

ORDINANCE

905

AN ORDINANCE RELATING TO THE LICENSING OF BICYCLES, AMENDING SECTIONS 10.10.040, 10.10.050, 10.10.060, 10.10.090 AND 10.10.220 OF THE LACEY MUNICIPAL CODE AND REPEALING SECTIONS 10.10.070 AND 10.10.080 OF SAID CODE.

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

Section 1. Section 10.10.040 of the Lacey Municipal Code is hereby amended to read as follows:

Application for a bicycle license and license sticker shall be made to the chief of police. ~~A biannual license fee in an amount established by resolution of the city council shall be paid to the city before each license or renewal thereof is granted. In the event of a loss, a duplicate license will be supplied of the same cost as any new license.~~

Section 2. Section 10.10.050 of the Lacey Municipal Code is hereby amended to read as follows:

(a) The chief of police, upon receiving proper application therefore, is authorized to issue a bicycle license which shall be ~~effective from the date of issue until June 30th, two years from the year issued~~ a permanent license for the identified bicycle.

(b) The chief of police shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The chief of police shall keep record of the number of each license, the date of issue, the name and address of the person to whom issued, and the number of the frame of the bicycle for which issued ~~and a record of all bicycle fees collected by~~ him.

Section 3. Section 10.10.060 is hereby amended to read as follows:

(a) The chief of police, upon issuing a bicycle license, shall also issue a license sticker bearing the license number assigned to the bicycle, the name of the jurisdiction, and the name of the state, ~~and the calendar years for which issued.~~

(b) The chief of police shall cause such license sticker to be firmly attached to the frame of the bicycle for which issued in such position as to be plainly visible.

(c) No person shall remove a license sticker from a bicycle ~~during the period for which issued~~ except in the event the bicycle is dismantled and no longer operated upon any street in this jurisdiction.

Section 4. Sections 10.10.070 and 10.10.080 of the Lacey Municipal Code are hereby repealed.

Section 5. Section 10.10.090 is hereby amended to read as follows:

(a) Upon sale or transfer of a licensed bicycle, the license sticker shall remain a part of the bicycle and be sold thereon.

(b) It shall be the responsibility of the owner to authorize the transfer of registration, by signing "Owner's Certificate of Registration," and releasing the same to the new owner.

(c) In the event that such certificate cannot be produced by the owner, a signed and dated statement testifying that such transfer is with the knowledge and consent of the registered owner may be presented in lieu of signed "Owner's Certificate of Registration."

(d) It shall be the responsibility of the new owner to notify the police department of the transfer of ownership and provide proper proof thereof within 30 days after the date of said transfer.

Section 6. Section 10.10.220 is hereby amended to read as follows:

(a) Every bicycle in use from thirty minutes after sundown until daylight the next day, or whenever atmospheric conditions make it necessary for the safe operation of the bicycle, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

~~(b)--No-person-shall-operate-a-bicycle-unless-it-is-equipped with-a-bell-or-other-device-capable-of-giving-a-signal-audible-for a-distance-of-at-least-two-hundred-feet,-except-that-a-bicycle shall-not-be-equipped-with-nor-shall-any-person-use-upon-a-bicycle any-siren-or-whistle-~~

(e) (b) Every bicycle shall be equipped with a brake which will enable the rear wheel to be locked and skid on dry, level, clean pavement.

Section 7. The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 28<sup>th</sup> day of March, 1991

CITY COUNCIL

By Kay Boyd  
Mayor

Attest:

Charlotte Taylor  
City Clerk

Approved as to form:

[Signature]  
City Attorney

Published: March 31, 1991

SUMMARY FOR PUBLICATION  
ORDINANCE 904

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on March 14, 1991, Ordinance No. 904 entitled "AN ORDINANCE RELATING TO TREE PROTECTION AND PRESERVATION AND MODIFYING CHAPTER 14.32 OF THE LACEY MUNICIPAL CODE BY REPEALING SECTION 14.32.045, ADDING NEW SECTIONS, 14.32.035, 14.32.045, 14.32.067 AND 14.32.069 AND AMENDING SECTIONS 14.32.010, .020, .030, .040, .050, .060, .065, .070, .080 AND .090, ALL OF THE LACEY MUNICIPAL CODE."

This ordinance modifies Chapter 14.32 of the Lacey Municipal Code which has been the city's "Land Clearing Code" by repealing Section 14.32.045 of the Lacey Municipal Code, adding four new sections to that chapter of the code and amending all but two of the remaining sections of Chapter 14.32 of the Lacey Municipal Code. A section by section summary of this ordinance is as follows:

Section 14.32.010 amends the title of the Chapter to be "Tree Protection and Preservation Ordinance."

