

Lloyd Carnahan- Mayor  
Stephanie Hoegh- City Clerk-Treasurer  
Cristy McGee-Deputy Clerk-Treasurer  
Bob Spink- City Engineer  
Lee Kerr, City Attorney

Lisa Stade-Councilwoman  
Lynn Johnson- Councilman  
Bob Bruce- Councilman  
Lorna Deckert- Councilwoman  
Honda Johnson - Councilwoman

## REGULAR CITY COUNCIL MEETING

October 7, 2008

### A G E N D A

Council Chamber  
7:00 P.M.

**TURN OFF ALL CELL PHONES & PAGERS-EMERGENCY PERSONNEL USE SILENT ALERT**

- A. CALL TO ORDER
- B. ROLL CALL
- C. READING AND APPROVAL OF MINUTES FOR REGULAR MEETING SEPTEMBER 16, 2008. AND WORKSHOP ON SEPTEMBER 9, 2008.
- D. OPENING REMARKS, "HOUSEKEEPING" ITEMS, EXECUTIVE SESSION REQUESTS, ETC.
- E. APPROVAL OF AGENDA  
(Only essential changes not requiring preparation, legal & staff review; public notice, or action may be added).

**VISITOR COMMENTS-** for not-on-agenda items- comments simply listened to and noted usually without response. Council will not take action on an item not already on agenda without time to research, read, and receive staff report. Items may be added on future agenda, but not current agenda. Out-of-order comments restricted (purpose of Council meeting is ONLY for Council to conduct Business). If you wish to speak on an item on the agenda, or not on the agenda, complete the Citizen Comment form, and pass it to the City Clerk to be considered by Chair. Please do not speak or make remarks unless recognized by the Chair, then if you are called, come forward to microphone, & give name and address for minutes recorder. Chamber over-flow will be moved to City Community Center.

#### F. REGULAR REPORTS:

- (1) EDC Report
- (2) Staff Reports  
-Code Report
- (3) Engineer Report
- (4) Council Committee Report

#### G. ITEMS FOR APPROVAL:

- 7:30**
- 1. Ad Valorem Tax Public Hearing
  - 2. Second Reading Ord. 838 - Sanlyn Estates Vacation
  - 3. Second Reading - Ord. 839 - Amending BCMC 20.09.510 "Variances"
  - 4. Second Reading - Ord. 840 - Flood Ord. Updates
  - 5. First Reading - Animal Code updates
  - 6. Resolution #2008-24 - John Bequette Award Amendment
  - 7. Service Body for Maint. Truck proposal
  - 8. Wastewater Software proposal
  - 9. Finance Software proposal
  - 10. VOUCHERS

#### H. ITEMS FOR DISCUSSION:

- 1. Benton County Presentation -Webber Canyon Road
- 2. Ribbon Cutting for Ki-Be road and Bike/Walking Path
- 3. Budget Workshop and Public Hearing - Set time/date
- 4. Urban Growth Boundary

#### I. GENERAL COUNCIL COMMENTS

#### J. ADJOURNMENT -Chair

# MEMO

October 7, 2008

To: City Council

From: Stephanie Hoegh  
City Clerk-Treasurer

Re: Public Hearing and 1% Ad Valorem Tax Levy

Council:

The following information will help you to determine the need to approve and pass the 1% Ad Valorem Tax for the calendar year 2009. After the Public Hearing, an Ad Valorem Tax levy ordinance will be presented to you at the October 21 council meeting. If approved, it will be reflected into the 2009 preliminary budget, followed up with *first reading* of the 2009 Approved Budget Ordinance in November.

## **001-Current Expense Fund-**

The City's reserves were used in 2008 to pay for projects, including I-82, the bike/walking trail and researching the Aquatic Park. It is important to build these reserves again for funding future projects. One of the largest revenues comes from the Property Taxes. 54% stays in 001 (general fund) and 46% is used for the 101 (streets). Current Expense is the only fund that can be transferred to any fund.

## **101- Street Fund-**

This fund must have maintenance and operations (M&O) for all the streets and roads. The City needs to keep a minimum of \$ 300,000 of reserves for streets and/or roads emergencies. One of the largest revenues comes from the Property Taxes and this 46% comes from the Current Expense Fund.

## **401- Water/Sewer Fund-**

This fund cannot transfer to any other fund.  
This fund is dedicated for Water and Sewer projects ONLY.

First Reading: 9/2/08

Second Reading: \_\_\_\_\_

**ORDINANCE NO. 838**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, VACATING THE 30-FOOT ACCESS AND  
UTILITY EASEMENT AND RETAINING A 20-FOOT  
UTILITY AND EMERGENCY ACCESS EASEMENT ON  
THE WESTERLY PORTION OF LOT 10 BLOCK 1, 302  
SANLYN COURT, SANLYN ESTATE DIVISION II**

**WHEREAS**, a request has been submitted to the City Council of the City of Benton City, Washington, requesting vacation of a portion of the access and utility easement on Lot 10 Block 1 (302 Sanlyn Court), Sanlyn Estates Division II, within the City of Benton City; and

**WHEREAS**, it has been determined that the general access easement was not necessary to provide surface access on and over portions of Lots 10, but, however, a 20-foot utility easement is necessary together with a 20-foot surface access for emergency vehicles only, as recommended by the City Engineer, and that the excess portions of the easement be vacated and the purpose of the access easement be limited to emergency vehicles only; and

**WHEREAS**, a public hearing having been held on the 5<sup>th</sup> day of August, 2008, and all procedural requirements having been met for the vacation of this access easement; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** That the following described access and utility easement shall be and the same is hereby vacated subject to the emergency access and utility easement retained in Section 2 hereof:

Existing 30-foot Access and Utility Easement located on the West 30 feet of Lot 10 as shown on Final Plat of Sanlyn Estates Phase 2 Volume 15 of Plats, Page 304, Benton County Auditor's Fee No. 2006-018128.

**Section 2.** That the City shall retain a utility easement for existing City utilities and an emergency vehicle access easement on the West 20 feet of Lot 10 as shown on Final Plat of Sanlyn Estates Phase 2 Volume 15 of Plats, Page 304, Benton County Auditor's Fee No. 2006-018128. This retained utility easement shall be for the construction, repair, maintenance, operation, removal and substitution of utilities and services.

The emergency access easement shall be retained for the purpose of access by emergency vehicles only and may be gated or barricaded for the readily available access being provided to emergency service providers.

**Section 3.** That a certified copy of this Ordinance shall be recorded by the City Clerk of the City of Benton City, Washington, in and with the office of the Auditor of Benton County, Washington.

