

**UNION GAP CITY COUNCIL**  
**REGULAR MEETING AGENDA**  
**MONDAY MARCH 22, 2021 – 6:00 P.M.**  
**CITY HALL, 102 W. AHTANUM ROAD, UNION GAP**

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**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**II. CONSENT AGENDA:** There will be no separate discussion of these items unless a Council Member requests in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda. All items listed are considered to be routine by the Union Gap City Council and will be enacted by one motion

*A. Approval of Minutes:*

Regular Council Meeting Minutes, dated March 8, 2021 as attached to the Agenda and maintained in electronic format

*B. Approve Vouchers:*

Payroll Vouchers – EFT's, and Voucher No. 102505 through 102593 for February, 2021 in the amount of \$434,364.95

Claims Vouchers – EFT's, and Voucher No. 102594 through 102647 for March 22, 2021 in the amount of \$281,689.64

**III. ITEMS FROM THE AUDIENCE: - First Opportunity** -The City Council will allow comments under this section on items NOT already on the agenda. Where appropriate, the public will be allowed to comment on agenda items as they are addressed during the meeting. Please signal staff or the chair if you wish to take advantage of this opportunity. Each speaker will have three (3) minutes to address the City Council. Any handouts provided must also be provided to the City Clerk and are considered a matter of public record.

**IV. GENERAL ITEMS**

**Presentation**

Discussion – Update on Activities at Camp Hope

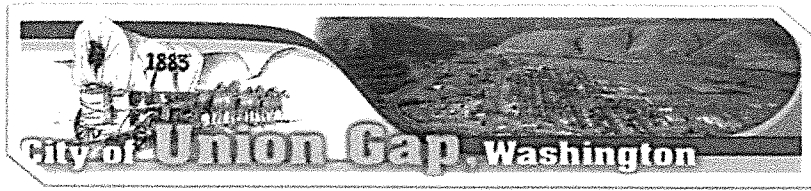
**Public Works & Community Development**

1. Ordinance No. - \_\_\_\_\_ - Creating a new Chapter 11.38 to the UG Municipal Code entitled Communications – Use of Right-of-Way By Wireline and Wireless Service Providers
2. Ordinance No. - \_\_\_\_\_ - Creating a new Chapter 17.32 to the UG Municipal Code entitled Wireline and Wireless Communication Facilities

**Police Department**

Ordinance No. - \_\_\_\_\_ - Criminalizing the Possession of a Controlled Substance Without a Prescription

- V. ITEMS FROM THE AUDIENCE: - Final Opportunity** - The City Council will allow comments under this section on items NOT already on the agenda. Each speaker will have three (3) minutes to address the City Council. Any handouts provided must also be provided to the City Clerk and are considered a matter of public record
- VI. CITY MANAGER REPORT**
- VII. COMMUNICATIONS/QUESTIONS/COMMENTS**
- VIII. DEVELOPMENT OF NEXT AGENDA**
- IX. ADJOURN REGULAR MEETING**



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** Mike Kay, Executive Director of Camp Hope  
**Topic/Issue:** Discussion – Update on Activities at Camp Hope

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**SYNOPSIS:** Mike Kay, Executive Director of Camp Hope would like to discuss Camp Hope and the activities that are happening there.

**RECOMMENDATION:** Discussion Only

**LEGAL REVIEW:** N/A

**FINANCIAL REVIEW:** N/A

**BACKGROUND INFORMATION:** N/A

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** N/A



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** Dennis Henne; Director of Public Works & Community Development  
**Topic/Issue:** Ordinance – Creating a new Chapter 11.38 to the UG Municipal Code entitled Communications – Use of Right-of-Way By Wireline and Wireless Service Providers

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**SYNOPSIS:** The City of Union Gap has the desire to create a new Chapter 11.38 to the Union Gap Municipal Code entitled Communications – Use of Right-of-Way By Wireline and Wireless Service Providers has been created.

**RECOMMENDATION:** Adopt an Ordinance creating a new Chapter 11.38 to the Union Gap Municipal Code entitled Communications – Use of Right-of-Way By Wireline and Wireless Service Providers.

**LEGAL REVIEW:** The City Attorney has reviewed this Ordinance.

**FINANCIAL REVIEW:** N/A

**BACKGROUND INFORMATION:** N/A

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** Ordinance

**CITY OF UNION GAP, WASHINGTON**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE creating a new Chapter 11.38 to the Union Gap Municipal Code entitled **Communications – Use of Right-of-Way By Wireline and Wireless Service Providers.**

**Chapter 11.38 - COMMUNICATIONS – USE OF RIGHT-OF-WAY BY WIRELINE AND WIRELESS SERVICE PROVIDERS**

Sections: Chapter 11.38 of the Union Gap Municipal Code is hereby (amended or created) to read as follows:

**Article I. General**

- 11.38.010 Purpose.
- 11.38.020 Definitions.
- 11.38.030 Registration and fees.
- 11.38.040 Restricted and unrestricted franchises and fees.
- 11.38.050 Cable franchise and fees.
- 11.38.060 Application to existing franchise ordinances and agreements.
- 11.38.070 Penalties.
- 11.38.080 Other remedies.

**Article II. Registration**

- 11.38.090 Registration required.
- 11.38.100 Purpose of registration.
- 11.38.110 Exception of registration and franchise.

**Article III. Franchise Agreement – Master Permit**

- 11.38.120 Franchise – Master permit.
- 11.38.130 Franchise application.
- 11.38.140 Determination by the City.
- 11.38.150 Franchise agreement – Master permit.
- 11.38.160 Nonexclusive grant.
- 11.38.170 Rights granted.
- 11.38.180 Term of grant.
- 11.38.190 Franchise territory – Route.
- 11.38.200 Location of facilities.
- 11.38.210 Utility right-of-way permits.
- 11.38.220 Nondiscrimination.
- 11.38.230 Amendment of franchise agreement.
- 11.38.240 Renewal applications.
- 11.38.250 Renewal determinations.
- 11.38.260 Obligation to cure as a condition of renewal.

**Article IV. Cable Franchise**

- 11.38.270 Grant of cable franchise.
- 11.38.280 Cable franchise required.
- 11.38.290 Length of cable franchise.
- 11.38.300 Cable franchise characteristics.
- 11.38.310 Cable franchisee subject to other laws, police powers.
- 11.38.320 Interpretation of cable franchise terms.
- 11.38.330 Operation of a cable system without a cable franchise.
- 11.38.340 Acts at cable franchisee's expense.
- 11.38.350 Eminent domain.
- 11.38.360 Exclusive contracts and anti-competitive acts prohibited.
- 11.38.370 Cable franchise fees.

**Article V. Conditions of Grant of Franchise or Cable Franchise**

- 11.38.380 General duties.
- 11.38.390 Interference with the rights-of-way.
- 11.38.400 Damage to property.
- 11.38.410 Notice of work.
- 11.38.420 Repair and emergency work.
- 11.38.430 Maintenance of facilities.
- 11.38.440 Relocation or removal of facilities.
- 11.38.450 Removal of unauthorized facilities.
- 11.38.460 Failure to relocate.
- 11.38.470 Emergency removal or relocation of facilities.
- 11.38.480 Damage to grantee's facilities.
- 11.38.490 Restoration of rights-of-way or other property.
- 11.38.500 Facilities maps.
- 11.38.510 Duty to provide information.
- 11.38.520 Leased capacity.
- 11.38.530 Grantee insurance.
- 11.38.540 General indemnification.
- 11.38.550 Performance and construction surety.
- 11.38.560 Security fund.
- 11.38.570 Construction and completion bond.
- 11.38.580 Coordination of construction activities.
- 11.38.590 Assignments or transfers of grant of franchise.
- 11.38.600 Transactions affecting control of grant of franchise.
- 11.38.610 Revocation or termination of grant of franchise.
- 11.38.620 Notice and duty to cure.
- 11.38.630 Revocation hearing.
- 11.38.640 Standards for revocation or lesser sanctions.

**Article VI. Small Wireless Deployments – Franchise and Small Wireless Permits**

- 11.38.700 Overview – Application and review process.
- 11.38.710 Application.
- 11.38.720 Review process – Small wireless permit.

- 11.38.730 Facilities designated in the small wireless permit approval.
- 11.38.740 Small wireless permit and minor deviations.
- 11.38.750 Significant deviations & deployment in design zones and undergrounded areas.
- 11.38.760 Additional review procedures.

**Article VII. Federally Required Review Periods**

- 11.38.800 Purpose.
- 11.38.810 Eligible facilities request.
- 11.38.820 Collocation.
- 11.38.830 New wireless communication facilities.

**Article VIII. Construction**

- 11.38.840 Construction standards/codes.
- 11.38.850 Utility right-of-way permits.
- 11.38.860 Applications.
- 11.38.870 Engineer's certification.
- 11.38.880 Construction surety.

**Article IX. Fees**

- 11.38.890 Registration fee.
- 11.38.900 Application and review fee.
- 11.38.910 Refund.
- 11.38.920 Other City costs.
- 11.38.960 Right-of-way permit fee.

**Article X. Business Licensing of Service Providers**

- 11.38.970 Purpose of business license registration.
- 11.38.980 Business license required.
- 11.38.990 Business license fees.

**Article XI. Miscellaneous**

- 11.38.1000 Context.

## **Article I. General**

### **11.38.010 - Purpose.**

The purposes of this chapter are to:

- A. Permit and manage reasonable access to the right-of-way of the City for communication purposes on a nondiscriminatory basis;
- B. Establish clear and nondiscriminatory local guidelines, standards, and time-frames for the exercise of local authority with respect to the regulation of right-of-way use;
- C. Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to the businesses, institutions, and residents of the City;
- D. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City;
- E. Ensure that the City's current and ongoing costs of granting and regulating private accesses to and use of the public rights-of-way are fully paid by the persons seeking such access and causing such costs;
- F. Ensure that all service providers providing facilities or services within the City comply with the ordinances, rules, and regulations of the City;
- G. Ensure that the City can continue to fairly and responsibly protect the public health, safety, and welfare; and
- H. Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development.

### **11.38.020 - Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not defined herein shall be given the meaning set forth in Title 47 of the United States Code, as amended, or in Chapter 17.32 UGMC. Words not defined therein shall have their common and ordinary meaning:

- A. "Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.
- B. "Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" includes, without limitation:
  - 1. Equipment associated with wireless communications services such as private, broadcast, and public safety services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.



2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small wireless networks).

3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in subsections (B)(1) and (2) of this section that has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

C. “Cable Acts” means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as amended by portions of the Telecommunications Act of 1996, as hereafter amended.

D. “Cable operator” means a service provider providing or offering to provide cable service within the City as that term is defined in the Cable Acts.

E. “Cable service” shall have the same meaning as defined in the Cable Acts.

F. “City” means the City of Union Gap, county of Yakima, state of Washington.

G. “City property” means any real property owned by the City, whether in fee or other ownership estate of interest.

H. “Collocation” means mounting or installing an antenna facility on a preexisting structure, and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. When used in the context of an eligible facilities request, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

I. “Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

J. “Eligible support structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

K. Existing. A constructed tower or base station is “existing” if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local

regulatory review process; provided, that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this definition.

L. "Excess capacity" means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility with the right-of-way that is or will be available for use for additional telecommunications facilities.

M. "FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

N. "Franchise" or "franchise agreement" means a master permit granted for either a restricted or unrestricted franchise.

O. "Grantee" encompasses those franchisees granted certain rights and obligations as more fully described herein.

P. "Washington Utilities and Transportation Commission" or "WUTC" means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state of Washington to the extent prescribed by law.

Q. "Overhead facilities" means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

R. "Master permit" means the agreement in whatever form whereby the City may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of the City to require a franchise nor does it change the status of a service provider asserting an existing state-wide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington State Constitution to occupy the right-of-way. For the purposes of this chapter, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

S. "Person" includes corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, other entities, and individuals.

T. "Public right-of-way" or "right-of-way" means land acquired or dedicated for public roads and streets but does not include:

1. State highways;
2. Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;

3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the State Parks and Recreation Commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. 912 and related provisions of federal law that are not open for motor vehicle use.

U. “Public ways” includes the surface of and space above and below any real property in City in which City has a regulatory interest, or interest as a trustee for the public, including but not limited to all public streets, highways, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area, or property under control of City, and any public or utility easements established, dedicated, or devoted for public utility purposes.

