

FINAL

EATONVILLE TOWN COUNCIL REGULAR COUNCIL MEETING AGENDA

THIS MEETING WILL BE HELD AT THE
EATONVILLE COMMUNITY CENTER
305 CENTER ST. WEST, EATONVILLE

AGENDAS ARE SUBJECT TO CHANGE

7:00 PM REGULAR COUNCIL MEETING

APRIL 11, 2011

1. CALL TO ORDER

A. ROLL CALL

**BOWMAN _____ ALLISON _____ PIERCE _____ SCHAUB _____
VALENTINE _____**

2. OPENING CEREMONIES

A. PLEDGE OF ALLEGIANCE

B. TOWN OF EATONVILLE- MISSION STATEMENT

“The Towns mission is to create, provide and administer municipal services while protecting the present and future health, safety and general welfare of the community”

3. AGENDA REVIEW and APPROVAL/SET TIME RESTRICTIONS

4. COMMENTS FROM CITIZENS

5. CONSENT AGENDA

MINUTES TO BE EMAILED THURSDAY

a. Payroll	23468 thru 23485	\$ 101,506.73
b. Claims	29591 thru 29614	\$ 45,290.97
c. Claims	EFT	\$ 16,585.49

6. DEPARTMENT HEAD/COUNCIL COMMITTEE/BOARD/COMMISSION REPORT

A. POLICE REPORT

B. FIRE/EMS REPORT

C. PUBLIC WORKS REPORT

D. YOUTH CONNECTION REPORT

E. COMMITTEE REPORTS

F. MAYOR'S REPORT

G. STAFF REPORTS-BPR FOR 1ST QTR

7. UNFINISHED BUSINESS

A. ORDINANCE 2011-1 (SECOND READING)

AN ORDINANCE ADOPTING AN AMENDED AND RESTATED VERSION OF THE TOWN OF EATONVILLE'S FIREWORKS CODE CODIFIED AT CHAPTER 8.16 OF THE EATONVILLE MUNICIPAL CODE, ADDING NEW CHAPTERS 18.17 AND 18.18 TO THE EATONVILLE MUNICIPAL CODE REGULATING MANUFACTURE, DISCHARGE AND PUBLIC DISPLAY OF FIREWORKS, AND AMENDING TOWN OF EATONVILLE MUNICIPAL CODE SECTION 8.11.110 & 9.16.020 TO EXEMPT CERTAIN ALLOWED USES OF FIREWORKS UNDER THIS ORDINANCE

8. NEW BUSINESS

A. RESOLUTION 2011-N

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL GRANTING AN EXCEPTION TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION NOISE RELATED TO THE SR-161 MASHEL RIVER BRIDGE SCOUR AND SLOPE REPAIR PROJECT

B. RESOLUTION 2011-O

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR CORRECTION/DETENTION SERVICES

C. RESOLUTION 2011-P

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL AUTHORIZING BID AWARD FOR THE MASHELL AVENUE IMPROVEMENTS PROJECT

D. ORDINANCE-2011-2 (FORTH COMING MONDAY)

BOND APPROVAL FOR CLOSING ON 108 RAINIER AVE

E. EXECUTIVE SESSION ON LITIGATION MATTERS

9. COUNCIL MEMBER COMMENTS

10. ADJOURNMENT

TRANSACTION JOURNAL

Town Of Eatonville
 MCAG #: 0578

Time: 11:11:10 Date: 04/06/2011
 Page: 1

Trans Date	Redeemed	Acct #	Chk #	Type	InterFund #	Receipt #	Vendor	Amount	Memo
1690	03/29/2011	631	29591	Claims			Washington State Treasurer	96.10	
	521 20 49 00	Law Enforcement Misc	001	Current Expense				96.10	2006-2009 Forfeited Property, Evidence
<hr/>									
Acct Pay#	9963	Amount	96.10	PO's Paid					
1779	04/01/2011	631	29592	Claims			Steve Watton	600.00	2011 Uniform Allowance
	521 20 21 00	Law Enforcement Unif	001	Current Expense				600.00	2011 Uniform Allowance, Watton
<hr/>									
Acct Pay#	9979	Amount	600.00	PO's Paid					
1816	04/11/2011	631	29593	Claims			AT&T Mobility	189.55	
	513 10 42 00	Mayor Communication	001	Current Expense				189.55	Cell Phone
<hr/>									
Acct Pay#	9964	Amount	189.55	PO's Paid					
1817	04/11/2011	631	29594	Claims			Aire/Pro Refrigeration And Heating	263.52	
	575 50 48 00	Comm Center Repairs	001	Current Expense				263.52	Repaired Fan In Walk In Freezer
<hr/>									
Acct Pay#	9978	Amount	263.52	PO's Paid					
1818	04/11/2011	631	29595	Claims			American Water Works Assc	190.00	
	534 10 49 00	Water Dues & Subscrij	410	Water				190.00	2011 Membership Renewal
<hr/>									
Acct Pay#	9998	Amount	190.00	PO's Paid					
1819	04/11/2011	631	29596	Claims			Shauna Anderson	251.00	
	521 40 43 00	Law Enforcement Trai	001	Current Expense				251.00	Anderson Meals, LTO Training
<hr/>									
Acct Pay#	9975	Amount	251.00	PO's Paid					
1820	04/11/2011	631	29597	Claims			Blumenthal Uniforms & Eq	104.03	
	521 20 21 00	Law Enforcement Unif	001	Current Expense				104.03	Lt. Badge
<hr/>									
Acct Pay#	9974	Amount	104.03	PO's Paid					

TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 11:11:10 Date: 04/06/2011
Page: 2

Trans Date	Redeemed	Acct #	Chk #	Type	Receipt #	InterFund #	Vendor	Amount	Memo
1821	04/11/2011	631	29598	Claims	Spilled Ink Marketing Chris Bivins			3,025.00	
	512 50 41 00	Court Professional Ser	001	Current Expense				189.59	Web Site Development
	514 23 41 00	Finance Professional S	001	Current Expense				189.59	Web Site Development
	521 20 41 00	Law Enforcement Pro	001	Current Expense				189.59	Web Site Development
	522 10 41 00	Fire Control Professor	001	Current Expense				189.59	Web Site Development
	526 20 41 00	Ems Professional Servi	001	Current Expense				189.59	Web Site Development
	533 80 41 00	Electric Professional Se	401	Electric				189.59	Web Site Development
	534 10 41 00	Water Professional Ser	410	Water				189.59	Web Site Development
	535 80 41 00	Sewer Professional Ser	411	Sewer				189.59	Web Site Development
	537 80 41 00	Refuse Professional Se	460	Refuse Fund				189.59	Web Site Development
	538 30 41 00	Storm Drain Professor	450	Storm Drain				189.51	Web Site Development
	558 60 41 00	Planning Professional	001	Current Expense				189.59	Web Site Development
	559 60 41 00	Building Code Professi	001	Current Expense				189.59	Web Site Development
	573 90 41 04	Tourism	110	Hotel Motel				750.00	Event Brochure
Acct Pay#		Amount	PO's Paid						
	9999	750.00							
	10001	2,275.00							
1822	04/11/2011	631	29599	Claims	Costco Membership			150.00	
	519 90 49 00	Misc Dues	001	Current Expense				150.00	Costco Membership Renewal
Acct Pay#		Amount	PO's Paid						
	10003	150.00							
1823	04/11/2011	631	29600	Claims	Curtis & Sons Ln			221.91	
	522 20 35 00	Fire Control Minor To	001	Current Expense				221.91	Gloves, Spanner Wrench
Acct Pay#		Amount	PO's Paid						
	9996	221.91							
1824	04/11/2011	631	29601	Claims	Eatonville Towing			194.04	
	521 20 48 00	Law Enforce Repairs &	001	Current Expense				194.04	Tow Changer 04 To Shop For Repairs
Acct Pay#		Amount	PO's Paid						
	9997	194.04							
1825	04/11/2011	631	29602	Claims	Emergency Reporting			481.87	
	522 10 41 00	Fire Control Professor	001	Current Expense				481.87	Quarterly Fire & Ems Combo Package
Acct Pay#		Amount	PO's Paid						
	9993	481.87							

TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 11:11:10 Date: 04/06/2011
Page: 3

