

ORDINANCE NO. 2022-29

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING THE RICHLAND MUNICIPAL CODE RELATED TO
POSITION AND DEPARTMENT TITLES.**

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with current practices; and

WHEREAS, over the years, various changes have been made to the position and department titles found in 2.04.100 RMC, and these changes were not contemporaneously applied throughout the remainder of the code; and

WHEREAS, this Ordinance No. 2022-29 is a housekeeping action to correct a number of outdated position and department titles throughout the Richland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 2.28 of the Richland Municipal Code, entitled Personnel Plan, as first enacted by Ordinance No. 50-77, and last amended by Ordinance No. 20-19, is hereby amended as follows:

**Chapter 2.28
PERSONNEL PLAN¹**

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Article I. Definitions

2.28.001 Introduction to definitions.

The following terms, when used in this chapter, shall have the meanings ascribed to them in this article.

2.28.003 Appointment.

“Appointment” means the assignment of a qualified person from a certification list to a position in the city service by the appointing authority.

2.28.005 Appointing authority.

“Appointing authority” means the city manager or other delegated authority who is empowered to appoint or remove employees of the department over which the city manager or delegated authority has jurisdiction subject to the provisions of this chapter.

2.28.006 “At will” employment – Unclassified service only.

For purposes of this section, “at will” means that the affected employee is employed at the discretion and pleasure of the city. While many employment rules may be contained in this section, no other policy, practice or application of any rule shall be considered a contract or assurance of continued employment. The employee or the city may terminate employment in unclassified service for reasons that either considers sufficient.

2.28.007 Certification list.

“Certification list” means a list of all persons who have qualified for appointment to positions within a certain class under the provisions of this chapter, with names arranged in order of qualifying scores in the examination.

2.28.010 Certify.

“Certify” means the act of the human resources director ~~manager~~ in supplying an appointing authority with the names of applicants who are eligible for appointment to the class and position for which certification is requested.

2.28.014 Class.

“Class” means a group of positions sufficiently similar in duties, responsibilities, salary range and minimum qualifications to permit combining them under a single title.

2.28.016 Classified service.

“Classified service” means all positions not specifically included in the unclassified service and excludes all job classifications covered by a collective bargaining agreement with the city.

2.28.018 Continuous service.

“Continuous service” means employment in the city service as a regular or probationary employee which is uninterrupted except for authorized leave of absence or separation due to layoff; provided, that time lost due to layoff shall not be included in the determination of length of continuous service.

2.28.020 Demotion.

“Demotion” means the assignment of an employee from the employee’s present position to another position providing a lower salary rate.

2.28.022 Department director.

“Department director” means an employee designated by the city manager to be the director of a department.

2.28.024 Deputy city manager and assistant city manager.

“Deputy city manager” and “assistant city manager” means an employee designated by the city manager to be deputy city manager or assistant city manager as described in RMC 2.04.126 and RMC 2.04.128, respectively ~~of a department~~.

2.28.026 Division manager.

“Division manager” means an employee designated by the city manager, a deputy city manager and/or a department director to be the operating manager of a division.

2.28.028 Employee.

“Employee” means a person occupying a nonelected, budgeted position and who is paid for services rendered.

2.28.030 Examination.

“Examination” means that series of events and/or exercises which culminate in certification of a list of persons qualified for appointment to a particular position of a specified class.

2.28.032 Exempt.

“Exempt,” as defined by the Fair Labor Standards Act, means a job classification exempt from the Act which meets the test of a salaried employee in an executive, administrative or professional position.

2.28.036 Immediate family.

“Immediate family” means that group of individuals including the employee’s wife or husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandfather, grandmother, grandchild, or any person permanently residing with the employee.

2.28.038 Intermittent employee.

“Intermittent employee” means an employee qualified to work in a specific position classification who is on call to work at irregular intervals in one or more city departments.

2.28.040 Leave of absence without pay.

“Leave of absence without pay” means an unpaid leave authorized by the deputy city manager and/or department director for up to 30 calendar days, and as authorized by the city manager, a maximum of one year except in the case of illness, injury or involuntary conscription.

2.28.042 Nonexempt.

“Nonexempt,” as defined by the Fair Labor Standards Act, means a job classification not exempt from the Act with entitlement to the application of said Act.

2.28.044 Original appointment.

“Original appointment” means the initial appointment from a certification list to a position in the city service.

2.28.046 Regular full-time employee.

“Regular full-time employee” means any employee who is employed for a minimum of 40 hours per week, who has successfully completed a probation period in a position and who continues to successfully meet the requirements of that position as determined by the appointing authority.

2.28.048 Regular part-time employee.

“Regular part-time employee” means any employee in the classified service who has successfully completed a probation period and who is employed on a monthly average of 20 or more, yet less than 40, hours per week.

2.28.050 Probationary employee.

“Probationary employee” means an employee who is serving a probationary period prior to being appointed as a regular full-time employee or a regular part-time employee.

2.28.052 Temporary employee.

“Temporary employee” means any employee whose tenure is eight months or less, and who may occupy either a full-time or part-time position. Temporary employees have no right to steady employment, prior notice of termination or preference for regular full-time job openings.

2.28.053 Limited term employee.

“Limited term employee” means a temporary employee whose tenure is greater than eight months but no longer than 24 months, and who may occupy either a full-time or part-time position. Limited term employees have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

2.28.054 Probationary period.

“Probationary period” means a working test period of no less than six months during which an employee is required to demonstrate the ability and capacity to perform the duties of the position to which the employee has been appointed.

2.28.056 Promotion.

“Promotion” means the assignment of an employee from a position in one class to another class providing a higher salary rate.

2.28.058 Provisional employee.

Pending the establishment of a certification list, “provisional employee” means any employee temporarily assigned to a position without having participated in an examination; provided, that such assignment does not exceed four months.

2.28.060 Recall list.

“Recall list” means a listing, by class, of regular full-time or regular part-time employees who have been separated from the classified city service by reduction of force.

2.28.062 Salary.

“Salary” means the compensation paid to an employee for services rendered as set forth in the city’s salary classification plan.

2.28.064 Temporary appointment.

“Temporary appointment” means an appointment for a period of eight months or less to meet a seasonal or other short-term need.

2.28.068 Transfer.

“Transfer” means the assignment of an employee from one position, division or department to another position, division or department.

2.28.069 Unaffiliated staff.

“Unaffiliated staff” means classified and unclassified (excluding elected and appointed) employees who are not subject to union representation or represented by any council adopted formal collective bargaining agreement.

2.28.070 Unclassified service.

“Unclassified service” means all positions listed as follows:

- A. Officers elected by the people and persons appointed to fill vacancies in elective offices;
- B. Officers appointed by the mayor or council as approved by the law or by the Charter;
- C. The city manager, deputy city managers, all department directors, all division managers, and such other principal officers and assistants as the council may prescribe.
- D. All unclassified employees hired after the effective date of the ordinance codified in this chapter shall be considered “at will.”

2.28.072 Vacancy.

“Vacancy” means a position existing or newly created, budgeted, which is not occupied, and for which a valid requisition has been received by the human resources [department](#) ~~division~~.

2.28.074 Reclassification.

“Reclassification” means the action of repositioning (upwards or downwards) of a job classification currently listed as a job classification in the city’s salary plan structure. The action may affect the incumbent employee.

2.28.075 Contract employee.

“Contract employee” means an employee contracted through an employment agency for a period of eight months or less. Contract employees are not city employees and are not covered by the provisions of this chapter; however, the city may apply contract employee tenure to the tenure requirements of the temporary employee or limited term employee if there has been no break in contract employment. Contract employees have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

Article II. General Provisions and Organization

2.28.105 Equal employment opportunity policy.

It is declared the personnel policy of the city that employment in the city government shall be based on an applicant's qualifications as they pertain to the essential functions of the job applied for. This commitment shall be supported by positive practical efforts to ensure equal employment opportunities for minorities, women, disabled, and those employment-disadvantaged, both in securing city employment and promotional opportunities at all job levels. The city shall not discriminate in its personnel practices on the basis of race, religion, sex, political views, national origin, age, marital status or disability unless based on bona fide occupational qualifications or state or federal regulations.

2.28.110 Scope.

A. This chapter shall not apply to situations involving the following offices: members of council, members of commissions, committees and boards, the city manager, employees represented by a bargaining unit, except that those employees engaged in public safety or specified in Chapters 41.08 and 41.12 RCW shall be entitled to coverage of provisions of this chapter as specified by Chapters 41.08 and 41.12 RCW, and persons providing services that are outside the classified or unclassified plan of the city.

B. In determining salaries, hours and working conditions for employment in the city service, the city council, through the city manager, may bargain collectively with any employee group or representative and enter into such agreements as permitted by the Charter and general law. For unaffiliated staff not represented by any bargaining unit, the city manager shall be responsible for establishing and maintaining a compensation plan for council approval.

C. It is further provided that the invalidity of any section or part of a section of this chapter shall not affect the validity of the remainder of this chapter.

2.28.115 Human resources ~~director~~ ~~manager~~.

The city manager shall serve as human resources ~~director~~ ~~manager~~ of the city unless, pursuant to the Charter, the city manager shall appoint another person to this office. The human resources ~~director~~ ~~manager~~ shall administer the personnel system of the city in accordance with the personnel ordinance adopted, and recommend rules governing personnel to the council.

2.28.120 Council.

The city council shall adopt rules governing city employment after a public hearing on such rules, as provided in the Charter. Thereafter, the council shall have the power to amend, repeal or add to the rules on the recommendation of the human resources ~~director~~ ~~manager~~ or on its own initiative, subject to the requirement of a public hearing. These rules shall provide for:

- A. The classification of all city positions in the classified service;
- B. Salary and wage plans for all city positions;

C. Methods for determining the qualifications and merit of candidates for appointment, retention and promotion in the classified service;

D. Procedures for removal and suspension of, and disciplinary action against, officers and employees;

E. The order and manner in which layoffs may be effected;

F. Procedures for review of action taken under subsections (C), (D) and (E) of this section;

G. Hours of work, attendance regulations, and provisions for sick and vacation leave;

H. Other practices and procedures necessary to the administration of the city personnel system.

2.28.125 Personnel committee – Membership.

A. There shall be a personnel committee consisting of three members who shall be citizens of the United States, residents of the city for at least three years immediately preceding such appointment, and registered voters. During the term of office, a member of the personnel committee shall not serve on any other Richland board, commission or committee.

B. The term of office for personnel committee members shall be for three years. Appointment to the committee is limited to two consecutive terms. A period of one year must lapse before an individual may again be considered for appointment.

C. The committee shall meet as frequently as is necessary for the proper discharge of its duties.

D. Meetings of the personnel committee shall comply with the Open Public Meetings Act, Chapter 42.30 RCW; provided, however, that appeal hearings conducted by the personnel committee shall occur in closed session unless the employee who brought the appeal demands in writing that the hearing be open to the public. The committee may exclude from any such public or private meeting, during the examination of witnesses, any or all other witnesses in the matter being heard. The hearing need not be conducted according to technical rules relating to evidence and witnesses, although all witnesses offering testimony to the personnel committee must be sworn or affirmed to truthfulness.