V. “Restricted franchise” or “restricted franchise agreement” means a master permit granted to a service provider who constructs, installs, operates, maintains, or otherwise locates telecommunications facilities in rights-of-way for the purpose of providing telecommunications service to persons and areas outside the City.

W. “Service provider” is defined in accord with RCW 35.99.010(6). “Service provider” shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

X. “Small wireless facility” and “small wireless network” (formerly “small cell facility”) are defined in accord with 47 CFR 1.6002(l).

Y. “Structure,” when used in Article VII of this chapter and/or in the context of small wireless facilities, means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used for the provision of personal wireless service (whether on its own or commingled with other types of service).

Z. Substantial Change. A modification “substantially changes” the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it

involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

AA. "State" means the state of Washington.

BB. "Surplus space" means that portion of the usable space on a utility pole, which has the necessary clearance from other pole users, as required by the orders and regulations of the WUTC, the pole owner and applicable electrical codes to allow its use by a service provider for a pole attachment.

CC. "Telecommunications facilities" means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline telecommunications service.

DD. "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

EE. "Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

FF. “Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.

GG. “Unrestricted franchise” or “unrestricted franchise agreement” means a master permit granted to a service provider who constructs, installs, operates, maintains, or otherwise locates telecommunications facilities in rights-of-way for the purpose of providing telecommunications services to persons or areas in the City.

HH. “Utility facilities” means the plant, equipment, and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within rights-of-way and used or to be used for the purpose of providing utility services or telecommunications services including telecommunications facilities.

II. “Wireline” means communications using conducted electromagnetic or optical emissions by, over, or within a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

**11.38.030 - Registration and fees.**

Except as otherwise provided herein, all service providers engaged in the business of the transmitting, supplying, or furnishing of telecommunications service originating, terminating, or existing with the City shall register with the City pursuant to this chapter and pay all the fees as provided herein or as may be set by resolution.

**11.38.040 - Restricted and unrestricted franchises and fees.**

Except as otherwise provided herein, any service provider who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in rights-of-way for the purpose of providing telecommunications service to persons and areas outside the City, or to persons or areas in the City, shall first obtain a restricted or unrestricted franchise granting the use of such public rights-of-way from the City pursuant to this chapter and pay all the fees as provided herein or as may be set by resolution.

**11.38.050 - Cable franchise and fees.**

Except as otherwise provided herein, any service provider who desires to construct, install, operate, maintain, or locate telecommunications facilities in rights-of-way for the purpose of providing cable services shall first obtain a cable franchise from the City pursuant to this chapter and pay all the fees as provided herein or as may be set by resolution and in the cable franchise.

**11.38.060 - Application to existing franchise ordinances and agreements.**

This chapter shall have no effect on any existing franchise agreement until:

- A. The expiration of said franchise agreement; and
- B. An amendment to an unexpired franchise agreement, unless both parties agree to defer full compliance to a specific date not later than the present expiration date.

**11.38.070 - Penalties.**

Any person found violating, disobeying, omitting, neglecting, or refusing to comply with any of the provisions of this chapter shall be fined not less than \$250.00 nor more than \$750.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.

**11.38.080 - Other remedies.**

Nothing in this chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this chapter.

**Article II. Registration**

**11.38.090 - Registration required.**

All service providers having telecommunications facilities within the unincorporated City, or all service providers or providers that offer or provide telecommunications service originating, terminating or existing within the City, shall register with the City hereunder on forms provided by the City Engineer, or any other department as the City Manager may designate, which shall include the following:

- A. The identity and legal status of the registrant, including any affiliates;
- B. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement;
- C. A description of registrant's existing or proposed telecommunications facilities with the City;
- D. A description of the telecommunications service that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses, or institutions within the City;
- E. Information sufficient for City to determine whether the registrant is subject to franchising under this chapter;
- F. Information sufficient for City to determine whether the transmission, origination, or receipt of the telecommunications services provided or to be provided by the registrant constitutes an occupation or privilege subject to any municipal permit, license, or franchise fee;
- G. Copies of the applicant's registration filed with the WUTC pursuant to Chapter 480-121 WAC, and any tariff or price list or other authorization or related filings as may be required by the WUTC to provide telecommunications services. Alternatively, the applicant shall submit a statement detailing the reasons that registration and related filings with the WUTC are not required;

H. Information sufficient for City to determine that the applicant has applied for and received any utility right-of-way permit, operating license or other approvals required by the FCC to provide telecommunications services or facilities within the City; and

I. Such other information as the City may require.

**11.38.100 - Purpose of registration.**

The purposes of registration are to:

A. Provide the City with accurate and current information concerning the service provider and providers who offer or provide telecommunications services within the City, or who own or operate telecommunications facilities within the City;

B. Assist the City in enforcement of this chapter;

C. Assist the City in the collection and enforcement of any franchise fees, license fees, or charges that may be due the City; and

D. Assist the City in monitoring compliance with local, state, and federal laws.

**11.38.110 - Exception of registration and franchise.**

The following service providers and providers are exempted registration and franchise under this chapter:

A. A company or person which provides telecommunications services solely to itself, its affiliates or members between points in the same building, or between closely located buildings under common ownership or control; provided, however, the company or person obtains a right-of-way use permit if it intends to use or occupy the right-of-way, and, further, it complies with all other applicable requirements of this chapter.

**Article III. Franchise Agreement – Master Permit**

**11.38.120 - Franchise – Master permit.**

A franchise shall be required of any telecommunications provider who desires to make use of telecommunications facilities which occupy rights-of-way and to provide telecommunications services to any person or area in the City.

**11.38.130 - Franchise application.**

Any person that desires a franchise hereunder shall file an application in accordance with this chapter, which shall include the applicable portions of the required franchise application information.

**11.38.140 - Determination by the City.**

Within 120 days after receiving a complete application hereunder for a franchise for use by a utility other than one providing personal wireless service through a small wireless facility, the City Engineer, or other department as the City Manager may designate, shall make a recommendation to the City Council on whether to grant or deny the application in whole or in part. An application

for a franchise and all permits necessary to and associated with the deployment of a small wireless facility shall be considered in a consolidated process whose completeness shall be determined in accord with 47 CFR 1.6003. A recommendation to deny an application may be based on the criteria contained in Chapter 17.32 UGMC for small wireless facilities proposed for location in the public rights-of-way. With respect to all franchise applications denial may be based on any of the following:

- A. The financial and technical ability of the applicant;
- B. The legal ability of the applicant to provide the service or use proposed for franchise authorization;
- C. The capacity of the rights-of-way to accommodate the applicant's facilities;
- D. The capacity of the rights-of-way to accommodate additional utility and telecommunications facilities if the application is granted;
- E. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the application is granted, giving consideration to an applicant's willingness and ability to mitigate and/or repair same;
- F. The public interest in minimizing the cost and disruption of construction with the rights-of-way;
- G. The service that the applicant will provide to the region;
- H. The effect, if any, on general public health, safety and welfare in City's sole opinion if the application is granted;
- I. The availability of alternate routes or locations for the proposed facilities;
- J. Applicable federal, state and local laws, regulations, rules and policies;
- K. Such other factors as may demonstrate that the grant to use the rights-of-way will serve the community interest.

**11.38.150 - Franchise agreement – Master permit.**

No franchise shall be granted hereunder unless the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the franchise to occupy and use rights-of-way will be granted and said agreement has been recorded in accordance with RCW 36.55.080. All franchises granted pursuant to this article shall contain substantially similar terms and conditions, which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other franchisees.

**11.38.160 - Nonexclusive grant.**

No franchise granted hereunder shall confer any exclusive right, privilege or franchise to occupy or use the rights-of-way for delivery of telecommunications services or any other purposes.



**11.38.170 - Rights granted.**

A. No franchise granted hereunder shall convey any right, title or interest in the rights-of-way but shall be deemed a franchise only to use and occupy the rights-of-way for the limited purposes and term stated in the grant.

B. No franchise granted hereunder shall authorize or excuse a franchisee from securing such further easements, leases, permits or other approvals as may be required to lawfully occupy and use rights-of-way excess capacity in an underground facility or surplus space in an overhead facility. Franchisee shall obtain the written approval of the facility or structure owner, if the franchisee does not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way.

C. No franchise granted hereunder shall be construed as any warranty of title.

**11.38.180 - Term of grant.**

Unless otherwise specified in a franchise or unless otherwise renewed, a franchise granted hereunder shall be valid for a term of not more than 10 years.

**11.38.190 - Franchise territory – Route.**

A franchise granted hereunder shall be limited to a grant of use of specific right-of-way and defined portions thereof and/or a specific geographic area of the City to be served by the franchisee, and the specific rights-of-way necessary to serve such area.

**11.38.200 - Location of facilities.**

Unless otherwise specified in a franchise, all facilities shall be constructed, installed and located in accordance with the following terms and conditions:

A. Telecommunications facilities shall be installed within an existing underground duct or conduit whenever excess capacity exists within such utility facility, unless such location is not feasible due to the technology employed in the facility.

B. A franchisee with written authorization to install overhead facilities shall install its telecommunications facilities on pole attachments to existing or replacement utility poles only, and then only if surplus space is available; provided, however, that small wireless facilities may be installed on any structure.

C. Whenever any existing telephone facilities, electric utilities, cable facilities or telecommunications facilities are located underground within rights-of-way, a franchisee with written authorization to occupy the same rights-of-way must also locate its telecommunications facilities underground to the extent technologically feasible.

D. Whenever any new or existing telephone facilities, electric utilities, cable facilities or telecommunications facilities are located or relocated underground within rights-of-way, a franchisee shall concurrently relocate its facilities underground if technologically feasible. It is the responsibility of the franchisee to obtain written authorization from the owner of the facility.

E. If requested, franchisee shall provide the City with additional duct or conduit and related structures necessary to access the conduit; provided, that:

1. The City enters into a contract with the franchisee consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the franchisee. If the City makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the franchisee. The franchisee shall state both contract rates in the contract. The City shall inform the franchisee of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the City.
2. Except as otherwise agreed by the franchisee and the City, the City shall agree that the requested additional duct or conduit space and related access structures will not be used by the City to provide telecommunications or cable television service for hire, sale, or resale to the general public.
3. The City shall not require that the additional duct or conduit space be connected to the access structures and vaults of the franchisee.
4. The value of the additional duct or conduit requested by the City shall not be considered a public works construction contract.
5. This subsection shall not affect the provision of an institutional network by a cable television provider under federal law.

**11.38.210 - Utility right-of-way permits.**

All franchisees are required to obtain utility right-of-way permits and pay all fees for telecommunications facilities as required by City of Union Gap ordinances and/or resolutions. Such permits are use permits within the meaning of RCW 35.99.010(8) and shall be processed in a consolidated permit, to the full extent compliant with state and federal law, within the time-frames established as presumptively reasonable periods of time for such review by 47 CFR 1.6003.

**11.38.220 - Nondiscrimination.**

A franchisee shall make its telecommunications services available to any customer within its franchise area who shall request such service, without discrimination as to the terms, conditions, rates or charges for the franchisee's services; provided, however, that nothing in this chapter shall prohibit a franchisee from making any reasonable classifications among differently situated customers.

**11.38.230 - Amendment of franchise agreement.**

A. A new franchise application and grant shall be required of any service provider that desires to extend its franchise territory or to locate its telecommunications facilities in rights-of-way which are not included in a franchise previously granted hereunder.

B. A new franchise application and grant shall be required of any telecommunications provider that desires to add to or modify the telecommunications services provided pursuant to a franchise previously granted.

C. If ordered by the City to locate or relocate its telecommunications facilities in rights-of-way not included in a previously granted franchise, the City shall grant a franchise amendment without further application.

**11.38.240 - Renewal applications.**

A franchisee that desires to renew its franchise hereunder shall, not more than 180 days nor less than 90 days before expiration of the current franchise, file an application with the City for renewal of its franchise which shall include the following information:

- A. The applicable information required pursuant to the franchise.
- B. Any other information required by the City.

**11.38.250 - Renewal determinations.**

Within 120 days after receiving a complete application hereunder, the City Engineer, or other department as the City Manager may designate, shall make a recommendation to the City Council on whether the City should grant or deny the renewal application in whole or in part. If the renewal recommendation is to deny, the recommendation shall include the reasons for nonrenewal. The standards enumerated in UGMC 11.32.140 shall apply when determining to grant or deny the application, plus a determination of the applicant's compliance with the requirements of this chapter and the franchise agreement.