Section 14.32.020 is an amendment of this same section to add the protection of solar access as an additional reason why trees may have to be removed.

Section 14.32.030 amends that section to modify the definition of "hazard tree" and add definitions of the terms "brushing", "tree protection professional", and "director".

Section 14.32.035 is a new section which provides that the city will contract with a tree protection professional in order to achieve consistency in tree protection decisions and that the costs of such contracting will be borne by individual applicants.

Section 14.32.040 amends that same section to refer to the "Director" instead of the "Building Official."

Section 14.32.045 is a new section declaring the policy of the city relating to timber harvesting and tree protection within the urban growth management boundary.

Section 14.32.050 amends that section to provide for coordination between the processes called for in this chapter and those necessary in other permit procedures and to make reference to the city's tree protection professional. In addition, the section modifies the time period in which six trees could be removed for general property, utility and maintenance, landscaping or gardening purposes from 12 consecutive months to 36 consecutive months and also allow such removal for solar access purposes.

Section 14.32.060 provides for the coordination of the requirements of this chapter with other permitting processes of the city, specifies the information that must be provided to the city and specifies the function of various city officials including the director of the Department of Community Development and the tree protection professional and the power of those officials regarding minor or major amendments to the application during the permit process.

Section 14.32.065 amends that same section by expanding upon and further specifying the standards to be followed in the cutting and protection of trees and other vegetation.

Section 14.32.067 is a new section providing for the recognition of solar access considerations in the decision making processes of tree preservation.

Section 14.32.069 specifies the conditions upon which removal of vegetation may be allowed which otherwise would be prohibited on the condition of provision for extensive revegetation.

Section 14.32.070 amends that same section to speak in terms of financial security for performance rather than limiting such security to bonds and further specifies that such security must be 150% of the estimated cost of the improvements.

Section 14.32.080 amends that same section to provide that appeal from the Site Plan Review Committee shall be made to the hearings examiner rather than to the city council.

Section 14.32.090 deals with violations and specifies penalties and therefore is set forth in full as follows:

A. Violation of the provisions of this chapter or failure to comply with any of the requirements shall constitute a gross misdemeanor and such violation shall be punished as provided by Title 9 of this code for the commission of a misdemeanor. Each day such violation continues shall be considered a separate, distinct offense.

B. Any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties as set forth in subsection A hereof.

C. In addition to the penalties set forth in sections A and B hereof, any violation of the provisions of this chapter is hereby ~~declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction;~~ shall be mitigated by comprehensive treatment of environmental impacts through revegetation of the affected site. In assessing environmental damage, the City's tree protection professional shall determine the extent and value of vegetation removed or damaged and other environmental damage inconsistent with the intent and requirements of this chapter. In assessing environmental damage, the tree protection professional shall consider what the outcome of the site should have been

had the proposed project been designed around existing topography and vegetation and all appropriate vegetation saved. The tree protection professional shall use the recommendations of the International Society of Arboriculture in determining the value of removed and damaged vegetation.

If the violation is discovered after evidence has been removed, the City tree protection professional shall use whatever resources are immediately available to determine environmental damage which may include aerial photographs, other photographs, interviews with adjacent property owners, receipts of timber sales off the site, and any other records available that have a bearing on the quantity and quality of vegetation removed from the site or environmental damage sustained. The tree protection professional also may estimate the probable worth of removed vegetation at the site by analyzing the best case growing capability of the site given soil conditions, health of surrounding tree stands and type of species suspected of removal. The determination of environmental damage made by the tree protection professional shall be given substantial weight in a court of law.



Once the value of the environmental damage is determined, a comprehensive plan for revegetation of the site shall be prepared by the tree protection professional considering the purposes of this chapter and the specific elements provided in section 14.32.069 of this chapter. The plan shall provide for a value of new vegetation commensurate with the determined value of environmental damage at the site. The violator shall be fully responsible for implementation of the plan, accomplishment of all improvements and maintenance of said improvements.

Total costs of the violation and environmental restoration shall be the sole responsibility of the violator including the City's administrative costs resulting from enforcement of the violation, costs of the tree protection professional, costs of preparation of the restoration plan, and implementation and completion of the environmental restoration.

The City shall bill the violator for all costs that accrue to the City as a result of the violation and the violator shall be responsible for the costs including administrative and overhead costs. In the event of nonpayment, the City shall pursue all methods available to it to ensure payment.

including liens and court action. Furthermore, no land use permits or approvals shall be issued on property involving the violation until requirements of the chapter are satisfied including payment of all fees and costs to be paid to the City as provided herein.

Section 14.32.100 provides that if any section of this ordinance is declared invalid such declaration shall not affect the remaining portions of the chapter.

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: March 17, 1990.