2.28.130 Personnel committee – Powers and duties.

Powers and duties of the personnel committee are as follows:

A. Monitor the administration and grading of competitive examinations.

B. Hear appeals on the following matters as alleged by any employee in the classified service or uniformed personnel under Chapters 41.08 and 41.12 RCW; provided, however, that any uniformed personnel employee who has elected to appeal through a grievance mechanism provided in a labor agreement shall not be entitled to appeal the same or similar issue to the personnel committee:

1. Any disciplinary action resulting in suspension, demotion, reduction in pay or termination;
2. Any alleged violation of the established personnel plan related specifically to hiring or promotional opportunities;
3. Any challenge to the reasonableness of the appointing authority's actions related to a reduction in force.

After the hearing, the personnel committee will report its findings and recommendations in writing to the appointing authority. The committee's findings and recommendations shall be advisory only, except where general law requires the committee to render a decision that is final and binding upon the appointing authority with respect to firefighters under Chapter 41.08 RCW and police officers under Chapter 41.12 RCW.

C. Hearings before the committee shall be governed by RMC 2.28.906. Any informality of proceedings or in the manner of taking testimony shall not affect any action of the committee.

D. The committee shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of records.

E. Each member of the personnel committee shall have the power to administer an oath consistent with RCW 5.28.020 to any participating witness.

2.28.140 Compensation plan for unaffiliated staff.

From time to time, typically when collective bargaining agreements are reviewed, the city manager or his or her designee shall forward to council for approval via resolution, a compensation plan for all unaffiliated staff. Said rules are subordinate to this chapter and shall serve to document and govern the wages, hours and conditions of employment for all unaffiliated staff. Notification shall be given to unaffiliated staff to allow for a comment period of up to three weeks prior to presentation to council to provide opportunity for employee input, discussion and questions.

Article III. Classification Plan

2.28.205 Classification plan – Objective.

The human resources ~~director~~ ~~manager~~ shall recommend to council, and council shall adopt by resolution after public hearing, a classification plan which shall provide for a complete inventory of all positions in the classified service and accurate descriptions and specifications for each position and class of employment. In the plan, class titles shall be standardized and each of them shall be indicative of a definite range of duties and responsibilities and shall have the same meaning throughout the city service. The human resources ~~director~~ ~~manager~~ shall recommend necessary amendments to the plan in order to conform to the current needs of the city service.

2.28.210 Classification plan – Structure.

The classification plan shall consist of the following elements:

A. An assembly into classes of positions which are approximately of equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same grade of pay under similar working conditions;

B. A class title descriptive of the work of each class which shall identify the class for personnel control and payroll accounting purposes;

C. A written description for each position containing: a description of the nature of the work and of the relative responsibility of the position and which includes examples of work which are illustrative of the essential functions of the job; requirements of work in terms of knowledge, abilities and skills necessary for the performance of work, and a statement of experience and training desirable for recruitment into the position which constitutes the job specifications.

2.28.215 Classification plan – Class specifications.

The specifications of the classes of positions in the classification plan and their various parts shall be used as a guide in the classification of positions and have the following force and effect:

A. The specifications are descriptive and not restrictive; they are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Specifications are to be interpreted in their entirety in relation to the others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class.

B. In determining the class to which any position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualifications, requirements and relationships with other classes, as together affording a statement of the employments that the classes intend to embrace.

2.28.220 Classification plan – Class title use required.

Class titles or designated code symbols shall be used in all personnel accounting, budgeting, appropriation and financial records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan.

2.28.225 Classification plan – Maintenance.

The human resources ~~director~~ ~~manager~~ shall be responsible for the proper maintenance of the classification plan, so that it will reflect continuously on a current basis the duties being performed by each employee in the city service and the class to which each position is allocated. The human resources ~~director~~ ~~manager~~ or designee shall make necessary amendments to the classification plan, including the addition of required new classes, revision of existing classes, and deletion of obsolete classes. Changes and reallocations within the classification plan shall be made as follows:

A. The human resources ~~director~~ ~~manager~~ shall analyze the duties and responsibilities to be assumed by incumbents of proposed new positions, and using such appraisal as a basis, assign the position to the appropriate class within the classification plan. A new class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory job description.

B. Changes in the duties and responsibilities of a position involving either the addition, reduction, or modification of assignments; shall be reported to the human resources ~~director~~ ~~manager~~ by the deputy city manager, ~~assistant city manager~~, and/or department head concerned. If the changes are determined to be permanent, and are sufficiently significant to justify reallocation to a different classification, the human resources ~~director~~ ~~manager~~ shall assign the position to the class which is appropriate under the modified circumstances.

C. The human resources ~~director~~ ~~manager~~ shall periodically review the classification of positions and audit duties and responsibilities, and on the basis of his ~~or her~~ reappraisal, make such changes as are necessary to keep the classification plan current. Reallocation of positions under the provisions of this section shall be the responsibility of the human resources ~~director~~ ~~manager~~, but shall give due consideration to the recommendations of the administrative officials concerned, and the personnel committee.

Article IV. Selection and Appointment

2.28.405 Recruitment.

The appointing authority shall determine whether open positions shall be advertised internally and/or to the general public. Notice of such open positions shall be posted on city bulletin boards at least five days prior to the promotional closing.

A. Open positions may be published in a city newspaper and circulated by such other means as the human resources ~~director~~ ~~manager~~ shall deem necessary at least 10 days prior to the closing date for such employment opportunity.

B. A notice of open positions shall contain the position title and a brief description of the job duties and requirements. Applicants selected for examination shall be advised of the examination date and place, type(s) of examinations to be employed and any special examination requirements.

2.28.410 Application.

Application for open positions in city employment shall be made in writing, in a manner prescribed by the human resources ~~department~~ ~~division~~, and submitted to the human resources ~~department~~ ~~division~~ at such time as a vacancy is advertised.

2.28.415 Rejection of applications.

The human resources ~~department~~ ~~division~~ may reject any application for one or more of the following reasons:

A. If the applicant lacks any of the minimum qualifications set forth in the position classification or examination announcement;

B. If the applicant cannot perform the essential functions of the position with or without reasonable accommodation to which the applicant seeks appointment, or has previously been terminated from the city service for misconduct or unsatisfactory job performance;

C. If the applicant has falsified the application;

D. If, after notification, the applicant is not present at the time and place designated for the examination.

2.28.420 Examinations.

Oral, written, physical performance or skill proficiency examinations, or any combination of these, may be employed as it is deemed appropriate as long as they are job related and serve to provide a satisfactory measure of the applicant’s qualifications and capability to perform the essential functions of the position. Examinations shall be developed and administered by the human resources ~~department~~ ~~division~~ or purchased from vendors where such tests are verified to be valid and reliable.

2.28.425 Examination results and scores.

The human resources staff shall document examination results and scores using appropriate statistical and testing techniques and shall determine the relative rating of the competitors.

2.28.430 Veteran’s preference.

A “veteran” shall be defined as any person who has served in any branch of the U.S. Armed Forces during any period of war, including World Wars I and II, the Korean conflict, the Vietnam era, and the period of any future war declared by Congress (RCW 41.04.005). In all competitive examinations, all such veterans shall be given a preference by adding to a passing grade only, based upon a rating of 100 points, a percentage in accordance with the following as specified in RCW 41.04.010:

A. Ten percent to a veteran who is not receiving any veteran retirement benefits;

B. Five percent to a veteran who is receiving veterans retirement payments;

C. Preferences specified in subsections (A) and (B) of this section shall not be used in any promotional examination. No preference shall be given to a veteran who has claimed a similar preference and has thereby been previously appointed to a position though employment thus obtained was with a different state agency, municipal corporation, or political subdivision (Attorney General’s Opinion 1975, No. 220);

D. Five percent to a veteran who, after having previously served employment with the city, shall be called to active military service for a period of one year, or more, during any period of war, for promotional examination;

E. Preferences specified in subsections (A), (B) and (D) of this section must be claimed by a veteran within eight years of the date of release from active service, providing such release is for reasons other than dishonorable discharge.

2.28.435 Appointing authority.

The city manager is authorized to make all appointments in the city administration, and when the city manager deems the best interest of the city requires, remove officers and employees of the city, unless otherwise provided by the Charter or by the general laws. The manager may authorize

the deputy city manager, [assistant city manager](#), and/or director of a department to appoint and remove subordinates in such department.

2.28.440 Certification list.

A. The human resources [department](#) ~~division~~ shall maintain a certification list for each position class, bearing the names of all persons completing the examination with scores of not less than 70 percent within classified service. These names shall be carried on the certification list for a period of one year.

B. Names may be removed from the certification list for the following reasons:

1. Request of the applicant;
2. In the case of police officer applicants, a prior conviction of a felony or misdemeanor involving moral turpitude;
3. An applicant's prior conviction of a crime which relates reasonably to the position applied for, provided the date of such conviction or prison release, whichever is more recent, is less than seven years old;
4. Applicant's death;
5. Applicant's refusal to accept employment in a position class for which the applicant was examined;
6. Applicant's failure to keep the personnel office informed of applicant's correct address;
7. Applicant's failure to appear for employment interview;
8. Applicant's attempted deception or fraud in connection with the application or examination;
9. Applicant's dismissal from any other classified position for reasons of misconduct and/or unsatisfactory performance;
10. Expiration of one full year after entry on the list.

2.28.445 Appointments.

A. Appointments for all classified service, both entry and promotional, in the city service shall be made from the appropriate certification list providing that where diligent efforts to establish such lists have been unsuccessful, a provisional appointment may be made.

B. Upon receipt of an appropriate certification list from the human resources [director](#) ~~manager~~, an appointing authority shall make an appointment to a position from the top three names on that list; provided, however, that the appointing authority may refuse to appoint from a certification list containing fewer than three names and request a new certification list be made.

C. Should a candidate demonstrate exceptional qualifications by virtue of knowledge, skills and prior experience, the appointing authority may request a direct appointment to city service with the approval of human resources and the appropriate department head.

2.28.450 Expenditures allowed – Exempt personnel.

A. Whenever the city manager may determine that in order to secure the services of any person not residing within the Richland area as an employee of the city it is necessary to pay the cost of moving the household goods and personal effects of such person from place of residence to the city upon appointment to city service, then payment of reasonable and necessary moving costs may be made from appropriate available maintenance and operation funds in the city’s annual budget, upon the recommendation of the city manager and the approval of such an expenditure by the city council.

B. When the appointing authority deems it necessary to interview personnel to fill positions requiring special experience and training, and such personnel reside outside the city limits, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of applicants to the city for such personal interviews; providing funds for the payment of such expenses are available.

C. In cases of certain examinations which may require the professional expertise of a person outside the city service, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of such persons to the city for participation in such examinations; providing funds for payment of such expenses are available.

2.28.455 Promotional appointments.

In order to best use knowledge, skills, abilities and performance of city employees, the appointing authority shall fill vacancies by promotion whenever practicable. Such promotions shall be based on competitive selection processes, except in those cases where the appointing authority determines that a particular employee, who by virtue of length and quality of work experience for the city, is exceptionally qualified for the promotion; provided, however, that nothing in this section shall apply to promotional appointments in the police ~~services~~ department and fire and emergency services department covered by a collective bargaining agreement. Promotional appointments in those departments shall be based upon the process set forth in RMC 2.28.410 through 2.28.450.

2.28.460 Provisional appointments.

Provisional appointments may be made in the classified service when no appropriate certification list exists. Such appointments shall have a maximum duration of four months and may not continue beyond a 10-day period after the establishment of an appropriate certification list.

2.28.465 Special appointments.

In recognition of the special needs of the city from time to time to employ student trainees, interns, and recreation instructors and aides in diverse programmatic areas designed to meet the desires and needs of the citizens of Richland, authority is granted to the human resources ~~director~~ ~~manager~~ to make occasional special appointments of qualified persons to meet these special needs, budget permitting.

