

ORDINANCE NO. 711

AN ORDINANCE TO REDUCE MAINTENANCE COST ON THE OMC BY REPEALING AND REPLACING CERTAIN SECTIONS WITH RATES, FEES, AND CHARGES.

WHEREAS, the Town of Odessa updates and maintains the Odessa Municipal Code (OMC), and;

WHEREAS, the Town of Odessa has, in the past, updated OMC rates, fees, and charges with itemized changes which sometimes results in conflicting information and higher maintenance cost and;

WHEREAS, the Town Council has deemed it necessary to clean up the legislative histories of certain sections by amending the language and having only the new ordinance referenced in the history notes of these sections.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON, AS FOLLOWS, TO WIT:

Section 1. OMC Section 2.44.030 is repealed and replaced to read as follows:

2.44.030 Fees and charges--Schedule. Cemetery charges for the Town of Odessa, Washington, shall be as established by resolution.

Section 2. OMC Section 2.44.075(A) is amended to read as follows:

A. Fees and Charges. Fees and charges shall be as established by resolution.

Section 3. OMC Section 3.40.015 is repealed and replaced to read as follows:

3.40.015 Leasehold excise tax. A Washington State Department of Revenue leaseholder excise tax, based on the leasehold excise tax percentage established by the Washington State Department of Revenue, shall be added to the annual airport leaseholder/rental fees, for leaseholder/rental fees above an amount as established by resolution.

Section 4. OMC Section 3.40.020 is repealed and replaced to read as follows:

3.40.020 Commercial user fee. The commercial user base fee for each commercial user shall be as established by resolution, plus the rental fee as established by resolution, per plane for each tie-down at the designated "commercial" sites, with no proration commencing, plus cost of bulk water.

Section 5. OMC Section 3.40.030 is repealed and replaced to read as follows:

3.40.030 License/commercial airport lease--Insurance. Prior to the use of the municipal airport for commercial purposes, any person or party desiring to use same for commercial purposes shall make an application to the town clerk for a license/commercial airport lease to use said municipal airport, pay the applicable commercial user rental fee(s) as established by resolution to said town clerk for which a receipt shall be issued, which commercial user shall have available for exhibit to any designated municipal authority at all times. Said applicant must also provide proof of liability insurance in the amount of one million dollars per occurrence, and provide proof of pollution liability insurance in the

amount of one million dollars per occurrence, two million dollars annual aggregate. The Town of Odessa shall be named by endorsement as an additional insured on all such liability policies. The commercial user shall provide the Town of Odessa with a certificate or certificates of such insurances, including the endorsements within ten days of the execution of agreement and within thirty days of the beginning of each consecutive year.

Section 6. OMC Section 3.40.035 is repealed and replaced to read as follows:

3.40.035 Runway access fee. The runway access base fee for each plane owned and operated by a private party or commercial user, which has direct access to the airport property, shall be as established by resolution.

Section 7. OMC Section 3.40.045 is repealed and replaced to read as follows:

3.40.045 Noncommercial user fee. The noncommercial base fee for each noncommercial user shall be as established by resolution, per plane, for each tie-down, with no proration. (Res. 2016-13, 2016: Res. 2015-3, 2015).

Section 8. OMC Section 3.40.050 is repealed and replaced to read as follows:

3.40.050 Noncommercial use--Insurance. Prior to the use of the municipal airport for noncommercial purposes, any person or party desiring to use same for noncommercial purposes shall make an application to the town clerk to use said municipal airport by paying the applicable rental fee as established by resolution to said town clerk for which a receipt will be issued, which said noncommercial user shall have available for exhibit to any designated municipal authority at all times. Said applicant must also provide proof of liability insurance in the amount of three hundred thousand dollars per occurrence. The Town of Odessa shall be named by endorsement as an additional insured on all such liability policies. The noncommercial user shall provide the Town of Odessa with a certificate or certificates of such insurance(s), including the endorsement, within thirty days of the beginning of each consecutive year.

Section 9. OMC Section 3.40.055 is repealed and replaced to read as follows:

3.40.055 Automatic rental/user fee base fee increase. There will be an automatic rental/user fee base fee increase of three percent per year on each base fee beginning January 1, 2016, and each year on January 1st thereafter.

Section 10. OMC Section 3.80.010 is repealed and replaced to read as follows:

3.80.010 Established. Rental fees for organizations which work for the promotion and economic growth of the Town of Odessa, or are affiliated with the town, shall have the rental fees waived. These organizations are limited to the Odessa volunteer fire department, Odessa Chamber of Commerce, Odessa public development authority, Friends of the Pool, Odessa Town Hall Rejuvenation Society and the Lincoln County Economical Development. It is the Odessa Town council's decision to allow organizations or private parties to rent the Community Center building for a sum as established by resolution, per event rental date, with an additional amount as established by resolution per day for set-up prior to or after for the cleaning of area used. The Old Town Hall building rental fee to be a sum as established by resolution per event rental date, with an additional amount as established by resolution for parties or organizations also utilizing the kitchen, and an additional amount as established by

resolution per day for set-up prior to or after for the cleaning of area used. A deposit in an amount as established by resolution for use of either building is to be made, which will be returned to the rental party if rental rules are followed.