**Section 4.** This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
City Clerk-Treasurer

\_\_\_\_\_  
Leland B. Ker  
City Attorney

First Reading: 9/16/08

Second Reading: \_\_\_\_\_

**ORDINANCE NO. 839**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, AMENDING SECTION 20.09.510  
“VARIANCE”**

**WHEREAS**, it has been determined by the City Council of the City of Benton City, Washington, that the hearing and rendering of decisions regarding applications for variances to the Benton City Municipal Code can best be performed by the City’s Planning Commission; and

**WHEREAS**, those responsibilities have heretofore been delegated to the Hearing Examiner and to facilitate this change in responsibilities, changes are required to the Zoning Ordinance in the Benton City Municipal Code; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** That Section 20.09.510 entitled “Variance” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**20.09.510** **Variance.** "Variance" means a modification of the certain requirements of the zoning title which will not be contrary to the public interest, and where, owing the condition peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance codified in Chapter 20.02 through 20.67 would result in an unnecessary and undue hardship. In no case shall the establishment or expansion of any use be permitted by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district on the effective date of the ordinance codified in this chapter or upon annexation. The variance process offers relief for property owners who due to some physical limitation of their land are denied the same rights and privileges enjoyed by other similar property owners in the same zone and vicinity. The variance process shall be as described in sections 2.70.040 through 2.70.140 with the exception that the following criteria must be added to the determination made by the ~~Board of Hearing Examiners~~ Planning Commission or in the instance of a consolidated permit application by the Planning Commission and the City Council and the variance can only be approved upon finding that:

- A. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.

- B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other property or improvements in the vicinity and zone in which the subject property is located.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
- D. The alleged hardship has not been created by action of the present or prior owners.
- E. Approval of the variance will not cause a nuisance, harm adjoining properties, the neighborhood or the environment, or adversely affect implementation of the comprehensive plan.
- F. The variance approved is the minimum relief from the requirements of this code necessary to permit a reasonable use of the land. (Ord. 765, September 2003.)

**Section 2.** This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
*Mayor*

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
*City Clerk-Treasurer*

\_\_\_\_\_  
Leland B. Kerr  
*City Attorney*

First Reading: 9/16/08

Second Reading: \_\_\_\_\_

**ORDINANCE NO. 840**

**AN ORDINANCE OF THE CITY OF BENTON CITY,  
WASHINGTON, AMENDING CHAPTER 15.10 “FLOOD  
DAMAGE PREVENTION” TO UPDATE CONSISTENT  
WITH CHANGES IN STATE AND FEDERAL LAWS AND  
REGULATIONS**

**WHEREAS**, the Washington State Legislature has delegated the responsibility to local government units to adopt regulations to promote the public health, safety and welfare to prevent or minimize damage from anticipated flooding; and

**WHEREAS**, the City has previously in 1987 adopted a Flood Prevention Ordinance codified as Chapter 15.10 to participate in the National Flood Insurance Program (NFIP) designed to provide insurance to property owners for flood hazards through insurance companies and the Federal government; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) permits local jurisdictions to enact regulations that allow the implementation of flood proofing standards; and

**WHEREAS**, substantial changes have been made to both the NFIP and the FEMA regulations, as well as building and administrative proceedings within the City; and

**WHEREAS**, the City has recognized that the need to amend the outdated portions of this Chapter and update this Chapter in conformity with the change of State, Federal and local regulations; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1.** That Section 15.10.086 entitled “Expansion to an Existing Manufactured Home or Subdivision” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.086**     **Expansion to an Existing Manufactured Home Park of Subdivision**  
means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading, or the pouring or the pouring of concrete pads). (Ord. 730, September 2001.)

**Section 2.** That Section 15.10.140 entitled “Manufactured Home” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.140     Manufactured Home**

- A.**     Manufactured home means a dwelling unit built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act (or successor) legislation which constitutes a national, preemptive building code, and Washington State Department of Labor and Industries standards as provided in WAC 296-150M.
- B.**     For flood plain management purposes the term “Manufactured Home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- C.**     For insurance purposes the term “Manufactured Home” does not include park trailers, travel trailers, and other similar vehicles. (Ord. 506, March 1987.)

**Section 3.** That Section 15.10.150 entitled “Manufactured Home Park or Subdivision” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.150     Manufactured Home Park or Subdivision** shall have that same meaning as provided for in BCMC 20.09.286, BCMC 20.26 and 20.27. (Ord. 506, March 1987.)

**Section 4.** That Section 15.10.168 entitled “Recreational Vehicle” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.168     Recreational Vehicle** means any vehicle primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that has either its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers. (Ord. 730, September 2001.)

**Section 5.** That Section 15.10.180 entitled “Structure” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.180     Structure** means any construction built in conjunction to any use which cannot be defined as a building, to include fences, walls, supporting members of signs and uses of similar nature. Anything constructed, the use of which requires permanent location on the ground or attached to

something having a permanent location on the ground. (Ord. 506, March 1987.)

**Section 6.** That Section 15.10.200 entitled “Variance” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.200** **Variance** means a grant of relief from the requirements of this ordinance in a manner provided by BCMC 20.09.510 which permits construction in a manner that would otherwise be prohibited by this ordinance. (Ord. 506, March 1987.)

**Section 7.** That Section 15.10.220 entitled “Basis for Establishing the Areas of Special Flood Hazard” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.220** **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Benton City, Washington,” dated July 1979, and any revisions thereto, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, Benton City, Washington. (Ord. 506, March 1987.)

**Section 8.** That Section 15.10.230 entitled “Penalties for Noncompliance” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.230** **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished pursuant to the general penalty provisions contained in Section 1.16.010 of the Benton City Municipal Code, and for each violation in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Benton City, Washington, from taking such other lawful action as is necessary to prevent or remedy any violation, including injunctive relief provided below. (Ord. 506, March 1987.)

**Section 9.** That Section 15.10.235 entitled “Injunctive Relief” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.235** **Injunctive Relief.** Notwithstanding the existence or use of any other remedy or means of enforcement of the provisions of this Chapter, the City may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any of the provisions hereof, and compel compliance with all provisions of this Chapter. The costs of such action shall be taxed against the person violating the provisions of this Chapter. The building official of the City of Benton City may accept a written assurance of discontinuance of any act in violation of this Chapter from any person who has engaged in such act subject to verification of compliance. Failure to comply with the assurance of discontinuance shall be further violation of this Chapter. (Ord. 506, March 1987.)

**Section 10.** That Section 15.10.290 entitled “Duties and Responsibilities of the Mayor or his Designee” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.290** **Duties and Responsibilities of the Mayor or His Designee.** Duties of the Mayor or his designee shall include, but not be limited to:

- A. **Permit Review.**
  - 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
  - 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.10.320A are met.
- B. **Use of other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 15.10.220, the Mayor or his designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 15.10.320, SPECIFIC STANDARDS, and 15.10.330, FLOODWAYS. (Ord. 529, July 1989.)
- C. **Information to be Obtained and Maintained.**
  - 1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 15.10.290B, obtain and record the actual (as-built) elevation (in relations to

mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed, nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 15.10.320:
  - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
  - b. Maintain the floodproofing certifications required in Section 15.10.270B3.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (Ord. 529, July 1989.)

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.10.300. (Ord. 506, March 1987.)