Trans Date	Redeemed	Acct #	Chk #	Type	InterFund #	Vendor	Receipt #	Amount	Memo
1826	04/11/2011	631	29603	Claims		Everbank Commercial Finance, Inc.		403.20	
	558 60 45 00	Planning Leases/Rental	001	Current Expense				403.20	Copier Contract
<hr/>									
Acct Pay#	Amount		PO's Paid						
9987	403.20								
1827	04/11/2011	631	29604	Claims		Spencer Gray		175.00	
	522 40 43 00	Fire Control Training	001	Current Expense				175.00	Firefighter 2 Testing
<hr/>									
Acct Pay#	Amount		PO's Paid						
9992	175.00								
1828	04/11/2011	631	29605	Claims		Harold Lemay Enterprises		26,217.31	
	537 60 41 00	Refuse Contract	460	Refuse Fund				26,217.31	Refuse Contract
<hr/>									
Acct Pay#	Amount		PO's Paid						
9988	26,217.31								
1829	04/11/2011	631	29606	Claims		Mt. Hood Solutions		110.55	
	575 50 31 00	Comm Center Operatin	001	Current Expense				110.55	Dish Soap
<hr/>									
Acct Pay#	Amount		PO's Paid						
9977	110.55								
1830	04/11/2011	631	29607	Claims		Kalzer, Inc., P.S. Patterson Buchanan Fc		9,099.73	
	515 22 41 00	Legal Service- Town A	001	Current Expense				3,987.73	Attorney Services
	521 20 41 00	Law Enforcement Pro	001	Current Expense				2,722.90	Personnel Attorney Service
	533 80 41 00	Electric Professional Se	401	Electric				1,850.00	Attorney, 2nd Feeder Project
	594 79 62 01	Koch/Blanchard Trails	001	Current Expense				129.50	Attorney Services
	594 79 63 02	Eatonville Town Squar	001	Current Expense				409.60	Clements Arbitration
<hr/>									
Acct Pay#	Amount		PO's Paid						
9989	4,117.23								
9990	2,722.90								
9991	1,850.00								
10000	409.60								
1831	04/11/2011	631	29608	Claims		Carl Groseclose Rodknockers		1,000.00	
	573 90 31 00	Events-float/4th July/R	110	Hotel Motel				1,000.00	Car Show Reimbursements
<hr/>									
Acct Pay#	Amount		PO's Paid						

TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 11:11:10 Date: 04/06/2011
Page: 4

Trans Date	Redeemed	Acct #	Chk #	Type	InterFund #	Vendor	Amount	Memo
<hr/>								
Acct Pay#	9984	1,000.00						
1832	04/11/2011	631 29609	Claims	SBS Leasing A Program Of De Lage			275.38	
	514 23 45 00	Finance Leases/Rentals	001	Current Expense			275.38	Copier Lease
Acct Pay#	9986	275.38						
1833	04/11/2011	631 29610	Claims	SMS Cleaning, Inc			1,167.67	
	518 78 41 00	Town Hall Professiona	001	Current Expense			500.00	Monthly Janitorial Services
	533 80 41 00	Electric Professional Se	401	Electric			167.67	Monthly Janitorial Services
	575 50 41 00	Comm Professional Se	001	Current Expense			500.00	Monthly Janitorial Services
Acct Pay#	9985	1,167.67						
1834	04/11/2011	631 29611	Claims	Sharp Electronics Corporation			167.35	
	514 23 45 00	Finance Leases/Rentals	001	Current Expense			167.35	Copier Usage
Acct Pay#	9976	167.35						
1835	04/11/2011	631 29612	Claims	Superior Linen Service			78.64	
	518 78 41 00	Town Hall Professiona	001	Current Expense			78.64	Rubber Mat Service
Acct Pay#	9994	78.64						
1836	04/11/2011	631 29613	Claims	US Fire Equipment LLC			5.17	
	526 50 48 00	Ems Repairs & Mainte	001	Current Expense			5.17	Bracket
Acct Pay#	9995	5.17						
1837	04/11/2011	631 29614	Claims	Verizon Wireless			823.95	
	514 23 42 00	Finance Communicatio	001	Current Expense			36.33	Cell Phones
	521 20 42 00	Law Enforcement Com	001	Current Expense			282.28	Cell Phones
	533 10 42 00	Electric Communicatio	401	Electric			107.56	Cell Phones
	534 10 42 00	Water Communication:	410	Water			66.33	Cell Phones
	535 80 42 00	Sewer Communication:	411	Sewer			102.05	Cell Phones

TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 11:11:10 Date: 04/06/2011
Page: 5

Trans Date	Redeemed	Acct #	Chk #	Type	InterFund #	Vendor	Amount	Memo
558 60 42 00	Planning Communicati	001		Current Expense		Cell Phones	127.33	
559 60 42 00	Building Code Commu	001		Current Expense		Cell Phones	102.07	

Acct Pay# **Amount** **PO's Paid**

9983 541.67
10002 282.28

Adjustments:
Beginning Balance: 0.00
Revenues: 0.00
Warrant Expenditures: 45,290.97
Non Warrant Expenditures: 0.00
Interfund Transfers: 0.00
Redemptions: 0.00
Deposits: 0.00
Withdrawals: 0.00
Stop Payments: 0.00

Fund	Adjustments	Beg Bal	Revenues	War Exp	N War Exp	IT In	IT Out	Stop Prmts
001 Current Expense	0.00	0.00	0.00	13,892.18	0.00	0.00	0.00	0.00
110 Hotel Motel	0.00	0.00	0.00	1,750.00	0.00	0.00	0.00	0.00
401 Electric	0.00	0.00	0.00	2,314.82	0.00	0.00	0.00	0.00
410 Water	0.00	0.00	0.00	445.92	0.00	0.00	0.00	0.00
411 Sewer	0.00	0.00	0.00	291.64	0.00	0.00	0.00	0.00
450 Storm Drain	0.00	0.00	0.00	189.51	0.00	0.00	0.00	0.00
460 Refuse Fund	0.00	0.00	0.00	26,406.90	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	45,290.97	0.00	0.00	0.00	0.00

TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 11:15:26 Date: 04/06/2011
Page: 1

Trans Date	Redeemed	Acct #	Chk #	Type	Receipt #	InterFund #	Vendor	Amount	Memo
1668	03/25/2011	631	EFT	Claims			WA Dept Of Revenue	16,585.49	
514 23 53 00	Finance Excise Taxes		001	Current Expense				14.76	Excise Tax
526 20 53 00	Ems Excise Tax		001	Current Expense				287.18	Excise Tax
533 10 53 00	Electric Utility Tax		401	Electric				9,313.26	Excise Tax
533 10 53 00	Electric Utility Tax		401	Electric				58.58	Excise Tax
534 80 53 00	Water Utility Taxes		410	Water				3,490.73	Excise Tax
535 80 53 00	Sewer Utility Taxes		411	Sewer				1,222.03	Excise Tax
536 20 53 01	Cemetery Excise Taxes		001	Current Expense				9.45	Excise Tax
537 80 53 00	Refuse Utility Tax		460	Refuse Fund				1,944.51	Excise Tax
538 30 53 00	Storm Utility Tax		450	Storm Drain				244.45	Excise Tax
539 30 31 00	Animal Control Operat		001	Current Expense				0.54	Excise Tax
<p>Adjustments:</p> <p>Beginning Balance: 0.00</p> <p>Revenues: 0.00</p> <p>Warrant Expenditures: 16,585.49</p> <p>Non Warrant Expenditures: 0.00</p> <p>Interfund Transfers: 0.00</p> <p>Redemptions: 0.00</p> <p>Deposits: 0.00</p> <p>Withdrawals: 0.00</p> <p>Stop Payments: 0.00</p>									
Fund	Adjustments	Beg Bal	Revenues	War Exp	N War Exp	IT In	IT Out	Stop Prmts	
001 Current Expense	0.00	0.00	0.00	311.93	0.00	0.00	0.00	0.00	0.00
401 Electric	0.00	0.00	0.00	9,371.84	0.00	0.00	0.00	0.00	0.00
410 Water	0.00	0.00	0.00	3,490.73	0.00	0.00	0.00	0.00	0.00
411 Sewer	0.00	0.00	0.00	1,222.03	0.00	0.00	0.00	0.00	0.00
450 Storm Drain	0.00	0.00	0.00	244.45	0.00	0.00	0.00	0.00	0.00
460 Refuse Fund	0.00	0.00	0.00	1,944.51	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	16,585.49	0.00	0.00	0.00	0.00	0.00