**11.38.260 - Obligation to cure as a condition of renewal.**

No franchise shall be renewed until any ongoing violations or defaults in the franchisee's obligations under the franchise, or the requirements of this chapter, and all applicable laws, statutes, codes, ordinances, rules and regulations have been cured, or a plan detailing the corrective action to be taken by the franchisee has been approved by the City.

**Article IV. Cable Franchise**

**11.38.270 - Grant of cable franchise.**

The City may grant one or more cable franchises containing such provisions as are reasonably necessary to protect the public interest, and each such cable franchise shall be awarded in accordance with and subject to the provisions of this chapter. This chapter may be amended from time to time, and in no event shall this chapter be considered a contract between the City and a cable franchisee such that the City would be prohibited from amending any provision hereof; provided, no such amendment shall in any way impair any contract right or increase obligations of a cable franchisee under an outstanding and effective cable franchise except in the lawful exercise of the City's police power.

**11.38.280 - Cable franchise required.**

No person may construct, operate or maintain a cable system or provide cable service over a cable system within the City without a cable franchise granted by the City authorizing such activity. No

person may be granted a cable franchise without having entered into a cable franchise agreement with the City pursuant to this chapter. For the purpose of this provision, the operation of part or all of a cable system within the City means the use or occupancy of rights-of-way by facilities used to provide cable service. Telecommunications facilities used to provide telephone service which are also used to provide cable service shall be subject to this chapter and shall also require a cable franchise. Use of such facilities to provide services similar to cable service, such as open video service, shall be subject to this chapter to the extent provided by law. A system shall not be deemed as operating within the City, even though service is offered or rendered to one or more subscribers within the City, if no rights-of-way by facilities used to provide cable service are used or occupied. All cable franchises granted pursuant to this article shall contain substantially similar terms and conditions, which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other cable franchisees.

**11.38.290 - Length of cable franchise.**

Unless otherwise specified in a cable franchise, or unless otherwise renewed, no cable franchise shall be granted for a period of more than 10 years.

**11.38.300 - Cable franchise characteristics.**

A. A cable franchise authorizes use of rights-of-way for installing, operating and maintaining cables, wires, lines, optical fiber, underground conduits and other devices necessary and appurtenant to the operation of a cable system to provide cable services within the City, but does not expressly or implicitly authorize a cable franchisee to provide service to, or install a cable system on, private property without owner consent, or to use publicly or privately owned poles, ducts or conduits without a separate agreement with the owners.

B. A “cable franchise” shall not mean or include any exclusive right or authorization for the privilege of transacting and carrying on a business within the City as generally required by the ordinances and laws of the City. A cable franchise shall not confer any authority to provide telecommunications services or any other communications services besides cable services. A cable franchise shall not confer any implicit rights other than those mandated by federal, state and local law.

C. Once a cable franchise has been accepted and executed by the City and a cable franchisee, such cable franchise shall constitute a valid and enforceable agreement between the cable franchisee and the City, and the terms, conditions and provisions of such franchise, subject to this chapter and all other duly enacted and applicable laws and regulations, shall define the rights and obligations of the cable franchisee and the City relating to the cable franchise.

D. All privileges prescribed by a cable franchise shall be subordinate to any prior lawful occupancy of the rights-of-way and the City reserves the right to reasonably designate where a cable franchisee’s facilities are to be placed within the rights-of-way through its generally applicable permit procedures.

E. A cable franchise shall be a privilege that is in the public trust and personal to the original cable franchisee. No cable franchise transfer shall occur without the prior written consent of the City upon application made by the cable franchisee pursuant to this chapter and the cable franchise,

which consent shall not be unreasonably withheld, and any purported cable franchise transfer made without application and prior written consent shall be void and shall be cause for the City to revoke the cable franchise.

**11.38.310 - Cable franchisee subject to other laws, police powers.**

A. A cable franchisee shall at all times be subject to and shall comply with all applicable federal, state and local laws and regulations, including this chapter. A cable franchisee shall at all times be subject to all lawful exercise of the police power of the City including, but not limited to, all rights the City may have under the Cable Acts and all powers regarding zoning, supervision of construction, control of rights-of-way and consumer protection.

B. The City shall have full authority to regulate cable systems, cable franchisees and cable franchises as may now or hereafter be lawfully permissible.

**11.38.320 - Interpretation of cable franchise terms.**

A. In the event of a conflict between this chapter and a cable franchise, the provisions of this chapter control except where the conflict arises from the lawful exercise of the City's police power.

B. The provisions of this chapter and a cable franchise will be liberally construed in accordance with generally accepted rules of construction to promote the public interest.

**11.38.330 - Operation of a cable system without a cable franchise.**

Any person who occupies rights-of-way for the purpose of operating or constructing a cable system or provides cable service over a cable system and who does not hold a valid cable franchise from the City shall be subject to all requirements of this chapter. In its discretion, the City at any time may by ordinance require such person to enter into a cable franchise within 30 days of receipt of a written notice to such person from the City that a cable franchise is required; require such person to remove its property and restore the affected area to a condition satisfactory to the City; direct City personnel to remove the property and restore the affected area to a condition satisfactory to the City and charge the person the costs therefor, including by placing a lien on the person's property; or take any other action it is entitled to take under applicable law. In no event shall a cable franchise be created unless it is issued by the City pursuant to this chapter and subject to a written cable franchise.

**11.38.340 - Acts at cable franchisee's expense.**

Any act that a cable franchisee is or may be required to perform under this chapter, a cable franchise or applicable law shall be performed at the cable franchisee's expense.

**11.38.350 - Eminent domain.**

Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the City's power of eminent domain.

**11.38.360 - Exclusive contracts and anti-competitive acts prohibited.**

A. No cable franchisee or other multichannel video programming distributor shall enter into or enforce an exclusive contract for the provision of cable service or other multichannel video programming with any person or demand the exclusive right to serve a person or location, as a condition of extending service to that or any other person or location.

B. No cable franchisee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of cable services or services similar to cable service in the City.

**11.38.370 - Cable franchise fees.**

The cable franchisee shall be subject to the cable franchise fees, payments and costs provided in their cable franchise and as may be set by resolution.

**Article V. Conditions of Grant of Franchise or Cable Franchise**

**11.38.380 - General duties.**

A. All grantees, before commencing any construction in the rights-of-way, shall comply with all requirements of this chapter, except to the extent that the City and the grantee agree to different terms in a master permit/franchise agreement.

B. All grantees shall provide written confirmation sufficient for customary land survey and land title insurance purposes concerning the location of its facilities in rights-of-way and disclaiming any interest in rights-of-way where it has no franchise to construct or operate its facilities.

**11.38.390 - Interference with the rights-of-way.**

No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the rights-of-way by the City, by the general public or other persons, or other persons authorized to use or be present in or upon the rights-of-way. All such facilities shall be moved by and at the expense of the grantee, temporarily or permanently, as determined by the City.

**11.38.400 - Damage to property.**

No grantee or any person acting on a grantee's behalf shall take any action or permit any action to be done which may impair or damage any rights-of-way, including specifically City property, real or personal, or public ways or other property located in, on or adjacent thereto except in accordance with this chapter.

**11.38.410 - Notice of work.**

Unless otherwise provided in a franchise agreement, no grantee, or any person acting on the grantee's behalf, shall commence any nonemergency work in or about rights-of-way. Any private property owner whose property will be affected by a grantee's work shall be afforded 10 working days' advance written notice of such work.

**11.38.420 - Repair and emergency work.**

In the event of an emergency or an emergency repair necessary to protect the public, restore service or mitigate further damage to the system, a grantee may commence such repair and emergency response work as required under the circumstances; provided, the grantee shall notify the City Engineer, or other department as the City Manager may designate, as promptly as possible, before such repair or emergency work or as soon thereafter as possible if advance notice is not practicable.

**11.38.430 - Maintenance of facilities.**

Each grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

**11.38.440 - Relocation or removal of facilities.**

Within 30 days following written notice from the City, a grantee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the rights-of-way whenever the City Engineer, or other department as the City Manager may designate, shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

- A. The construction, repair, maintenance or installation of any City or other public improvement in or upon the rights-of-way;
- B. The operations of the City or other governmental entity in or upon the rights-of-way;
- C. The vacation of a street or the release of a utility easement.

**11.38.450 - Removal of unauthorized facilities.**

Within 30 days following written notice from the City Engineer, or other department as the City Manager may designate, any grantee, service provider, or other person that owns, controls or maintains any unauthorized telecommunications system, facility or related appurtenances within the rights-of-way shall, at its own expense, remove such facilities or appurtenances from the rights-of-way. If such grantee fails to remove such facilities or appurtenances, the City may cause the removal and charge the grantee for the costs incurred. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

- A. Upon expiration or termination of the grantee's franchise;
- B. Upon abandonment of a facility within the rights-of-way;
- C. If the system or facility was constructed or installed without the prior grant of a franchise;
- D. If the system or facility was constructed or installed without the prior issuance of a required utility right-of-way;
- E. If the system or facility was constructed or installed at a location not permitted by the grantee's franchise;
- F. Any such other reasonable circumstances deemed necessary by the City Engineer, or other department as the City Manager may designate.

**11.38.460 - Failure to relocate.**

If a grantee is required to relocate, change or alter the telecommunications facilities constructed, operated and/or maintained hereunder and fails to do so, the City may cause such to occur.

**11.38.470 - Emergency removal or relocation of facilities.**

The City retains the right and privilege to cut or move any telecommunications facilities located within the rights-of-way as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency.

**11.38.480 - Damage to grantee's facilities.**

Unless directly and proximately caused by the willful, intentional or malicious acts of the City, the City shall not be liable for any damage to or loss of any telecommunications facility within rights-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the rights-of-way by or on behalf of the City.

**11.38.490 - Restoration of rights-of-way or other property.**

Restoration shall comply with the requirements outlined in UGMC 11.32.400. Additionally:

A. When a grantee, or any person acting on its behalf, does any work in or affecting any rights-of-way, or any other property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to the same condition which existed before the work was undertaken.

B. If weather or other conditions do not permit the complete restoration required hereunder, the grantee shall temporarily restore the affected rights-of-way or other property. Such temporary restoration shall be at the grantee's sole expense and the grantee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

C. A grantee or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting rights-of-way or any other property.

**11.38.500 - Facilities maps.**

Each grantee shall provide the City with an accurate as-built map or maps certifying the location of all telecommunications facilities within the City and particularly within rights-of-way. Each grantee shall provide updated as-built maps within 30 days upon request.

**11.38.510 - Duty to provide information.**

Within 10 days of a written request from the City Engineer, or other department as the City Manager may designate, each grantee shall furnish the City Engineer, or other department as the City Manager may designate, with information sufficient to demonstrate that:

A. The grantee has complied with all requirements of this chapter;

B. All fees due the City in connection with the telecommunications services and facilities provided by the grantee have been properly collected and paid by the grantee;

C. All books, records, maps and other documents maintained by the grantee with respect to its facilities within rights-of-way shall be made available for inspection by the City



Engineer, or other department as the City Manager may designate, at reasonable times and intervals.

**11.38.520 - Leased capacity.**

Subject to the provisions of this chapter, a grantee shall have the right to offer or provide capacity or bandwidth to another telecommunications provider, with prior City approval; provided, that:

A. The grantee shall furnish the City in advance with a copy of any such proposed lease or agreement.

B. The proposed lessee or person shall comply with all of the requirements of this chapter.

**11.38.530 - Grantee insurance.**

Unless otherwise provided, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents, representatives and employees as additional insureds:

A. Comprehensive general liability insurance.

B. Worker's compensation within statutory limits and employer's liability insurance.

C. Comprehensive insurance for premises operations, explosions and collapse hazard, underground hazard and products completed hazard policies.

D. The liability insurance policies required by this section shall be maintained at all times by the grantee. Each such insurance policy shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 90 days after receipt by the City, by registered mail, of a written notice addressed to the City Manager of such intent to cancel or not to renew.

E. Within 60 days after receipt by the City of said notice, and in no event later than 30 days prior to said cancellation, the grantee shall obtain and furnish to the City replacement insurance policies meeting the requirements of this chapter.