**Section 11.** That Section 15.10.300 entitled "Variance Procedure" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.300**     **Variance Procedure.**

A. Appeal Procedure.

1. The Planning Commission as established by the City of Benton City, Washington, shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Mayor or his designee, in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Planning Commission may appeal such decision to the City Council of the City of Benton City. The decisions of the City Council may be appealed to the Benton County Superior Court for review under the Land Use Petition Act (RCW 36.70C) within twenty-one (21) days of the date of the City Council's decision.
4. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 5. Upon consideration of the factors of Section 15.10.300A4 and the purposes of this ordinance the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
  - 6. The Mayor, or his designee, shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

- 1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 15.10.300(A)(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- 2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 15.10.300(A)(4); or
  - d. Conflict with existing local laws or ordinances.
6. Variances shall be interpreted in compliance with the National Flood Insurance Program, based on the general zoning law principles that pertain to a physical piece of property and are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. Variances must primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be granted only with limited circumstances.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 15.10.300B1, and otherwise complies with the requirements of Section 15.10.310 (General Standards).
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 506, March 1987.)

**Section 12.** That Section 15.10.305 entitled "Hearings" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.305** **Hearings.** Any person alleging an error in any requirement, decision or determination by the Mayor in the enforcement or administration of this Chapter may appeal that decision to the City Council upon written notice within ten (10) days of the date of the Mayor or his designee's decision. Such notice shall state specifically the factual basis of such alleged error and shall contain a list of the names and addresses of all property owners of record within a radius of three hundred feet of the exterior boundaries of the subject property certified accurate by a title company or the Benton

County Assessor. Upon receipt of notice of appeal and necessary support documents, the City Council shall set the time and place for a public hearing. Notification of hearing shall be made in the following ways:

- A. A written notice of hearing shall be sent by U.S. Mail to all property owners of record within a radius of three hundred feet of the exterior boundary of the subject property. Written notice shall be mailed not less than ten days prior to the hearing.
- B. A legal notice shall be placed in the official newspaper at least ten days prior to the hearing date.
- C. Written notice shall be mailed to the appellant at the address designated on the notice of appeal at least ten days prior to the hearing date. (Ord. 506, March 1987.)

**Section 13.** That Section 15.10.310 entitled "General Standards" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.310** **General Standards.** In all areas of special flood hazards, the following standards are required:

- A. Anchoring.
  - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - 2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- B. Construction Materials and Methods.
  - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into flood waters; ~~and,~~
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Water wells shall be located on high ground that is not in the floodway.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

E. Review of Building Permits.

1. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for Building Permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of

reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding etc., where available.

2. Un-numbered A-Zones. Residential and commercial structures in these un-numbered A-Zones must be elevated with their lowest floor at least two feet (2 ft.) above the highest adjacent grade "44CFR59.1". Failure to elevate at least two feet in these zones may result in higher insurance rates. (Ord. 730, September 2001; Ord. 506, March 1987.)

**Section 14.** That Section 15.10.320 entitled "Specific Standards" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.320** **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.10.220, Basis for Establishing the Areas of Special Flood Hazard or Section 15.10.290B, Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below one foot above the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water.
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.10.290B2.
  4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 15.10.320A2.
  5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- C. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.10.310A2.
- D. Recreational Vehicles. Recreational vehicles placed on sites within Zones A, A1-30, and AE, in the City's FIRM, must either (a) be onsite for fewer than 180 consecutive days, or (b) be fully licensed and ready for highway use, be on its wheels, or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanent attached additions; or (c) meet the requirements of Subsection C above. (Ord. 730, September 2001; Ord. 529, July 1989; Ord. 506, March 17, 1987.)

**Section 15.** That Section 15.10.330 entitled “Floodways” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.330**     **Floodways.** Located within areas of special flood hazard established in Section 15.10.220 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 15.10.330A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.10.310 through 15.10.350. (Ord. 506, March 17, 1987).
- C. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
  - 1. Repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
  - 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent (50%) of the market value of the structure, either; (i) before the repair, reconstruction, or repairs started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes which have been identified by the Local Building Official, and which are the minimum necessary to ensure safe living conditions. No structures identified as historic places shall be included in the fifty percent determination. (Ord. 730, September 2001; Ord. 529, July, 1989.)

**Section 16.** That Section 15.10.350 entitled “Critical Facilities” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

**15.10.350**     **Critical Facilities.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year Flood Plain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor level three feet or more above the level of the base flood

elevation or to the height of the 500-year flood, whichever is higher,. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Ingress and egress routes, elevated to or above the base flood level, shall be provided to all critical facilities to the extent possible. (Ord. 730, September 2001.)

**Section 17.** In the event any portion of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provision of this Ordinance shall remain in full force and effect.

**Section 18.** Upon passage, this Ordinance shall be submitted to the Department of Ecology pursuant to RCW 86.16.041 and, unless disapproved by the Department of Ecology, shall be published thirty (30) days after the filing of the Ordinance with the Department of Ecology and shall become effective five (5) days thereafter.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
City Clerk-Treasurer

\_\_\_\_\_  
Leland B. Kerr  
City Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BENTON CITY, WASHINGTON, REPEALING CHAPTER 6.04 “DEFINITIONS”; CHAPTER 6.08 “ANIMAL REGULATIONS GENERALLY”; CHAPTER 6.12 “DOG LICENSES”; CHAPTER 6.16 “IMPOUNDMENT”; CHAPTER 6.20 “KENNELS”; CHAPTER 6.24 “RABIES CONTROL”; CHAPTER 6.28 “VIOLATION - - PENALTY”; AND ENACTING CHAPTER 6.03 “ANIMAL CONTROL”**

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** That Chapter 6.04 entitled “Definitions”, Chapter 6.08 entitled “Animal Regulations Generally”, Chapter 6.12 entitled “Dog Licenses”, Chapter 6.16 entitled “Impoundment”, Chapter 6.20 entitled “Kennels”, Chapter 6.24 entitled “Rabies Control” and Chapter 6.28 entitled “Violation - - Penalty” of the Benton City Municipal Code shall be and hereby are repealed in their entirety.

**Section 2.** That a new Chapter 6.03 entitled “Animal Control” of the Benton City Municipal Code shall be and hereby is enacted and shall read as follows:

Chapter 6.03

ANIMAL CONTROL

Sections:

- 6.03.010 Definition of Terms.
- 6.03.030 Animals Injuring Property Unlawful.
- 6.03.040 Stray Animal a Nuisance.
- 6.03.050 Dog Control.
- 6.03.060 Impounding of Animals.
- 6.03.070 Notice of Impounding.
- 6.03.080 Redemption of Impounded Animal.
- 6.03.100 Disposition of Unclaimed Animals.
- 6.03.120 Destruction of Animals.
- 6.03.130 Interference with Officers – Failure to Redeem – Frauds.
- 6.03.140 Warning Notifications.
- 6.03.150 Notice of Violations.
- 6.03.160 Confinement.
- 6.03.170 Crimes Against Animals.
- 6.03.175 Removal of Animal – Notice.
- 6.03.180 Duties Upon Injuries or Death of an Animal.

