

ORDINANCE NO. 1021

CITY OF LACEY

AN ORDINANCE TERMINATING THE COMBINED OFFICE OF CLERK/TREASURER; REPEALING LACEY MUNICIPAL CODE CHAPTER 2.16; DESIGNATING THE POWERS AND DUTIES OF THE OFFICE OF FINANCE DIRECTOR IN NEW CHAPTER 2.16; DESIGNATING THE POWERS AND DUTIES OF THE OFFICE OF CITY CLERK IN NEW CHAPTER 2.24; REVISING LACEY MUNICIPAL CODE SECTIONS 2.44.050, 2.58.110, 3.02.020, 3.02.030, 3.02.040, 3.02.050, 3.02.080, 3.02.110, 3.03.040, 3.06.020, 3.06.030, 3.10.010, 3.12.030, 3.12.035, 3.12.045, 3.40.020, 3.40.030, 3.40.040, 3.42.020, 3.42.030, 3.42.040, 5.12.015, 5.22.050, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 13.04.090, 13.06.010, 13.36.010, AND 13.44.050; AND PROVIDING A DATE WHEN THE COMBINED OFFICE OF CLERK/TREASURER SHALL BE TERMINATED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 2.16 of the Lacey Municipal Code is hereby repealed.

Section 2. The office of clerk/treasurer shall be terminated in accordance with RCW 35.23.148.

Section 3. There is hereby added a new chapter 2.16 of the Lacey Municipal Code to read as follows:

2.16.010 Appointment. The finance director shall be appointed by the city manager and in addition to those powers and duties specified in sections 2.16.020 and 2.16.030, the finance director shall have such powers and duties as the city manager shall specify.

2.16.020 Powers and duties of the finance director. The finance director has all of the powers and duties of the city treasurer as defined in RCW 35.23.131 and RCW 35A.420.010. In addition, the finance director shall nominate all candidates for the office of city clerk and oversee all functions of the city clerk.

2.16.030 Designated auditing officer. The finance director shall be the auditing officer of the city and shall audit all demands against the city in accordance with the procedure set forth in RCW Chapter 42.24 and regulations of the state auditor.

Section 4. There is hereby added a new chapter 2.24 of the Lacey Municipal Code to read as follows:

2.24.010 Appointment. The city clerk shall be nominated by the finance director and appointed by the city manager.

2.24.020 Powers and duties of the city clerk. The city clerk has all of the applicable powers and duties as set out in RCW 35.23.121 and RCW 35A.42.040. Additional duties may be assigned to the city clerk by the finance director or city manager.

Section 5. Section 2.44.050 is amended to read as follows:

2.44.050 Authority--Powers and duties. The board of park commissioners shall have power and it shall be its duties, subject to such rules and regulations as may from time to time be prescribed by ordinance:

- A. To make investigations and surveys concerning the future park, playground and recreation resources of the city;
- B. To formulate plans for the proper future development of the parks and playgrounds system of the city;
- C. To recommend to the city council through the city manager regarding planning, promotion, management, acquisition, construction, development, maintenance and operation of public recreational facilities and recreational programs, including restrictions on and compensation to be paid for concessions or privileges in the public parks within the city;
- D. To submit to the city manager an annual budget for the operation and maintenance and acquisition of public recreational facilities of the city;
- E. To cooperate with any and all departments of the city and with public school authorities, Thurston County, the state of Washington, and other cities in the surrounding area in the furtherance of a well-rounded parks and recreation program;
- F. To make such rules and regulations in regard to the use of the parks and other recreational facilities as shall best serve the interests of the public;
- G. To receive in the name of the city all moneys or other properties donated for the purpose of acquisition of parks or the improvement of the parks or recreation system of the city, and to expend and use the same in such manner as shall best carry out the interests of the donors, provided that all moneys so received shall be forthwith paid into the city treasury and the same shall be placed in a fund to be known as the parks and recreation fund, except that all donations made for special purposes shall be placed in a separate fund to be known as the parks and recreation donation fund and shall be paid out by the city ~~clerk/treasurer~~ finance director only in payment of the special purpose for which the donation is made;

H. To do any and all of the things necessary and proper to secure for the public a parks and recreation program and the free use and enjoyment of the parks and other recreational facilities of the city.