CHECK REGISTER

Town Of Eatonville
 MCAG #: 0578

04/04/2011 To: 04/05/2011

Time: 11:07:11 Date: 04/06/2011
 Page: 1

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
1737	Payroll	13	EFT	Shelia F Dudley	1,529.31 03/16/11 to 03/31/11
1738	Payroll	13	EFT	Gaille C Finley	2,035.77 03/16/11 to 03/31/11
1739	Payroll	13	EFT	Dexter Haback	2,088.41 03/16/11 to 03/31/11
1740	Payroll	13	EFT	Raymond Harper	546.65 03/16/11 to 03/31/11
1741	Payroll	13	EFT	Timothy Lincoln	1,881.33 03/16/11 to 03/31/11
1742	Payroll	13	EFT	Kathy Linnemeyer	1,746.69 03/16/11 to 03/31/11
1745	Payroll	13	EFT	Jason L McGuire	2,353.21 03/16/11 To 03/31/11
1748	Payroll	13	EFT	Steve McKasson	2,095.47 03/16/11 to 03/31/11
1749	Payroll	13	EFT	Fredrick Mercer	2,123.74 03/16/11 to 03/31/11
1750	Payroll	13	EFT	Terrance W Moore	1,878.69 03/16/11 to 03/31/11
1753	Payroll	13	EFT	Daniel Murphy	1,516.62 03/16/11 to 03/31/11
1754	Payroll	13	EFT	Gronn Morgan	1,330.79 03/16/11 to 03/31/11
1755	Payroll	13	EFT	Kerri Murphy	1,757.01 03/16/11 to 03/31/11
1756	Payroll	13	EFT	Mike Schaub	402.80 03/16/11 to 03/31/11
1759	Payroll	13	EFT	Nestor N Sundita	2,177.17 03/16/11 to 03/31/11
1761	Payroll	13	EFT	Johnny Wade	2,192.33 03/16/11 to 03/31/11
1762	Payroll	13	EFT	Steven Watton	1,821.62 03/16/11 to 03/31/11
1728	Payroll	13	EFT	Bobbi Jean Allison	399.75 03/16/11 to 03/31/11
1729	Payroll	13	EFT	Shauna Anderson	1,608.35 03/16/11 to 03/31/11
1730	Payroll	13	EFT	Douglas Beagle	3,123.28 03/16/11 to 03/31/11
1731	Payroll	13	EFT	Nicholas M Bond	2,231.03 03/16/11 to 03/31/11
1732	Payroll	13	EFT	Jeremy Brewer	1,907.37 03/16/11 to 03/31/11
1733	Payroll	13	EFT	Christina M Dargan	1,534.96 03/16/11 to 03/31/11
1734	Payroll	13	EFT	Jason Darwent	1,498.29 03/16/11 to 03/31/11
1736	Payroll	13	EFT	Miranda M Doll	1,266.40 03/16/11 to 03/31/11
1735	Payroll	632	23468	Stanley Dekofski	552.55 03/16/11 to 03/31/11
1743	Payroll	632	23469	Misc-Customer	Voided Payroll Transaction -
1744	Payroll	632	23470	Chrystal Mcglone	2,654.11 03/16/11 to 03/31/11
1746	Payroll	632	23471	Carl Lucas	467.52 03/16/11 to 03/31/11
1758	Payroll	632	23472	Gary Sokol	1,948.92 03/16/11 to 03/31/11
1757	Payroll	632	23473	Daniel G Sharpe	2,054.41 03/16/11 to 03/31/11
1760	Payroll	632	23474	Mike W Tiller	2,518.26 03/16/11 to 03/31/11
1763	Payroll	632	23475	Brian Goody	45.28 03/16/11 to 03/31/11
1764	Payroll	632	23476	Robin Smith	301.11 03/16/11 to 03/31/11
1768	Payroll	632	23477	Kathleen E Henriksen	600.12 03/16/11 to 03/31/11
1769	Payroll	632	23478	Bob Schaub	283.05 03/16/11 to 03/31/11
1770	Payroll	632	23479	AWC	17,884.40 03/31/2011 To 04/05/2011 -
1771	Payroll	632	23480	Aflac	350.66 03/31/2011 To 04/05/2011 -
1772	Payroll	632	23481	EFTPS 941 Tax Deposits	Aflac; 03/31/2011 To 04/05/2011 - -Pre Tax Affac 941 Deposit For 03/31/2011 -
1773	Payroll	632	23482	IBEW Local 483	811.11 03/31/2011 To 04/05/2011 - IbeW 03/31/2011 To 04/05/2011 -
1774	Payroll	632	23483	WA Dept Retirement Sysms	7,784.30 03/31/2011 To 04/05/2011 - Leoff 2 03/31/2011 To 04/05/2011 -
1775	Payroll	632	23484	WA Dept Retirement Sysms	1,025.50 03/31/2011 To 04/05/2011 - Deferred Comp
1787	Payroll	632	23485	EFTPS 941 Tax Deposits	2,097.54 941 Deposit For 04/05/2011 - 04/05/2011

001 Current Expense
 101 Streets
 401 Electric
 410 Water
 411 Sewer
 450 Storm Drain

72,673.26
 1,590.61
 15,969.11
 4,795.75
 4,610.44
 1,867.56

CHECK REGISTER

Town Of Eatonville
MCAAG #: 0578
04/04/2011 To: 04/05/2011
Time: 11:07:11 Date: 04/06/2011
Page: 2

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
------------	------	--------	-------	----------	-------------

	Claims:				101,506.73 Payroll:
					0.00

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub
Gordon Bowman
Brenden Pierce
Bobbi Allison
James Valentine
Civil Service

CHECK REGISTER

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
1690 03/29/2011	Claims	631	29591	Washington State Treasurer	96.10
1779 04/01/2011	Claims	631	29592	Steve Walton	600.00 2011 Uniform Allowance
1816 04/11/2011	Claims	631	29593	AT&T Mobility	189.55
1817 04/11/2011	Claims	631	29594	Aire/Piro Refrigeration And Heating	263.52
1818 04/11/2011	Claims	631	29595	American Water Works Assc	190.00
1819 04/11/2011	Claims	631	29596	Shanna Anderson	251.00
1820 04/11/2011	Claims	631	29597	Blumenthal Uniforms & Eq	104.03
1821 04/11/2011	Claims	631	29598	Spilled Ink Marketing Chris Bivins	3,025.00
1822 04/11/2011	Claims	631	29599	Costco Membership	150.00
1823 04/11/2011	Claims	631	29600	Curtis & Sons Ln	221.91
1824 04/11/2011	Claims	631	29601	Eatonville Towing	194.04
1825 04/11/2011	Claims	631	29602	Emergency Reporting	481.87
1826 04/11/2011	Claims	631	29603	Everbank Commercial Finance, Inc.	403.20
1827 04/11/2011	Claims	631	29604	Spencer Gray	175.00
1828 04/11/2011	Claims	631	29605	Harold Lemay Enterprises	26,217.31
1829 04/11/2011	Claims	631	29606	Mr. Hood Solutions	110.55
1830 04/11/2011	Claims	631	29607	Kalzer, Inc., P.S. Patterson Buchanan	9,099.73
1831 04/11/2011	Claims	631	29608	Carl Groseclose Rodknockers	1,000.00
1832 04/11/2011	Claims	631	29609	SBS Leasing A Program Of De Lage	275.38
1833 04/11/2011	Claims	631	29610	SMS Cleaning, Inc	1,167.67
1834 04/11/2011	Claims	631	29611	Sharp Electronics Corporation	167.35
1835 04/11/2011	Claims	631	29612	Superior Linen Service	78.64
1836 04/11/2011	Claims	631	29613	US Fire Equipment LLC	5.17
1837 04/11/2011	Claims	631	29614	Verizon Wireless	823.95
<hr/>					
				001 Current Expense	13,892.18
				110 Hotel Motel	1,750.00
				401 Electric	2,314.82
				410 Water	445.92
				411 Sewer	291.64
				450 Storm Drain	189.51
				460 Refuse Fund	26,406.90
<hr/>					
				Claims:	45,290.97
				Payroll:	0.00

CHECK REGISTER

Town Of Eatonville
MCAG #: 0578
03/29/2011 To: 04/11/2011
Time: 11:05:57 Date: 04/06/2011
Page: 2

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
------------	------	--------	-------	----------	-------------

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____
Gordon Bowman _____
Brenden Pierce _____
Bobbi Allison _____
James Valentine _____
Civil Service _____

CHECK REGISTER

Town Of Eatonville
MCAAG #: 0578

03/25/2011 To: 03/25/2011

Time: 16:33:15 Date: 03/25/2011
Page: 1

Trans Date	Type	Acct #	Chk #	Claimant	Amount Memo
1668 03/25/2011	Claims	631	EFT	WA Dept Of Revenue	16,585.49
	001 Current Expense				311.93
	401 Electric				9,371.84
	410 Water				3,490.73
	411 Sewer				1,222.03
	450 Storm Drain				244.45
	460 Refuse Fund				1,944.51
					<u>16,585.49</u>
					Claims: 16,585.49
					Payroll: 0.00

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____
 Gordon Bowman _____
 Brenden Pierce _____
 Bobbi Allison _____
 James Valentine _____
 Civil Service _____

FIRE & EMS

PO Box 291, 201 Center ST West Eatonville, WA 98328
PHONE: 360-832-6931 Fax: 360-832-2931
eatonvillefire@eatonville-wa.gov

***Monthly Report
March 2011***

10 Fire
4 Auto Accident
34 Aid
2 Service
50 Total

Mutual aid responses with District 17 -- 12
Mutual aid responses with District 23 -- 8
Mutual aid responses with NPS -- 0

2010 YEAR TO DATE TOTAL -- 143
2011 YEAR TO DATE TOTAL -- 160

Transports -- 23
ALS -- 18
BLS -- 5

Eatonville Fire Department

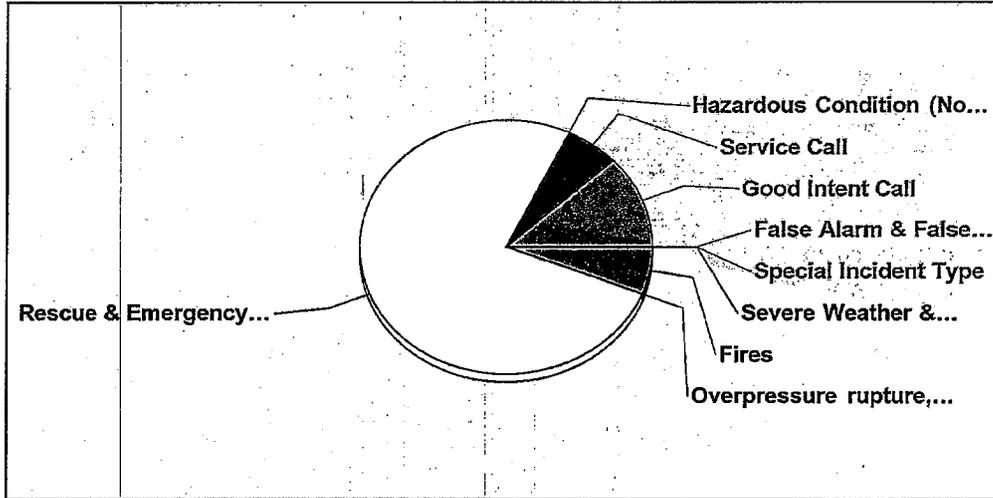
Eatonville, WA

This report was generated on 4/1/2011 11:00:20 AM



Breakdown by Major Incident Types for Date Range

StartDate: 03/01/2011 | EndDate: 03/31/2011



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	3	6.00%
Overpressure rupture, explosion, overheating - no fire	0	0.00%
Rescue & Emergency Medical Service	38	76.00%
Hazardous Condition (No Fire)	0	0.00%
Service Call	3	6.00%
Good Intent Call	6	12.00%
False Alarm & False Call	0	0.00%
Severe Weather & Natural Disaster	0	0.00%
Special Incident Type	0	0.00%