- 6.03.190 License - Dogs, Required.
- 6.03.200 License – Receipt and Tags.
- 6.03.210 License Procedures - Receipts and Tags.
- 6.03.220 License Procedures - Affixing Tags.
- 6.03.230 License – No Cost for Adopted Animals.
- 6.03.240 License Tags not Transferable.
- 6.03.250 Kennel - Licensing Provision – Commercial Kennels.
- 6.03.255 Kennel – Standards and Inspection – Commercial Kennels.
- 6.03.260 Kennel - Dog Licensing and Vaccination Requirements.
- 6.03.270 Altering, Counterfeiting or Transfer of Tags
- 6.03.280 Animal Bites – Impounding.
- 6.03.290 Health Officer to Quarantine.
- 6.03.300 Notice Of Quarantine.
- 6.03.310 Potentially Dangerous and Dangerous Animals.
- 6.03.320 RCW Sections Adopted – Possession of Potentially Dangerous Wild Animals Prohibited.
- 6.03.330 Animals Disturbing the Peace.
- 6.03.340 Responsibility of Owner.
- 6.03.350 Penalty Provisions.
- 6.03.360 License Fees.

**6.03.010** **Definition of Terms.** As used in this chapter, unless the context indicates otherwise:

- A. “Abandon” means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care. An animal left without adequate care for three or more days shall be *prima facie* evidence that the animal has been abandoned.
- B. “Animal” includes but is not limited to dogs.
- C. "Animal Control Authority" or "Poundmaster" means the person, entity, association or corporation, appointed or authorized by the City for enforcement of the animal control laws, shelter and welfare of animals within the City of Benton City.
- D. "Animal Control Officer" refers to that person employed by or under contract to the City to enforce the provisions of this Title.
- E. "At Heel." A dog shall be deemed to be "at heel" during such times as the dog is positioned and controlled in such a manner so as to remain within a distance of two feet from its owner or other competent person having charge of such dog.

- F. "At Large" means off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the city. A dog shall not be deemed at large if:
1. It is attached to a leash or chain of sufficient strength to restrain the dog and not more than eight feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;
  2. It is properly restrained within a motor vehicle or housed in a veterinary hospital;
  3. It is accompanied by and "at heel" beside the owner or a competent responsible person;
  4. The dog or dogs are left unattended on the owner's premises, and it or they shall be so confined, tied or restrained as to be unable to range beyond the owner's premises.
- G. "Commercial Kennel" means any lot, premises, building or structure where four or more dogs over six months of age are kept.
- H. "Competent Person" means any person who, by reason of age and physical ability, and training, is capable of maintaining control of an animal to the extent required by this chapter.
- I. "Dangerous Dog" means any dog that:
1. Has inflicted severe injury on a human being without provocation;
  2. Has killed a domestic animal or livestock animal without provocation; or
  3. Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- J. "Dog" means and includes female, neutered female, male and neutered male dogs.
- K. "Domestic Animal" means a tame animal in the house or home, or on the property, living with or used by people for companionship, work, and a food source.

- L. "Health Officer" includes any person designated as such by the Benton-Franklin district health office, or any other person designated as such by the City Council.
- M. "Livestock" includes, but is not limited to, horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, water fowl, game birds and other species designated as "livestock" by statute.
- N. "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal for three consecutive days or more. An animal is deemed to be harbored if it is fed or sheltered for three consecutive days or more and knowingly permitted to remain on the premises occupied by that person. If the owner of the animal is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the owner of the animal.
- O. "Person" includes any person, partnership, corporation, trust or association of persons.
- P. "Potentially Dangerous Dog" means any dog that when unprovoked:
1. Inflicts injury on a human or a domestic animal or livestock;
  2. Chases or approaches a person upon the streets, sidewalks, any public grounds, or upon private property other than that of the animal's owner, in a menacing fashion or apparent attitude of attack; or
  3. Has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
- Q. "Potentially Dangerous Wild Animal" means one of the following types of animals, whether bred in the wild or in captivity, and any or all hybrids thereof:
1. Class mammalia.
  2. Order carnivore.
  3. Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, clouded leopards, bobcats, and wild cats.
  4. Family canidae, wolves, excluding wolf-hybrids.

5. Family ursidae, all bears.
  6. Family hyaenidae, such as hyenas.
  7. Order perissodactyla, only rhinoceroses.
  8. Order primates, all nonhuman primate species.
  9. Order proboscidae, all elephant species.
  10. Class reptilia.
  11. Order squamata.
  12. Family atractaspidae, all species.
  13. Family colubridae, only dispholidus typus.
  14. Family elapidae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes.
  15. Family hydrophiidae, all species, such as snakes.
  16. Family varanidae, only water monitors and crocodile monitors.
  17. Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers.
  18. Order crocodilia, all species, such as crocodiles, alligators, caimans, and gavials.
- R. "Poundmaster" means the Chief Officer appointed by the Mayor for the enforcement of animal control laws and regulations. The Poundmaster may include or employ deputies.
- S. "Proper Enclosure" means, while on the owner's property, a dangerous, or potentially dangerous animal shall be securely confined indoors or in an outside securely enclosed and locked pen or structure, resistant to tunneling, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides not less than five feet high and a secure top, and shall provide protection from the elements for the animal. The requirement for a secure top on the enclosure may be waived by the poundmaster upon showing that it is unnecessary. This section shall not apply to guard dogs or watch dogs utilized to secure premises enclosed by a fence or wall not less than

five feet high and resistant to tunneling, located within an industrial or commercial zone.

- T. "Severe Injury" means any physical injury that results in death, broken bones or disfiguring lacerations requiring one or more sutures or cosmetic surgery.
- U. "Veterinary Hospital" means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.
- V. "Welfare check" means tending to the well being of an animal.

Whenever a type or breed of animal is described in this chapter, it includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by the animal's appearance, behavior or pedigree.

Whenever a power is granted to, or a duty is imposed upon the Poundmaster or other public officer, the power may be exercised or the duty performed by an agent of the officer or by any person duly authorized unless this chapter expressly provides otherwise.

All other words and phrases used in this chapter will have their commonly accepted meanings.

**6.03.030**     **Animals Injuring Property Unlawful.** It is unlawful for any owner to suffer or permit any dog or other animal to trespass on private or public property so as to damage or destroy any property or thing of value, kill, maim or disfigure another's animal or livestock, or to deposit fecal matter on any property not that of his owner, and the same is declared to be a nuisance and any such dog or other animal may be seized and impounded.

**6.03.040**     **Stray Animal a Nuisance.** Any stray dog or animal running at large within the City is declared to be a nuisance and any such stray dog or animal may be seized and impounded. For the purpose of this section, "stray dog" or "stray animal" means and includes any dog or animal appearing or remaining in a neighborhood or any public place without an apparent home.

**6.03.050**     **Dog Control.**

- A. No dog, licensed or not, shall be permitted to roam or stray or be off its owner's premises unless it is at all times under the control of a person. It is the owner's responsibility to do all things reasonably necessary to ensure

compliance with this section; that a dog is found away from its owner's premises and not under the control of a responsible person shall be prima facie evidence of a violation of this section.

- B. Dog Leashes Required. It is unlawful for any owner to cause, permit or allow any dog owned, harbored, controlled or kept by him, in this City, to roam, run at large or stray away from the premises where the same is owned, harbored, controlled or kept, except that while away from said premises, such dog shall at all times be controlled by being "at heel," or by means of a leash not exceeding eight feet in length, by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. This section shall not apply to dogs which are in special areas which may be designated by the City as dog training areas and so long as the regulations of the City with respect to the use of such areas are complied with, and said dogs are under the custody and control of a competent trainer.
- C. No dog shall be permitted to commit the following offenses on any premises or property, private or public: bite, or attempt to bite any person, destroy private property, scatter refuse, chase vehicles, or commit any nuisance defined in this chapter or any other ordinance or law.