Section 6. Section 2.58.110 is amended to read as follows:

2.58.110 Travel advances. An advance travel payment, not to exceed the anticipated cost of travel, may be made pursuant to the requirements of RCW sections 42.24.120 through 42.24.160 if the traveler submits a request for such an advance. The request will be in the format and will include all information required by the ~~director of administrative services~~ finance director to comply with regulations prescribed by the State Auditor. Travel advances shall be paid from the advance travel expense revolving fund established by Section 3.10.010. On or before the tenth day following the close of the authorized travel period for which expenses have been advanced, the officer or employee shall submit a travel expense voucher, in the form provided by the ~~director of administrative services~~ finance director, accompanied by the unexpended portion of such advance, if any. The city shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the city to such officer or employee to whom such advance has been given up to the amount of such advance and interest at the rate of ten percent per year, after said advance or the balance thereof is due, until such time as repayment or justification has been made. No additional travel advance of any kind shall be made to any officer or employee, at any time when he or she is delinquent in accounting for or repaying a prior advance.

A travel advance made pursuant to this section shall be considered as having been made to such officer or employee to be expended by him/her as an agent of the city for the city's purposes only, and specifically to defray necessary costs while performing his or her official duties. No such advance shall be considered as a personal loan to such officer or employee and any expenditure thereof, other than for official business purposes, shall be considered a misappropriation of public funds.

Section 7. Section 3.02.020 is amended to read as follows:

3.02.020 Definitions. In construing the provisions of this chapter, except when otherwise declared or clearly apparent from the context, the following definitions shall be applied.

- A. "~~Clerk/treasurer~~" Finance director means the ~~clerk/treasurer~~ finance director of the city of Lacey.
- B. "Manager" means the city manager of the city of Lacey.
- C. "City" means the city of Lacey.

D. "Tax year" or "taxable year" shall mean either the calendar year or the taxpayer's fiscal year when permission is obtained from the ~~clerk/treasurer~~ finance director to use a fiscal year in lieu of a calendar year.

E. "Person" or "company," herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint-stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof, provided a valid tax may be levied upon or collected therefrom under the provisions of this chapter.

F. "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, professional or otherwise, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.

G. "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The auditor may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of dates when the payments become due.

H. "Business" includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

I. "Engaging in business" means commencing, conducting or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

J. "Cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

K. "Successor" means any person who shall, through direct or mesne conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stock of goods, wares or merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his

business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is surety or guarantor.

L. "Taxpayer" includes any individual, group of individuals, corporation or association required to have a business license hereunder, or liable for any license fee or tax, or for the collection of any license fee or tax hereunder, or who engages in any business, or who performs any act, for which a license fee or tax is imposed by this chapter.

M. "Quarterly period" means a three-month period beginning the first day of the following months: January, April, July and October.

Section 8. Section 3.02.030 is amended to read as follows:

3.02.030 Quarterly payment of tax. The license fee or tax imposed by this chapter is levied and shall be effective commencing January 1, 1976, and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued, that is, on January 30, April 30, July 30 and October 30 of each year; provided, however, that those businesses which are entitled to report and pay the business and occupation tax imposed by the state on an annual basis may also report and pay the tax imposed by this chapter on such annual basis. The remittance shall be made to the ~~clerk/treasurer~~ finance director and accompanied by a return on a form to be provided and prescribed by the ~~clerk/treasurer~~ finance director. To the return the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so.

First payments and returns under this chapter shall be made on or before April 30, 1976.

Section 9. Section 3.02.040 is amended to read as follows:

3.02.040 Records. It shall be the duty of every person engaging in business as defined by this chapter to keep and preserve for a period of five years such books and records as will accurately reflect the amount of his gross income or gross subscriber station exchange revenues, as the case may be, and from which can be determined the amount of any fee or tax for which he may be liable under the provisions of this chapter. The term "books and records" as used in this section includes the taxpayer's copies of his federal excise tax returns, state of Washington excise tax returns, and copies of excise tax audits made by the United States or state of Washington and furnished to such person. The taxpayer's books and records shall be open for examination at all reasonable times by the ~~clerk/treasurer~~ finance director or his duly authorized representative.