F. Grantee may self-insure, or keep in force a self-insurance retention plus insurance, for any or all of the above coverage. Grantee will maintain on file with the City proof of self-insurance acceptable to the City, certifying the coverage required above.

**11.38.540 - General indemnification.**

In addition to and distinct from the insurance requirements of this chapter, each grantee hereby agrees to defend, indemnify and hold the City and its officers, officials, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorneys' fees and costs of suit or defense arising out of, resulting from or alleged to arise out of or result from the acts, omissions, failure to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation,

maintenance, repair or removal of its telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement made or entered into pursuant to this chapter.

**11.38.550 - Performance and construction surety.**

Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide and deposit such monies, bonds, letters of credit or other instruments in form and substance acceptable to the City as may be required by the City of Union Gap or by an applicable franchise or other applicable code, ordinance, resolution or rules and regulations of the City.

**11.38.560 - Security fund.**

The City may require at its discretion that each grantee shall establish a permanent security fund with the City by depositing an amount not to exceed \$100,000 with the City in cash, an unconditional letter of credit, or other instrument acceptable to the City, which fund shall be maintained at the sole expense of the grantee so long as any of the grantee's telecommunications facilities are located within rights-of-way. This security fund shall be separate and distinct from any other bond or deposit required.

A. The fund shall serve as security for the full and complete performance of the grantee's obligations under this chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, resolutions, rules, regulations, or permits of the City.

B. Before any sums are withdrawn from the security fund, the City Engineer, or other department as the City Manager may designate, shall give written notices to the grantee:

1. Describing the act, default or failure to be remedied, or the damages, costs or expenses which the City has incurred by reason of the grantee's act or default;
2. Providing a reasonable opportunity for the grantee to first remedy the existing or ongoing default or failure, if applicable;
3. Providing a reasonable opportunity for the grantee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable; and
4. Providing the grantee will be given an opportunity to review the act, default or failure described in the notice with the City Engineer, or other department as the City Manager may designate.

C. The grantee shall replenish the security fund within 14 days after written notice from the City Engineer, or other department as the City Manager may designate, that there is a deficiency in the amount of the fund.

D. Upon conclusion of the franchise agreement and removal of all of the grantee's facilities from the right-of-way, the City shall refund the security fund balance within 30 days of receipt of notice of removal of the grantee's facilities.

**11.38.570 - Construction and completion bond.**

Unless otherwise provided in a franchise, a bond written by a surety acceptable to the City equal to at least 100 percent of the estimated cost of constructing the grantee's telecommunications facilities within rights-of-way shall be deposited before construction is commenced.

A. The construction bond shall remain in force until 60 days after substantial completion of the work, as determined by the City Engineer, or other department as the City Manager may designate, including restoration of all rights-of-way and other property affected by the construction.

B. The construction bond shall guarantee, to the satisfaction of the City:

1. Timely completion of construction;
2. Construction in compliance with applicable plans, permits, technical codes and standards;
3. Proper location of the facilities as specified by the City;
4. Restoration of the rights-of-way and any other property affected by the construction;
5. The submission of as-built drawings after completion of the work which is hereby specifically required;
6. Timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work.

**11.38.580 - Coordination of construction activities.**

All grantees are required to cooperate with the City and with each other.

A. Each grantee shall meet with the City, other grantees and users of the rights-of-way annually or as determined by the City to schedule and coordinate construction in rights-of-way.

B. All construction locations, activities, and schedules shall be coordinated, as ordered by the City Engineer, or other department as the City Manager may designate, to minimize public inconvenience, disruption or damages.

**11.38.590 - Assignments or transfers of grant of franchise.**

Ownership or control of a telecommunications system or franchise or any part of transmission capacity may not directly or indirectly be transferred, assigned or disposed of by sale, lease, merger, consolidation, or other act of the grantee, by operation of law or otherwise, nor may there be a transfer of working control (which includes not only actual control, but also the ability to

affect or influence decisions) without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed, as expressed by ordinance and then on such conditions as may be prescribed therein and:

A. No grant shall be assigned or transferred in any manner within 12 months after the initial grant of the franchise, unless otherwise provided by law.

B. Absent extraordinary and unforeseeable circumstances, no grant, system or integral part of a system shall be assigned or transferred before construction of the telecommunications system has been completed.

C. The grantee and the proposed assignee or transferee of the grant or system shall provide and certify the following information to the City Engineer, or other department as the City Manager may designate:

1. Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment;
2. All information required of a franchise applicant pursuant to this chapter with respect to the proposed transferee or assignee;
3. All information required by federal, state and local law or regulation (i.e., FCC Form 394);
4. Any other information reasonably required by the City Engineer, or other department as the City Manager may designate.

D. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial, and other qualifications in the City's sole discretion to own, hold and operate the telecommunications system pursuant to this chapter.

E. The grantee shall reimburse the City for all direct and indirect fees, costs and expenses incurred by the City in considering a request to transfer ownership in or assign a franchise.

F. Any transfer of ownership in or assignment of a franchise, system or integral part of a system without prior approval of the City under this chapter shall be void and is cause for revocation of the franchise.

G. Upon receipt of all information required herein, and any other information required by the City, the City shall have 120 days to review and approve or deny the requested assignment or transfer, unless such period is extended by agreement of the City and grantee.

**11.38.600 - Transactions affecting control of grant of franchise.**

Any transaction which results in any change of the ownership or in any manner the working control of the grantee, of the ownership or working control of a franchise, of the ownership or working control of affiliated entities having ownership or working control of the grantee or of a

telecommunications system, or of control of the capacity or bandwidth or any part of the transmission capacity of the grantee's telecommunications system, facilities or any parts thereof, all defined as five percent or more ownership or control, shall be considered an assignment or transfer requiring City approval hereunder. Transactions between affiliated entities are not exempt from City approval.

**11.38.610 - Revocation or termination of grant of franchise.**

A franchise granted by the City to use or occupy rights-of-way may be revoked for any one or more of the following reasons:

- A. Construction or operation at an unauthorized location;
- B. Unauthorized transfer of control of the grantee;
- C. Unauthorized assignment of a franchise;
- D. Unauthorized sale, assignment or transfer of the grantee's franchise assets or an interest therein;
- E. Misrepresentation or lack of candor by or on behalf of a grantee in any application to the City;
- F. Abandonment of telecommunications facilities in the rights-of-way;
- G. Failure to relocate or remove facilities as required in this chapter;
- H. Failure to pay taxes, compensation, fees or costs when and as due the City;
- I. Insolvency or bankruptcy of the grantee;
- J. Violation of a material provision of this chapter;
- K. Violation of a material term of a franchise.

**11.38.620 - Notice and duty to cure.**

In the event that the City Engineer, or other department as the City Manager may designate, believes that grounds exist for revocation of a franchise, the grantee shall be given written notice of the apparent violation or noncompliance, be provided a short and concise statement of the nature and general facts of the violation or noncompliance, and be given a reasonable period of time not exceeding 30 days to furnish evidence that:

- A. Corrective action has been, or is being, actively and expeditiously pursued to remedy the violation or noncompliance.
- B. Rebutts the alleged violation or noncompliance.
- C. It would be in the public interest to impose some monetary damages, penalty or sanction less than revocation.

**11.38.630 - Revocation hearing.**

In the event that a grantee fails to provide evidence reasonably satisfactory, as provided hereunder, to the City Engineer, or other department as the City Manager may designate, he/she shall refer the apparent violation or noncompliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.

**11.38.640 - Standards for revocation or lesser sanctions.**

If persuaded that the grantee has violated or failed to comply with a material provision of this chapter or of a franchise or applicable codes, ordinances, resolutions, or statutes, the City Council shall determine whether to revoke the franchise, and issue a written decision relating thereto, or to establish some monetary damages, penalty, lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

- A. Whether the misconduct was egregious;
- B. Whether substantial harm resulted;
- C. Whether the violation was intentional;
- D. Whether there is a history of prior violations of the same or other requirements;
- E. Whether there is a history of overall compliance;
- F. Whether the violation was voluntarily disclosed, admitted or cured.

**Article VI. Small Wireless Deployments – Franchise and Small Wireless Permits**

**11.38.700 - Overview – Application and review process.**

The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the FCC regulations. A franchise for the use of the City’s right-of-way is a contract that requires approval by the City Council. Permits to exercise those rights and to install small wireless facilities on private property are considered in a parallel, consolidated administrative process. FCC regulation provides safe harbor time periods as well as completeness requirements which apply to all approvals relating to a small wireless facility deployment. Time limitations governing the process are triggered by the applicant’s submittal of applications for the deployment. Accordingly, all parts of an application for a master permit to deploy small wireless facilities must be considered in order to determine completeness. Applicants are encouraged and expected to provide all related applications in one submittal.

A. Application Process. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if

any portion of the applicant's facilities are to be located in the right-of-way. The application for a franchise is designated as Part A of the application. An applicant with a valid franchise for the deployment of small wireless facilities in the City may proceed to apply for a small wireless facility permit and related approvals (Parts B and C). An applicant at its option may utilize phased development. Because franchises are required by federal law to be competitively neutral, the City has established a franchise format for use by all right-of-way users. The format contains the basic requirements for the use of right-of-way. Consideration of the franchise application is a legislative act of the City Council. Consideration by the City Council shall run parallel with other necessary administrative approvals and approval or possession of a franchise is a requirement for any small wireless facility deployment seeking to use the public right-of-way.

2. Small Wireless Facility Permits. Part B of the application process requires specification of all proposed small wireless facility components and their sites. Each component shall be described in detail as provided in these ordinances. Any request for deviation, whether minor or significant, from adopted City standards shall be set forth in the application.

3. Associated Permit(s). Part C of the application shall attach all associated permit applications such as applications or checklists required under the critical areas, shorelines or SEPA ordinances. Applicants for deployment of small wireless facilities in design zones or underground areas shall provide a concealment element plan as provided in UGMC 17.32.080(F).

4. Construction in the Right-of-Way. Small wireless facilities installed pursuant to an approved master permit (both a franchise and a small wireless facility permit) or a small wireless facility permit approved separately for an existing franchisee may proceed to install the approved specific facilities by complying with the requirements.

5. Later Discovered Deviations. Recognizing that each utility pole represents a unique environment for the installation of small wireless facilities, if a deviation, whether minor or significant, is required from the standards of the ordinance in order to install a small wireless facility on any structure, and such deviation was not approved as part of the master permit or small wireless facility permit process, an application shall be filed for the amendment of the initial small wireless facility permit. Administrative review of the request for deviation shall be processed as provided herein. Such an amended application shall be considered a new application and completeness, review and all time periods shall commence anew.

6. Leases. A wireless service provider who wishes to attach to any utility pole or other structure or building owned by the City shall include an application for a lease(s) or component of its application. The Director is authorized to administer a lease review process, develop an application form and approve leases in the form approved for general use by the City Council for any utility pole or other structure

in the right-of-way, including a new utility pole or structure. The installation shall conform to the standards adopted in UGMC 17.32.080 or with an approved minor deviation. Leases for the use of other public property, buildings or facilities including any park land or facility shall be submitted to the City Council for approval. Any approval identified in the initial application process shall be considered by the City Council in conjunction with its consideration of the franchise. Applications submitted at later dates shall be considered by the Director or the City Council as provided herein under a separate review process.

B. Completeness. Any and all parts of an application for the deployment of small wireless facilities including but not limited to franchise, small wireless facility permits and all associated permits shall be submitted at one time in order that their completeness may be considered. An applicant seeking to phase deployment of a small wireless facilities system may identify the intended phasing in the franchise application process. Franchisees with a valid franchise to deploy small wireless facilities may apply for a small wireless permit for the deployment of initial or additional phases of a small wireless facility deployment at any time subject to the commencement of a new completeness review time period for permit processing.

C. Safe Harbors. 47 CFR 1.6003 has established presumptively reasonable time-periods for review of small wireless facilities for the deployment of small wireless facilities. The City shall make every reasonable effort consistent with any conflicting provisions of state or federal law, and the preservation of the City's health, safety and aesthetic environment to comply with these time periods to the fullest extent possible.