**6.03.060**     **Impounding of Animals.** Any animal off the premises of the owner and not under the control of some person, or which is otherwise in violation of this chapter and subject to impound, shall be impounded.

**6.03.070**     **Notice of Impounding.** Upon seizing and impounding of any dog or other animal, the poundmaster shall give notice of such impounding in substantially the following manner:

- A. If the animal is licensed and is wearing a license tag, or if the identity of the owner is known to or can readily be determined by the poundmaster, then, as soon as reasonably practicable after the animal is impounded, the poundmaster shall notify the owner by telephone or otherwise that the animal has been impounded and may be redeemed as provided in this chapter.
- B. If the owner is known to the poundmaster, but cannot be notified under the provisions of subsection (A) of this section, or if the owner is so notified and does not appear to redeem his animal within twenty-four hours of the time of impounding, then the poundmaster may send, by certified and regular mail, a notice in substantially the following form:

**NOTICE OF IMPOUNDING**

Date: \_\_\_\_\_

TO WHOM IT MAY CONCERN:

I have this day seized and impounded in the City animal shelter at \_\_\_\_\_ Street, an animal described as follows:

Dog \_\_\_\_\_ Other \_\_\_\_\_

Sex \_\_\_\_\_ Color \_\_\_\_\_ Breed \_\_\_\_\_ Approximate Age \_\_\_\_\_

Other Identification \_\_\_\_\_

Name of Owner \_\_\_\_\_

Notice is hereby given that unless said animal is claimed and redeemed on or before \_\_\_\_\_ o'clock \_\_\_\_ M. on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, the same will be sold, adopted or destroyed as provided by ordinance.

Signed \_\_\_\_\_  
Poundmaster

- C. If the owner cannot be readily identified, then the poundmaster shall post notice at City Hall in a conspicuous location. Notice shall state the description of the animal and location where the animal was found

**6.03.080 Redemption of Impounded Animal.**

- A. Unless this chapter requires impounding for a longer period of time, any impounded animal may be redeemed by the owner, or authorized representative of the owner, by payment to the poundmaster of an impounding fee and a boarding fee for each calendar day, or part thereof, the animal has been confined, including the day on which the animal is first impounded. Each fee shall be as set forth by the current City Fee Schedule Resolution provided that the impounding fee shall be increased for the second impoundment and for the third and subsequent impoundments during a twelve month period. If the animal has no valid license tag the owner shall also obtain a license tag for the current year or duplicate tag in accordance with the provisions of this chapter.
- B. Upon receiving payment of all fees due, the poundmaster shall execute a receipt in duplicate, and one shall be delivered to the owner, upon which the owner shall acknowledge delivery of the animal and one shall be retained by the poundmaster.

- C. If the animal has been declared potentially dangerous or dangerous, the owner must also obtain a permit in accordance with 6.03.320 before such animal can be redeemed by the owner.

**6.03.100**     **Disposition of Unclaimed Animals.** Any impounded dog or other animal that is not claimed or redeemed by its owner within 72 hours, the poundmaster may place the animal up for adoption, sell the animal or humanely destroy the animal. For the purpose of determining whether the 72 hours has expired, the following methods shall be used:

- A. If the dog or animal is unlicensed or the owner cannot be identified by means of an identicode or other identification implant, the 72 hours shall commence upon impound. Time begins when the poundmaster posts the notice at City Hall in a conspicuous location.
- B. If the owner can be ascertained by identicode or tags or other informational implant, the time shall begin:
  - 1. If notified by telephone, time begins when the telephone contact was made with the owner by the poundmaster.
  - 2. If the owner was mailed notice by certified and regular mail, time begins when the notice was mailed.

**6.03.120**     **Destruction of Animals.** In the event of an emergency endangering the health or safety of any person, where seizure and impoundment is deemed inadvisable or impracticable, or for humane considerations, the poundmaster or other police officer at his/her discretion may summarily destroy the animal involved.

**6.03.130**     **Interference with Officers – Failure to Redeem – Frauds.**

- A. It is unlawful for any unauthorized person to break open, or attempt to break open, the City animal shelter, or to take or let out animals there from, or to take or attempt to take from any officer any animal seized by him in compliance with this chapter, or in any manner interfere with or hinder such an officer in the discharge of his duties under this chapter.
- B. It is unlawful for any person to knowingly refuse to redeem an impounded animal or to obtain an animal from the poundmaster and return it to a former owner without first paying all impound fees.
- C. Any person violating the provisions of this section shall be guilty of a misdemeanor.

**6.03.140**      **Warning Notifications.** The Poundmaster may issue a warning notification for the first offense of letting an animal be at large. If a warning notification is issued, the warning notification shall be in duplicate. The first copy shall be given to the animal's owner, and the second copy shall be returned to City Hall.

**6.03.150**      **Notice of Violations.**

- A. The Poundmaster may issue a warning notification or a notice of violation to an animal's owner for such owner's first violation of the terms of this chapter. If, however, after receiving the violation or warning notification, the animal's owner continues to violate this chapter, the Poundmaster shall on all subsequent offenses issue a notice of violation.
- B. The notice of violation shall either be given directly to the animal's owner or custodian, or to a person of suitable age and discretion, a resident of the household of the owner or custodian. However, if, after making one attempt, the Poundmaster is unable to give the Notice of Violation to the animal's owner or custodian or person of suitable age and discretion, who is a resident of the household of the owner or custodian, the Notice of Violation may be served by mailing it regular and certified mail, return receipt requested, to the animal's owner or custodian at the address appearing on the license form. Service of Notice of Violation shall be deemed completed three days after mailing by certified mail, return receipt requested.

**6.03.160**      **Confinement.**

- A. Every female dog in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog cannot come in contact with other animals except for intentional breeding purposes.
- B. Dogs kept outdoors for more than six hours at one time must be provided with a moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable.

**6.03.170**      **Crimes Against Animals.**

- A. Any person who, with the intent to deprive or defraud the owner thereof, takes, leads away, confines, secretes, or who conceals the identity by obscuring, altering or removing any collar, tag, license, tattoo or other identifying device or mark on any dog or other domestic animal shall be guilty of a gross misdemeanor.