Section 10. Section 3.02.050 is amended to read as follows:

3.02.050 Failure to pay fee or tax. If payment of any fee or tax due under this chapter is not received by the ~~clerk/treasurer~~ finance director on or before the day it becomes due under this chapter, there shall be added a penalty in interest as follows:

- A. One to forty days delinquency, ten percent with a minimum penalty of \$5.00;
- B. Forty-one to seventy days delinquency, fifteen percent with a minimum penalty of \$10.00;
- C. Seventy-one or more days delinquency, twenty percent with a minimum penalty of \$15.00.

Any tax due and unpaid, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings, which remedy shall be in addition to all other remedies.

Section 11. Section 3.02.080 is amended to read as follows:

3.02.080 Rules and regulations. The ~~clerk/treasurer~~ finance director is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder.

Section 12. Section 3.02.110 is amended to read as follows:

3.02.110 Exemptions. Except as hereinafter provided, the provisions of Section 3.02.090 shall not apply to:

- A. Any person engaging in any business activity where the gross income of the business is less than \$1,000.00 for a quarterly period; provided, however, that when one person engages in more than one business activity and the combined activities equal or exceed \$1,000.00 for the quarterly period, no exemption from the tax is allowed by this provision; provided, further, that any person claiming exemption under the provisions of this subsection may be required by the ~~clerk/treasurer~~ finance director to file returns as provided herein, even though no tax may be due.
- B. Any business or occupation which, by the laws of the state of Washington or by the laws of the United States, the city of Lacey is prohibited from taxing.
- C. Any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor.

D. The gross income received by the United States or any instrumentality thereof and by the state of Washington or any municipal subdivision thereof.

E. Amounts derived from the lease, rental or sale of real estate; provided, however, that nothing herein shall be construed to allow a deduction of amounts derived from engaging in any business wherein a mere license to use or enjoy real property is granted, or to allow a deduction of amounts received as commission from the sale or rental of real estate.

F. Nonprofit or charitable organizations set up under the laws of the state of Washington or any other state or territory of the United States, but not as to any business activities by such entities, which business activities shall be taxable hereunder.

Section 13. Section 3.03.040 is amended to read as follows:

3.03.040 Fund created. There is hereby created a special fund in the treasury of the city of Lacey, known as the "lodging tax fund." All such taxes collected herein shall be placed in such fund for the purpose of paying all or any part of the cost of acquisition, construction or operation of stadium facilities or convention center facilities, performing arts center facilities and/or visual arts center facilities, or to pay to secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion, and until withdrawn for use, the moneys accumulated in such fund may be invested in interest bearing securities by the city ~~clerk/treasurer~~ finance director in any manner authorized by law.

Section 14. Section 3.06.020 is amended to read as follows:

3.06.020 Collection. The collection of the tax imposed by this chapter shall be by the ~~city treasurer~~ finance director of the city of Lacey; provided, however, that should the city contract with Thurston County for the collection of the tax, the tax shall be collected by the Thurston County treasurer and the quarterly statement required by Section 3.06.030 and the quarterly tax payment required by Section 3.06.040 hereof, shall be paid to said Thurston County treasurer rather than to the ~~city treasurer~~ finance director of the city of Lacey as provided therein.

Section 15. Section 3.06.030 is amended to read as follows:

3.06.030 Statement required--License. For the purpose of identifying who shall be subject to the tax imposed by this chapter, any person, association or organization intending to conduct or operate any activity authorized by RCW Chapter 9.46 shall, prior to commencement of any such activity file with the city clerk a sworn declaration of intent to

conduct or operate such activity, together with a copy of the license issued in accordance with RCW Chapter 9.46.

Thereafter, for any period covered by such state license or any renewal thereof, any person, association or organization, shall on or before the thirtieth day of the month following the end of the quarterly period in which the tax accrued, file with the city ~~treasurer~~ finance director a sworn statement, on a form to be provided and prescribed by the city manager, for the purpose of ascertaining the tax due for the preceding quarterly period.

Section 16. Section 3.10.010 is amended to read as follows:

3.10.010 Advance travel expense revolving fund. There is created a fund known and designated as the "Advance Travel Expense Revolving Fund." The fund will be a revolving fund maintained in a bank as a checking account and shall be used solely for the purpose of making advance payment of travel expenses. Advances from the fund shall be by check and the fund will be replenished by warrant from the operating fund responsible for said travel expense. The city ~~clerk/treasurer~~ finance director shall deposit from the current expense fund to the advance travel expense revolving fund the sum of \$2,400.00.