TOTAL 50

Only REVIEWED incidents included

Eatonville Fire Department

Eatonville, WA

This report was generated on 4/1/2011 1:13:35 PM



Incident Type per Zone for Date Range

StartDate: 03/01/2011 | EndDate: 03/31/2011

INCIDENT TYPE	# INCIDENTS
Zone: 17 - South Pierce	
111 - Building fire	1
116 - Fuel burner/boiler malfunction, fire confined	1
321 - EMS call, excluding vehicle accident with injury	2
322 - Motor vehicle accident with injuries	2
324 - Motor vehicle accident with no injuries.	1
611 - Dispatched & cancelled en route	2
622 - No incident found on arrival at dispatch address	1

Zone: 23 - Ashford/Elbe	
321 - EMS call, excluding vehicle accident with injury	7
611 - Dispatched & cancelled en route	1

Zone: 84 - Eatonville	
100 - Fire, other	1
321 - EMS call, excluding vehicle accident with injury	25
322 - Motor vehicle accident with injuries	1
500 - Service Call, other	1
542 - Animal rescue	1
561 - Unauthorized burning	1
622 - No incident found on arrival at dispatch address	1
651 - Smoke scare, odor of smoke	1

Only REVIEWED incidents included

EATONVILLE

SUPERINTENDENT: NESTOR SUNDITA

LINEMEN: DAN SHARPE AND TERRY MOORE

MARCH 2011

POWER OUTAGES:

1. No power outages reported.
- 2.

UNDERGROUND POWER LOCATES:

1. Cedar Avenue, Cemetery and Easton Avenue.

STREET LIGHTS, INTERIOR LIGHTS AND BANNERS :

1. Installed pole and light fixture at Prospect Avenue.
2. Installed street light arm and fixture at Baumgartner Avenue.
3. Repaired light fixture Washington and Carter Street.
4. Relamped street lights Center East, Kaitlyn Avenue and Joy.
5. Replaced fluorescent ballast, fixtures and relamped utility room.
6. Reset timer at Millpond Park and X walk lights for day light saving.
7. Repaired light fixture and underground circuit to flag pole in cemetery.

NEW SERVICES, METERS, MAINTENANCE :

1. Installed new service and meter at Joy Street.
2. Installed new service, cut and trenched crossing across 101 Cedar Avenue, installed junction boxes, removed overhead service lines, changed overhead service to underground and removed old pole in the driveway.
3. Shut offs/Reconnects twenty-five customers.
4. Replaced three meters to LCD remote read meters.
5. Trimmed trees Carter Street and Center Street areas.
6. Repaired overhead service line at 303 Center Street.
7. Assisted Water Department to repair pot holes and used Line truck to lift cover at Treatment Plant.

MANDATORY ELECTRICAL SAFETY MEETING / TRAINING:

ATTENDED TRAINING ON "Heat Exposure and MSDS" BY Jim Cracker FROM ESCI.

March 2011

To Do List for WATER AND SEWER DEPT

All Items

Priority 1

- 3-5-11 Steve's plant checks weekend.**
Due Date: None
Category: Unfiled
- 3-7-11 Record number of door knockers put out..**
Due Date: None
Category: Unfiled
- 3-7-11 Mayor Ray Harpers all staff meeting.**
Due Date: None
Category: Unfiled
- 3-8-11 Fill pot holes.**
Due Date: None
Category: Unfiled
- 3-8-11 Lots of move in and move outs for meter reader.**
Due Date: None
Category: Unfiled
- 3-8-11 Water Treatment Plant averageing 200,000 thousand gallons per day now. Pretty good.**
Due Date: None
Category: Unfiled
- 3-8-11 Wastewater Treatment Plant averageing about 285,000 thousand gallon to treat per day. Also pretty good. Not much I and I.**
Due Date: None
Category: Unfiled
- 3-8-11 New Hycor grit removal brush installed by the town crew seems to be operating well.**
Due Date: None
Category: Unfiled
- 3-9-11 Fill cold patch pot hole then fill a few street shoulder holes with crushed rock.**
Due Date: None
Category: Unfiled
- 3-9-11 Shut down the Hycor and clean. Getting to much linnen products from somewhere.**
Due Date: None
Category: Unfiled
- 3-11-11 Water crew put electric conduits to new home on Cedar accross street and cold patch.**
Due Date: None
Category: Unfiled
- 3-11-11 Hose all four SBR's and repair one broken 1.5". valve to water system.**
Due Date: None
Category: Unfiled

- 3-11-11- Hose headworks so hopefully will not get any alarms.**
Due Date: None
Category: Unfiled
- 3-11-11 Build bypass blow off for No. 2 well after installing new pump.**
Due Date: None
Category: Unfiled
- 3-11-11 Call QCC to see where to have the McCrometer well No 7 source water meter rebuilt. Mannual read not working. G and C systems rebuilds them.**
Due Date: None
Category: Unfiled
- 3-12-11 Mike weekend plant checks.**
Due Date: None
Category: Unfiled
- 3-13-11 Mike weekend plant checks.**
Due Date: None
Category: Unfiled
- 3-10-11 Install new well pump in well 2.**
Due Date: None
Category: Unfiled
- 3-10-11 Replace well roof on well 2.**
Due Date: None
Category: Unfiled
- 3-14-11 Remove salt spreader and snow plow from dump truck.**
Due Date: None
Category: Unfiled
- 3-14-11 Hose sbr's.**
Due Date: None
Category: Unfiled
- 3-14-11 Clean all road salt equipment.**
Due Date: None
Category: Unfiled
- 3-15-11 Start water/power meter read.**
Due Date: None
Category: Unfiled
- 3-15-11 Dig grave for full funeral.**
Due Date: None
Category: Unfiled
- 3-15-11 Update cross connection test reports.**
Due Date: None
Category: Unfiled

- 3-15-11 Fix stop sign corner of Lynch and Washington.**
Due Date: None
Category: Unfiled
- 3-15-11 Contractor broke storm line at olf Ford garage. They will repair.**
Due Date: None
Category: Unfiled
- 3-15-11 Fix air compressor on shop truck.**
Due Date: None
Category: Unfiled
- 3-15-11 Daily CIP on backwash skid.**
Due Date: None
Category: Unfiled
- 3-16-11 Preform full service funeral at cemetary.**
Due Date: None
Category: Unfiled
- 3-17-11 Dig grave for full service funeral.**
Due Date: None
Category: Unfiled
- 3-17-11 Run multiple CIP's at WTP.**
Due Date: None
Category: Unfiled
- 3-18-11 Perform full service burial at cemetary.**
Due Date: None
Category: Unfiled
- 3-18-11 Sweep area around Nevit park.**
Due Date: None
Category: Unfiled
- 3-18-11 Get info off of vactor truck.**
Due Date: None
Category: Unfiled
- 3-18-11 Hose headworks.**
Due Date: None
Category: Unfiled
- 3-18-11 Drain water out of compressors.**
Due Date: None
Category: Unfiled
- 3-19-11 Steve weekend plant checks.**
Due Date: None
Category: Unfiled
- 3-19-11 WTP alarm 10:45pm - Blower 2 failure.**
Due Date: None
Category: Unfiled
- 3-20-11 Steve weekend plant checks.**
Due Date: None
Category: Unfiled
- 3-21-11 Fix water leak at 112 Orchard.**
Due Date: None
Category: Unfiled
- 3-21-11 Investigate water pressure issues around town.**
Due Date: None
Category: Unfiled
- 3-22-11 Change and put new oil in the river intake air compressor.**
Due Date: None
Category: Unfiled
- Take State hot water and air compressor inspector to all Town facilities.**
Due Date: None
Category: Unfiled
- 3-24-11 Hose Sbr's**
Due Date: None
Category: Unfiled
- 3-24-11 Fix water leak 110 Penn.**
Due Date: None
Category: Unfiled
- 3-24-11 Fix water leak 208 Penn.**
Due Date: None
Category: Unfiled
- 3-24-11 Fix water leak 208 Penn.**
Due Date: None
Category: Unfiled
- 3-24-11 Hose headworks.**
Due Date: None
Category: Unfiled
- 3-28-11 Look for engineering drawings of the storm retention pond at the top of Hamner for DOT.**
Due Date: None
Category: Unfiled
- 3-28-11 Fill pot holes with cold patch.**
Due Date: None
Category: Unfiled
- 3-28-11 Two CIP on the water filter plant backwash skid.**
Due Date: None
Category: Unfiled
- 3-28-11 Clean the Hycore at the WWTP. Getting material it does not handle well.**
Due Date: None
Category: Unfiled
- 3-28-11 Set up for the council meeting and tear it back down in the morning.**
Due Date: None
Category: Unfiled