- B. Any person who willfully molests provokes or mistreats any animal or willfully opens any door or gate or unleashes any animal for the purpose of allowing it to leave its owner's property or to be at large shall be guilty of a misdemeanor.
- C. Any person who shall willfully injure, torture, torment, mutilate, neglect, or deprive of the necessary food or water, or who shall overdrive, overload, overwork, or work when disabled, cruelly beat, mutilate, or cruelly kill any dog or other animal, or cause or procure an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of the necessary food and water, cruelly beaten or killed or who shall kill or wound any domestic animal by use of any gun, club, knife, bow and arrow or other weapon which may be used for the purpose of inflicting injury or death to any such animal, shall be deemed guilty of a gross misdemeanor. Any owner of an injured, ill, malnourished, neglected or mistreated animal shall provide necessary veterinary care or aid of such animal as may be necessary, as determined by the poundmaster, provide for the recovery of or relief from unnecessary suffering of the animal.
- D. Any person who shall maliciously kill, maim or disfigure another's animal, or maliciously administer poison to any such animal, or expose any poisonous substance with intent that the same should be taken by such animal, or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omission herein contemplated be committed either maliciously, willfully or negligently, or knowingly permit such act or omission, or shall cause or procure the same to be done shall be deemed guilty of a gross misdemeanor.
- E. It is unlawful for any person to abandon any domestic animal by dropping off or leaving such animal on the street, road or highway, or in any other public place, or on the private property of the owner another, including unauthorized abandonment at an animal shelter.
- F. This section does not apply to the killing of any animal by a police officer, Poundmaster, a licensed veterinarian, the owner of such an animal or a person authorized by him to destroy such animal; provided, however, that the death of such an animal is accomplished in a humane manner and for lawful purpose.
- G. Every person, firm or corporation convicted of violating this section shall be subject to the penalties provided in Section 1.16.010.

**6.03.175**     **Removal of Animal – Notice.**     If a law enforcement officer or Poundmaster has probable cause to believe than an owner of a domestic animal has violated BCMC 6.03.170 and no responsible person can be

found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of the poundmaster (RCW 15.62.085). An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition. In all cases, the officer shall make a good faith effort to notify the owner prior to the animal's removal. If contact cannot be made, notice shall be given posing the place of the seizure, by delivering to a person residing at the place of seizure, or by registered mail if the owner is known.

**6.03.180**     **Duties Upon Injuries or Death of an Animal.** It shall be the duty of every person operating or driving a vehicle involved in an accident resulting in an injury or death to a dog or other animal to report the same immediately to the poundmaster by telephone, and to report the same in writing within twenty-four hours after the occurrence of such accident to the poundmaster, giving the relevant information concerning the accident, the report to be made on forms provided by the poundmaster.

**6.03.190**     **License – Dogs, Required.** Except as provided in Section 6.03.260, no person may keep, harbor or permit to be kept any dog over seven months of age unless it is licensed.

- A. Licenses will be issued annually by the City. The license fee must be paid after January 1st of each year but before expiration of the existing license. Each license is valid until the final day of January of the following year.
- B. Before a license is issued for any dog, the owner must prove, by a certificate of vaccination signed by a licensed veterinarian that the dog has been vaccinated against rabies at the time of licensing; provided, however, the animal control officer may issue a temporary ten (10) day license contingent upon the owner securing a veterinarian's certificate of vaccination required under this chapter prior to the expiration of the temporary license and further providing that all license fees, including late fees, have been paid. If a certificate is not presented within ten (10) days, it shall be another separate violation of this chapter for each day over ten (10) days that proof is not presented.
- C. A veterinarian's certificate is necessary to prove that a dog has been neutered or spayed.
- D. Newly acquired dogs over the age of seven months must be vaccinated and licensed within 30 days of acquisition.

- E. Fees for licenses will be established by the current City Fee Schedule Resolution from time to time and must be paid before the license is issued.
- F. No license is required of non-residents staying temporarily within the City for not more than thirty days. Licenses must be obtained within thirty days of the owners establishing residence within the City.
- G. Any dog reaching seven months of age before the last day of February must be licensed by that date.

**6.03.200 License – Receipts and Tags.**

- A. License receipts shall provide space for the following information: sex, color, breed, other identifying marks (if any), approximate age, date and serial number of vaccination, name and address of owner, date of issuance, and amount of license fee.
- B. License tags shall bear numbers corresponding with those of the license receipts and indicating the expiration date of such license. The shape of the tags shall vary from year to year, and they shall be of a suitable size.

**6.03.210 License Procedures - Receipts and Tags.** Upon the payment of the license fee and fulfillment of the licensing requirements, the original of the receipt, together with a license tag as provided for in this chapter, shall be delivered to the applicant. A copy shall be retained by the City and a copy delivered to the poundmaster.

**6.03.220 License Procedures - Affixing Tags.** The owner shall cause a valid license tag to be permanently affixed to the collar of the animal so that such license tag is in such a position that it may be easily seen by the animal control officer. The owner shall cause the tag to be worn by such animal at all times.

**6.03.230 License – No Cost For Adopted Animals.** The poundmaster is authorized to issue a no-cost animal license for an impounded, stray animal upon its adoption under the approved process. All other license requirements shall apply. Such license shall only be valid until the final day in February in the year following the year of issuance.

**6.03.240 License Tags Not Transferable.** License tags shall not be transferable. No refund shall be made of any dog license fee for any reason.

**6.03.250 Kennels - Licensing Provision - Commercial Kennels.** No person, firm or corporation shall maintain a commercial kennel within the City without having a current Category A business license and valid commercial kennel

license posted in plain view on the premises. The City Clerk shall issue an annual business license and commercial kennel licenses upon the payment of an annual fee as established by the current City Fee Schedule Resolution and upon receipt of an annual Certificate of Inspection from the Code Enforcement Officer. No license shall be issued for a commercial kennel located in violation of any zoning regulations governing the location of commercial kennels, or operated in violation of any other law.

**6.03.255 Kennel – Standards And Inspection – Commercial Kennels.**

- A. Construction and maintenance. All facilities shall be so constructed and maintained as to provide comfort and safety for animals. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state and municipal laws, ordinances and regulations.
- B. Ventilation. Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas. Kennels and animal shelters must provide for a minimum of three air changes per hour.
- C. Lighting. Proper lighting shall be provided in all rooms utilized for the care and confinement of animals. Outside lighting shall be adequate to identify the building and to assist the animal caregivers and clients.
- D. Water. Potable water shall be provided.
- E. Basic sanitation. Any equipment, instruments or facilities used in the confinement and treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.
- F. Waste disposal. Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.  
  
Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.
- G. Animal housing areas. Any facility confining animals shall have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.
- H. Runs and exercise area. All runs and exercise pens shall be of adequate size to allow comfort and exercise. Runs and exercise pens shall provide and allow effective separation of adjacent animals and their waste

products, and shall be constructed in such a manner as to protect against escape or injury. Floors of runs shall be of impervious material.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

**6.03.260**      **Kennel - Dog Licensing and Vaccination Requirements.**

- A. Any dog kept in a licensed kennel need not be individually licensed, provided that at all times when not securely confined in the kennel the dog is kept on a suitable leash.
- B. A kennel license shall cause all dogs over six months of age kept in that kennel to be vaccinated against rabies. Any dog for which evidence of such vaccination cannot be produced, shall be impounded.

**6.03.270**      **Altering, Counterfeiting or Transfer of Tags Unlawful.** It is unlawful to counterfeit or alter any license, license receipt or license tag provided for in this chapter, or to take from any animal a license tag legally placed upon that animal with the intent to place it upon another animal, or to place upon an animal a license tag not validly issued for such animal.