Section 17. Section 3.12.030 is amended to read as follows:

3.12.030 Water department change-making fund--Deposits. The city ~~clerk/treasurer~~ finance director is directed to deposit from the water revenue fund into the water department change-making fund \$50.00, for use by the water department in making change in its normal course of business of accepting payments for water services.

Section 18. Section 3.12.035 is amended to read as follows:

3.12.035 Current expense change-making fund--Deposits. The city ~~clerk/treasurer~~ finance director is directed to deposit from the current expense fund into the current expense change-making fund \$400.00 for the use by city personnel in making change in the sale of licenses, fees and permits and in the collection of fines, forfeitures, civil penalties, and costs for violations of city ordinances.

Section 19. Section 3.12.045 is amended to read as follows:

3.12.045 Joint animal control change-making fund--Initial deposit. The city ~~clerk/treasurer~~ finance director is directed to deposit from the joint animal control fund into the joint animal control change-making fund, \$100.00 for the use by the joint animal control personnel in making change in the sales of animal licenses.

Section 20. Section 3.40.020 is amended to read as follows:

3.40.020 Equipment rental fund--Supervision. The equipment rental fund created in this chapter shall be under the direction of the ~~clerk/treasurer~~ finance director.

Section 21. Section 3.40.030 is amended to read as follows:

3.40.030 Equipment rental fund--Charges. All motor vehicle and other outside portable equipment of the various divisions and departments of the city shall be transferred to the equipment rental fund as directed by the ~~clerk/treasurer~~ finance director.

The charges for the rental for the use of equipment shall be sufficient to cover the maintenance, operation and replacement of such equipment, and the terms for the rental thereof shall be on an annual, monthly, daily or hourly basis as determined by the ~~clerk/treasurer~~ finance director. A schedule of such charges shall be prepared by the ~~clerk/treasurer~~ finance director, subject to the approval of the city council. Such rental rates may be reviewed and if needed, be revised at least annually, to meet changing costs of maintenance, operation and replacement.

Section 22. Section 3.40.040 is amended to read as follows:

3.40.040 Equipment rental fund--Accounts. There shall be kept, by those directed by the city ~~clerk/treasurer~~ finance director, such books, accounts and records as are necessary to control and report the financial operations of the equipment rental fund, and shall further subdivide the cash account thereof into two separately designated accounts as follows:

A. Account "A", which shall be the "current operating account," into which shall be placed those portions of the charges made to the various divisions and departments of the city, in accordance with the provisions of Section 3.40.030, which are specifically billed the divisions and departments to provide sufficient moneys to pay the salaries and wages, materials, overhead or other costs necessary to operate and maintain all equipment rented thereto. There shall also be placed into account "A" moneys which may from time to time be made specifically available thereto by action of the city council.

B. Account "B", which shall be the "equipment reserve account," into which shall be placed those portions of the charges made to the various divisions and departments of the city, in accordance with the provisions of Section 3.40.030 hereof, which are specifically billed said divisions and departments to provide sufficient moneys, having first taken into consideration the necessary operating and maintenance costs billed under the preceding paragraph, to pay the costs of purchasing new equipment and replacing used equipment as required to carry out the purposes of the equipment rental fund. There shall also be placed in account "B" moneys which are derived from the direct sale of any of the equipment or other capital assets of the fund and any moneys which may from time to time be made specifically available thereto by action of the city council.

Section 23. Section 3.42.020 is amended to read as follows:

3.42.020 Computer services fund--Supervision. The computer services fund created herein shall be under the direction of the ~~clerk/treasurer~~ finance director.

Section 24. Section 3.42.030 is amended to read as follows:

3.42.030 Computer services fund--Charges. All computer equipment, supplies and materials of the various city divisions and departments shall be transferred to the computer services fund as directed by the ~~clerk/treasurer~~ finance director. The charges for the rental for the use of computer equipment shall be sufficient to cover the maintenance, operation, replacement and lease or rental of such equipment, and the terms for the rental thereof shall be on an annual, monthly, daily or hourly basis as determined by the ~~clerk/treasurer~~ finance director. A schedule of such charges shall be prepared by the ~~clerk/treasurer~~ finance director, subject to the approval of the city council. Such rental rates may be reviewed and if needed, be revised at least annually, to meet changing costs of maintenance, operation, replacement and lease or rental of the equipment.