**11.38.710 - Application.**

The City Manager shall delegate administrative authority to an appropriate City Director (hereinafter "Director") to oversee the consolidated administrative permits referenced in the preceding section. The Director is charged with administration of the consolidated permit process for a small wireless facility deployment and other wireless communication review processes established under Articles VI and VII of this chapter. Phased development is permitted, and an applicant is encouraged to specify at least the initial small wireless facility deployment in its application.

The following additional information shall be provided by all applicants seeking to deploy small wireless facilities:

A. Designation of Facilities. The application shall provide specific locational information including GIS coordinates of all facilities for which approval is sought and specify whether and where small wireless facilities are to be located on existing utility poles including City-owned light standards (included in the definition of utility pole), or will utilize replacement utility poles, new poles, towers, and/or other structures. To the extent known conduit and/or ground-mounted equipment necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from an infrastructure provider. Detailed schematics and visual renderings of facilities sought to be approved under the small wireless permit shall be



provided by the applicant. Failure to provide sufficient detail may result in a later finding of a significant change in the facility if significant elements of the facility were not shown on the originally approved franchise exhibit. Failure to include significant elements may also result in the requirement that new or undocumented elements complete the approval processes detailed in this chapter and as applicable Chapter 17.32 UGMC.

B. Implementation. The rights granted under the franchise are implemented through the issuance of a small wireless permits. The franchise application may be accompanied by an application for a small wireless permit to deploy small wireless facilities.

1. Issuance of a small wireless permit to install a small wireless deployment any portion of which is in the public rights-of-way shall be contingent upon approval of a franchise or the possession of a valid franchise authorizing deployment of small wireless facilities.

2. All small wireless permits that are submitted in conjunction with a franchise application shall be considered as one master permit for the purposes of calculating the review period established by federal law. Provided, however, any element of a deployment which qualifies as either an eligible facilities request shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the shot clocks established by federal law and this chapter.

3. The Director may approve, deny or conditionally approve all or any number of the sites proposed in the small wireless permit application.

4. Any application for a small wireless permit which contains an element that is not exempt from shorelines, critical areas or SEPA review shall comply with the applicable provisions of state law and local ordinance.

5. RF Certification. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless deployment will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If wireless facilities necessary to the deployment are to be provided by a third party, then the small wireless deployment in the initial franchise or in a subsequent small wireless permit shall be conditioned on an RF certification by the third party and the requirement that the third party obtain a franchise. If such facilities will emit RF emissions, this additional RF certification shall address the cumulative impact of the RF emissions and certify compliance with federal requirements. The applicant or franchisee shall immediately remove any facilities that exceed FCC RF emissions requirements. A modification of the facility by an eligible facilities request requires a new RF certification.

6. Regulatory Authorization. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

7. Completeness – Franchise and Small Wireless Applications. The Director or his/her designee shall review an application for completeness and notify the applicant in writing within 10 days of submission whether the application is complete; provided, however, that an applicant may consent to a different completeness review period. The written notice shall identify the missing documents or information. Upon provision of the notice, the time periods established by 47 CFR 1.6003(d) shall be calculated in accordance with that regulation. No application shall be deemed complete without submittal and maintenance of the fee deposit set by the Director.

**11.38.720 - Review process – Small wireless permit.**

The following provisions relate to applications for a small wireless permit for small wireless deployment.

A. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 332 and applicable case law and federal regulations. Applicants for small wireless permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement or cumulative impacts. Franchise and small wireless permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide wireless services.

B. Concealment. Except for facilities to be located in undergrounded areas or the downtown community business (town center) zone (“design zone” in both this title and in Chapter 17.32 UGMC), the City will permit small wireless deployment on structures conforming to the City’s generally applicable small wireless design and concealment standard. See UGMC 17.32 .080. The design criteria as applicable to small wireless facilities described herein shall be considered concealment elements and such small wireless facilities may only be expanded upon an eligible facilities request when the modifications do not defeat the concealment elements of the facility.

C. Concealment Element Plan Review. Small wireless deployment in a design zone and undergrounded areas is subject to a concealment element plan. See UGMC 11.38.730 and Chapter 17.32 UGMC.

D. Public Notice. The City shall provide notice of a complete application for a franchise utilizing a small wireless permit to deploy small wireless facilities on the City’s website with a link to the application materials which specify the site(s) and designs. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries. The notice is provided for the public’s information and is not part of any land use process, which is subject to a public hearing or appeal.

**11.38.730 - Facilities designated in the small wireless permit approval.**

Small wireless deployments shall be approved by reference to exhibits in small wireless permits. Approval of the permit shall be deemed to approve the site and the design of small wireless facilities set forth in the approved exhibits. This approval is limited to the specific location, facility and design elements shown on the exhibits. Any element not shown on an exhibit must be approved by the governing review processes listed in this chapter and, when applicable, Chapter 17.32 UGMC. All facilities shall comply with the small wireless design and concealment standards adopted by the City in UGMC 11.38.720 and Chapter 17.32 UGMC. An existing franchisee authorized to deploy small wireless facilities in the public rights-of-way may apply to additional designate sites for small wireless deployment, as well as approve the small wireless facilities to be installed and the concealment measures to be utilized.

**11.38.740 - Small wireless permit and minor deviations.**

A. The Director may authorize minor deviations designated by the applicant in an application for a small wireless permit from the dimensional design and concealment technologies referenced in the design standards.

B. Deviations in the dimensions, height, or volume of small wireless facilities which are necessary to conform the facilities to the requirements of the pole owner, provide adequate safety clearances or address similar technical issues may be approved as minor deviations; provided, that the deviations do not cause the facility to exceed the height and volumetric limitations in the definition of a small wireless facility.

C. Replacement of components of an existing, approved small wireless facility which do not exceed the volumetric limitations for a small wireless facility may also be approved as minor deviations. Provided, however, that in each instance the modified facilities do not defeat the concealment features set by the City's generally applicable small wireless aesthetic, design and concealment standards or a specific concealment plan adopted pursuant to Chapter 17.32 UGMC.

D. The decision of the Director to approve a small wireless permit with a minor deviation, if any, shall be final and is not subject to appeal under City code or further legislative review.

**11.38.750 - Significant deviations & deployment in design zones and undergrounded areas.**

Any request for a new pole, for deployments in the City's designated design zones and/or significant deviations from the approved small wireless facilities design designated in a small wireless permit or permit or the City's design standards shall be considered as an administrative use permit (Type I) under the provisions of UGMC 17.32.080 and UGMC 11.16.030.

**11.38.760 - Additional review procedures.**

Wireless communication facilities in shorelines management zones or critical areas are subject to review as provided in MTMC Title 17. See also Chapter 2.52 UGMC for SEPA requirements.

**Article VII. Federally Required Review Periods**

**11.38.800 - Purpose.**

Congress and the FCC have, pursuant to the authority granted by 47 USC 253(c) and 332(a), required local governments to act on wireless communication facility applications within a

reasonable period of time and have established time limits or “shot clocks” for local review. The Washington State Legislature has also adopted similar limitations under the provisions of Chapter 35.99 RCW. Accordingly, the City adopts the following time limits for review of applications for eligible facility requests, small wireless permits, and other approvals for service providers of telecommunication services regardless of whether filed under this chapter or Chapter 17.32 UGMC.

**11.38.810 - Eligible facilities request.**

**A. Application Review.**

1. Application. The Director shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. The applicant is not required to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the Director shall review the application to determine whether it qualifies as an eligible facilities request.

3. Time-frame for Review. Within 60 days of the date on which an applicant submits an application seeking approval under this chapter, the Director shall approve the application unless he/she determines that the application is not covered by this article.

4. Tolling of the Time-frame for Review. The 60-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The time-frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

a. To toll the time-frame for incompleteness, the Director shall provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

b. The time-frame for review begins running again when the applicant makes supplemental submission in response to the Director’s notice of incompleteness.

c. Following a supplemental submission, the Director will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time-frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

**B. Determination That Application Is Not an Eligible Facilities Request.** If the Director determines that the applicant’s request does not qualify as an eligible facilities request, the Director shall deny

the application. To the extent additional information is necessary, the Director may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

C. Failure to Act. In the event the Director fails to approve or deny a request for an eligible facilities request within the time-frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

D. Remedies. Both the applicant and the City may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

**11.38.820 - Collocation.**

Eligible collocations (see Chapter 17.32 UGMC) shall be processed within 90 days of receipt of an application. The Director will notify the applicant within 30 days of receipt of an application whether it is complete or if additional information is required. The term “collocation” shall not apply to the initial placement of a small wireless facility on a tower or base station that was not in existence on the date the application was filed.

**11.38.830 - New wireless communication facilities.**

Unless otherwise provided for in Articles VI and VII of this chapter, applications to install new wireless communications facilities shall be processed within 150 days of receipt of a complete application. The Director will notify the applicant within 30 days of receipt of an application whether it is complete or if additional information is required.

**Article VIII. Construction**

**11.38.840 - Construction standards/codes.**

No person shall commence or continue with the construction, installation or operation of telecommunications facilities within the City except as provided in any applicable code, ordinance, resolution, rule, regulation or permit of the City of Union Gap. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including, but not limited to, the National Electrical Safety Code.

**11.38.850 - Utility right-of-way permits.**

No person shall construct or install any telecommunications facilities within the City without first obtaining a utility right-of-way permit therefor; provided, however:

A. No permit shall be issued for the construction or installation of telecommunications facilities within the City unless the service provider has filed a registration statement with the City pursuant to this chapter.

B. No permit shall be issued for the construction or installation of telecommunications facilities in rights-of-way unless the service provider has applied for and received a franchise and/or lease agreement in accordance with this chapter.

C. No permit shall be issued for the construction or installation of telecommunications facilities without payment of all required fees as may be set by resolution or ordinance.

D. The permit shall be processed in accordance with RCW 35.99.030.

**11.38.860 - Applications.**

Applications for permits to construct telecommunications facilities shall be submitted in accordance with applicable code, ordinance, resolution, rule or regulation of the City of Mountlake Terrace. The applicant shall pay all associated fees and shall include any additional information as requested by the City Engineer, or other department as the City Manager may designate. The application shall be accompanied by drawings, plans, and specifications in sufficient detail to demonstrate:

A. That the facilities will be constructed in accordance with all applicable codes, rules and regulations;

B. The location and route of all facilities to be installed on existing or replacement utility poles;

C. The location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the rights-of-way;

D. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the rights-of-way along the underground route proposed by the applicant;

E. The location of all other facilities to be constructed within the City, but not within rights-of-way;

F. The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to rights-of-way;

G. For wireline facilities, the location, dimensions and types of all trees within or adjacent to rights-of-way along the route proposed by the applicant, together with a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.

**11.38.870 - Engineer's certification.**

All permit applications shall be accompanied by the certification of a registered professional engineer that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

**11.38.880 - Construction surety.**

Prior to issuance of a utility right-of-way permit, the permittee shall provide a construction bond, as provided by ordinance.

**Article IX. Fees**

**11.38.890 - Registration fee.**

Each application for registration as a service provider shall be accompanied by a fee or fee deposit in an amount as determined by the City Council and adopted by resolution.

**11.38.900 - Application and review fee.**

Any applicant for a franchise pursuant to this chapter shall pay an application and review fee or fee deposit in an amount as determined by the City Council and adopted by resolution. This application and review fee covers the costs associated with the City's initial review of the application; provided, however, that the applicant shall be required to pay all necessary permit fees. This application and review fee shall be deposited with the City as part of the application filed pursuant to this chapter.

**11.38.910 - Refund.**

An applicant whose franchise application has been withdrawn, abandoned or denied shall, within 60 days of its application and review fee payment, be refunded the balance of its deposit under this section, less:

- A. The application and review fee; and
- B. All ascertainable costs and expenses incurred by the City in connection with the application.

**11.38.920 - Other City costs.**

All grantees shall, within 30 days after written demand therefor, reimburse the City for all direct and indirect costs and expenses incurred by the City in connection with any grant, modification, amendment, renewal or transfer of any franchise.

**11.38.960 - Right-of-way permit fee.**

Prior to issuance of a right-of-way permit, the permittee shall pay a permit fee in an amount as determined by the City Council and adopted by resolution.