A. The procedure and requirements for appointments to city service provided in this chapter are waived for special appointments made pursuant to this section or the compensation plan.

B. Persons appointed pursuant to this section shall be deemed employees only insofar as wages, and state or federal mandated benefits such as Social Security, industrial insurance, and unemployment compensation are concerned. Other benefits, privileges, protections or rights, including tenure, provided by this chapter, or the compensation plan shall not apply nor shall persons appointed pursuant to this section become eligible for them. Persons so appointed serve solely at the pleasure of the city. Persons so appointed shall be advised in writing of their specific employment status as set forth in this section.

C. Special appointment of individual persons may be recurring, but any single appointment shall not extend beyond eight continuous months.

D. Salary for services rendered by persons appointed pursuant to this section shall be an hourly rate and shall be set by the human resources ~~director~~ ~~manager~~ to be commensurate with the skills needed to meet the special need for which the special appointment is being made. For special appointments to meet recreation program needs, the hourly rate shall in addition reflect the number of expected program participants, the ability to recruit desired program instructors and aides, and such other factors as may impact a particular recreation program offering. In no event shall the hourly rate be less than the federal minimum wage. Provisions of this chapter regarding salary and benefits other than those set forth in this section shall not apply to persons under special appointment.

Article V. Conditions of Employment

2.28.515 Outside employment.

A. An employee seeking to engage in employment other than the employee's job with the city must notify the employee's immediate supervisor.

B. An employee shall not engage in employment other than the employee's city job if such employment constitutes a conflict of interest, is incompatible with the proper discharge of the employee's official duties, or interferes with the efficient performance of the city job.

2.28.520 Service on city advisory boards, committees, and commissions.

Except for membership on the police pension board, in accordance with RCW 41.20.010, and the firemen's pension board, in accordance with RCW 41.14.020, and except for employees serving ex officio, no employee, during his or her term of service in city employment, shall be eligible, or be appointed, to serve on any city board, committee or commission performing an advisory function to the city council.

2.28.525 Political activities.

The following rules shall govern the political activities of city employees:

A. Solicitation for or payment to any partisan, political organization or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited; provided, that

officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person, elected official, or employee shall solicit on city property any contribution to be used for partisan political purposes (RCW 41.06.250).

B. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character (RCW 41.06.250).

C. A city employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office, as determined by the appointing authority, is incompatible with or substantially interferes with the official duties of the employee's job (RCW 41.06.250).

D. For persons employed by the city in positions which are financed primarily by federal grant-in-aid funds, political activity shall be regulated by the rules of the U.S. Civil Service Commission (RCW 41.06.250).

E. No member of the city council nor any candidate for election to city council shall directly or indirectly solicit any contribution or campaign assistance of any nature from any employee of the city.

2.28.530 Tenure of employment – Classified service.

The tenure of any person covered under the provision of this chapter shall be subject to appropriate conduct and the satisfactory performance of the employee's job responsibilities. Any person may be discharged (when authorized by the city manager), or disciplined (including but not limited to suspension without pay, temporary or permanent pay reductions, demotion, and reduction in rank) by the city manager and/or director of a department for any of the following reasons:

A. Unsatisfactory record of attendance and/or punctuality.

B. Absent without leave for three consecutive working days.

C. Incompetent, inefficient or ineffective performance of job responsibilities.

D. Inattention to job responsibilities or loitering.

E. Insubordination, which is the refusal to obey lawful and reasonable direction given by the employer.

F. Dishonest conduct such as theft, fraud or misrepresentation.

G. Disorderly conduct in the course of employment including fighting, horseplay, threatening or otherwise abusing other employees or the general public.

H. 1. Reporting for work in an unfit condition which precludes the employee from performing the function and duties of any position in city service.

2. Possession of alcohol, cannabis, or illegal controlled substance(s) while at work.

3. Consumption or use of alcohol, cannabis, or illegal or controlled substance(s) during the course of an employee's scheduled workday; provided, however, that it is not a violation of this section to use prescribed or over-the-counter drugs that may affect the discharge of an employee's job duties if the employee first notifies his/her supervisor or human resources of such use.

I. Conviction of a felony or misdemeanor which adversely affects the employee's ability to perform the employee's job requirements.

J. The use of employee's city employment for personal profit, gain or advancement other than the regular and rightful compensation and benefits authorized for the position.

K. Negligent, careless or willful acts which damage or endanger the city's property, equipment or the personal safety of employees or the general public.

L. Improper political activity as defined in this chapter.

M. Willfully or knowingly making a false statement, certificate, mark, rating or report in regard to any test, certificate or appointment held or made under the municipal personnel system, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel rules.

N. No person seeking appointment to or promotion in the city service shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, a test, appointment, proposed appointment, promotion or proposed promotion.

O. Noncompliance with RMC 2.28.515.

P. Possession or display of a firearm, as defined in RCW 9.41.010, or explosive device in a city building or city vehicle. This subsection does not apply to commissioned police officers.

Q. Any other act or failure to act which, in the judgment of the appointing authority, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

The human resources ~~manager~~ **director** shall promulgate procedures for administering and imposing the discipline required under this section.

2.28.535 Tenure of employment – Unclassified service.

Employees hired or promoted into unclassified service after the effective date of the ordinance codified in this section are employed at the pleasure of the city and continued employment is at

the discretion of the appropriate authority or city manager. These employees are considered “at will.”

2.28.550 Employment and reemployment rights of members of the uniformed services.

A person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment by the city on the basis of that membership, application for membership, performance of service, application for service or obligation.

The city, in defining the limitations and interpretation of the Federal Act, will utilize the document H.R. 995 Publication, Public Law 103-353, Title 38, Chapter 43 USC.

2.28.555 Employment conflicting with city interests – Noncompetition clause – Former employee.

No person who has served as an employee of the city of Richland shall, for a period of two years from the date of termination or completion of such employment, appear before the city council or receive any compensation for services rendered on behalf of any person, firm, corporation or association in relation to any matter, purchase, sale, proceeding or application with respect to which the former employee was directly concerned and in which the former employee personally participated during the period of employment with the city of Richland. Should such a conflict arise, it shall form the basis for the city to terminate the relationship the city has with the business or individual involved.

Article VI. Insurance Benefits

2.28.605 Insurance benefits.

It shall be the policy of the city, subject to the availability of funds, to carry certain insurance policies as a part of employee benefits, where appropriate. The exact terms of coverage shall be negotiated by the city and the insurance companies, and copies of such policies shall be on file in the city clerk’s office.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify police officers against damage claims for false arrest, and all employees against claims of errors and omissions.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify all employees against claims for damages for personal injuries or property damages arising out of the operation of any city-owned or -operated motor vehicle.

Article VII. Savings Clause

2.28.845 Savings clause.

Notwithstanding the repeal of Ordinances 34, 96 and 123, any rights or benefits acquired by any employee under the provisions of said ordinances shall remain in full force.

Article VIII. Grievance Procedure

2.28.905 Pre-disciplinary hearing opportunity required.

No classified employee may be subject to a disciplinary action that results in suspension, demotion, reduction in pay or termination from city employment except for cause. Prior to imposition of such disciplinary action, the city shall advise the employee in writing of the charges and provide an explanation of the evidence upon which the proposed disciplinary action is based. The employee is then provided an opportunity for a pre-disciplinary hearing. The city, after consideration of the facts and materials presented at the hearing, shall provide the employee with a written decision of the disciplinary action. If the city's disciplinary decision includes suspension, demotion, reduction in pay or termination, the employee may appeal the disciplinary decision to the personnel committee as provided in RMC 2.28.130.

2.28.906 Personnel committee appeal hearings.

A. An appeal to the personnel committee as authorized under RMC 2.28.130(B) shall be in writing and shall be signed by the employee. The appeal shall include the mailing and street address where service of process and other papers may be made upon the employee. The appeal shall also include the ruling or decision from which the employee appeals, a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal.

B. A written appeal must be filed within 10 calendar days after the decision giving rise to the appeal is made. For purposes of calculating time, the day the decision was made is excluded from the 10-day calculation.

C. Hearings shall be held at such time and place as determined by the committee.

D. All parties to the appeal shall be notified of the hearing date and time no less than 10 calendar days in advance of the hearing.

E. During the appeal hearing, the employee and the appointing authority are entitled to be represented by an attorney; testify under oath; subpoena witnesses to testify; cross-examine witnesses; present affidavits, exhibits or other evidence as the committee deems relevant; and argue the case, either directly or through an attorney. The committee reserves the right, at any time throughout the hearing, to ask any question of any witness or request any evidence on any issue it deems relevant to the matter, regardless of whether the issue was first raised by either party.

F. No fewer than five calendar days before the hearing, each party will provide to the other a list of the witnesses it intends to call at the hearing, and complete copies of all documents it intends to offer at the hearing for the committee's consideration. No other discovery is authorized. The committee may postpone the hearing at the aggrieved party's request if this disclosure is not timely made.

G. At any hearing on appeal from a suspension, demotion, reduction in pay or termination, the city shall have the burden of proving by a preponderance of the evidence that its disciplinary action was for cause. At any other appeal hearing under RMC 2.28.130(B), the employee shall have the burden of proof by a preponderance of the evidence.

H. Hearings will be recorded by a recording device. The services of a court reporter may be secured to record the hearing at the requesting party's expense.

I. Within 10 business days of the conclusion of the hearing, the committee shall issue written findings of fact, conclusions of law, and a recommendation to the city manager on whether the city's action should be affirmed, rescinded or modified. If the committee recommends that the city's action be modified, it will also provide a recommendation as to what specific action should be taken. The city manager may accept, reject or modify the recommendation of the committee in rendering a final determination on the appeal of a classified employee under RMC 2.28.130(B). Such final determination shall be issued to the employee within 10 calendar days of receipt of the committee's findings, conclusions and recommendation. For uniformed personnel under Chapters 41.08 and 41.12 RCW, the committee's recommendation shall be binding on the city manager and subject to further appeal as provided herein.

J. Within 30 calendar days of the date of the personnel committee's determination, firefighters and police officers who are subject to a disciplinary action resulting in suspension, demotion, reduction in pay or termination may appeal the decision of the personnel committee to Benton County superior court by serving the city clerk with a written notice of appeal.

1. The written notice of appeal must include the grounds for appeal and a demand that a certified transcript of the hearing and all papers on file with the committee affecting or relating to its determination be filed with the court.

2. The appellant shall bear the costs associated with procuring a certified transcript of the hearing and the filing fees associated with commencing the appeal in Benton County superior court.

3. Benton County superior court shall hear and determine the appeal in a summary manner on the established record. No new evidence is allowed. The court's review is confined to determining, based on the sufficiency of the evidence, whether the suspension, demotion, reduction in pay or termination was or was not made in good faith for cause. No other grounds for appeal are allowed.

2.28.920 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 2. Richland Municipal Code Section 2.32.040, entitled Councilmembers, as first enacted by Ordinance No. 8, and last amended by Ordinance No. 46-21, is hereby amended as follows:

2.32.040 Councilmembers.

The monthly compensation of each member of the council, whether a new or incumbent member, is as follows: 2021, \$1,195; 2022, \$1,231; 2023, \$1,253; 2024, \$1,269; and 2025, \$1,329; provided, however, that nothing herein shall cause an increase or decrease to the compensation of any member of the council after his or her election or during the term of office or any unexpired

term of office, to which such member of the council is appointed or elected. City council shall establish council salary based on the annual increase, if any, in the compensation plan for unaffiliated employees wage table, maintaining a four-year schedule.