Section 25. Section 3.42.040 is amended to read as follows:

3.42.040 Computer services fund--Accounts. The ~~clerk/treasurer~~ finance director shall keep such books, accounts and records as are necessary to control and report the financial operations of the computer services fund, and shall further subdivide the cash account thereof into two separately designated accounts as follows:

A. Account "A," which shall be the "current operating account" into which shall be placed those portions of the charges made to the various city divisions and departments, in accordance with the provisions of Section 3.42.030, which are specifically billed divisions and departments to provide sufficient moneys to pay the salaries and wages, materials, overhead, lease or rental costs, and other costs necessary to operate and maintain all computer equipment rented thereto. There shall also be placed into Account "A" moneys which may from time to time be made specifically available thereto by action of the city council.

B. Account "B," which shall be the "computer equipment reserve account" into which shall be placed those portions of the charges made to the various city divisions and departments, in accordance with the provisions of Section 3.42.030, which are specifically billed divisions and departments to provide sufficient moneys, having first taken into consideration the necessary operating and maintenance costs billed under the preceding paragraph, to pay the costs of purchasing or replacing that portion of the computer equipment which is or will be owned by the city and is required to carry out the purposes of the computer services fund. There shall also be placed in Account "B" moneys which are derived from the direct sale of any of the equipment or other capital assets of the

fund and any moneys which may from time to time be made specifically available thereto by action of the city council.

Section 26. Section 5.12.015 is amended to read as follows:

5.12.015 Temporary sales activities.

A. Any person, firm or corporation providing premises or facilities for the temporary sale activities of other persons, firms or corporations other than the temporary sale activities of nonprofit, religious, educational or charitable organizations, which combined sales activities are commonly known as or similar to a flea market or swap meet, shall make application with the ~~director of administrative services~~ city clerk for a master business registration certificate for temporary sales. Such application shall be accompanied by the fee established by resolution of the city council for each three days or portion thereof during which such temporary sales activities are planned to take place upon the premises or in the facilities of the applicant with a maximum fee for the calendar year or the balance thereof in the sum so established by resolution. The application shall be processed and referred and the master certificate granted or denied in the same manner as is specified in Section 5.12.010 (B).

B. Any person holding a master certificate for temporary sales shall be required to:

1. Issue, on behalf of the city, to each temporary seller, a seller's permit for each day the seller conducts sales activities and charge for the issuance of the permit the sum established by resolution of the city council, which sum shall be remitted to the city. Upon issuing the permit, the name, address, telephone number and Washington driver's license or other identification number of the seller, and the booth number and the identification or serial numbers of all property to be sold containing such numbers, shall be recorded and maintained for inspection by the city;

2. Collect from each person, firm or corporation conducting temporary sales activities on the premises, Washington State sales tax and remit the same to the State of Washington, Department of Revenue. A record of the sales by each temporary seller shall be recorded on a three-part form sanctioned by the State Department of Revenue with one copy provided to the Department of Revenue and one copy provided to the city.

C. Any person conducting sales activities on the premises or in the facilities provided by the holder of a master certificate shall be required to:

1. Provide accurate information required to be recorded by the master certificate holder including a full and complete listing of all identification or serial numbers of merchandise containing said numbers;
2. Complete the sales tax form referred to in Section 5.12.015(B), and deposit all sales taxes due with the master certificate holder;
3. Display prominently at the location in which the sales activities are conducted the day seller's permit issued by the master certificate holder on behalf of the city;
4. If any food is to be sold, prominently display proof of county health department approval of the sales in the location in which the sales are to be made.

D. The city shall have the authority to inspect the premises and the merchandise of each seller at any reasonable time to carry out the provisions of this chapter. If, upon the basis of the inspection, it is determined that there is a reasonable likelihood that stolen property is being sold or fraud upon the public is being perpetrated by an individual seller, the police chief or his designee may prohibit further sales by the seller; provided, however, that an individual seller shall have the right to appeal the prohibition to the director of finance within five days after the prohibition taking effect.

E. A master certificate will be valid for the calendar year for which the certificate is issued. The city shall issue a new registration certificate for each calendar year during which the business continues to operate after the initial calendar year in which the business is registered upon the receipt of a yearly fee equal to the application fee set forth in this section.