**Article X. Business Licensing of Service Providers**

**11.38.970 - Purpose of business license registration.**

The purposes of telecommunications business licensing are to:

- A. Provide the City with accurate and current information concerning the cable operators and service providers who offer or provide services within the City, or that own or operate facilities within the City;
- B. Assist the City in enforcement of this chapter;
- C. Assist the City in the collection and enforcement of any municipal taxes, franchise fees, license fees or charges that may be due the City;
- D. Assist the City in monitoring compliance with local, state and federal laws.

**11.38.980 Business license required.**

All cable operators, telecommunications carriers, and telecommunications providers that offer or provide any cable service or telecommunications service for a fee directly to the public, either within the City or outside the corporate limits, from cable or telecommunications facilities within the City shall apply for and obtain a business license with the City pursuant to this chapter on forms to be provided by the City Manager, which shall include the following:

- A. The identity and legal status of the applicant, including any affiliates;
- B. The name, address, telephone number, and title of the officer, agent or employee responsible for the accuracy of the business license application statement;
- C. A description of applicant's existing or proposed facilities within the City;
- D. A description of the service that the applicant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City;
- E. Information sufficient to determine whether the applicant is subject to the public way permitting and/or franchising requirements imposed by this chapter;
- F. Information sufficient to determine whether the transmission, origination or receipt of the services provided or to be provided by the applicant constitutes an occupation tax imposed by the City;
- G. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by any federal or state agency to provide telecommunications services or facilities within the City;
- H. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the FCC to provide services or construct facilities within the City.

**11.38.990 - Business license fees.**

Each application for a business license as a cable operator or service provider shall be accompanied by an application fee, which shall be set by the City Council by ordinance or resolution.

**Article XI. Miscellaneous**

**11.38.1000 - Context.**

When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.



**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, HEREBY RESOLVES as follows:**

The new Chapter 11.38 to the Union Gap Municipal Code entitled “Communications – Use of Right-of-Way By Wireline and Wireless Service Providers has been created.

**PASSED** this 22<sup>nd</sup> day of March, 2021.

\_\_\_\_\_  
John Hodkinson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Clifton, City Clerk

\_\_\_\_\_  
Bronson Brown, City Attorney



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** David Dominguez; Civil Engineer  
**Topic/Issue:** Ordinance – Creating a new Chapter 17.32 to the UG Municipal Code entitled Wireline and Wireless Communication Facilities

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**SYNOPSIS:** The City of Union Gap has the desire to create a new Chapter 17.32 to the Union Gap Municipal Code entitled Wireline and Wireless Communication Facilities.

**RECOMMENDATION:** Adopt an Ordinance creating a new Chapter 17.32 to the Union Gap Municipal Code entitled Wireline and Wireless Communication Facilities.

**LEGAL REVIEW:** The City Attorney has reviewed this Ordinance.

**FINANCIAL REVIEW:** N/A

**BACKGROUND INFORMATION:** N/A

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** Ordinance

**CITY OF UNION GAP, WASHINGTON**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE creating a new Chapter 17.32 to the Union Gap Municipal Code entitled WIRELINE AND WIRELESS COMMUNICATION FACILITIES.

Chapter 17.32 – WIRELINE AND WIRELESS COMMUNICATION FACILITIES

Sections: Chapter 17.32 of the Union Gap Municipal Code is hereby (amended or created) to read as follows:

**Chapter 17.32**  
**WIRELINE AND WIRELESS COMMUNICATION FACILITIES**

Sections:

- 17.32.010 Description, purpose, and intent.
- 17.32.015 Exemptions.
- 17.32.020 Definitions.
- 17.32.030 Permitted locations and approval processes.
- 17.32.040 Locational hierarchy – Applicable to all WCF approvals.
- 17.32.050 Structural hierarchy – Applicable to all WCF approvals.
- 17.32.060 Criteria for WCF approvals – Administrative review.
- 17.32.070 Criteria for WCF approvals – Conditional use permits.
- 17.32.080 Design and concealment standards for small wireless facility deployments.
- 17.32.090 Criteria for equipment enclosures.
- 17.32.100 Height variance.
- 17.32.110 Technical and safety requirements.
- 17.32.120 Independent technical review of WCF applications.
- 17.32.130 WCF removal.
- 17.32.140 Appeals.
- 17.32.150 Zoning Text Amendments.
- 17.32.160 Conditional Use Permit
- 17.32.170 Notice of Public Hearing
- 17.32.180 Fee Schedule

**17.32.010 Description, purpose, and intent.**

A. In addition to the general purposes set forth in the Comprehensive Plan, this chapter is included in the Zoning Code to:

1. Provide for clear regulations concerning wireless communication facilities that are consistent with the Telecommunications Act of 1996; and
2. Encourage locations and designs for wireless communication facilities that minimize their adverse visual impacts, especially in residential areas and the central business zoning district.

B. This chapter, together with the provisions of the building code and other applicable requirements, is intended to regulate telecommunication services including wireless communication facilities.

**17.32.015 Exemptions.**

The following facilities and antennas are exempt from the provisions of this chapter:

- A. Antennas designed to receive video programming from direct broadcast satellites (DBS).
- B. Antennas designed to receive video programming from multi-channel, multi-point distribution service (MMDS). MMDS is a wireless video service technology that is transmitted terrestrially rather than via satellite.
- C. Antennas designed to receive video programming from television broadcast stations.
- D. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- E. Antennas and related equipment no more than three feet in height that are being stored, shipped or displayed for sale.
- F. Radar systems for military and civilian communication and navigation.
- G. Licensed amateur (ham) radio stations.
- H. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when use as a secondary use of the property.
- I. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this title is maintained.
- J. Subject to compliance with all other applicable standards of this title, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until 30 days after the completion of such emergency activity.
- K. A cell on wheels or other temporary personal wireless telecommunications facility shall be permitted at a time and manner as determined by the City.
- L. Automated meter reading (AMR) facilities for collecting utility meter data for use in the sale of utility services, except for WIP and other antennas greater than two feet in length; so long as the AMR facilities are within the scope of activities permitted under a valid franchise agreement between the utility service provider and the City.
- M. Strand-mounted and other stand-alone Wi-Fi antennas less than two and one-half cubic feet in total volume when installed pursuant to a valid franchise and certified as compliant with FCC regulations governing RF mediation.
- N. Minor modifications, maintenance, repair, or replacement of elements of an existing WCF, whether emergency or routine, so long as there is little or no change in the visual appearance.

O. Facility swaps between different communications providers; provided, that the affected facilities are permitted, and the swap does not require modifications that are more than minor in character.

**17.32.020 Definitions.**

See UGMC 11.38.020 for related definitions.

A. “Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, building or other structure for the purpose of providing wireless services.

B. “Antenna height” means the vertical distance measured from average building elevation to the highest point of the antenna or, if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna.

C. “Base station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. “Base station” includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small wireless networks).

3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in subsections (C)(1) and (2) of this section that has been reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (C)(1) and (2) of this section.

D. “Antenna support structure” means a freestanding structure or device specifically designed, constructed and/or erected to support a WCF antenna and may include, but is not limited to, a monopole, lattice tower, or guy-wire support tower. “Antenna support structure” does not include attachment support structures, nor a preexisting utility pole not built for the sole or primary purpose of supporting any FCC licensed or authorized antenna.

E. “Attached WCF” means WCF antenna(s) that are attached to an existing building or structure together with the associated attachment support structure. The existing building or structure may include, but is not limited to, buildings, water towers, legal conforming commercial signs, and utility support structures.

F. “Attachment support structure” means any structure that is used to attach an “attached WCF” to an existing building or structure, except as otherwise precluded by this chapter.

G. “Collocation” means the location of WCF antenna(s) on a preexisting structure or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. When used in the context of an eligible facilities request, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

H. “Concealment elements” means transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of an antenna by use of non-reflective materials, appropriate colors and/or a concealment canister.

I. “Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

J. “Eligible support structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

K. “Equipment structure” means a facility, shelter, cabinet or vault used to house and protect electronic or other associated equipment necessary for processing wireless communications signals. “Associated equipment” may include, for example, air conditioning, backup power supplies and emergency generators.

L. Existing. A constructed tower or base station is “existing” if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this definition.

M. “Freestanding WCF” means an antenna support structure together with the antenna(s) attached to that structure.

N. “Personal wireless service” is defined in accord with RCW 35.99.010(4).

O. “Service provider” is defined in accord with RCW 35.99.010(6). “Service provider” shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

P. “Small wireless facilities” are defined in accord with 47 CFR 1.6002(l).

Q. “Structure,” when used in the context of this chapter or Chapter 11.38 UGMC, means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used

or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

R. Substantial Change. A modification “substantially changes” the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

S. “Telecommunications service” is defined in accord with RCW 35.99.010(7) and UGMC 11.38.020.

T. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

U. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services included, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

V. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

W. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

X. “Utility support structure” means utility poles or towers supporting electrical, telephone, cable or other similar facilities, but does not include street light standards, pedestrian light standards, traffic light structures, traffic sign structures, or water towers.

Y. “WCF” means wireless communication facilities.

Z. “Whip antennas” means omni-directional antennas designed to receive and/or transmit signals in a 360-degree pattern and, for the purposes of this section, does not include antennas more than five inches in diameter.

AA. “Wireless communication facilities” (“WCF”) means an unstaffed facility for the transmission and/or reception of radio-frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of one or more antennas, an antenna support structure or attachment support structure, and an equipment enclosure.

**17.32.030 Permitted locations and approval processes.**

A. WCFs outside of the public right-of-way shall be located only in the zoning districts described in this chapter. For eligible facilities requests, see Article VII of Chapter 11.38 UGMC. See Article VI of Chapter 11.38 UGMC for provisions relating to approvals of small wireless facilities in the public right-of-way. Small wireless facilities are outright permitted uses in every zone of the City.

B. In the single family 1, single family 2, multifamily residential, planned recreational, and multifamily residential, attached and freestanding WCFs require a conditional use permit issued by the Hearing Examiner pursuant to UGMC 17.32.150(C). In addition to applying the criteria set out in UGMC 17.32.150(C), the Hearing Examiner shall apply the criteria set out in UGMC 17.32.040, 17.32.050, 17.32.070, and 17.32.080.

C. In the wholesale/warehouse zoning district (not within 150 feet of the I-82 corridor), the light industrial district (not within 150 feet of the I-82 corridor), and in the public building zoning district (not within 150 feet of the I-82 corridor), Regional Commercial, Commercial.

1. Attached WCFs may be approved by the Director based on administrative review. No open public record hearing is required. The criteria to be used to determine if the WCF shall be approved are set out in UGMC 17.32.040, 17.32.050, 17.32.060 and 17.32.080.

2. Freestanding WCFs require a conditional use permit issued by the Hearing Examiner pursuant to UGMC 17.32.160. In addition to applying the criteria in UGMC 17.32.150(C), the Hearing Examiner shall apply the criteria set out in UGMC 17.32.040, 17.32.050, 17.32.070, and 17.32.080.

D. In the central business district, parks/open space zoning districts:



1. Freestanding WCFs other than small wireless facilities in the public right-of-way are not permitted.

2. Attached WCFs in the form of small wireless facilities require a conditional use permit issued by the Hearing Examiner pursuant to UGMC 17.32.160. In addition to applying the criteria set out in UGMC 17.32.150(C), the Hearing Examiner shall apply the criteria set out in UGMC 17.32.040, 17.32.050, 19.32.070, and 19.32.080.

E. In the single-household residential zoning district:

1. Freestanding WCFs outside the public right-of-way are not permitted.

2. Small wireless facilities are permitted pursuant to Article VI of Chapter 11.38 UGMC.

F. For administrative determinations and Hearing Examiner decisions on WCFs, written findings and conclusions will be prepared to support the decision and retained in City files.

**17.32.040 Locational hierarchy – Applicable to all WCF approvals.**

A. WCF approvals for facilities other than small wireless facility deployments in the public right-of-way, whether subject to administrative review or requiring a conditional use permit, shall reflect the following siting priorities (in descending order):

1. Wholesale/warehouse district, light industrial, commercial, regional commercial, public building district,

2. Planned development, and central business zoning district

3. Single family 1 residential, single family 2 residential, multifamily residential, corridor multi-family residential, parks\open space, and planned recreational.

4. Tribal trust.

B. Notwithstanding anything in subsection A of this section, if the applicant demonstrates through engineering data certified by a Washington-licensed engineer that strict adherence to the locational hierarchy would result in a material impairment constituting an effective prohibition of wireless service then the location next lowest on the hierarchy shall be preferred.