All members of the council who participate in the Washington Public Employees' Retirement System shall provide a written certification to human resources, detailing a monthly calculation of the number of hours of service they provide to the city of Richland each year. This record shall be maintained in the human resources ~~department~~ ~~division~~ for auditing purposes as generally required in Chapter 41.40 RCW.

Section 3. Richland Municipal Code Section 2.50.030, entitled Designation of custodian, as first enacted by Ordinance No. 625, and last amended by Ordinance No. 11-00, is hereby amended as follows:

2.50.030 Designation of custodian.

The finance ~~director~~ ~~manager~~ of the city of Richland is designated and appointed as the custodian of the fund, and upon receipt of the monies transferred to him or her as such custodian, he or she shall immediately open a checking account in a local bank in the name of the city of Richland and entitle it "Advance Travel Expense Account – Richland Finance Director Manager, Custodian."

Section 4. Richland Municipal Code Section 3.04.040, entitled General provisions, as first enacted by Ordinance No. 48-15, is hereby amended as follows:

3.04.040 General provisions.

A. The city manager shall be responsible for all city purchasing and may appoint a purchasing officer who shall be employed in the purchasing division of the administrative services department. The purchasing officer, ~~under the direction and approval of the administrative services director,~~ shall be charged with developing administrative procedures to implement this chapter. Procedures should ensure the fiscal responsibility of the city in expending resources for goods and services for city operations. The procurement procedures of the city shall be ~~based on guidelines provided in~~ consistent with the Revised Code of Washington (RCW), by guidance from the State Auditor's Office, ~~by Municipal Research Services Center~~ and best business practices.

B. Federal or State Funds. When a procurement involves the expenditure of state or federal funds or grants, purchasing shall be conducted in accordance with any applicable federal or state laws or regulations.

C. Breaking Down or Splitting Purchases. The breaking down or splitting of any purchase or contract into units or accomplishing any purchase by phases for the purpose of avoiding the maximum dollar amount prescribed in this chapter is contrary to public policy and is prohibited.

D. Unauthorized Purchases. Only authorized individuals may financially obligate the city in the acquisition of goods, services and public works. Any financial obligation made by an individual lacking authority to procure on behalf of the city shall not be deemed ratified or approved by any city official, and the city shall not be bound thereby, except as may be required by law. Individuals

procuring on behalf of the city without proper authorization may be held personally liable for unauthorized debts incurred.

E. Conflict of Interest.

1. To ensure objectivity and eliminate unfair competitive advantage, suppliers (vendors) and consultants who participate in the development or drafting of specifications, requirements, requests for quotes or proposals shall be excluded from competing for such purposes.

2. To avoid potential conflicts of interest, no employee, councilmember or contracted personnel should participate in the selection, award, or administration of purchases or contracts in which, to his or her knowledge, the individual, immediate family, or partner has a financial interest in the supplier's organization.

F. Procurement Methods. Allowable procurement methods include the use of purchase orders, direct purchases (no purchase order), procurement cards (P-Cards), personal reimbursement, petty cash, credit cards, quotes, invitations to bid (ITB), requests for proposals (RFP), requests for qualifications (RFQ), small works roster (SWR), and contracts as the procurement methods are used in compliance with the city's purchasing policies. With appropriate security and internal controls, these procurement methods may be used electronically.

G. Signature Authority. The city manager may delegate the signature authority provided in this chapter to the purchasing officer or to other city employee(s) as deemed appropriate.

H. Standards for Determining Lowest Responsible Bidder.

1. Public Works – State Mandated Criteria. In determining lowest responsible bidder for a public works project, in addition to price, the criteria for bidder responsibility set forth in RCW 39.04.350(1), as now enacted or hereafter amended, shall apply.

2. Public Works – Supplemental Criteria. Supplemental criteria for bidder responsibility for public works projects set forth in RCW 39.04.350(2), as now enacted or hereafter amended, may be considered and may be set forth in the applicable bid documents.

3. Responsible Bidder Criteria. The following may also be considered by the city in determining bidder responsibility for all city procurements:

a. The ability, capacity and skill of the bidder to perform the contract;

b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;

c. The reputation, experience and efficiency of the bidder;

d. The quality of performance of previous contracts by the bidder in the city and in other jurisdictions;

- e. The previous and existing compliance by the bidder with laws, ordinances, and city policies relating to contracts or services;
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract;
- g. The quality, availability and adaptability of the materials, supplies or equipment to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

Section 5. Richland Municipal Code Section 3.12.230, entitled Notice to property owners, as first enacted by Ordinance No. 27-83, is hereby amended as follows:

3.12.230 Notice to property owners.

The ~~city support services~~ finance director or designee shall send by certified mail to each person whose name appears on the assessment rolls and/or tax rolls as owner of the property charged with any delinquent assessment or installment at each address listed on said assessment rolls and/or county tax rolls, a notice at least 30 days before commencement of any action to foreclose a delinquent assessment or installment. The notice shall state the amount due on each separate lot, tract or parcel of land and the date after which the foreclosure proceedings will commence.

Section 6. Richland Municipal Code Section 3.27.020, entitled Revision to the budget payment plan, as first enacted by Ordinance No. 50-93, and last amended by Ordinance No. 30-95, is hereby amended as follows:

3.27.020 Revision to the budget payment plan.

Changes made to the budget plan, or the utility customer services policies dealing with the budget plan, will be subject to review by the finance director ~~manager~~ and the city manager.

Section 7. Richland Municipal Code Section 3.29.030, entitled Special residential rates – Qualification as low income senior citizen or low income disabled citizen, as first enacted by Ordinance No. 40-02, and last amended by Ordinance No. 03-16, is hereby amended as follows:

3.29.030 Special residential rates – Qualification as low income senior citizen or low income disabled citizen.

A. The special residential rate for low income senior citizens or low income disabled citizens specified in RMC 3.29.020 shall be available to each person who shows satisfactory proof ~~to the finance manager, or his designee,~~ that he or she:

- 1. a. Is 62 years of age or over; or
- b. Is a citizen qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind citizen as defined in RCW 74.18.020(4), or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1); and

2. Has a maximum annual income of not more than 125 percent of the poverty level established by the federal office of management and budget; and
3. Is the sole occupant or the head of a household; and
4. Resides in a dwelling unit served directly by the city's utility; and
5. Is billed in his or her name by the city's utility.

B. All information presented in support of such application shall be verified by the applicant who shall provide such other data as deemed appropriate upon forms and in a manner determined by the finance ~~director~~ ~~manager~~ or ~~his~~ designee.

Section 8. Richland Municipal Code Section 3.30.040, entitled Delinquency and utility collection charges, as first enacted by Ordinance No. 15-03, and last amended by Ordinance No. 07-18, is hereby amended as follows:

3.30.040 Delinquency and utility collection charges.

Bills are due and payable upon receipt, and are delinquent after 20 days from the billing date. Failure to receive a bill does not release the customer from payment of the obligation. Whenever a utility customer is contacted as the result of failure to make application for service or for nonpayment, a collection charge of \$10.00 will be charged. Interest may accrue on delinquent accounts at 12 percent per year. If the utility dispatches personnel to a customer's service location because of failure to make application for service or for nonpayment prior to dispatch then a collection charge of \$50.00 will apply. Services will be disconnected until the customer makes satisfactory application for service, full payment including collection charges has been made or a payment arrangement agreement has been properly signed. Discontinuance of service does not release the customer from their obligation to pay charges for service provided. Upon execution of a utility application for service, payment arrangement or satisfactory payment, service will be restored before 5:00 p.m. Monday through Friday (except for holidays) without an additional service fee. Services restored after 5:00 p.m. Monday through Friday or holidays will also incur a \$75.00 after-hours service fee. Active renter accounts that become 120 days past due will be terminated and turned over to collections. If a renter vacates the property and fails to request services be terminated, the service charges and associated fees or penalties remain the renter's responsibility up to the point in time the account and/or services are terminated. At the time the renter account is closed due to the 120-day past-due status, the owner will be responsible for subsequent services or charges at that service location. Delinquent owner accounts are subject to a service lien in accordance with Chapter 3.28 RMC. The finance ~~director~~ ~~manager~~, or his or her designee, may use the services of a collection agency to collect delinquent service charges in the manner and extent provided in RCW 19.16.500 as currently enacted or hereinafter amended. The collection agency fee shall be added to the amount of delinquent service charge. The finance ~~director~~ ~~manager~~, or his or her designee, is authorized to waive the late penalty charge, disconnection, and/or reconnection charges under the following circumstances:

- A. Where a utility customer has made payment arrangements with the city for deferral of the payment of the bill;

- B. Where a utility customer has not been delinquent in the previous 12 months; or
- C. If an emergency arises where the water service needs to be disconnected.

Section 9. Richland Municipal Code Section 3.34.040, entitled Accounting methods to be established, as first enacted by Ordinance No. 29-85, is hereby amended as follows:

3.34.040 Accounting methods to be established.

The city of Richland ~~support-services~~ finance director and accounting section shall establish, separate and distinct from the general fund of the city, special accounts to be known as seized assets and seized drug/money accounts.

A. Purpose of Accounts. The purpose of the two accounts is to help offset investigation expenses and enhance investigative ability by providing additional resources.

1. The seized assets account shall be used to augment investigative expenses.
2. The seized drug/money account shall be used to augment the purchase of materials and supplies within the police department.

B. Administration of Funds. The accounts established by this chapter shall be administered by the city of Richland ~~support-services~~ finance department according to sound accounting practices and principles consistent with the applicable laws, rules, regulations, and order consistent with the purpose of this chapter.

C. Sources of Funding for Seized Asset Account. The proceeds from sales authorized by RCW 69.50.505, less the amount to be forwarded to the Criminal Justice Training Commission, shall be credited to the seized assets account.

D. Sources of Funding for Seized Drug/Money Account. When currency is seized by the Richland police department for violation of Chapter 69.50 RCW, Uniform Controlled Substance Act, or city ordinance, and after forfeiture is so ordered by a hearing officer or judge of municipal, district or superior court, the currency so ordered forfeited shall be credited directly to the seized drug/money account after the money is no longer of evidentiary value. Currency seized, which is not contested, shall be ordered forfeited by the city hearing officer and credited directly to this account.

E. Definition. All terms used herein shall, in addition to their ordinary meaning, also be defined according to common law and any state statute or city ordinance.

Section 10. Richland Municipal Code Section 5.04.070, entitled City license officer defined, as first enacted by Ordinance No. 83, and last amended by Ordinance No. 50-19, is hereby amended as follows:

5.04.070 City license officer defined.

“City license officer” or “license officer” is the finance director ~~manager~~ or designee of the city of Richland.

Section 11. Chapter 5.12 of the Richland Municipal Code, entitled Soliciting and Canvassing, as first enacted by Ordinance No. 97, and last amended by Ordinance No. 28-10, is hereby amended as follows:

Chapter 5.12 SOLICITING AND CANVASSING

Sections:

5.12.010 Purpose.

5.12.020 Solicitor or canvasser defined.

5.12.030 License required.

5.12.040 Application for license – Filed with finance ~~director~~ **manager or designee.**

5.12.050 Application for license – Contents.

5.12.060 Investigation – Character and business responsibility.

5.12.080 Licenses – Fees.

5.12.110 Revocation of license.

5.12.120 Appeal.

5.12.130 Orders.

5.12.140 License to be carried.

5.12.150 Exclusions.

5.12.160 License – Additional.

5.12.170 Violations – Penalties.

5.12.180 Severability.

5.12.010 Purpose.

This chapter is an exercise of the power of the city to license for regulation.