- 3-30-11 Start 2010 DOH Consumer Confidence Report. Takes sever days to organize testing material for 2010.**
Due Date: None
Category: Unfiled
- 3-28-11 Steve at Wetric Water and Sewer training.**
Due Date: None
Category: Unfiled
- 3-30-11 Clean WWTP Headworks so it won't alarm. Getting rags from somewhere.**
Due Date: None
Category: Unfiled
- 3-29-11 Order new gutter brooms for the street sweeper.**
Due Date: None
Category: Unfiled
- 3-30-11 Purchase 10 ft 2 X 6 for bridge deck replacement at Smallwood Park. Citizen installing.**
Due Date: None
Category: Unfiled
- 3-31-11 Order full test kit for radiation in source water.**
Due Date: None
Category: Unfiled
- 3-31-11 Organize more material for 2010 CCR report.**
Due Date: None
Category: Unfiled
- 3-31-11 QCC here on service call to install two new well probes and calibrate and install 3 new PLC batteries. If batteries goes dead program could be lost.**
Due Date: None
Category: Unfiled

ORDINANCE NO. 2011-1

AN ORDINANCE ADOPTING AN AMENDED AND RESTATED VERSION OF THE TOWN OF EATONVILLE'S FIREWORKS CODE CODIFIED AT CHAPTER 8.16 OF THE EATONVILLE MUNICIPAL CODE, ADDING NEW CHAPTERS 18.17 AND 18.18 TO THE EATONVILLE MUNICIPAL CODE REGULATING MANUFACTURE, DISCHARGE AND PUBLIC DISPLAY OF FIREWORKS, AND AMENDING TOWN OF EATONVILLE MUNICIPAL CODE SECTION 8.11.110 & 9.16.020 TO EXEMPT CERTAIN ALLOWED USES OF FIREWORKS UNDER THIS ORDINANCE

WHEREAS, the Town of Eatonville originally enacted its fireworks code provisions in 1966; and

WHEREAS, changes to applicable federal and Washington statutes and regulations respecting fireworks have been made since that; and

WHEREAS, the Town of Eatonville wishes to amend and restate its fireworks code, in its entirety, to conform with changes to applicable federal and Washington statutes and regulations, and to provide rules and procedure for the use of such fireworks in the Town of Eatonville and permits related thereto; and

WHEREAS, the proposed action will require the Town of Eatonville to repeal or amend certain previously passed ordinances and portions of the Eatonville Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville, Washington, as follows:

Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, is hereby repealed.

Section 1. A new Section 8.16.010 is hereby added to the Eatonville Municipal Code, which shall read as follows:

8.16.010 Intent. It is the intent of this section to provide a procedure for the granting of permits and for the sale of consumer fireworks as that term is defined in WAC 212-17-035.

Section 2. A new Section 8.16.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.020 Permit Required. It is unlawful to engage in the retail sale of fireworks within the town without having first obtained an annual fireworks sales permit from the town clerk.

Section 3. A new Section 8.16.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.030 Application and Fee. Persons seeking an annual fireworks sales permit shall complete and submit an application on a form as prescribed by the town clerk and pay a \$10.00 annual application fee.

Section 4. A new Section 8.16.040 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.040 Permit Issuance.

A. Fireworks sales permits shall only be issued to applicants meeting the following qualifications:

1. Nonprofit, charitable, religious , or eleemosynary corporations organized and existing primarily for veteran, patriotic, religious, charitable, or civic betterment purposes; and
2. Said corporation or association has its principal and permanent meeting place in the town and has been organized and established in the town for a period of at least one year prior to the date the application is made for the fireworks sales permit.

B. The application shall be made on or prior to the second Tuesday in April of each year. Applicants desiring a permit for the retail sale of fireworks must submit a written application to the Town's Fire Chief. Upon receipt of such an application, the Town's Fire Chief shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the Town Council or the Council's designee for the purpose of receiving such reports. The Town Council, or its designee, shall grant such application if the application meets the standards devised by RCW Chapter 70.77, WAC Chapter 212-17, and any local regulations adopted by the Town.

C. Applicants for a permit shall be notified by the Town of the granting or rejection of their application on or before the 28th of April of each year.

D. Any applicant whose application is denied shall be refunded their \$10.00 application fee.

E. A fireworks sales permit shall only cover 1 sales retail sales outlet.

F. No organization may receive more than one application per calendar year.

Section 5. A new Section 8.16.050 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.050 Permitting Preference. Applications for the renewal of permits will be given preference over applicants not previously permitted; provided that if the holder of the permit fails to make application by the second Tuesday in April, said preference shall be forfeited.

Section 6. A new Section 8.16.060 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.060 Fireworks Stand Locations. Fireworks stands shall only be permitted in Commercial zones and must be separated by at least 300 feet.

Section 7. A new Section 8.16.070 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.070 Operation of Stands

A. No Person other than the permittee organization or affiliates shall operate the stand for which the permit is issued, or share or otherwise participate in the benefits of the stand.

B. Fireworks stand operators shall comply with all RWC and WAC requirements governing the operation of fireworks stands including but not limited to WAC 212-17-185, 212-17-198, 212-17-203, 212-17-21503, 212-17-21505, 212-17-21507, 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515, 212-17-21517, and 212-17-21519.

C. It is unlawful to offer for retail sale, expose for retail sale, or sell at retail any fireworks within the town except from 12:00 noon on June 28th to 9:00pm on July 4th of each year.

Section 8. A new Section 8.16.080 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.080 Violation – Penalty. Any person or entity who violates, disobeys, omits or neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance codified in this chapter is guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment for not more than 30 days or may be punished by both such fine and imprisonment; provided, that each separate day of violation shall constitute a separate violation of the ordinance codified in this chapter.

Section 9. A new Section 8.17.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.010 Intent. It is the intent of this section to provide for the permitting of and safety related to public displays of fireworks.

Section 10. A new Section 8.17.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.020 Public Display of Fireworks

A. Every public display of fireworks shall be handled by a competent operator approved by a permit issued by the Fire Chief and be of such character, and so located, discharged, or fired, that, in the opinion of the Chief after proper investigation, it will not constitute a hazard to property or endanger any person. Any person desiring a permit for a public display of fireworks must make an application in writing to the Fire Chief at least ten days in advance of the proposed display according to the procedures outlined in WAC 212-17-270 – WAC 212-17-280.

B. A state pyrotechnics license is required for operators of public displays of fireworks.

C. A bond or certificate of insurance from a company or companies approved by the Town must be furnished to the Department before a permit is issued. The bond shall be in the amount of \$1,000,000 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by the public display of fireworks or by any negligence in the presentation of the display on the part of the applicant or its agents, servants, employees, or subcontractors. The certificate of insurance shall evidence a Comprehensive General Liability insurance policy (including explosion and collapse hazards, automobile coverage, and Jones Act coverage where the base of operations is on water) providing \$1,000,000 combined single limit for all coverage per occurrence. The policy shall name the Town as an additional insured thereunder and stipulate it is primary coverage, regardless of what other insurance the Town may carry on its own behalf. The Town shall be given not less than 15 days' advance written notice of any termination or material change to the policy.

D. Transportation and storage.

1. All fireworks shall be transported within the Town in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected by the display operator upon delivery to the display site. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and not fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing time) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flameproof water repellent canvas cover until emptied.

5. The shell storage area shall be located at least 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of site and crowd control.

1. All dry grass, weeds, and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located at least 200 feet from any building.

5. The operator shall provide sufficient security personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment, and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of at least 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of two-thirds to three-quarters of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sandbags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement does not apply to the down-range side of the discharge site.

G. Operation of the display.

1. The operator shall provide fire protection at the site as required by the Fire Chief.
2. Only permitted fireworks are authorized for use.
3. If, in the opinion of the Fire Chief or the Chief's authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.
4. If, at any time, high winds or unusually wet weather conditions present a definite danger, in the opinion of the Fire Chief, the Chief's authorized representative, or the display operator, the public display shall be postponed until weather conditions allow the safe discharge of fireworks.
5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.
6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.
7. No smoking or open flames are allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.
8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and debris falls into, the planned landing area.
9. The mortars shall be re-angled or reset, if necessary, at any time during the display.
10. When a shell fails to ignite in the mortar, the mortar shall not be touched for at least five minutes. After five minutes, it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.
11. Operators shall not attempt to repair a damaged shell, nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.
12. Operators shall not dry a wet shell, lance, or pot for reuse.
13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.
14. When fireworks are displayed in darkness, the sponsor shall ensure that the firing range is inspected early the following morning.
15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the Town in a safe manner.
16. Operators shall properly dispose of all debris from discharged fireworks.

H. Denial by the Chief of a permit for the public display of fireworks may be appealed to the Town Council.

Section 11. A new Section 8.18.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.010 Intent. It is the intent of this section to establish rules governing the discharge (excluding public displays of fireworks in accordance with EMC 8.17) and manufacture of fireworks within the town.