**17.32.050 Structural hierarchy – Applicable to all WCF approvals.**

A. WCF approvals for facilities other than small wireless facility deployments, whether subject to administrative review or requiring a conditional use permit, shall reflect the following structural priorities for placement of the WCF (in descending order). In order to obtain approval of a lower ranking alternative, the applicant must demonstrate that higher ranked alternatives are not feasible.

1. WCFs attached to existing buildings.

2. WCFs attached to existing structures other than buildings, where the existing structure already supports another WCF (i.e., collocation).

3. WCFs attached to existing structures other than buildings, where the existing structure does not already support another WCF (i.e., no collocation).

4. Freestanding WCFs.

B. Notwithstanding anything in subsection A of this section, if the applicant demonstrates through engineering data certified by a Washington-licensed engineer that strict adherence to the structural hierarchy would result in a material impairment of service constituting an effective prohibition of the provision of wireless service then the structure next lowest on the hierarchy shall be preferred.

**17.32.060 Criteria for WCF approvals – Administrative review.**

A. The following criteria shall be applied in approving, approving with conditions, or denying a WCF that is subject to administrative review pursuant to UGMC 17.32.030(B) or (C)(1); provided, however, that the provisions of Article VII of Chapter 11.38 UGMC shall govern in the event of conflict:

1. Height.

a. The height of attached WCFs shall not exceed the greater of:

- i. The maximum building height allowed for the underlying zoning district; or
- ii. The height of the structure to which it is attached or which it replaces; provided, that in no event shall the WCF add more than 15 feet of height to the existing structure, except as provided in subsection (A)(4)(a) of this section.

b. Notwithstanding other provisions of this section, the height of freestanding WCFs shall not exceed:

- i. Two hundred feet in the public facilities and services zone; or
- ii. One hundred fifty feet in areas of the public building zoning district, areas of the regional commercial zoning district, and central business district that are within 150 feet of the I-82 corridor.

2. Setbacks.

a. Freestanding WCFs located on a lot must conform at least to the setback requirement for structures in the underlying zoning district, except that the minimum side setback for a WCF support structure is 20 feet.

b. Freestanding WCFs located on a lot adjacent to a single-family zoning district or to the public, planned recreational, and park/open space zoning district shall comply with subsection (A)(2)(a) of this section or shall be set back a minimum of one-half the height of the antenna support structure from the nearest single-family or multi-family residential, whichever is the greater.

3. Antenna Design. The WCF antenna(s) shall be either:

- a. A whip antenna attached to a building; or
- b. Flush-mounted to a utility support structure (see Article VI of Chapter 11.38 UGMC for flush-mounting standards); or

c. Contained within a canister that is a continuation of a utility support structure or antenna support structure, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements; or

d. Flush-mounted within 12 inches of the face of the building, mechanical equipment screening, or antenna support structure. The antenna(s) shall be painted to match the material to which they are attached; except that whip antenna arrays shall be painted a light color.

4. Small Wireless Development Standards. See UGMC 17.32.080.

5. Equipment Enclosures. WCF equipment enclosures shall comply with the criteria set out in UGMC 17. 37.080.

6. Site Development Plan. A site development plan shall be submitted showing at a minimum the location, size, screening and design of all WCF structures and enclosures, including fences, and the location, number, and species of all proposed landscaping.

7. RF Emission Standards. The applicant shall provide the certification of an RF engineer with knowledge of the proposed development that the WCF will comply with the radio frequency emission standards adopted by the Federal Communications Commission. The City recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency emissions and WCFs that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.

**17.32.070 Criteria for WCF approvals – Conditional use permits.**

A. In addition to the criteria set out in UGMC 17.32.150(C), the following criteria shall be applied in approving, approving with conditions, or denying WCFs that require conditional use permits pursuant to UGMC 17.32.030. See Article VI of Chapter 11.38 UGMC for small wireless deployment in the public right-of-way, except for eligible facilities requests which shall be considered under Article VI of Chapter 11.38 UGMC:

1. Visual Impact.

a. WCFs, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent possible, consistent with the proper functioning of the WCF. WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

b. A site development plan shall be submitted showing at a minimum the location, size, screening and design of all WCF structures and enclosures, including fences, and the location, number, and species of all proposed landscaping.

c. WCFs in the downtown development zoning district shall be consistent with the downtown site design requirements standards.

d. WCFs in each commercial or multifamily zoning district shall be consistent with the district's design standards.

## 2. Height.

a. The height of an attached WCF shall not exceed the greater of (i) the maximum building height allowed for the underlying zoning district, or (ii) the height of the structure to which it is attached or which it replaces; provided, that in no event shall the WCF add more than 15 feet of height to the existing structure, except as otherwise provided in subsection (A)(4)(a) of this section.

b. The height of freestanding WCFs requiring conditional use permits shall not exceed:

i. Sixty feet in the single family 1 residential, single family 2 residential, multifamily residential, corridor multi-family residential, parks/open spaces, and planned recreational; and

ii. One hundred feet in the commercial, regional commercial, wholesale/warehouse, light industrial, and public building district.

## 3. Setbacks.

a. Freestanding WCFs must conform to the setback requirement for structures in the underlying zoning district, except that the minimum side setback for a WCF support structure is 20 feet.

b. Freestanding WCFs located on a lot adjacent to a single-family 1, single family 2, multifamily, and multi-family residential zoning district shall comply with subsection (A)(3)(a) of this section or shall be set back a minimum of one-half the height of the antenna support structure from the nearest single-family or downtown community business lot line, whichever is the greater.

c. The Hearing Examiner may impose greater setbacks than required under subsection (A)(3)(a) or (A)(3)(b) of this section in order to satisfy the visual impact criteria of subsection (A)(1) of this section.

4. Equipment Enclosures. Equipment enclosures shall comply with the criteria set out in UGMC 17.32.080 in addition to the visual impact criteria set out in subsection (A)(1) of this section.

5. Provision for Future Collocation. Applicants shall provide information regarding the opportunity for the collocation of other antenna(s) and related equipment. Where technically feasible, and where opportunities for smaller WCFs with fewer impacts are limited due to topography, lack of existing aboveground structures or other circumstances, provision for future collocation may be required.

6. RF Emission Standards. The applicant shall provide a certification by an RF engineer familiar with the proposed development that the WCF will comply with the radio frequency emission standards adopted by the Federal Communications Commission. The City recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications

Commission sole jurisdiction in the field of regulation of radio-frequency emissions and WCFs that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.

7. Antenna Design. Any WCF antenna(s) other than small wireless facilities shall be either:
- a. A whip antenna attached to a building; or
  - b. Flush-mounted to the utility structure (see Article VI of Chapter 11.38 UGMC for flush-mounting standards); or
  - c. Contained within a canister that is a continuation of a utility support structure or antenna support structure; or
  - d. Flush-mounted within 12 inches of the face of the building, mechanical equipment screening, or antenna support structure. The antenna(s) shall be painted to match the material to which they are attached, except that whip antenna arrays shall be painted a light color.

**17.32.080 Design and concealment standards for small wireless facility deployments.**

Small wireless facility deployments whether permitted in the right-of-way under Article IV of Chapter 11.38 UGMC or permitted in accordance with this chapter shall conform to the following design standards:

A. Small Wireless Facilities Attached to Nonwooden Poles. Small wireless facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria:

1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape either by fully concealing the antennas and associated equipment fully within the pole unless such concealment is technically impossible or through a concealment element plan which provides an equivalent or greater impact reduction. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.
2. All conduit, cables, wires and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.
3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

4. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
5. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.
6. The diameter of a replacement pole shall comply with the City's street setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the City's lighting requirements.
7. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small cell facility and all associated equipment shall be removed.
8. The corridor between fourteen (14) feet and nineteen (19) feet from the ground up shall be reserved for City purposes and no equipment shall be allowed to be installed in this location.

B. **Wooden Pole Design Standards.** Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than 10 feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Panel antennas shall not be mounted more than 12 inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three cubic feet in volume.
7. A canister antenna may be mounted on top of a wooden pole, which may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
9. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
10. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection (E)(1) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed 28 cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs.
11. An applicant who desires to enclose its antennas and equipment within a unified enclosure may do so; provided, that such unified enclosure does not exceed the minimum size necessary for its intended purpose and the verified enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment does not exceed 28 cubic feet in volume. To the extent possible the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs. The unified enclosure may not be placed more than six inches from the surface of the pole unless a further distance is technically required and confirmed in writing by the pole owner.
12. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

13. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

14. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

15. All cables and wires shall be routed through conduit along the outside of the pole. The conduit shall be colored or painted to match the pole. The number of conduits shall be the minimum number technically necessary to accommodate the small wireless facility.

16. The corridor between fourteen (14) feet and nineteen (19) feet from the ground up shall be reserved for City purposes and no equipment shall be allowed to be installed in this location.

C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards:

1. Each strand-mounted facility shall be no more than three cubic feet in volume;

2. Only one strand-mounted facility is permitted per cable between any two existing poles;

3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five feet from the pole unless a greater distance is required by the pole owner for safety clearance;



4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
5. Grantee may not place an ancillary pole or ground mounted equipment to accommodate such strand mounted facilities, unless in the case of ground-mounted equipment placed in preexisting equipment cabinets; and
6. Such strand-mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original stand).

#### E. General Requirements.

1. Ground-mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole-mounted or underground equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights-of-way are prohibited.
2. No equipment shall be operated so as to produce noise in violation of Chapter 8.06.090 UGMC.
3. Small wireless facilities are not permitted on traffic signal poles.
4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.
5. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
6. The design criteria as applicable to small wireless facilities described herein shall be considered concealment elements and such small wireless facilities may only be expanded upon an eligible facilities request described in Article VII of Chapter 11.38 UGMC when the modification does not defeat the concealment elements of the facility.
7. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.
8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
9. Side arm mounts for antennas or equipment must be the minimum necessary and shall be no more than 12 inches from the pole surface to the surface of the antenna or equipment.
10. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

11. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

F. New Poles in the Rights-of-Way for Small Wireless Facilities and Installations in a Design Zone.

1. New poles within the rights-of-way are only permitted if the applicant can establish that:

a. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;

b. The proposed wireless communications facility receives approval for a concealment element design, as described in subsection (F)(3) of this section;

c. The proposed wireless communications facility also complies with shoreline and SEPA, if applicable; and

d. No new poles shall be located in a critical area or associated buffer required by the City's critical areas management ordinance (Chapter 17.19 UGMC), except when determined to be exempt pursuant to said ordinance.

2. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

a. The concealment element design should seek to minimize the visual obtrusiveness of wireless communications facility installations. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including to the extent technically feasible similar height. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture – or the appearance thereof – as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for

the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria.

b. If the Director has already approved a concealment element design either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

3. Even if an alternative location is established pursuant to subsections (E)(1)(a) and (2) of this section the administrative use permit process may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

4. Prior to the issuance of a permit to construct a new pole or ground-mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground-mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed wireless communications facility is more than 60 feet.

5. Installation of small wireless facilities in a design district (see UGMC 11.38.720(C)) shall be permitted by an administrative approval of a concealment plan utilizing the design and concealment standards contained in this chapter.

6. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant or have the effect of prohibiting the provision of wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater results.

#### **17.32.090 Criteria for equipment enclosures.**

A. The following criteria apply to all equipment enclosures, whether they are part of a WCF subject to administrative review or a WCF requiring a conditional use permit. Except for eligible facilities requests are permitted pursuant to Article VII of Chapter 11.38 UGMC. See UGMC 17.32.080 for small wireless facility deployment criteria regarding unified equipment enclosures.

1. Equipment enclosures shall not exceed six feet in any one dimension, unless it can be demonstrated by substantial evidence that compliance with this provision would materially inhibit the wireless provider's ability to deliver services.

2. Equipment enclosures shall be located within buildings or placed underground wherever feasible.

3. When equipment enclosures cannot be located in buildings or underground, they shall be:

- a. Designed to blend in with existing surroundings, using compatible or neutral colors and/or vegetative or other screening at least as tall as the enclosure;
- b. Consistent with relevant design standards for the underlying zoning district; and
- c. Located so as to be as unobtrusive as possible consistent with proper functioning of the WCF.