5.12.020 Solicitor or canvasser defined.

A “solicitor” or “canvasser” is defined as any person who goes from house to house, or from place to place, in the city of Richland, selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future, whether such person has, carries or exposes a sample of such goods, wares and merchandise or not, or whether he is collecting advance payment on such sales or not.

5.12.030 License required.

It is unlawful for any person to act as solicitor or canvasser within the city of Richland without first having obtained a license issued pursuant to this chapter.

5.12.040 Application for license – Filed with finance ~~director~~ **manager or designee.**

Applicants for license under this chapter shall file with the finance ~~director~~ **manager** an application in writing on a form to be prescribed by him.

5.12.050 Application for license – Contents.

The application shall contain the following information:

A. Name and description of the applicant.

B. Permanent home address and local address of applicant.

C. A brief description of the nature of the business and the goods to be sold or services to be performed.

D. If employed by another, the name and address of the employer must be provided. The employer must have a Washington State master business license and Richland business license.

E. The length of time for which the right to do business is required.

F. The place of manufacture or production of goods to be offered for sale, the present location of such goods and the proposed method of delivery.

G. Picture identification is required with solicitor application. Applicants with a Washington State address of one year or longer shall pay \$12.00 for a Washington State Patrol background investigation (valid for one year). Applicants with a permanent address in any state other than Washington must provide a current state patrol background check for each state in which the applicant resided during the past 12 months. All applicants will undergo a current warrants check by the Richland police department.

H. The names of two reliable persons resident in the state of Washington as references to the good character and business responsibility of the applicant or, in lieu of such references, the means of obtaining evidence as to the applicant's character and business responsibility.

I. A statement as to any convictions of any crimes, misdemeanors or violations of municipal ordinances, the date, the nature of the offense and the penalty assessed therefor.

The application shall be sworn to by each applicant and shall be accompanied by a fee of \$12.00 to cover the cost of investigation of the facts stated in the application, and if applicant is the employee of another, evidence of the exact relationship between applicant and employer.

5.12.060 Investigation – Character and business responsibility.

The original of the application shall be referred to the chief of police or designee who shall promptly make an investigation of applicant's character and business responsibility. If applicant's character or business responsibility is found to be unsatisfactory, the chief of police or designee shall endorse on such application his or her disapproval and the reasons therefor to the finance ~~director manager~~, who shall notify the applicant that his or her application is disapproved and that no license will be issued. If the chief of police or designee finds that applicant's character and business responsibility are satisfactory, he or she shall endorse his or her approval on the application and return it to the finance ~~director manager~~ who shall, upon payment of the license fee and the filing of bond, as provided by this chapter, issue the license.

5.12.080 Licenses – Fees.

Licenses shall be issued for a period of 30 days at a cost of \$10.00 or 90 days for a cost of \$30.00.

5.12.110 Revocation of license.

A license issued under this chapter may be suspended or revoked by the finance ~~director~~ ~~manager~~, or the finance ~~director~~ ~~manager~~ may refuse to issue a renewal license after notice and hearing, for any of the following causes:

- A. Fraud, misrepresentation, or false statement contained in the application for license.
- B. Fraud, misrepresentation or false statement made in the course of carrying on his or her business as solicitor or as canvasser.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for suspension or revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed or delivered to the licensee at his or her last known local address.

5.12.120 Appeal.

Any person aggrieved by the action of the chief of police or of the finance ~~director~~ ~~manager~~ or designee in the denial of a license, or of the finance ~~director~~ ~~manager~~ in the suspension or revocation of a license, shall have the right of appeal to the city council. Such appeal shall be taken by filing with the finance ~~director~~ ~~manager~~ a written notice thereof within five days after the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the licensee may be given notice of hearing on the appeal. The city council shall hear the appeal, or may refer the same to a committee for hearing. At the hearing the licensee shall be entitled to appear in person and offer evidence pertinent to the suspension or revocation, and the finance ~~director~~ ~~manager~~ shall likewise be entitled to be heard at the hearing and offer evidence in support of his or her order of suspension or revocation. The city council shall determine by resolution whether the suspension or revocation shall be sustained, and its action in that respect shall be final and conclusive.

5.12.130 Orders.

All orders taken by licensed solicitors shall be in writing in duplicate, stating the name, as it appears on the license, and address of both solicitor and his or her employer, the terms thereof, and the amount paid in advance, and one copy shall be given the purchaser.

5.12.140 License to be carried.

Such license shall be carried at all times by each solicitor for whom issued when soliciting or canvassing in the city, and shall be exhibited by any such solicitor whenever he or she shall be requested to do so by any police officer or any person solicited.

5.12.150 Exclusions.

This chapter shall not apply to:

- A. Insurance salesmen, or salesmen calling on wholesalers or retailers.
- B. Daily newspaper carriers, whether subscriptions are taken or not.
- C. Any farmer, gardener, or other person selling, delivering or peddling any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state.
- D. Any person selling or delivering milk or milk products, or bakery goods, produced or manufactured in this state or furnishing to any person laundry and dry cleaning service.
- E. Any member or members of a religious, charitable, health or welfare, political, service or youth service organization selling or offering to sell goods or service in order to raise funds for the work of such organization and for no other purpose.

5.12.160 License – Additional.

The license required by this chapter shall be in addition to any other licenses required by the parent company for which the solicitor represents general law or the ordinances of the city.

5.12.170 Violations – Penalties.

Any person convicted of violating the provisions of this chapter shall be punished by a fine not to exceed \$5,000 or by imprisonment for not more than one year, or both such fine and imprisonment.

5.12.180 Severability.

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

Section 12. Richland Municipal Code Section 5.13.040, entitled Applications, as first enacted by Ordinance No. 22-88, and last amended by Ordinance No. 07-09, is hereby amended as follows:

5.13.040 Applications.

Each application for license under this chapter shall submit the following:

- A. ~~His~~ The applicant's permanent address and the address of his or her principal or supplier;
- B. A statement that ~~he~~ the applicant will conduct business from a fixed location within the city, and the address from which business will be conducted;
- C. A description of the nature and type of goods, merchandise or produce to be sold.

All applications shall be subject to review by the police ~~services~~ department who shall perform a warrant check of the applicant and report back within three working days. A finding in this

investigation that the applicant has engaged in fraudulent or deceptive trade practices shall be grounds for denial of a license.

Section 13. Richland Municipal Code Section 5.16.010, entitled Definitions, as first enacted by Ordinance No. 122, and last amended by Ordinance No. 62-82, is hereby amended as follows:

5.16.010 Definitions.

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them:

“Admission charge” in addition to its usual and ordinary meaning includes:

A. A charge made for season tickets and subscriptions;

B. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations.

“Director” means the ~~support services~~ finance director.

“Person” means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, joint stock company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

“Place” includes, but is not restricted to, theaters, dance halls, amphitheaters, auditoriums, stadiums, baseball and athletic parks, circuses, pavilions and fields other than golf courses, side shows, outdoor amusement parks, and such attractions as merry-go-rounds, Ferris wheels, and other amusement rides.

“Subscription” includes, in addition to its usual and ordinary meaning, annual membership dues or fees in an organization whose principal purpose is to present theatrical or musical performance for its members.

Section 14. Richland Municipal Code Section 5.16.030, entitled Exceptions – Generally, as first enacted by Ordinance No. 122, and last amended by Ordinance No. 26-79, is hereby amended as follows:

5.16.030 Exemptions – Generally.

The provisions of this chapter shall not apply to admission charges for an event or activity conducted or held by any bona fide charitable or nonprofit organization when all the net proceeds, after payment of the cost and expense of conducting such event, inure to such organization for the purposes thereof.

The term “bona fide charitable or nonprofit organization” as used in this section means any organization duly existing under the provisions of Chapter 24.12, 24.20 or 24.28 RCW, any agricultural fair authorized under the provisions of Chapter 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of Chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural

purposes, or any nonprofit organization or association, whether incorporated or otherwise, when found by the ~~support-services~~ finance director to be organized and operating or conducting an event or activity for one or more of the above-listed purposes.

Section 15. Richland Municipal Code Section 5.20.020, entitled Definitions, as first enacted by Ordinance No. 117, and last amended by Ordinance No. 37-16, is hereby amended as follows:

5.20.020 Definitions.

In construing the provisions of this chapter, save when otherwise plainly declared or clearly apparent from the context, the following definitions shall be applied:

“City” means the city of Richland, Washington.

“Finance director ~~manager~~” means the finance director ~~manager~~ of the city of Richland.

“Gross electric revenues” means the amount received from the sale of electric energy, which also includes any regularly recurring charge billed to consumers as a condition of receiving electric energy.

“Gross income” means the value proceeding or accruing from the sale of tangible property or of service, and receipts (including all sums earned or charged, whether received or not), by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages, or other evidences of indebtedness, or stocks and the like and excluding receipts or proceeds from federal, state or local grants, or contributions in aid of construction), and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid, or any expense whatsoever, and without any deduction on account of losses.

“Person” or “persons” means persons of either sex, firms, co-partnerships, corporations and other associations of natural persons, whether acting by themselves or by servants, agents or employees.

“Taxpayer” means any person liable for the license fee or tax imposed by this chapter.

“Tax year” or “taxable year” means the year commencing January 1st and ending December 31st of the same year, or in lieu thereof, the taxpayer’s fiscal year when permission is obtained from the finance director ~~manager~~ to use the same as the tax period.

Section 16. Richland Municipal Code Section 5.20.040, entitled Occupation subject to tax – Gas system – Amount, as first enacted by Ordinance No. 117, and last amended by Ordinance No. 50-04, is hereby amended as follows:

5.20.040 Occupation subject to tax – Gas system – Amount.

There is levied and there shall be collected from every person, firm, company or corporation which operates in the city works, plants or facilities for the distribution and sale of manufactured or natural gas, a tax in the amount, effective November 1, 1996, of eight and one-half percent;

provided, however, that a fee or tax of one percent shall apply to that portion of gross income derived from a single customer in excess of \$35,000 per month. Suppliers claiming the reduced rate for volume sales to single users shall submit such reports indicating such sales as required by the finance ~~director~~ ~~manager~~.

Section 17. Richland Municipal Code Section 5.35.040, entitled Establishment of special fund – Purpose, as first enacted by Ordinance No. 4-74, and last amended by Ordinance No. 08-00, is hereby amended as follows:

5.35.040 Establishment of special fund – Purpose.

There is created a special fund in the city of Richland to be known as the hotel/motel tax fund. All taxes levied and collected under the provisions of this chapter shall be credited to the hotel/motel tax fund. Such taxes shall be levied and used only for the purposes specified in RCW 67.28.1815 as it now exists or as hereinafter amended in whole or part, and until withdrawn for use, the monies accumulated in such fund may be invested in interest-bearing securities by the ~~support-services~~ ~~finance~~ director in any manner authorized by law.

Section 18. Richland Municipal Code Section 5.45.090, entitled Use of proceeds, as first enacted by Ordinance No. 23-86, and last amended by Ordinance No. 50-92, is hereby amended as follows:

5.45.090 Use of proceeds.

All proceeds from the tax collected at the rate imposed by RMC 5.45.020 shall be placed by the ~~support-services~~ ~~finance~~ director in the current expense fund and shall be used for capital improvements, including those listed in RCW 35.43.040. This section shall not limit the existing authority of this city to impose special assessment on property benefited thereby in the manner prescribed by law. These capital improvements funds shall be used by the city solely for financing capital projects as defined by RCW 82.46.010(6) that are specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450.