**6.03.280**      **Animal Bites - Impounding.**

- A. Every animal bite shall be reported to the Benton-Franklin District Health Department Health Officer who shall investigate the case and may order the offending animal to be impounded at any time during the ten days next following the date of the bite. If the animal is impounded and after ten days next following the date of the bite no rabies is present or suspected, the animal may be released to the owner upon payment of any impounding, boarding and license fees, and compliance with the licensing and rabies vaccination provisions of this Chapter. If rabies is present or suspected by the Health Officer, the animal shall be destroyed and the head preserved for laboratory confirmation of the diagnosis.
- B. If the Health Officer orders an animal impounded at any time during the ten days next following the date of a bite, the owner of the animal may request the impounding to be at a licensed veterinarian's establishment at his own expense.

**6.03.290**      **Health Officer to Quarantine.** It shall be the duty of the Health Officer to cause to be quarantined any animal within the City, which he/she has grounds to suspect of being infected with the disease of rabies. Whenever any human being has been bitten by a dog and there is no reason to suspect that the animal is rabid, at the discretion of the Health Officer, the

animal involved may be restricted for ten days for observation in such manner as to prevent contact with other animals or humans except for its caretaker.

**6.03.300**      **Notice of Quarantine.**

- A. Any quarantine of an animal shall be initiated by delivering to the owner or keeper of any such animal a written notice of such quarantine which shall prescribe the duration of the same, provided that the period of said quarantine shall not exceed ten days unless it shall be determined that the existence of such disease is present. The delivery of the notice of quarantine to an adult residing upon the premises where such animal is kept, shall be considered as delivery of the notice to the owner or keeper. Any such animal so quarantined shall be impounded, provided that, in the discretion of the health officer, said animal may be quarantined upon the premises of the owner or any other person during such time as the provisions of the quarantine are strictly kept.
  
- B. During the period of any quarantine made under the provisions of this chapter, the owner or keeper of any animal so quarantined shall not allow said animal to come in contact with any other animal or person or permit such animal to run at large on any street or public place in the City or upon the premises where quarantined unless said premises be enclosed by a secure fence, nor shall such owner or keeper remove or cause such animal to be removed from said premises without the consent of the health officer. Violation of this subsection shall be guilty of a civil infraction and subject to the penalties assessed therefore. These restrictions shall continue until said animal shall have been released from quarantine. Any animal found running at large as defined in Section 6.03.010, or which has been removed from the premises upon which quarantined, shall be impounded and unless claimed and redeemed by its owner within two days after the expiration of quarantine period may be destroyed by the proper authorities.
  
- C. Whenever any outbreak of rabies occurs, or when rabies has been diagnosed or a rabid dog or animal has been present in the City, it is unlawful for any owner, keeper or handler of an animal to keep or harbor the same within the City limits after the last publication of the notice provided for in subsection (5) of this section, and during the period in said notice prescribed, unless such dog or animal be securely confined at all times by leash or kept in a tight enclosure from which such animal cannot escape. Any animal found running at large in the City during said period shall be impounded and, unless claimed and redeemed by its owner within two days after such impounding, may be destroyed by the proper authorities. Any health or police officer may destroy any animal found running at large within the limits of the City during said period when, after

reasonable effort, he shall be unable to impound said animal or after reasonable investigation shall be unable to locate the owner or keeper thereof.

- D. Any animal that has been bitten by a rabid animal must be destroyed. If the owner is unwilling to have this done, the animal (dog only) should be vaccinated and placed in strict isolation for six months or longer. If the animal has been previously vaccinated with an approved vaccine within the time limit approved for such vaccine, re-vaccination and restraint for ninety days shall be carried out.
- E. Upon any outbreak of rabies, or when rabies has been diagnosed within the City limits, or a rabid dog or animal has been found present, and when, in the judgment of the health officer, there is imminent danger of the spread of the disease, such officer shall publish a notice to that effect in the official newspaper of the City for three successive days, and for six weeks after the last publication of said notice the provisions of Section 6.03.120 shall be applicable, provided that the health officer shall have authority, when in his judgment an extension of said six weeks time is necessary to carry into effect the purpose of this chapter, to extend the said six-week period for an additional six weeks or such lesser time as he shall deem necessary by notice given in the manner provided for in this section and to further thereafter and in the same manner continue said six-week or lesser period until, in his judgment, the said strict quarantine herein provided for shall be unnecessary.

**6.03.310      Potentially Dangerous and Dangerous Animals.**

- A. Declaration. The poundmaster has the authority to declare an animal potentially dangerous or dangerous and require such animal to have a permit in accordance with this section. The poundmaster may declare an animal potentially dangerous or dangerous if he has probable cause to believe that the animal falls within the definitions set forth in section 6.03.010. If the owner of such animal can be readily determined, the poundmaster shall notify the owner personally or by certified mail of the declaration. If, however, the owner of such animal cannot be readily determined, notification shall be waived.
- B. Impoundment. No person shall have, keep or maintain a potentially dangerous or dangerous animal without first obtaining a permit from the poundmaster. Any animal meeting this definition and found at-large without a permit will be impounded immediately at the expense of the owner. If the owner of such animal can be readily determined, the poundmaster shall notify the owner personally or by certified or regular mail of the impoundment. If, however, the owner of such animal cannot be

readily determined, notification shall be by posting at City Hall as provided in Section 6.03.100.

- C. Appeal. Any owner of an animal subject to this section, may appeal the determination of the poundmaster to the Hearing Examiner for determination provided the appeal is made in writing to the City and filed with the City Clerk within ten (10) days of the poundmaster's determination. The hearing shall be scheduled within seven (7) days of the date of service of such notice and the decision of the poundmaster shall be stayed and any impoundment shall continue, at the cost of the owner, pending the appeal.
1. If the Hearing Examiner finds insufficient evidence to support the Declaration, the Declaration shall be rescinded and the restrictions imposed thereby annulled, and any appeal filing fee refunded. All impound fees are the responsibility of the owner of the animal, not animal impound expense and fee(s) shall be assessed against the City or the animal control authority or officer.
  2. If the Hearing Examiner finds sufficient evidence to support the Declaration, he/she shall impose hearing costs on the appellant, restitution if applicable, and may impose additional restrictions on the animal.
  3. Decisions by the Hearing Examiner shall be final and conclusive unless a timely appeal is filed with the Superior Court of Benton County by an aggrieved party within twenty-one (21) calendar days from the date of issuance of the decision and any impoundment shall continue, at the cost of the owner, pending the appeal. An appeal to Superior Court shall be an appeal on the administrative record.
- D. Redemption or Destruction of Animal. An animal impounded under this section shall be returned to its owner if he complies with section 6.03.310 and 6.03.080 within 72 hours after notification of impoundment. If, however, the owner of the impounded animal under this section does not comply with section 6.03.310 and 6.03.080 within 72 hours after notification of impounding, such animal shall be destroyed in an expeditious and humane manner. For purposes of determining whether the 72 hours have expired, the following methods shall be used:
1. If the owner is personally served by the poundmaster, time begins when the owner was personally served;
  2. If the owner is mailed notice by certified and regular mail, time begins when the notice was mailed; and

3. If the owner of such animal could not be readily determined by the poundmaster, notice shall be by posting as provided by section 6.03.100 and the time begins at posting as provided by section 6.03.100.