Section 12. A new Section 8.18.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.020 Prohibited Acts

A. The discharge of fireworks within the Town of Eatonville is prohibited except as follows:

1. "Consumer Fireworks" as defined in RCW 70.77.136 may be discharged on the following dates during the times indicated:

July 3: 12:00pm – 11:00pm

July 4: 12:00pm – 11:00pm

December 31st 6:00pm – January 1st 1:00am

2. Public displays of fireworks conforming to all state laws with the approval of the Eatonville Fire Chief.

B. Any discharge of fireworks identified as prohibited in 8.18.020 (A) above is a class one civil infraction and, upon a finding that a violation has been committed, the person committing the act, or in the event of a minor, their parent(s) or legal guardian(s) shall be assessed as follows:

First Offense: \$100.00

Second Offense: \$250.00

Additional Offenses: \$250.00

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Eatonville Municipal Court.

C. The manufacture of fireworks within the Town is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.

Section 12. A new Section 8.18.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.030 Seizure of fireworks.

The Police Chief or his/her designee may seize, remove, or cause to be removed, at the expense of the owner, all fireworks manufactured or used in violation of this chapter.

A. Any person whose fireworks are seized under this chapter may, within ten days after such seizure, petition the Chief in writing to return the fireworks upon the grounds that they were illegally or erroneously seized. Such petitions shall be considered by the Chief within 15 days after filing and an oral hearing granted to the petitioner, if requested. The decision of the Chief shall be provided in writing to the petitioner. The Chief may order the fireworks seized under this chapter, disposed of, or returned to the petitioner if illegally or erroneously seized, if such return is in compliance with state law or this chapter.

B. The determination of the Chief is final unless, within 60 days, an appeal of the seizure is made to the Town Council of the Town. The decision of the Town Council shall be final.

C. Fireworks which are illegal for use and possession in this state shall be turned over to the State Fire Marshal for destruction.

Section 13. Section 9.16.020 of the Eatonville Municipal Code is hereby amended to read as follows:

9.16.020 Disturbing peace. Any person who by noisy, riotous or tumultuous conduct disturbs the peace and quiet of the town or of any meeting or assemblage therein is guilty of a misdemeanor. (Ord. 79-2 § 29, 1979). Legally discharged fireworks in accordance with EMC 8.16, 8.17, and 8.18 shall be exempt from this provision.

Section 14. Section 8.11.110 of the Eatonville Municipal Code is hereby amended to read as follows:

8.11.110 Exemptions.

A. Between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays, the following shall be exempt from this chapter; however, other state restrictions may apply:

1. Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
3. Sounds created by blasting;
4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;

5. Sounds created by the installation or repair of essential utility services;
6. Sounds originating from temporary, nonresidential construction sites as a result of construction activity are exempt from this chapter.

B. The following shall be exempt from this chapter:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would affect exemptions under this regulation require approval of the director of public works;
3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;
4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby nonconforming;
5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
6. Sounds created by surface carriers engaged in interstate commerce by railroad;
7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);
8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;
9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for the health, safety, or welfare of the community;
10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under a valid permit or license;
11. Sounds originating from officially sanctioned parades and other public events under a valid permit or license;
12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
13. Sounds created by the discharge of firearms in the course of hunting;
14. Sounds created by the discharge of legal fireworks in accordance with EMC 8.17 and 8.18. ~~are exempt from this chapter between from 12:00 noon on June 28th, to 12:00 noon on July 5th between the hours of 10:00 a.m. to 11:00 p.m. (Ord. 2006-05 § 1, 2006; Ord. 2005-17 § 1, 2005).~~

Section 14. Severability. If any section, sentence, clause or phrase of this ordinance should 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, sentence, clause or phrase of this ordinance.

Section 15. Savings. Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 16. Effective Date. This ordinance shall become effective after its passage by the Council, approval, and publication as required by law except for Section 7, Part C and Section 10 which will become effective one year after passage by the Council, approval and publication as required by law.

PASSED by the Town Council of the Town of Eatonville on this ____ day of _____, 2011.

TOWN OF EATONVILLE

RAYMOND HARPER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

By: _____
Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Town Attorneys

**ORDINANCE NO. 2011-1
(VALENTINE AMENDMENT)**

**AN ORDINANCE ADOPTING AN AMENDED AND RESTATED VERSION OF
THE TOWN OF EATONVILLE'S FIREWORKS CODE CODIFIED AT
CHAPTER 8.16 OF THE EATONVILLE MUNICIPAL CODE, ADDING NEW
CHAPTERS 18.17 AND 18.18 TO THE EATONVILLE MUNICIPAL CODE
REGULATING MANUFACTURE, DISCHARGE AND PUBLIC DISPLAY OF
FIREWORKS, AND AMENDING TOWN OF EATONVILLE MUNICIPAL
CODE SECTION 8.11.110 & 9.16.020 TO EXEMPT CERTAIN ALLOWED USES
OF FIREWORKS UNDER THIS ORDINANCE**

WHEREAS, the Town of Eatonville originally enacted its fireworks code provisions in 1966; and

WHEREAS, changes to applicable federal and Washington statutes and regulations respecting fireworks have been made since that; and

WHEREAS, the Town of Eatonville wishes to amend and restate its fireworks code, in its entirety, to conform with changes to applicable federal and Washington statutes and regulations, and to provide rules and procedure for the use of such fireworks in the Town of Eatonville and permits related thereto; and

WHEREAS, the proposed action will require the Town of Eatonville to repeal or amend certain previously passed ordinances and portions of the Eatonville Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville, Washington, as follows:

Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, is hereby repealed.

Section 1. A new Section 8.16.010 is hereby added to the Eatonville Municipal Code, which shall read as follows:

8.16.010 Intent. It is the intent of this section to provide a procedure for the granting of permits and for the sale of consumer fireworks as that term is defined in WAC 212-17-035.

Section 2. A new Section 8.16.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.020 Permit Required. It is unlawful to engage in the retail sale of fireworks within the town without having first obtained an annual fireworks sales permit from the town clerk.

Section 3. A new Section 8.16.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.030 Application and Fee. Persons seeking an annual fireworks sales permit shall complete and submit an application on a form as prescribed by the town clerk and pay a \$10.00 annual application fee.

Section 4. A new Section 8.16.040 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.040 Permit Issuance.

A. Fireworks sales permits shall only be issued to applicants meeting the following qualifications:

1. Nonprofit, charitable, religious, or eleemosynary corporations organized and existing primarily for veteran, patriotic, religious, charitable, or civic betterment purposes; and
2. Said corporation or association has its principal and permanent meeting place in the town and has been organized and established in the town for a period of at least one year prior to the date the application is made for the fireworks sales permit.

B. The application shall be made on or prior to the second Tuesday in April of each year. Applicants desiring a permit for the retail sale of fireworks must submit a written application to the Town's Fire Chief. Upon receipt of such an application, the Town's Fire Chief shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the Town Council or the Council's designee for the purpose of receiving such reports. The Town Council, or its designee, shall grant such application if the application meets the standards devised by RCW Chapter 70.77, WAC Chapter 212-17, and any local regulations adopted by the Town.

C. Applicants for a permit shall be notified by the Town of the granting or rejection of their application on or before the 28th of April of each year.

D. Any applicant whose application is denied shall be refunded their \$10.00 application fee.

E. A fireworks sales permit shall only cover 1 sales retail sales outlet.

F. No organization may receive more than one application per calendar year.

Section 5. A new Section 8.16.050 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.050 Permitting Preference. Applications for the renewal of permits will be given preference over applicants not previously permitted; provided that if the holder of the permit fails to make application by the second Tuesday in April, said preference shall be forfeited.

Section 6. A new Section 8.16.060 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.060 Fireworks Stand Locations. Fireworks stands shall only be permitted in Commercial zones and must be separated by at least 300 feet.

Section 7. A new Section 8.16.070 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.070 Operation of Stands

A. No Person other than the permittee organization or affiliates shall operate the stand for which the permit is issued, or share or otherwise participate in the benefits of the stand.

B. Fireworks stand operators shall comply with all RWC and WAC requirements governing the operation of fireworks stands including but not limited to WAC 212-17-185, 212-17-198, 212-17-203, 212-17-21503, 212-17-21505, 212-17-21507, 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515, 212-17-21517, and 212-17-21519.

C. It is unlawful to offer for retail sale, expose for retail sale, or sell at retail any fireworks within the town except from 12:00 noon on June 28th to 9:00pm on July 4th of each year.

Section 8. A new Section 8.16.080 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.080 Violation – Penalty. Any person or entity who violates, disobeys, omits or neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance codified in this chapter is guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment for not more than 30 days or may be punished by both such fine and imprisonment; provided, that each separate day of violation shall constitute a separate violation of the ordinance codified in this chapter.

Section 9. A new Section 8.17.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.010 Intent. It is the intent of this section to provide for the permitting of and safety related to public displays of fireworks.

Section 10. A new Section 8.17.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.020 Public Display of Fireworks

A. Every public display of fireworks shall be handled by a competent operator approved by a permit issued by the Fire Chief and be of such character, and so located, discharged, or fired, that, in the opinion of the Chief after proper investigation, it will not constitute a hazard to property or endanger any person. Any person desiring a permit for a public display of fireworks must make an application in writing to the Fire Chief at least ten days in advance of the proposed display according to the procedures outlined in WAC 212-17-270 – WAC 212-17-280.