Section 19. Richland Municipal Code Section 5.50.010, entitled Definitions, as first enacted by Ordinance No. 1-93, and last amended by Ordinance No. 40-01, is hereby amended as follows:

5.50.010 Definitions.

For the purposes of this chapter, the following definitions apply:

“City” shall mean the city of Richland, Washington, a municipal corporation.

“Full-time equivalent” refers to the calculation made to determine the number of employees, both part and full-time, employed by a particular business. The sum of this calculation is stated in a manner that treats part-time employees, in the aggregate, as a whole or a fraction of a full-time employee. Thus, a business which employs one full-time employee and one half-time employee, employs the full-time equivalent of one and one-half employees.

“Permanent employee” refers to a person who is employed full or part-time in a regular, nonseasonal position, for a period of at least six months during a calendar year.

“Qualification as low income senior citizen or low income disabled citizen” refers to person who shows satisfactory proof ~~to the support service director, or his designee,~~ that he or she:

A. Is 62 years of age or over; or

B. Is a citizen qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind citizen as defined in RCW 74.18.020(4), or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1); and

C. Has a maximum annual income of not more than 125 percent of the poverty level established by the federal Office of Management and Budget; and

D. Is the sole occupant or the head of a household; and

E. Resides in a dwelling unit served directly by the city’s water utility; and

F. Is billed in his or her name by the city’s water utility.

All information presented in support of such application shall be verified by the applicant who shall provide such other data as deemed appropriate upon forms and in a manner determined by the finance ~~director manager~~ or ~~his~~ designee.

“Utility” shall mean the city street utility, a utility authorized to own, maintain, operate and preserve all city streets and related facilities.

Section 20. Richland Municipal Code Section 5.50.070, entitled Billing and collection, as first enacted by Ordinance No. 1-93, and last amended by Ordinance No. 40-01, is hereby amended as follows:

5.50.070 Billing and collection.

Street utility charges, as imposed by RMC 5.50.050, shall be computed on a monthly basis. The amount billed shall be included as a separate charge listed on the city utility bill. The city finance ~~director manager~~, or his or her designee, is hereby authorized to administer the billing and collection of street utility fees. In the event a property does not have utility service but is subject to charges imposed by this chapter, a new account shall be established and that property shall be billed separately for the street utility charges. The finance ~~director manager~~ is directed to compile a list of all businesses, as is necessary for determining utility charge liability under this chapter. The finance ~~director manager~~ is further directed to develop any rules and regulations which are consistent with this chapter and which are necessary for its proper administration.

Section 21. Chapter 5.55 of the Richland Municipal Code, entitled Appeal Procedure, as first enacted by Ordinance No. 23-05, is hereby amended as follows:

Chapter 5.55
APPEAL PROCEDURE

Sections:

5.55.010 Administrative appeal.

5.55.020 Judicial review.

5.55.030 Underpayment of tax, interest, or penalty – Interest.

5.55.040 Time in which assessment may be made.

5.55.010 Administrative appeal.

Any taxpayer aggrieved by the amount of any fee, tax, interest, or penalty found by the finance department to be required under the provisions of this title may, upon full payment of the amount assessed, appeal from such finding pursuant to the following procedures.

A. Form of Appeal. Any appeal must be in writing and must contain the following:

1. The name and address of the taxpayer;
2. A statement identifying the determination of the department from which the appeal is taken;
3. A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the department is alleged to have made in making the determination; and
4. A statement identifying the requested relief from the determination being appealed.

B. Time and Place to Appeal. Any appeal shall be filed with the city clerk no later than 21 days following the date on which the determination of the finance department was mailed to the taxpayer. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.

C. Appeal Hearing. The finance ~~director~~ ~~manager~~ shall, as soon as practicable, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The hearing shall be conducted by having the appropriate city staff provide the basic information of the transaction. The appellant shall be given an opportunity to explain the appellant's position. City staff shall provide a rebuttal to appellant's case.

D. Burden of Proof. The appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the department is incorrect.

E. Hearing Record. The finance ~~director~~ ~~manager~~ shall make an electronic sound recording of each appeal unless the appeal is conducted solely in writing.

F. Decision of the Finance ~~Director~~ ~~Manager~~. Following the hearing, the finance ~~director~~ ~~manager~~ shall enter a decision on the appeal, supported by written findings and conclusions in support thereof. A copy of the findings, conclusions and decision shall be mailed to the appellant taxpayer and retained by the department. The decision shall state the correct amount of the fee, tax, interest or penalty owing.

G. Refund. If the finance ~~director~~ ~~manager~~ determines that the taxpayer is owed a refund, such refund amount shall be paid to the taxpayer after approved by the city manager.

5.55.020 Judicial review.

The decision of the finance ~~director~~ ~~manager~~ may be appealed by any person having paid any assessment as required by the department, except one who has failed to keep and preserve books, records, and invoices as required in this chapter, by filing a proper request for a writ of review with the Benton County superior court. A request for a writ of review must be filed within 30 calendar days following the date that the decision of the finance ~~director~~ ~~manager~~ was mailed to the parties. Review by the superior court shall be on, and shall be limited to, the record on appeal created before the finance ~~director~~ ~~manager~~. The department shall have the same right of review from a decision of the finance ~~director~~ ~~manager~~ as does a taxpayer.

5.55.030 Underpayment of tax, interest, or penalty – Interest.

If, upon examination of any returns, or from other information obtained by the finance ~~director~~ ~~manager~~, it appears that a tax or penalty less than that properly due has been paid, the finance ~~director~~ ~~manager~~ shall assess the additional amount found to be due and shall add thereto interest on the tax only. The finance ~~director~~ ~~manager~~ shall notify the person by mail of the additional amount, which shall become due and shall be paid within 30 days from the date of the notice, or within such time as the finance ~~director~~ ~~manager~~ may provide in writing.

Interest shall be calculated at one percent per month on the amount due and owing to the city.

5.55.040 Time in which assessment may be made.

The finance ~~director~~ ~~manager~~ shall not assess or correct an assessment for additional taxes, penalties, or interest due more than four years after the close of the calendar year in which they were incurred, except that the finance ~~director~~ ~~manager~~ may issue an assessment:

A. Against a person who is not currently registered or has not filed a tax return as required by this title for taxes due within the period commencing 10 years prior to the close of the calendar year in which the person was contacted in writing by the finance ~~director~~ ~~manager~~;

B. Against a person that has committed fraud or who misrepresented a material fact; or

C. Against a person that has executed a written waiver of such limitations.

Section 22. Richland Municipal Code Section 9.30.060, entitled Tax levied, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 18-12, is hereby amended as follows:

9.30.060 Tax levied.

A. There is levied a tax at the rate of five percent on the gross revenue less the amount paid for or as prizes from operating or conducting bingo games, raffles and fishing derbies within the city of Richland. After deducting the amount paid for or as prizes, there is levied a tax at the rate of 10 percent on the remaining receipts from social card games. There is levied a tax at the rate of five percent of gross receipts from punch boards or pull tabs. There shall be a city tax levied upon amusement games of two percent of the gross receipts from the amusement game less the amount awarded as prizes.

B. The tax for the previous six-month period, or portion thereof, shall be paid semi-annually on or before the twentieth day of January, and on or before the twentieth day of July, at the office of the finance ~~director~~ ~~manager~~, Richland City Hall; provided, however, that those persons conducting activities subject to taxation under this section less frequently than once every two months shall pay the tax for each taxable activity at the office of the finance ~~director~~ ~~manager~~, Richland City Hall, within 30 days following the date upon which the activity was conducted; provided further, that each registrant shall maintain sufficient accounting books and/or documentation to substantiate the registrant's revenue from bingo, raffles, amusement games and fishing derbies, which accounting books and/or documentation shall be made available to the city for inspection at reasonable times and under reasonable circumstances. It is the responsibility of the organization to determine the appropriate reporting by contacting the Washington State Gambling Commission.

Section 23. Chapter 11.34 of the Richland Municipal Code, entitled Impound of Vehicles, as first enacted by Ordinance No. 78-77, and last amended by Ordinance No. 15-06, is hereby amended as follows:

**Chapter 11.34
IMPOUND OF VEHICLES**

Sections:

11.34.010 Notice to impound – Authority of contractor.

11.34.020 Procedure when no towing contract has been awarded.

11.34.030 Impoundment for driving while license suspended/revoked (DWLS/DWLR).

11.34.010 Notice to impound – Authority of contractor.

If a towing contract has been awarded, the police officer ordering impounding shall immediately notify the contractor of the location of the impounded vehicle. Such contractor shall thereupon be authorized to seize and impound said vehicle and remove it to a city-approved vehicle impound station.

11.34.020 Procedure when no towing contract has been awarded.

A. The ~~chief of police~~ ~~director of police services~~ shall maintain a list of all businesses within the city of Richland, which businesses are licensed, properly equipped, and otherwise qualified to engage in the occupation of vehicle towing and storage. As a condition precedent to the name of

any such business appearing upon the list so compiled by the chief of police ~~director of police services~~, each such business shall file with the finance director ~~manager~~ a bond in the sum of \$10,000 binding the business and its authorized representative, as principal, and also executed by a surety company authorized to do business in the state of Washington, which bond shall be conditioned upon the business faithfully performing impound and emergency towing pursuant to city ordinance when so authorized by the Richland police ~~services~~ department. The bond shall be in a form approved by the city attorney, and the sufficiency of the surety shall be approved by the city manager and finance director ~~manager~~.

B. As an additional condition precedent to the name of any such business appearing on the list so compiled by the chief of police ~~director of police services~~, each such business shall present to the finance director ~~manager~~ evidence, satisfactory to the finance director ~~manager~~, reflecting that the business fully complies with all Washington State standards and requirements for towing businesses, including but not limited to those standards set forth in Chapter 204-91A WAC, as the same presently exists or may hereafter be amended; provided, however, that the requirement of compliance with Washington State standards shall not apply to any towing business licensed to do business by the city of Richland on the effective date of the ordinance amending and codified in this section. As a final condition precedent to the name of any such business appearing on the list so compiled by the chief of police ~~director of police services~~, each such business shall present to the finance director ~~manager~~ a copy of a valid insurance certificate insuring the business against liability for loss or damage to the vehicle and its contents during impound, towing, or storage. Maintenance of the bond, insurance and compliance with state standards to the extent provided in this section shall be conditions precedent to the name of such business continuing to appear on the list compiled by the chief of police ~~director of police services~~.

C. Vehicle impounds and emergency tows shall be assigned to the businesses named on the list so compiled by the chief of police ~~director of police services~~, on a rotational basis; provided, that in the event that it is not possible to contact a business heading the list at any particular time, or such business is unwilling or unable to accept the impound or emergency tow, the next business appearing on the list shall be contacted until the impound or emergency tow is accepted. The police officer ordering the impound or emergency tow, or a member of the police ~~services~~ department acting under the authority of the police officer ordering the impound or emergency tow, shall notify the business which has accepted the impound or emergency tow of the location of the vehicle to be impounded or towed. The business so notified shall thereupon be authorized to seize such vehicle and remove the same to the city vehicle pound or, in the case of an emergency tow, to another appropriate location.