F. If the holder of the master certificate fails to comply with requirements of this section, or allows sales activities to take place after being notified to prohibit sales by a particular seller, the ~~director of administrative services~~ city clerk may revoke the master certificate or refuse to issue a new master certificate for a subsequent calendar year.

Section 27. Section 5.22.050 is amended to read as follows:

5.22.050 Appeal procedure. Any person or firm whose application for the performance of private patrol services has been denied, shall have the right to appeal the denial to the city council by filing an appeal with the ~~director of administrative services~~ city clerk of the city within ten days after the receipt of such denial. The city council shall proceed to hear the appeal and render its decision within thirty days after appeal is filed.

Section 28. Section 5.32.030 is amended to read as follows:

5.32.030 License application. Before any license shall be granted as provided for herein, the applicant shall file with the city clerk/~~treasurer~~ an application in writing for each license, containing the name in full of the applicant, the location where the business is to be conducted, the nature of the business to be conducted, and the place of residence and nature of business or employment of the applicant during the preceding five years, together with the license fee required under Section 5.32.020.

Section 29. Section 5.32.040 is amended to read as follows:

5.32.040 Issuance of license. Prior to the issuance of a license under this chapter, the city clerk/~~treasurer~~ shall refer the application to the chief of police, who shall investigate the character of the applicant. The chief of police shall advise the city clerk/~~treasurer~~ in writing of the results of his investigation within thirty days after the application is filed. If upon receipt of the report by the chief of police the city clerk/~~treasurer~~ determines that the applicant is of a law-abiding character and that the place of business is in the proper zone for the conduct of such business, the city clerk/~~treasurer~~ shall issue the license.

Section 30. Section 5.32.050 is amended to read as follows:

5.32.050 Denial of license. Should the city clerk/~~treasurer~~ find on the basis of the report of the chief of police that the applicant is not of a law-abiding character or that the business location is not within the proper zone for the conduct of such business, the city clerk/~~treasurer~~ shall deny the application for the license. At the expiration of ten days from the date of denial of the license application, the city clerk/~~treasurer~~ shall refund to the applicant fifty percent of the license application fee.

Section 31. Section 5.32.060 is amended to read as follows:

5.32.060 Appeal from denial of license. An applicant whose application for license has been denied under this chapter shall have the right to appeal to the city council by filing a notice of appeal with the city clerk/~~treasurer~~ within ten days after the denial has been entered.

Section 32. Section 13.04.090 is amended to read as follows:

13.04.090 Official notice. "Official notice" is written notice deposited in the U.S. Post Office, postage paid, addressed to the owner at the address shown on the city ~~treasurer~~ finance director's rolls.

Section 33. Section 13.06.010 is amended to read as follows:

13.06.010 Proceedings commencement. Proceedings by the city to foreclose delinquent local improvement district assessments or utility local improvement district assessments or delinquent installments thereof authorized by RCW 35.50.030 shall be commenced on or before June 1st, but not before the city ~~treasurer~~ finance director has mailed to the persons

whose names appear on the assessments roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the ~~treasurer~~ finance director, a notice thirty days before the commencement of proceedings setting forth the amount due upon each separate lot, tract or parcel of land and the date after which the proceedings will be commenced.

Section 34. Section 13.36.010 is amended to read as follows:

13.36.010 Installation, removal and repair.

A. The city shall have and be given the right to replace or place a meter on a service and to remove the service at any time, and when so doing, the meter shall remain the property of the city. If any meter is out of order or repair, an average charge based on the previous three-month use shall be charged. When any customer whose water service is metered makes a complaint that the water bill for any period has been excessive, the water department shall, upon request, have the meter reread and the water service pipe and plumbing fixtures owned by the city and on the premises inspected for leaks. Should the customer then request that the meter be tested for accuracy, he shall then make a deposit as prescribed below with the city ~~treasurer~~ finance director. The customer shall have the privilege of being present when such test is made. In case the test discloses an error of more than three percent of water consumed in favor of the city, the deposit shall be refunded to the customer, a correctly registering meter shall be installed and the customer's account shall be credited with the excess consumption on the three previous readings. When the test discloses an error of three percent or less in favor of the city, the meter shall be adjusted or an accurate meter shall be installed and the amount deposited will be retained by the water department to cover part of the cost of such test.