B. A state pyrotechnics license is required for operators of public displays of fireworks.

C. A bond or certificate of insurance from a company or companies approved by the Town must be furnished to the Department before a permit is issued. The bond shall be in the amount of \$1,000,000 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by the public display of fireworks or by any negligence in the presentation of the display on the part of the applicant or its agents, servants, employees, or subcontractors. The certificate of insurance shall evidence a Comprehensive General Liability insurance policy (including explosion and collapse hazards, automobile coverage, and Jones Act coverage where the base of operations is on water) providing \$1,000,000 combined single limit for all coverage per occurrence. The policy shall name the Town as an additional insured thereunder and stipulate it is primary coverage, regardless of what other insurance the Town may carry on its own behalf. The Town shall be given not less than 15 days' advance written notice of any termination or material change to the policy.

D. Transportation and storage.

1. All fireworks shall be transported within the Town in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.
2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.
3. All shells shall be inspected by the display operator upon delivery to the display site. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and not fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.
4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing time) from the

nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flameproof water repellent canvas cover until emptied.

5. The shell storage area shall be located at least 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of site and crowd control.

1. All dry grass, weeds, and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located at least 200 feet from any building.

5. The operator shall provide sufficient security personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment, and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of at least 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of two-thirds to three-quarters of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sandbags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement does not apply to the down-range side of the discharge site.

G. Operation of the display.

1. The operator shall provide fire protection at the site as required by the Fire Chief.

2. Only permitted fireworks are authorized for use.

3. If, in the opinion of the Fire Chief or the Chief's authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

4. If, at any time, high winds or unusually wet weather conditions present a definite danger, in the opinion of the Fire Chief, the Chief's authorized representative, or the display operator, the public display shall be postponed until weather conditions allow the safe discharge of fireworks.

5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.

6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.

7. No smoking or open flames are allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and debris falls into, the planned landing area.

9. The mortars shall be re-angled or reset, if necessary, at any time during the display.

10. When a shell fails to ignite in the mortar, the mortar shall not be touched for at least five minutes. After five minutes, it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

11. Operators shall not attempt to repair a damaged shell, nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

12. Operators shall not dry a wet shell, lance, or pot for reuse.

13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

14. When fireworks are displayed in darkness, the sponsor shall ensure that the firing range is inspected early the following morning.

15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the Town in a safe manner.

16. Operators shall properly dispose of all debris from discharged fireworks.

H. Denial by the Chief of a permit for the public display of fireworks may be appealed to the Town Council.

Section 11. A new Section 8.18.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.010 Intent. It is the intent of this section to establish rules governing the discharge (excluding public displays of fireworks in accordance with EMC 8.17) and manufacture of fireworks within the town.

Section 12. A new Section 8.18.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.020 Prohibited Acts

A. The discharge of fireworks within the Town of Eatonville is prohibited except as follows:

1. “Consumer Fireworks” as defined in RCW 70.77.136 may be discharged on the following dates during the times indicated:

July 3: 12:00pm – 11:00pm

July 4: 12:00pm – 11:00pm

December 31st 6:00pm – January 1st 1:00am

2. Public displays of fireworks conforming to all state laws with the approval of the Eatonville Fire Chief.

B. “Consumer Fireworks” shall not be discharged on public property or within public rights of way including but not limited to parks, streets, or sidewalks. “Consumer Fireworks” shall also not be discharged in areas where dry unmaintained vegetation exists during periods when the Washington State Department of Natural Resources indicates that the fire hazard for Pierce County is Moderate, High, or Very High/Extreme. Dry unmaintained vegetation is defined to mean wooded areas and grassy areas where the length of grass is in excess of an average of 12 inches.

C. Any discharge of fireworks identified as prohibited in 8.18.020 (A-C) above is a class one civil infraction and, upon a finding that a violation has been committed, the person committing the act, or in the event of a minor, their parent(s) or legal guardian(s) shall be assessed as follows:

First Offense: \$100.00

Second Offense: \$250.00

Additional Offenses: \$250.00

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Eatonville Municipal Court.

D. The manufacture of fireworks within the Town is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.

Section 12. A new Section 8.18.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.030 Seizure of fireworks.

The Police Chief or his/her designee may seize, remove, or cause to be removed, at the expense of the owner, all fireworks manufactured or used in violation of this chapter.

A. Any person whose fireworks are seized under this chapter may, within ten days after such seizure, petition the Chief in writing to return the fireworks upon the grounds that they were illegally or erroneously seized. Such petitions shall be considered by the Chief within 15 days after filing and an oral hearing granted to the petitioner, if requested. The decision of the Chief shall be provided in writing to the petitioner. The Chief may order the fireworks seized under this chapter, disposed of, or returned to the petitioner if illegally or erroneously seized, if such return is in compliance with state law or this chapter.

B. The determination of the Chief is final unless, within 60 days, an appeal of the seizure is made to the Town Council of the Town. The decision of the Town Council shall be final.

C. Fireworks which are illegal for use and possession in this state shall be turned over to the State Fire Marshal for destruction.

Section 13. Section 9.16.020 of the Eatonville Municipal Code is hereby amended to read as follows:

9.16.020 Disturbing peace. Any person who by noisy, riotous or tumultuous conduct disturbs the peace and quiet of the town or of any meeting or assemblage therein is guilty of a misdemeanor. (Ord. 79-2 § 29, 1979). Legally discharged fireworks in accordance with EMC 8.16, 8.17, and 8.18 shall be exempt from this provision.

Section 14. Section 8.11.110 of the Eatonville Municipal Code is hereby amended to read as follows:

8.11.110 Exemptions.

A. Between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays, the following shall be exempt from this chapter; however, other state restrictions may apply:

1. Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
3. Sounds created by blasting;
4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
5. Sounds created by the installation or repair of essential utility services;
6. Sounds originating from temporary, nonresidential construction sites as a result of construction activity are exempt from this chapter.

B. The following shall be exempt from this chapter:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would affect exemptions under this regulation require approval of the director of public works;
3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;
4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby nonconforming;
5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
6. Sounds created by surface carriers engaged in interstate commerce by railroad;
7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);
8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;

9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for the health, safety, or welfare of the community;
10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under a valid permit or license;
11. Sounds originating from officially sanctioned parades and other public events under a valid permit or license;
12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
13. Sounds created by the discharge of firearms in the course of hunting;
14. Sounds created by the discharge of legal fireworks in accordance with EMC 8.17 and 8.18. ~~are exempt from this chapter between from 12:00 noon on June 28th, to 12:00 noon on July 5th between the hours of 10:00 a.m. to 11:00 p.m.~~ (Ord. 2006-05 § 1, 2006; Ord. 2005-17 § 1, 2005).

Section 14. Severability. If any section, sentence, clause or phrase of this ordinance should 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, sentence, clause or phrase of this ordinance.

Section 15. Savings. Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 16. Effective Date. This ordinance shall become effective after its passage by the Council, approval, and publication as required by law except for Section 7, Part C, Section 10, and Section 12, Part B, which will become effective one year after passage by the Council, approval and publication as required by law.

PASSED by the Town Council of the Town of Eatonville on this ___ day of _____, 2011.

TOWN OF EATONVILLE

RAYMOND HARPER, MAYOR

ATTEST/AUTHENTICATED:

115367

By: _____

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

By: _____

Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Town Attorneys

RESOLUTION 2011-N

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL GRANTING AN EXCEPTION TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION NOISE RELATED TO THE SR-161 MASHEL RIVER BRIDGE SCOUR AND SLOPE REPAIR PROJECT

WHEREAS, the Washington State Department of Transportation (“WSDOT”) intends to make repairs to its facilities within the ordinary high water mark of the Mashel River, and;

WHEREAS, the Mashel River is an important habitat for species protected under the Endangered Species Act, and;

WHEREAS, the town’s noise exemptions from section 1 of EMC 8.11.110 would not allow WSDOT to complete the repair project within the “annual “fish window” from July 16th to September 30th as designated by the state and federal government, and;

WHEREAS, the repair project is important to the welfare of the Town and granting a special exception to this requirement would allow WSDOT to complete its Mashel River scour repair project within the 2011 fish window, and;

WHEREAS, the Town Council is expressly authorized by state law, specifically, RCW 35.27.370, “to make all such . . . resolutions . . . as may be deemed expedient to maintain the peace, good government, and welfare of the [T]own and its trade, commerce, and manufacturers,”;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Eatonville as follows:

Section 1: WSDOT is authorized to perform construction activities related to the Mashel River scour repair project between the hours from 6am to 10pm Monday through Saturday and from 9am to 10pm on Sundays from July 16 to September 30, 2011.

PASSED by the Council of the Town of Eatonville at a regular meeting this ___ day of March, 2011.

Ray Harper, Mayor

ATTEST:

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

Patricia Buchanan, Town Attorney

RESOLUTION 2011-O

**A RESOLUTION OF THE EATONVILLE TOWN COUNCIL AUTHORIZING
THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR
CORRECTION/DETENTION SERVICES.**

WHEREAS, The Town of Eatonville will sign an interlocal agreement with the City of Buckley City Jail and;

WHEREAS, The Town agrees to sign an interlocal agreement for Correction/Detention services from May 1, 2011 to April 30, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council authorizes the Mayor to sign an Interlocal agreement for Correction/Detention services with the City of Buckley, City Jail attached hereto.