EXCEPTION: Upon execution of Declaration of Removal by the owner, or authorized representative of the owner of the animal and payment of applicable fees including impound fees, the animal may be released by the poundmaster into the custody of the owner, or authorized representative of the owner and the immediate and permanent removal of the animal from the City.

- E. Permit Required. No person shall have, keep or maintain any potentially dangerous or dangerous animal without first obtaining an annual permit from the poundmaster. The fee for such a permit shall be in addition to the regular annual license fee. A permit will only be granted if the applicant has provided and maintains:
  1. A proper enclosure to properly and safely confine the animal as determined by the poundmaster;
  2. A conspicuously posted sign on the premises which clearly warns the public and children that there is a potentially dangerous or dangerous animal on the property;
  3. \$250,000 surety bond issued by a surety insurer qualified under RCW 48.28 in a form acceptable to the poundmaster payable to any person injured by the wild, potentially dangerous or dangerous animal; or liability insurance, such as homeowners insurance, issued by an insurer qualified under Title 48 RCW in the amount of not less than \$250,000 with maximum deductible coverage not to exceed \$2,500 in a form requiring notice to the City of cancellation or nonrenewal of such policy not less than 30 days prior to its date of cancellation or expiration, insuring the owner for any personal injuries or property damage inflicted by the animal and (d) proof that all surrounding property owners and occupants have been notified and given an opportunity to comment on the confinement plans.
- F. Exemption to Permit Requirement. An animal that is classified as “potentially dangerous” under the provisions of subsection 6.03.010 (14)(d) may be exempted from the permit requirements of the above subsection (5), provided such animal has passed the Canine Good Citizen (CGC) test of the American Kennel Club (AKC), and received the

appropriate certificate from AKC. Such animal shall be retested and passed at least once every two years in order to maintain this exemption.

- G. Control and Confinement. Dangerous and potentially dangerous animal must be muzzled and securely leashed, restrained and under the control of a person physically able to control the animal when away from the property of the owner or keeper; or, while on the property of the owner, must be securely confined within a “proper enclosure” as defined in section 6.03.010 made of materials strong enough to adequately and humanely confine the dog in a manner which prevents it from escaping the property and to prevent the entry of young children and kept in conformance with requirements in section 6.03.310.
- H. Violations and Regulation. Any person violating the provisions of this section shall be issued a civil violation. No person who, being the owner of any potentially dangerous or dangerous animal, shall keep, harbor or maintain the same on or off his premises in a manner endangering or likely to endanger the safety of persons, property or other animals nor shall he allow the same to run at large within the City. It shall be a defense to any charge under this section involving an alleged potentially dangerous or dangerous animal that the person endangered was committing, was about to commit or had just committed a trespass or crime and that the animal's reaction was a natural result thereof. The poundmaster may petition the Hearing Examiner to determine whether an animal should be destroyed.

**6.03.320** **RCW Sections Adopted – Possession of Potentially Dangerous Wild Animals Prohibited.** The following sections of the Revised Code of Washington (RCW) pertaining to prohibiting possession potentially dangerous wild animals as now or hereafter amended are hereby adopted by reference as part of this Chapter in all respects through such chapter were set forth in full: RCW 16.30.005; RCW 16.30.010; RCW 16.30.020; RCW 16.30.030; RCW 16.30.040; RCW 16.30.050; RCW 16.30.060; RCW 16.30.070; and RCW 16.30.900.

**6.03.330** **Animals Disturbing the Peace.** It is unlawful for any person owning or harboring an animal to allow or permit such animal to cause serious or habitual disturbance or annoyance by frequent or habitual howling, yelping, barking or otherwise noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. An animal is harbored in violation of this section if, without provocation, it makes noise which can be heard continuously within an enclosed structure off the owner's property.

**6.03.340** **Responsibility of Owner.** Nothing contained in this chapter shall relieve the owner or owners of any animal from responsibility for any damage

committed by such animal, as provided by the law and sections of this chapter.

**6.03.350**     **Penalty Provisions.**

- A. Except as to violations of Sections 6.03.170, Crimes Against Animals, any person violating any provision of this chapter, is guilty of a civil infraction. Any violation of Section 6.03.330 shall be subject to a civil violation as provided in RCW 16.30.060. Otherwise, each violation shall be subject to a penalty as set forth in Chapter 9.50.060 of this code subject to an increase justified by an aggravated violation, plus all costs and assessments with such penalty doubling for each repeat offense, the following respective violations:
  - 1. Second violation within five years shall result in a double penalty.
  - 2. Third violation within five years shall result in a triple penalty.
  - 3. Four or more violations within five years shall result in a quadruple penalty.
- B. Each person is guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this chapter is committed, continued or permitted by any such person and shall be punished accordingly.
- C. Court costs shall be assessed in addition to any other fine, penalty, cost or statutory assessment imposed.
- D. The City, at its election, may divert any civil infraction identified in this Chapter to be heard before the Benton City Hearing Examiner. Assessments of monetary penalties for violations of this chapter shall be assessed by the Hearing Examiner.

**6.03.360**     **License Fees.** The license fees for dog licenses are set by the most current resolution entitled "City Fee Schedule". In addition to the license fee prescribed, each applicant whose dog is eligible to be licensed on January 1<sup>st</sup> of each year, and who applies after January 31<sup>st</sup> of that year, shall be required to pay a penalty as set by the same said "City Fee Schedule."

**Section 3.** This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

**PASSED** by the City Council of the City of Benton City, Washington, and approved as provided by law this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
*Mayor*

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
*City Clerk-Treasurer*

\_\_\_\_\_  
Leland B. Kerr  
*City Attorney*

**RESOLUTION NO. 2008-24**

**A RESOLUTION OF THE CITY OF BENTON CITY,  
WASHINGTON, AMENDING RESOLUTION 2007-01  
ESTABLISHING THE JOHN C. BEQUETTE VOLUNTEER  
SERVICE AWARD**

**WHEREAS**, the City has by Resolution No. 2007-01 established the John C. Bequette volunteer service award; and

**WHEREAS**, a plaque listing previous winners is necessary to citizens who volunteer their time for the benefit of the City; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON**, hereby resolves as follows:

The City Council for the City of Benton City does hereby amend Resolution No. 2007-01 establishing the John C. Bequette volunteer service award as follows:

There is hereby created the "John C. Bequette Volunteer Service Award" to be given on an annual basis recognizing an individual who has been nominated by the citizens of the City of Benton City and selected by the City Council of the City of Benton City to be designated as the John C. Bequette Volunteer Service Award winner. Such recognition shall be made at a City Council Meeting, memorialized by a Certificate publicizing the City's recognition of this individual's outstanding service, and the award recipient's name shall be added to the plaque listing previous winners of the John C. Bequette award and permanently displayed in City Hall.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2008.

Resolution 2008-\_\_\_\_ filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Lloyd R. Carnahan  
Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Stephanie Hoegh  
City Clerk/Treasurer

\_\_\_\_\_  
Leland B. Kerr  
City Attorney