B. Before making a test of any water meter, the person requesting such a test shall, at the time of request, make a deposit with the city ~~treasurer~~ finance director of the amount charged for such test which shall cover a part of the cost thereof and be as follows:

<u>Size of Meter</u>	<u>Charge</u>
5/8"	\$5.00
3/4"	6.00
1"	7.00
1-1/2"	9.00
2"	12.00
3"	15.00
4"	18.00
6"	27.00
8"	36.00
10"	45.00
12"	80.00

Section 35. Section 13.44.050 is amended to read as follows:

13.44.050 Collection of rates and charges. The city ~~treasurer~~ finance director shall collect all the rates and charges herein provided for and accruing from time to time and all such sums when collected shall be paid by the ~~treasurer~~ finance director into the fund entitled, "Water Revenue Fund." The funds shall be used in accordance with the provisions of city Ordinance No. 102.

Section 36. The effective date for the termination of the combined office of clerk/treasurer shall be 9-2, 1995.

Section 37. The summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 24th day of August, 1995.

CITY COUNCIL

By Jon W. Halverson
Mayor

Attest:

Approved as to form:

Charlotta M. Taylor
City Clerk

[Signature]
City Attorney

Published: August 28, 1995
Monday

SUMMARY FOR PUBLICATION
ORDINANCE 1021

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on August 24, 1995 Ordinance No. 1021 entitled "AN ORDINANCE TERMINATING THE COMBINED OFFICE OF CLERK/TREASURER; REPEALING LACEY MUNICIPAL CODE CHAPTER 2.16; DESIGNATING THE POWERS AND DUTIES OF THE OFFICE OF FINANCE DIRECTOR IN NEW CHAPTER 2.16; DESIGNATING THE POWERS AND DUTIES OF THE OFFICE OF CITY CLERK IN NEW CHAPTER 2.24; REVISING LACEY MUNICIPAL CODE SECTIONS 2.44.050, 2.58.110, 3.02.020, 3.02.030, 3.02.040, 3.02.050, 3.02.080, 3.02.110, 3.03.040, 3.06.020, 3.06.030, 3.10.010, 3.12.030, 3.12.035, 3.12.045, 3.40.020, 3.40.030, 3.40.040, 3.42.020, 3.42.030, 3.42.040, 5.12.015, 5.22.050, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 13.04.090, 13.06.010, 13.36.010, AND 13.44.050; AND PROVIDING A DATE WHEN THE COMBINED OFFICE OF CLERK/TREASURER SHALL BE TERMINATED."

A section by section summary of this Ordinance is as follows:

Section 1 repeals chapter 2.16 of the Lacey Municipal Code, which defines the former office of clerk/treasurer.

Section 2 terminates the office of clerk/treasurer in accordance with state statute.

Section 3 adds a new chapter, 2.16, to the Lacey Municipal Code. The new chapter creates and defines the office of the finance director, including all powers and duties of that office. In addition, the new chapter establishes that the finance director is the city's designated auditing officer.

Section 4 adds a new chapter, 2.24, to the Lacey Municipal Code. The new chapter creates and defines the office of the city clerk, including all powers and duties of that office.

Sections 5 through 25 replace the former title of clerk/treasurer with the title of finance director in sections 2.44.050, 2.58.110, 3.02.020, 3.02.030, 3.02.040, 3.02.050, 3.02.080, 3.02.110, 3.03.040, 3.06.020, 3.06.030, 3.10.010, 3.12.030, 3.12.035, 3.12.045, 3.40.020, 3.40.030, 3.40.040, 3.42.020, 3.42.030, and 3.42.040 of the Lacey Municipal Code.

Sections 26 and 27 replace the former title of director of administrative services with the title of city clerk in sections 5.12.015 and 5.22.050 of the Lacey Municipal Code.

Sections 28 through 31 replace the former title of clerk/treasurer with the title of city clerk in sections 5.32.030, 5.32.040, 5.32.050, and 5.32.060 of the Lacey Municipal Code.

Sections 32 through 35 replace the former title of treasurer with the title of finance director in sections 13.04.090, 13.06.010, 13.36.010, and 13.44.050 of the Lacey Municipal Code.

Section 36 sets the effective date for the termination of the combined office of clerk/treasurer.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: August 28, 1995
Monday

Charotte M. Taylor
City Clerk