Section 11. OMC Section 3.88.010 is repealed and replaced to read as follows:

3.88.010 Established. Charges are as follows:

- A. Daily admission for swimmer: as established by resolution.
- B. Daily admission for non-swimmer: as established by resolution.
- C. Season family pass: as established by resolution.
- D. Season individual pass: as established by resolution.
- E. Swim lesson session, per student: as established by resolution.
- F. Pool rental, minimum two hours: as established by resolution, per hour, with a deposit as established by resolution, to be returned after lifeguards are paid by rental party.
- G. Lifeguard fee for pool rental, minimum two guards: as established by resolution, per lifeguard, and to be paid to lifeguards by rental party.

Section 12. OMC Section 5.28.010 is repealed and replaced to read as follows:

5.28.010 Application. An application for alley uses permit, with the fee as established by resolution, has been developed and alley use permit applications will be addressed on an individual basis.

Section 13. OMC Section 8.04.045 is repealed and replaced to read as follows:

8.04.045 Removal by town--Fees. Fees for removal or destruction, by the Town, of all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which grow thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public and the removal or destruction of all grass, weeds, shrubs, bushes, trees, or vegetation growing or which has grown, or grown and died and to remove or destroy all debris and junk, including any vehicle which does not bear a current license and/or upon which excise tax has not been paid, upon property owned or occupied by the owner and which is a fire hazard or menace to the public health, safety or welfare shall be as established by resolution.

Section 14. OMC Section 8.08.240 is repealed and replaced to read as follows:

8.08.240 Rates. The rates under this chapter are as follows:

- A. Charges per month for collection of containers placed at curb or alley line are as established by resolution.
- B. The foregoing fees shall be collected each month regardless of whether or not any garbage is picked up by the town, with the following exceptions:
 - 1. Exception No. 1. If the property is unimproved or consists of improved property which is unfit for human habitation, then no fee shall be assessed.

2. Exception No. 2. If the property is improved and is fit for human habitation, but is currently vacant, then the owner of the property may pay a garbage service termination fee to the town in the amount as established by resolution after receipt of which no fee shall be assessed until the property is no longer vacant. When the property is no longer vacant, garbage service will be automatically resumed and a start-up fee as established by resolution will be assessed to the property owner. Thereafter the regular garbage fee will be assessed.

3. Exception No. 3. Home businesses are exempt if the combination of the residence and home business does not generate more than the minimum garbage allowed for a residence. If more than the minimum two thirty-two-gallon cans are generated, then the home business will be assessed the regular garbage fee on a separate account for that home business in addition to the fee for the residence.

C. In order for the exceptions to apply, the owner or his or her designated agent shall make application with the town clerk prior to the first day of the month that the exceptions are to apply.

D. Residential and commercial rates include state required solid waste and refuse tax that the town is obligated to collect and pay to the state of Washington.

Section 15. OMC Section 13.04.025 is repealed and replaced to read as follows:

13.04.025 Connection costs. The costs incurred for connections to the Odessa water system within and outside the corporate limits of the town shall be borne by the property owner at the rate established by resolution.

Section 16. OMC Section 13.04.170 is repealed and replaced to read as follows:

13.04.170 Discontinuance of service for violation. In addition to the delinquency penalty set forth in Section 13.04.205, if the water rate fee is not paid within fifteen days after the due date, water service will be discontinued in accordance with WAC 480-110-071, until said payment is made with the full amount due. A charge as established by resolution will be levied for the expense of turning the water off and a charge as established by resolution will be levied for turning the water back on as a result of discontinuance of water service for violations of this chapter.

Section 17. OMC Section 13.04.175 is repealed and replaced to read as follows:

13.04.175 Charges for changing billing name. Each time a new utility account is created there shall be a charge as established by resolution that shall be paid to defray administrative cost.

Section 18. OMC Section 13.04.180 is repealed and replaced to read as follows:

13.04.180 Water rates--Designated.

A. The monthly water rate schedule and charges of the Town of Odessa, Washington, shall be as established by resolution.

B. Monthly rental for each water meter owned by the Town of Odessa shall be as established by resolution.

C. Additional charges are as follows:

1. For each meter located outside the corporate limits of the Town of Odessa--Surcharge: as established by resolution.
2. For each time that an individual request that the property's water be turned on or turned off, for other than repair: as established by resolution.
3. Discontinuance of service notification delivery: as established by resolution.
4. Discontinuance of service for violation. In addition to the delinquency penalty set forth in Section 13.04.205, service charge for water turned on or turned off: as established by resolution.
5. Connection to the water system within corporate town limits shall be borne by the property owner; provided, that in no event shall the fee and costs for the installation be less than the amount as established by resolution.
6. Connection to the water system outside corporate town limits shall be borne by the property owner, plus cost of labor and materials: as established by resolution.
7. Bulk water per gallon: as established by resolution.

The charges hereinabove set forth are to be made for each calendar month or fraction thereof.

This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL THIS ____ DAY OF _____, 2019.

William F. Crossley, Mayor

ATTEST:

Denise Snead, Clerk-Treasurer