PASSED by the Council of the Town of Eatonville at a regular meeting this 11th day of April, 2011.

Raymond Harper, Mayor

ATTEST:

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

Patricia Buchanan, Town Attorney

JAIL SERVICE CONTRACT

THIS AGREEMENT, made and entered into this 1st day of May, 2011, by and between the CITY OF EATONVILLE, hereinafter called EATONVILLE, and the CITY OF BUCKLEY, hereinafter called "BUCKLEY".

WITNESSETH:

WHEREAS, pursuant to Chapters 39.34 and 70.48 RCW, EATONVILLE and BUCKLEY may enter into an agreement through their respective legislative bodies whereby BUCKLEY shall furnish jail facilities for EATONVILLE prisoners upon such terms as may be mutually agreed upon; and

WHEREAS, it is considered necessary and desirable in the public interest that BUCKLEY and EATONVILLE exercise the rights and privileges afforded by said statute:

NOW, THEREFORE, it is mutually agreed by and between EATONVILLE and BUCKLEY as follows:

1. AVAILABILITY OF JAIL FACILITIES

BUCKLEY agrees to furnish its facilities and personnel for the confinement of EATONVILLE prisoners in the same manner and to the same extent as BUCKLEY furnishes said services for confinement of its own prisoners. BUCKLEY jail facilities shall be made available and furnished for holding of EATONVILLE prisoners held upon arrest, awaiting trial and service of imposed jail terms. It is understood and agreed that BUCKLEY shall have no obligation to confine additional EATONVILLE prisoners when the BUCKLEY facility is at its maximum capacity and in such events, EATONVILLE will make diligent efforts to confine its prisoners elsewhere.

2. GUARANTEED BED SPACE

EATONVILLE agrees to pay BUCKLEY a daily rate for each day or portion of a day for each EATONVILLE prisoner as set forth in this AGREEMENT.

- a. The term EATONVILLE prisoner as used in this Agreement shall mean persons confined in jail pursuant to a violation of a EATONVILLE ordinance or regulation chargeable as a misdemeanor or a gross misdemeanor.
- b. The daily rate for lodging, in the Buckley City Jail, shall be \$57.00 per day plus medical expenses.

3. METHOD AND TIME OF PAYMENTS

The amounts under the terms of this Agreement shall be due and payable within thirty days from and after receipt of an itemized invoice by each party to the other, listing thereon the services rendered and itemized billing therefore. BUCKLEY agrees to bill monthly for all sums described hereunder.

4. COPY OF ARREST WARRANT OR CITATION

EATONVILLE law enforcement officers placing EATONVILLE misdemeanor-charged prisoners in the BUCKLEY jail shall, in every instance, first furnish an arrest warrant or citation to the BUCKLEY jail.

5. EATONVILLE LAW ENFORCEMENT OFFICER PRESENCE

EATONVILLE law enforcement officer placing arrested prisoners in custody in the BUCKLEY jail shall be required to remain in the immediate presence of the arrested person and shall be considered to have such person in their sole custody until the BUCKLEY booking officer audibly states that the EATONVILLE law enforcement officer may leave, and as such time and only then, will BUCKLEY come into custody of said prisoner.

6. RECORDKEEPING

EATONVILLE agrees to maintain its own system of arrests and disposition finger print cards.

7. JAIL RULES AND REGULATIONS

EATONVILLE agrees that when any EATONVILLE prisoner is being delivered to the BUCKLEY jail, persons delivering said prisoners shall comply with such reasonable rules and regulations as shall from time to time be established. EATONVILLE prisoners in custody at the BUCKLEY jail will be subject to all applicable rules, regulations and standards governing operation of the BUCKLEY jail, including any emergency security rules imposed by the Chief of Police.

8. EATONVILLE ACCESS TO PRISONERS

All EATONVILLE police officers and investigators shall have the right to interview the prisoners inside the confines of the Buckley jail subject only

to necessary security rules. Interview rooms will be made available to EATONVILLE police officers in equal priority with those of any other department, including the Buckley Police Department.

9. RELEASE OF EATONVILLE PRISONERS FROM BUCKLEY JAIL

No EATONVILLE prisoners confined in the BUCKLEY jail shall be removed except:

- a. When requested by the EATONVILLE police department.
- b. By order of the EATONVILLE court in those matters in which it has jurisdiction, or upon order of the Pierce County District Court, or the Pierce County Superior Court in those matters in which said courts have jurisdiction.
- c. For appearance in the court in which a EATONVILLE prisoner is charged.
- d. In compliance with a writ of habeas corpus.
- e. For interviews by the EATONVILLE attorney or member of the EATONVILLE Police Department.
- f. If the prisoner has served his sentence of the charge pending against said prisoner has been dismissed or bail or other recognizance has been posted as required by the courts.

10. HEALTH CARE

EATONVILLE shall be responsible for all medical, dental or mental health costs incurred by or on behalf of a EATONVILLE prisoner including prescriptions, appliances, supplies or other treatments ordered by the practitioner, with the exception of the services currently provided within the Jail. BUCKLEY may refuse to accept a EATONVILLE prisoner in obvious need of medical, dental or mental health attention.

Additionally, in the event a EATONVILLE prisoner's medical, dental or mental condition in the judgment of the BUCKLEY Jail necessitates the attention of a medical, dental or mental health professional, EATONVILLE authorizes BUCKLEY to solicit such medical dental or mental health services for the EATONVILLE prisoner. It is understood and agreed that prior to soliciting said services BUCKLEY shall make a reasonable effort to notify either orally or in writing the EATONVILLE Police Department of the COPS intention. All emergency situations shall be handled according with BUCKLEY policy, with EATONVILLE being notified the next business day.

BUCKLEY shall only be responsible for a EATONVILLE prisoner's medical, dental or mental health costs if it is determined that said costs were incurred as a result of the negligence of BUCKLEY or its employees. EATONVILLE shall first notify BUCKLEY Chief of Police as to medical or mental health costs for EATONVILLE Prisoners. The parties shall make a good faith effort to resolve any disagreement under this paragraph. If a resolution cannot be reached, the parties shall refer the matter to an independent arbitrator selected by the parties. The cost of arbitration shall be the responsibility of the losing party. Each party shall be responsible for its costs and attorney fees.

11. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

EATONVILLE agrees to indemnify and hold harmless BUCKLEY, its elected and appointed officers, agents and employees from and against all claims, demands and causes of action of any kind or character, including of defense thereof arising from actions of EATONVILLE or its officers or employees.

Similarly, BUCKLEY agrees to indemnify and hold harmless EATONVILLE,

Its elected and appointed officers and employees from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof arising from actions of BUCKLEY, its officers or employees in conducting the jail activity.

12. DURATION AND TERMINATION OF AGREEMENT

The duration of this Agreement shall be for the initial term of one year, commencing May 1, 2011, and shall continue in effect for subsequent calendar year terms provided that either party may terminate this Agreement by giving 90 days written notice to the other party. Provided further that the failure of any party to perform its obligations under this Agreement, said failure amounting to a substantial breach of the terms and conditions contained herein, shall constitute grounds for the withdrawal from this Agreement by any party adversely affected by said breach.

DATE _____

DATE _____

CITY OF EATONVILLE

CITY OF BUCKLEY

By: _____
Mayor

By: _____
Mayor

By: _____
Administrator

By: _____
Administrator

By: _____
Chief of Police

By: _____
Chief of Police

Approved as to form:

Approved as to form:

By: _____
City Attorney

By: _____
City Attorney

RESOLUTION 2011-P

**A RESOLUTION OF THE EATONVILLE TOWN COUNCIL TO AUTHORIZE BID AWARD
FOR THE MASHELL AVENUE IMPROVEMENTS PROJECT**

WHEREAS, the Town advertised and requested bids for the Mashell Avenue Improvements Project and;

WHEREAS, the Town of Eatonville received a low bid of \$1,258,833.00 from Stan Palmer Construction and;

WHEREAS, the Town's Construction Managers, W.H. Pacific has checked references for the contractor,

NOW THEREFOR BE IT RESOLVED by the Council of the Town of Eatonville to award the bid to Stan Palmer Construction in the amount of \$1,258,833.00,

Passed by the Council of the Town of Eatonville at a regular meeting this 11th day of April, 2011.

Raymond Harper, Mayor

ATTEST:

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

Patricia Buchanan, Town Attorney

BID TABULATION SHEET

CONTRACT NAME: Mashall Ave. Improvements Project

BID DATE: 04/04/11

BIDS RECEIVED BY 3:00 P.M. 4/4/11

ADDENDA ISSUED: 2

Firm	BID SIGNED	Total Bid
Nova Contracting	✓	1,390,390.00
Global Contractors LLC	✓	1,163,861.10
Pape & Sons Construction	✓	1,690,159.14
Johansen Excavating	✓	1,320,458.21
Wm. Dickson Co.	✓	1,491,720.38
Tucci & Sons	✓	1,310,513.40
Stan Palmer Construction	✓	1,258,833.00 (1)
Titon Earthworks	✓	1,310,827.60
Sterling Breen	✓	1,289,427.36 (2)
Miles Resources/Woodworth	✓	1,296,953.81 (3)

ENGINEER'S ESTIMATE :	\$1,644,447.50
APPARENT LOW BIDDER:	
Stan Palmer Const	1,258,833.00