prior to the issuance of a misdemeanor complaint. No complaint shall be issued in the event the cause of violation is removed, the condition abated, or fully corrected within such three-day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required in this section shall be deemed to be given upon mailing such notice by registered or certified mail, to the alleged violator at his last known address or at the place where the violation occurred, in which event the three-day period shall commence at the day following the mailing of such notice.~~

Failure to perform any act required, or the performance of any act prohibited, by this chapter is designated as a civil infraction and shall not be classified as a criminal offense. Any person, firm, company or corporation found to have committed a violation of this chapter shall be subject to the penalties as set forth: First infraction, \$75.00 fine; second infraction, \$150 fine; third or subsequent infraction, \$300.00 fine. Whenever a monetary penalty is imposed by the court under this chapter, the monetary penalty imposed must be paid immediately. Failure to pay the monetary penalty shall constitute a misdemeanor, punishable by a sentence of ninety days in jail and/or a fine of \$1,000.

PASSED AND APPROVED this 20th day of September, 2023

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1385 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 20th day of September, 2023.

Finance Director

CITY OF COSMOPOLIS
ORDINANCE NO 1386

AN ORDINANCE PERTAINING TO PEDDLERS; AMENDING CHAPTER 5.32 TO ADD A NEW SECTION 5.32.030 TO THE COSMOPOLIS MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Cosmopolis as follows:

SECTION 1. Chapter 5.32 of the Cosmopolis Municipal Code is hereby amended, to read as follows:

Chapter 5.32 - PEDDLERS

5.32.010 - License fee.

Any person, firm or corporation engaged in the business of peddling within the city, shall pay the city a license fee the amount of which shall be set by fee resolution of the city council.

5.32.020 - Peddler defined—Exceptions.

All persons who offer to sell wares, goods or merchandise, on order for future delivery, or otherwise, by traveling from place to place in the city, shall be regarded as peddlers under this chapter, provided, however, that it is lawful for any farmer, gardener, or other person without license to sell, deliver or peddle fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person, provided, further, that regular commercial travelers, employed by wholesale houses, selling goods, wares or merchandise to merchants in the city, and any person peddling newspapers or magazines shall not be deemed to be within the meaning of this chapter.

5.32.030 – Violations and enforcement – Penalties

Any violation of this chapter shall be enforced as provided in this section. Each date, or portion thereof, during which any violation of this chapter occurs shall constitute a separate violation.

- (1) Civil Infraction. A business, licensee, or person who violates any provision of this chapter commits a Class 1 civil infraction, as set forth in RCW 7.80.120(1)(a), as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be issued by law enforcement officers, filed in the Cosmopolis Municipal Court, and shall be processed in the same manner as other civil infractions filed in the Cosmopolis Municipal Court. If a business, licensee, or person cited for failure to obtain a business license appears before the Cosmopolis Municipal Court and provides written evidence that he or she obtained a business license prior to the adjudication of the infraction, the monetary penalty shall be reduced to \$100 and the court may also assess administrative costs of \$25. The court administrative costs shall be in lieu of the statutory assessments referenced in RCW 7.80.120.
- (2) Criminal Violation. A person who knowingly commits a repeat violation of this chapter, is guilty of a misdemeanor, punishable by up to the maximum penalty established in

RCW 9A.20.021(3), as now or hereafter amended. For purposes of this section, repeat violation means that a prior violation of this chapter has been committed by the same business, licensee, or person within a five-year period. To constitute a repeat violation, the violation need not be the same violation as the prior violation.

- (3) Injunction. In addition to or as an alternative to any other enforcement or penalty provided for in this chapter, and because a violation constitutes an actual injury to the community, the city may seek injunctive or other equitable relief to prevent an activity in violation of this chapter.
- (4) Collections. Any license fee or penalty due, unpaid, and delinquent under this chapter shall constitute a debt to the city. The city may, pursuant to RCW 19.16 RCW, use a collection agency to collect unpaid license fees or penalties, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

PASSED AND APPROVED this 20TH day of September, 2023

Mayor

Attest:

Finance Director

I, Julie Pope, Finance Director for the City of Cosmopolis, Washington do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1386 of the ordinances of the City of Cosmopolis, Washington, and that the same was passed regularly and according to law on the 20th day of September, 2023.

Finance Director