11.34.030 Impoundment for driving while license suspended/revoked (DWLS/DWLR).

A. Authority. Pursuant to the authority of RCW 46.55.113, whenever the driver of a vehicle is arrested for violation of RCW 46.20.342, driving while license suspended or driving while license revoked, or RCW 46.20.345, operation of vehicle under other license or permit prohibited while license suspended or revoked, the vehicle is subject to impoundment at the direction of the Richland police ~~services~~ department or one of its officers for a length of time provided by this section. Towing operators impounding vehicles pursuant to this chapter must comply with all the statutory requirements established in RCW 46.55.110, 46.55.120 and 46.55.130 relating to notification of impound and sale of vehicle to the registered or legal owner.

B. Vehicle Impound – DWLS/DWLR First or Second Degree. When a vehicle is impounded because the operator is arrested for violation of RCW 46.20.342(1)(a), DWLS first degree, or RCW 46.20.342(1)(b), DWLS second degree, the vehicle will be held in impound, at the written direction of the Richland police **services** department, for a period of time set forth below:

1. Thirty days when the Department of Licensing’s records show that the operator has no prior conviction of RCW 46.20.342(1)(a), DWLS first degree, or RCW 46.20.342(1)(b), DWLS second degree, within the past five years; or
2. Sixty days when the Department of Licensing’s records show that the operator has been convicted once for RCW 46.20.342(1)(a), DWLS first degree, or RCW 46.20.342(1)(b), DWLS second degree, within the past five years; or
3. Ninety days when the Department of Licensing’s records show that the operator has been convicted two or more times for RCW 46.20.342(1)(a), DWLS first degree, or RCW 46.20.342(1)(b), DWLS second degree, within the past five years.

C. Vehicle Impound – DWLS/DWLR Third Degree. When a vehicle is impounded because the operator is in violation of RCW 46.20.342(1)(c), third degree, the vehicle will be held in impound or immediately released, at the written direction of the Richland police **services** department, as set forth below:

1. Immediate release when the Department of Licensing’s records show that the operator has no prior convictions of RCW 46.20.342(1)(a), DWLS first degree, RCW 46.20.342(1)(b), DWLS second degree, RCW 46.20.342(1)(c), DWLS third degree, or similar local ordinance within the past five years; or
2. Thirty days when the Department of Licensing’s records show that the operator has one or more convictions of RCW 46.20.342(1)(a), DWLS first degree, RCW 46.20.342(1)(b), DWLS second degree, RCW 46.20.342(1)(c), DWLS third degree, or similar local ordinance within the past five years.

D. Redemption of Vehicle. Vehicles impounded pursuant to this section may be redeemed after being held for the requisite impoundment period as set forth in subsections (B) and (C) of this section and the following conditions have been satisfied:

1. Eligible person as established in RCW 45.55.120 pays all towing, removal, storage and administrative fees of \$50.00 in commercially reasonable tender as provided in RCW 46.55.120; and
2. In addition, when the vehicle was impounded because the operator was in violation of RCW 46.20.342 and the operator was the registered owner of the vehicle at the time of the impound, such registered owner shall pay all penalties, fines, and forfeitures owed by him or her. The Richland police **services** department, or designee, shall issue a written order directing the release of the impounded vehicle when all the terms and conditions of redeeming such vehicle, as set forth in this section, are satisfied.

E. Early Release of Vehicle. The spouse of the operator, registered owner of a company vehicle, representative of a rental car agency when ownership of the impounded vehicle has been determined to be in its name, lending institution with a security interest in the impounded vehicle, owner of the vehicle who was not the operator at the time of the impound, or any other allowable party under the provision of RCW 46.55.120, may petition the Richland city attorney's office, as designee of the Richland police ~~services~~ department, during normal business hours for early release of the impounded vehicle before the expiration of the impound period on the basis of economic or personal hardship taking into consideration public safety, the operator's criminal history and driving record. If the Richland city attorney's office grants the petitioner's request for early release of the impounded vehicle, the petitioner must pay all towing, removal, storage and administrative fees, including the administrative fee of \$50.00 to the impound revenue fund, in commercially reasonable tender as provided in RCW 46.55.120 before the impounded vehicle will be released.

F. Contesting Impoundment. Any person seeking to contest the validity of the impoundment or the amount of towing and storage charges has a right pursuant to the provisions of RCW 46.55.120 to a hearing in Benton County district court.

G. Severability. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provisions of other persons or circumstances is not affected.

Section 24. Richland Municipal Code Section 13.06.300, entitled Utility rate setting, as first enacted by Ordinance No. 28-06, and last amended by Ordinance No. 31-20, is hereby amended as follows:

13.06.300 Utility rate setting.

A. Fee Formula. A monthly service fee for the operation of the utility shall be established from time to time by ordinance of the city council in conformity with RCW 35.21.766. The amount of the fee shall be based upon cost of regulating ambulance services and the cost of providing the EMS program as determined by a cost-of-service study done pursuant to RCW 35.21.766(3). Those costs, after transport charges and the general fund contribution, shall be divided among Richland residents and other occupants based on a calculation of demand costs and availability costs, consistent with accepted principles of utility rate setting.

1. The rate attributable to availability costs of the utility shall be uniformly applied across all user classifications within the utility.

2. The rate attributable to demand costs shall be established and billed to each utility user classification based on each user classification's burden on the utility.

The fee charged by the utility shall reflect a combination of the rates attributable to both the availability cost and the demand cost. The resulting fees shall be assessed to identifiable use classifications. Fees shall not exceed the revenue requirements to cover the costs of the utility, as authorized by the city council by adoption of an annual budget and subsequent amendments.

B. Classifications. The monthly service fee shall be assessed on each of the following utility user classifications:

1. Family residential.
2. Multifamily residential.
3. Adult family homes.
4. Assisted living facilities.
5. Twenty-four-hour nursing facilities.
6. Group homes.
7. Physician's clinics.
8. Schools.
9. Commercial/business.
10. City public areas.

C. Collection of Fees. The fee shall be collected on a monthly basis in accordance with RMC 13.06.310 from each owner of a residential unit (for the family residential classification and the multifamily classifications to the extent that each unit is separately billed for utilities) and from each owner of a facility (for classifications other than family residential and separately billed multifamily residential units). The occupant of each unit within the above classifications, as applicable, shall be responsible for payment of this service fee for the availability and use of ambulance services. Multifamily residential units or other multi-unit properties that are billed for other utilities through a single utility connection shall be charged a service fee for each active or occupied unit. No service fee shall be charged with respect to any vacant building or unoccupied unit or parcel.

D. Service Fee Exemptions/Reductions.

1. Any change in the occupancy or use of a parcel, or any other change in circumstance that eliminates application of an exemption from the service fee, shall immediately make the affected property subject to the applicable service fee. The service fee shall become due and payable as of the date of the change in use and shall continue until the parcel again meets exemption requirements.
2. Monthly rates shall not be prorated. Initial and final charges may be prorated in accordance with the city's standard utility proration practices.

3. Any customer seeking an exemption from payment of the service fee and/or conversion from covered to exempt status, must file a written petition with the finance ~~director~~ ~~manager~~ seeking a determination as to whether a specific parcel satisfies the exemption requirements set forth in this section.

4. The combined rates charged shall reflect an exemption for persons who are Medicaid eligible and who reside in a nursing facility, boarding home, adult family home, or receive in-home services.

5. The combined rates charged may reflect an exemption or reduction for designated classes consistent with Article VIII, Section 7 of the State Constitution, and the amounts of any such exemption or reduction shall be a general expense of the utility, and designated as an availability cost, to be spread uniformly across the utility user classifications.

E. Periodic Service Fee Review. The city manager or ~~his/her~~ designee will periodically perform financial review and analysis of the utility's revenues, expenses, indebtedness, fees and accounting, and recommend budgets, fee adjustments and financial policy. Based on such review, the city manager or ~~his~~ designee shall recommend changes, amendments or additions for adoption by the city council. The total revenue generated by the rates and charges shall not exceed the total costs necessary to regulate, operate, and maintain an ambulance utility.

Section 25. Richland Municipal Code Section 16.08.030, entitled Billing and collection, as first enacted by Ordinance No. 5-98, and last amended by Ordinance No. 12-07, is hereby amended as follows:

16.08.030 Billing and collection.

Stormwater utility charges, as imposed by RMC 16.08.010, shall be computed on a monthly basis and shall be included as a separate charge listed on the city utility bill. Stormwater charges will be billed as follows:

- A. To the active utility customer on commercial or residential rented or leased property, excluding apartments; or
- B. To the owner when owner occupies a commercial or residential property; or
- C. To the owner where stormwater is billed on an annual basis; or
- D. To the owner when no other utility services are provided at a specific location or property; or
- E. For apartments, to the active utility account for the property manager or the property owner.

Commercial stormwater charges not included in a monthly city utility bill and that are less than \$40.00 per month will be billed on an annual basis.

The stormwater charge for the city-owned parking lots serving the Uptown Shopping Center and the parkway district shall be the obligation of the property owners located in those areas. The

stormwater charges associated with these parking lots shall be divided amongst the property owners according to the proportion of each owner's square footage to the total privately owned square footage in the area.

The finance ~~director~~ ~~manager~~, or his or her designee, is hereby authorized to administer the billing and collection of stormwater utility fees. In the event a property does not have utility service but is subject to charges imposed by this chapter, a new account shall be established and that property shall be billed separately for the stormwater utility charges. The finance ~~director~~ ~~manager~~ is directed to compile a list of all residential property owners or occupiers, commercial property owners and vacant land owners, as is necessary for determining utility charge liability under this chapter. The finance ~~director~~ ~~manager~~ is further directed to develop any rules and regulations which are consistent with this chapter and which are necessary for its administration. Collection and enforcement shall be as provided in the statutes of the state of Washington, Chapter 35.67 RCW et seq. as they currently exist or may hereafter be modified and construed.

Section 26. Richland Municipal Code Section 18.36.220, entitled Annual review of irrigation water utility revenue, as first enacted by Ordinance No. 06-05, is hereby amended as follows:

18.36.220 Annual review of irrigation water utility revenue.

On or before the first day of September of each calendar year, the finance ~~director~~ ~~manager~~ or ~~his~~ designee shall report to the city council any modification and/or increase in the irrigation water utility rate necessary and/or desirable to meet anticipated expenditures of the utility, including but not limited to debt service, operating, replacement, upgrading, and expansion requirements projected in the ensuing year.

Section 27. Richland Municipal Code Section 19.20.020, entitled Determination of proper type of procedure, as first enacted by Ordinance No. 12-96, and last amended by Ordinance No. 19-14, is hereby amended as follows:

19.20.020 Determination of proper type of procedure.

A. Determination by Director. The ~~deputy city manager for community and~~ development services ~~director~~ or ~~his/her~~ designee (hereinafter the "director") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.

B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

C. Decision-Maker(s). Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the hearing examiner, the board of adjustment or planning commission, as applicable, and then

the director. Joint public hearings with other agencies shall be processed according to RMC 19.20.040.

D. Whenever an application involving a comprehensive plan amendment or other legislative action is filed with quasi-judicial actions such as applications for zoning reclassifications, special use permits, planned unit developments and/or preliminary plats, the application requiring legislative action shall first be completed as specified within this title. Following a final decision on the legislative action(s), the hearing examiner shall then consider the applications requiring quasi-judicial action.

Section 28. Richland Municipal Code Section 21.01.020, entitled Administration, permits, and fees, as first enacted by Ordinance No. 20-04, and last amended by Ordinance No. 06-21, is hereby amended as follows:

21.01.020 Administration, permits, and fees.

Chapter 1 of the International Building Code and Chapter 1 of the International Residential Code are hereby amended by the following additions, deletions, and exceptions. Section numbers referenced here are to the International Building Code with the International Residential Code referenced by “R” and the section number in parentheses. Notwithstanding these section numbers referenced from the current codes, all additions, deletions, and exceptions as noted herein shall apply to all future codes adopted by the state of Washington and thence adopted as the building codes for the city of Richland.

A. 101.4.5 Fire Prevention. This subsection shall be amended to add the following paragraph:

Table 20.05.020 from RMC Title 20 shall be considered as if they were integral to and part of this code. All affected chapters and sections of this code regarding fire sprinklers and fire alarms are hereby amended to include Table 20.05.020.

B. 105.1.1 Annual Permit. This subsection shall not be adopted. Annual permits shall not be issued within the city of Richland.

C. 105.1.2 Annual Permit Records. This subsection shall not be adopted. Annual permit records shall not be valid within the city of Richland.

D. 105.2 (R105.2) Work Exempt from Permit.

1. Building. Item (1) of this subcategory of Section 105.2 (R105.2) is hereby amended as shown below, and item (15) is hereby added to this subcategory of Section 105.2 (R105.2). For the International Residential Code, item (15) as noted below shall be numbered and referenced as item (12).

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (IRC) and 120 square feet (IBC), are exempted from the requirements for a building permit. A permit for location placement of such exempt structures shall be issued by the City of Richland prior to construction or erection of these structures. The location placement permit shall be based upon a scalable site plan provided by the applicant and shall show all existing structures on the property together with the distances from all

structures to property lines and to other structures, all existing easements and property lines, and all new structure or building proposals. The location placement permit shall be binding upon the applicant for location placement of the structure for all purposes and requirements of Title 23 of the Richland Municipal Code. The location placement permit shall not require payment of any permit fees. Fees associated with any other aspect of the structure or building proposal including, but not limited to, easement encroachment permits and right-of-way construction permits, shall be as currently enacted in the Richland Municipal Code.

15. (Item 12 for International Residential Code). Amusement devices and structures, including Merry-go-rounds, Ferris wheels, rotating conveyances, slides, similar devices, and accessory structures whose use is necessary for operation of such amusement devices and structures, any accessory structure included in the provisions of this sub-section shall be limited to a cover or roof over each device; but shall not include any storage building or detached structure which is not an integral part of the device.

2. Electrical. This entire subcategory, including repairs and maintenance, radio and television transmitting devices, and temporary testing systems, shall not be adopted. All electrical permits and permit exemptions shall be as set forth by the State of Washington Department of Labor and Industries.

3. Plumbing. Items (1) and (2) of this subcategory shall not be adopted. All plumbing permits and plumbing permit exemptions shall be as set forth in the adopted plumbing code.

E. 105.8 (R105.8). This subsection shall be amended to add the following paragraph:

All contractors and sub-contractors shall have a valid and current business license to conduct business within the City of Richland pursuant to Title 5 of the Richland Municipal Code and shall have a valid and current contractor's license and registration with the State of Washington, Department of Labor and Industries, prior to commencing any actual construction work within the City of Richland.

F. 109.2 and 109.3 (R108.2 and R108.3) Schedule of Permit Fees and Building Permit Valuations. Shall adopt the code of these subsections as stated in both the International Building Code and the International Residential Code; in addition, the following subsection language shall be added as clarification to fees and valuations:

Building. Fees for building permits and related inspections shall be as set forth in Table 1-A from the 1997 Uniform Building Code as previously published by the International Code Council, Inc. The valuation of construction used for the calculation of the building permit fee from Table 1-A shall be the greater of either the valuation noted in Supplemental Table 1-B or the declared valuation of construction from the applicant for the permit. The declared valuation shall include the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. Valuations not shown in Supplemental Table 1-B shall be based on the "Building Valuation Data" as published in the Building Safety Journal by the International Code Council, Inc., or shall be as determined by the building official to reflect the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The Supplemental Table 1-B shall be updated on January 1st of each year and shall incorporate changes from the "Building Valuation Data" as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas

presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted.

Plan Review. Fees for review and examination of required construction plans and/or construction data shall be calculated at sixty-five percent (65%) of the building permit fee as set forth in Table 1-A from the 1997 Uniform Building Code as previously published by the International Code Council, Inc. These plan review fees shall be in addition to the building permit fee and shall be payable at the time of first submittal of plans together with a completed application for permit. There shall be no fee required for the review and examination of plans for any detached, single-family dwelling construction; attached, two-family dwelling construction; or construction of accessory buildings to or additions to such one- and two-family dwellings; except for additional review and examination of changes made to plans for such one- and two-family dwellings, additions, or accessory buildings after completion of the plan review or after issuance of the building permit, all of which will be required to pay a fee as shown in item (2) of Table 1-A. Additional plan review required by changes, additions, corrections, or revisions made to the plans after completion of the initial plan review or after issuance of the building permit shall be required to pay a fee as shown in item (2) of Table 1-A.

Plumbing. Fees for plumbing permits and related inspections shall be as set forth in Table 1-1 of the 1997 Uniform Plumbing Code as previously published by the International Association of Plumbing and Mechanical Officials, Inc., and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted and except that plumbing work associated with a current and active building permit shall not require any permit fee. Fees for review and examination of plumbing plans and/or construction data shall be calculated at twenty-five percent (25%) of the plumbing permit fee as set forth in Table 1-1, except that plumbing plans associated with a submittal of building plans shall not require any plan review fee or additional plan review fee. Additional plan review required by changes, additions, corrections, or revisions to the plans after completion of the plan review or after issuance of the permit shall be required to pay a fee as shown in Table 1-1 or as shown in Table 1-A of the 1997 Uniform Building Code for plumbing work associated with a building permit.

Mechanical. Fees for mechanical permits and related inspections shall be as set forth in Table 1-A of the 1997 Uniform Mechanical Code as previously published by the International Conference of Building Officials, Inc., and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted and except that mechanical work associated with a current and active building permit shall not require any permit fee. Fees for review and examination of mechanical plans and/or construction data shall be calculated at twenty-five percent (25%) of the mechanical permit fee as set forth in Table 1-A, except that mechanical plans associated with a submittal of building plans shall not be required to pay any plan review fee or additional plan review fee. Additional plan review required by changes, additions, corrections, or revisions to the plans after completion of the plan review or after issuance of the permit shall be required to pay a fee as shown Table 1-A of the 1997 Uniform Building Code for mechanical work associated with a building permit.

Grading. Fees for grading permits, for review of grading plans, and for related inspections shall be as set forth in Table A-33-A and Table A-33-B of the 1997 Uniform Building Code, Appendix Chapter 33, as previously published by the International Code Council, Inc. and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted.

Factory-Assembled Structures. Notwithstanding any other provision of the Richland Municipal Code, fees for installation of a factory-assembled structure, including structures meeting the requirements of Title 23 of the Richland Municipal Code for manufactured homes or designated manufactured homes, shall be three hundred dollars (\$300.00) per installation. Fees for building permits for structures attached to a factory-assembled structure, including, but not limited to, garages that are not structurally dependent upon the factory-assembled structure for support, shall be as noted above for building permits and plan review based on valuation of construction. Where a conflict exists between the fee noted here and fees described in other titles of the Richland Municipal Code, the fee noted here shall apply. Factory-assembled structures constructed prior to June 15, 1976, shall be required to undergo inspection and approval by the State of Washington, Department of Labor and Industries, prior to issuance of the installation permit.

Energy Code (NREC). Fees for review of plans and inspection of the construction work related to sections of the Washington State Energy Code that prescribe requirements for non-residential buildings, previously referred to as the Non-Residential Energy Code (NREC), shall be as set forth in the following table. This fee shall not be applied to mechanical permits where mechanical equipment is being replaced with equipment of the same fuel source as the existing equipment.

TOTAL VALUATION	NREC FEE
\$1 to \$20,000	\$100
\$20,001 to \$300,000	\$100 for the first \$20,000 plus \$3.00 for additional \$1,000 or fraction thereof, to and including \$300,000.
\$300,001 to \$800,000	\$940 for the first \$300,000 plus \$1.00 for each additional \$1,000 or fraction thereof, to and including \$800,000.
\$800,001 to \$1,020,000	\$1,440 for the first \$800,000 plus \$0.50 for each additional \$1,000 or fraction thereof, to and including \$1,020,000.
\$1,020,001 or more	\$1,550 maximum

G. 111.1 (R110.1) Use and Occupancy. This subsection shall be amended to add the following paragraph:

The building official shall not issue a certificate of occupancy until approval has been obtained from all City of Richland departments and divisions and from all State of Washington and Federal agencies having jurisdiction or authority over the building project. The finance ~~director~~ ~~manager~~, or currently designated person responsible for finances and accounting, of the City of Richland is authorized and directed to deny any requests for utility services, including, but not limited to, electrical service, solid waste removal, water service, and sewer service, on a permanent-user basis, unless the applicant demonstrates that the building for which such service is requested has been issued a certificate of occupancy or temporary certificate of occupancy by the building official.

Provisional utility services may be provided to the extent necessary for construction of the building prior to issuance of such a certificate so long as the building is not used or occupied.

H. 113.1 (R112.1) General. The board of appeals as described in this section shall mean the Mid-Columbia Board of Appeals as currently established by the jurisdictions of the city of Richland, the city of Kennewick, the city of West Richland, the city of Pasco, Benton County, and Franklin County, together with such other jurisdictions as currently constitute the Mid-Columbia Board of Appeals. The board of appeals as described in other codes adopted herein as the building codes for the city of Richland shall also mean the Mid-Columbia Board of Appeals. The code enforcement board as established in RMC Title 2 shall not constitute the Board of Appeals as described here.

Section 29. Richland Municipal Code Section 28.12.090, entitled Application fee, as first enacted by Ordinance No. 31-16, is hereby amended as follows:

28.12.090 Application fee.

A. Reasonable Costs. An applicant shall pay all reasonable costs incurred by the city related to the processing of any application. Processing costs shall include, but not be limited to, the costs of services rendered by any city employee, agent or representative, including consultants and attorneys.

B. The initial deposit of the application fee for the consideration of an application for issuance, renewal, transfer, or modification of a franchise shall be in the amount of \$5,000, or for a license in the amount of \$1,000, which deposit shall be submitted with the application. The city of Richland may, as costs are incurred, draw upon the deposit to recover its administrative costs, including, but not limited to, the reasonable cost of outside consultants retained by the city related to the city's consideration and processing of a franchise. The city, at any time, may require the applicant to deposit additional sums if it appears that the initial deposit or subsequent deposits will be exhausted prior to the final action by the city relating to the consideration by the city of an application for issuance, renewal, transfer, or modification of a franchise. The applicant will not be entitled to further consideration by the city of Richland of its requested action until such time as the additional deposit required by the city has been deposited with the city. In the event the amount of the deposit of an applicant is in excess of the amount of the administrative expenses of the city related to the action requested, then the applicant shall be entitled to a return of any such excess amount. In addition, an applicant that is awarded a franchise shall pay the city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise or license. Such payment shall be made to the ~~administrative services director of the~~ city within 30 days after the city furnishes the franchisee or licensee with a statement of such expenses.

Section 30. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 31. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 32. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

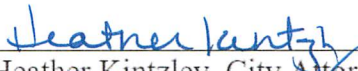
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 4th day of October, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: September 20, 2022
Second Reading: October 4, 2022
Date Published: October 9, 2022