4. Equipment enclosures on a lot must meet all applicable setbacks for the underlying zoning district and be situated at least 25 feet from any public right-of-way, except on specific sites that are expressly reserved, in a plat thereof, for utility easements.

5. No noise shall be permitted to escape from equipment enclosures in excess of that permitted by Chapter 173-60 WAC.

**17.32.100 Height variance.**

A. The Hearing Examiner may grant a height variance for a WCF upon finding that the criteria in UGMC 17.32.150(C) are met and that one of the following criteria is also met:

B. Compliance with the provisions of this chapter would materially inhibit the wireless provider's ability to deliver services; or

C. The alternative proposed has less impact on property owners in the vicinity than strict application of the WCF height provisions; or

D. The WCF is an essential public facility under the definition in UGMC 17.30.020.

**17.32.110 Technical and safety requirements.**

A. Construction and Installation. The construction and installation of antenna support structures, antennas, attachment support structures, and equipment enclosures shall be subject to the requirements of the City's building code (with structural calculations provided by the applicant's Washington-licensed engineer), including the City's electrical code, and all applicable standards published by the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA).

B. Artificial Lighting. No antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.

C. Ladder Rungs. The Building Official shall determine if antenna support structures may have ladder rungs within 20 feet of the ground.

D. WCF Equipment Enclosures. WCF equipment enclosures shall be kept locked at all times and shall be clearly labeled as to the owner, operator, or a person to be contacted in the event of an emergency.

E. Sidewalks. WCFs shall not obstruct an existing public sidewalk or trail or the area of public right-of-way or easement reserved for a future public sidewalk or trail.

F. Street Lanes. WCFs shall not obstruct a traffic lane, parking lane or bicycle lane and shall not create a traffic or sight distance impairment.

**17.32.120 Independent technical review of WCF applications.**

The City may retain the services of an independent technical expert of its choice to provide technical evaluation of permit applications for WCFs. The applicant shall pay all the costs of said review. Such third-party expert review is intended to be a site-specific review of technical aspects of the WCF permit application and not a subjective review of the WCF proposal. Based on the results of the third-party expert review, the City may require changes to the WCF application or impose conditions on its approval.

**17.32.130 WCF removal.**

A. Owners and operators of WCFs shall provide the Director with copies of any notice of intent to cease operations that is provided to the Federal Communications Commission.

B. Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antennas mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after receipt of notice from the City to do so. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing such removal and imposing a lien upon the equipment and/or the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under this section is subject to appeal to the Hearing Examiner. In the event that more than one wireless communication service provider is using the support structure, then the provision to lien the real property shall not become effective until all users cease using such structure.

C. Removal upon Undergrounding. A WCF must be removed at no expense to the City if co-located on a utility support structure that is subsequently undergrounded.

**17.32.140 Appeals.**

WCF decisions other than administrative approvals relating to small wireless facilities, small wireless facility permits and eligible facilities requests, Articles VI and VII of Chapter 11.38 UGMC may be appealed in accordance with Chapter 17.14.080 UGMC. The timely filing of an appeal of a WCF permit decision shall stay the effective date of the decision until such time as the appeal is concluded or withdrawn.

**17.32.150 Zoning text amendments.**

A. Procedural amendments to the text of this title which do not impose, remove, or modify any existing regulations shall be initiated and processed in the manner outlined below except that no public hearing shall be required.

B. The Planning Department, Commission, Council, Hearing Examiner, or any member of the public, may initiate or propose a substantive change to the text of the Zoning Ordinance.

1. Public Hearing. Notice of public hearing shall be prepared by the Planning Department pursuant to UGMC 18.40.010. One open record public hearing is required before the City Council. Planning Commission shall hold a public hearing prior to making their recommendation to the City Council. The Council shall also have a public hearing for rezones.

C. Criteria for Review and Conclusions of Law. The Planning Commission shall consider the following criteria in making their recommendation to the City Council. The Council may approve the request to amend the text of the Zoning Ordinance only if the proposal conforms to all of the

following criteria. The Council shall adopt findings and conclusions for the record that support their decision.

1. The proposal is in conformance with the goals and objectives of the Comprehensive Plan; and
2. The proposal promotes the health, welfare, and safety of the general public; and
3. The proposal will not create excessive additional requirements at public cost for public facilities and services.

D. Final Decision. The Commission may recommend approval or denial of the request to amend the text of the Zoning Ordinance. Their recommendation shall be submitted to the Council for final action. The Council may approve or deny the request. The decision shall be final and conclusive unless an appeal or request for reconsideration is filed according to the procedure outlined in UGMC 18.60 and 18.70.

#### **17.32.160 Conditional use permits.**

A. Purpose and Intent. The City of Union Gap recognizes that certain land uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. To help ensure that such uses fit appropriately within the neighborhood context, a conditional use permit is required for conditional uses and accessory conditional uses identified in Chapters 17.32 UGMC. The conditional use permit shall not be used in lieu of a variance to reduce the requirements of this title.

B. Public Hearing. Notice of a public hearing shall be prepared and issued by the Department pursuant to UGMC 17.32.170 for conditional use permit applications heard by the Hearing Examiner. Conditional use permits require one public hearing before the Hearing Examiner.

C. Authority to Impose Conditions. In approving a conditional use permit, the Hearing Examiner may impose any conditions he or she feels necessary to ensure that designated uses or activities are compatible with other uses in the same land (or zoning) district and in the vicinity of the subject property.

D. Criteria for Review and Conclusions of Law. The Hearing Examiner may approve a conditional use permit only if the request either conforms to all the criteria in this subsection or the request will so conform under applicable codes and any specified conditions. The Hearing Examiner shall make written findings and conclusions for the record, which support his or her decision. The criteria are as follows:

1. The proposal is in accordance with the goals, policies and relevant land use designations of the Comprehensive Plan.
2. The proposal will not adversely impact the established character of the surrounding vicinity. For purposes of this section, “character” shall mean:
  - a. The distinctive features or attributes of buildings and site design, including but not limited to building facade, scale, building modulation, tree cover, landscaping, size and location of signs, amount and location of parking, fencing and walkability;

- b. The level of noise, vibrations or odors; and
  - c. The type of vehicular traffic and traffic patterns associated with the permitted uses in the zoning district.
3. The proposed use will not endanger the public health, safety, and general welfare of the community or create obstacles to neighborhood circulation.
  4. The proposal complies with the purpose and all requirements of the zoning district classification in which it is located and with the general provisions of the municipal code.
  5. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed.

E. Final Decision. The Hearing Examiner may approve, conditionally approve, or deny the conditional use permit. The decision shall be final and conclusive unless an appeal, or request for reconsideration, is filed according to the procedure described in UGMC 18.60 and UGMC18.70. The decision of the Hearing Examiner shall be deemed issuance of the conditional use permit, if approved. An approved accessory conditional use permit shall be deemed to be approved for the applicant only at the approved location and shall not run with the land. All other conditional use permit applications shall be deemed to run with (go with) the land, unless the Hearing Examiner states otherwise. The decision of the Hearing Examiner shall become effective immediately upon entry of such order in the official records, unless the Hearing Examiner finds that making the decision effective immediately would create a condition of practical impossibility or unnecessary hardship in which case he or she shall set a new and different effective date which in no event shall be more than 30 days from the date of entry of such order, and this exception is noted in the record.

F. Recording. The Hearing Examiner may stipulate that the conditions of approval that apply to use of the property be recorded with the Yakima County Assessor's Office. For any approval of a minor modification to an approved conditional use, the Director may stipulate that the conditions of approval be recorded with the Yakima County Assessor's Office.

G. Changes or Modifications.

1. Minor. Minor changes to the operational aspects of the approved conditional use or the approved site plan shall be reviewed and may be approved by the Director in cases where the proposed modifications:
  - a. Do not significantly alter the originally approved conditional use;
  - b. Do not add more than 10 percent in area to the gross square footage of the approved conditional use; and
  - c. Do not conflict with current requirements of this title or other applicable codes and restrictions.

All such requests shall be made in writing and supported by documentation as required by the Director and be accompanied by the appropriate fee, based on the City's fee schedule. The Director shall make a written determination as to whether

the proposed modification is minor, based on the criteria in this section. If the proposal is determined to be a minor modification to the conditional use, the Director shall treat the proposal as a minor amendment to the original approved conditional use and make a written decision to approve, deny, or approve with conditions.

2. Major. If the Director makes a written determination that the proposed changes or modifications do not represent only a minor change, the proposal shall be considered a major modification and processed only under a new conditional use permit application.

H. Time Limits. Any permits necessary to establish or construct an approved conditional use shall be applied for within one year of the effective date of the Hearing Examiner's decision, unless a shorter time limit is imposed. Conditional use permits shall be deemed automatically null and void if applications for any necessary permits or licenses to establish the use are not received by the Department within that period of time or, in such case that no permits or licenses are required, if the approved conditional use has not substantially commenced within that time period.

I. Revocation. The Hearing Examiner may revoke an approved conditional use permit following a public hearing if he or she finds that:

1. The use for which the approval was granted has been abandoned for a period of one year or more; or

2. Approval of the permit was obtained by misrepresentation of material fact; or

3. The permit is being exercised contrary to the terms of approval. The process to revoke a conditional use permit may be initiated by the Department. Any public hearing conducted by the Hearing Examiner to consider revocation is subject to the notice requirements under UGMC 17.32.170. The Hearing Examiner shall make written findings and conclusions for the record that support the revocation decision.

4. The permit is being exercised contrary to the terms of approval. The process to revoke a conditional use permit may be initiated by the Department. Any public hearing conducted by the Hearing Examiner to consider revocation is subject to the notice requirements under UGMC 17.32.170. The Hearing Examiner shall make written findings and conclusions for the record that support the revocation decision.

### **17.32.170 Notice of public hearing.**

Notice of a public hearing for all open record hearings shall be given as follows:

A. Time of Notice. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

1. Publication at least 10 days before the date of a public hearing, or pending action in the official newspaper of general circulation; and

2. Mailing at least 10 days before the date of a public hearing, or pending action to all property owners as shown on the records of the County Assessor and to all street addresses of properties



within 300 feet, of the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and

3. Posting at least 10 days before the hearing, or pending action in the official City information distribution sites.

4. Posting at least one notice on the subject property at least 10 days before the date of a public hearing or pending action.

B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

C. Continuations. If, for any reason, a public hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.

#### **17.32.180 Fee schedule**

A. The Public Works Director is authorized to collect a fee for franchise and permit applications, permit, installations, recurring fees, violations, appeals and other associated processes in accordance with safe harbor provision and any subsequent amendments thereto of the FCC's October 15<sup>th</sup>, 2018 ruling, as set out below :

1. \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five.
2. \$1,000 for on-recurring fees for a new pole (i.e. not a collocation) intended to support one or more Small Wireless Facilities.
3. \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee.

B. The Public Works Director is also authorized to collect fees for engineering review time when engineering studies are required. Fees will be based on actual staff time.

C. The Public Works Director is also authorized to collect a minimum application and review fee of \$5,000 to cover for staff and attorney/consultant related time and fees associated with the review of a master right of way use authorization/franchise negotiations. Additional fees will be charged for time spent over 30 hours if staff and attorney/consultant related time is necessary. Additional fees will be based on actual staff time.

PASSED this 22<sup>nd</sup> day of March, 2021.

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John Hodkinson, Mayor

ATTEST:

APPROVED AS TO FORM:

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Karen Clifton, City Clerk

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Bronson Brown, City Attorney



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** Gregory Cobb, Chief of Police  
**Topic/Issue:** Ordinance - Criminalizing the Possession of a Controlled Substance Without a Prescription

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**SYNOPSIS:** On February 25, 2021 the Washington Supreme Court ruled RCW 69.50.4013(1) unconstitutional. This ruling makes the possession of drugs such as Heroin, Cocaine, and Methamphetamine legal to possess in the State of Washington. This ruling also makes it legal for a juvenile to legally possess narcotics. The use of controlled substances without a prescription is correlated with criminal activity, homelessness, and mental health issues. The absence of any criminal penalties for such possession will reduce the City's effectiveness in combating crime, homelessness and mental health issues.

**RECOMMENDATION:** Adopt an ordinance amending UGMC making possession of a controlled substance without a prescription a gross misdemeanor.

**LEGAL REVIEW:** Ordinance drafted by the City Attorney.

**FINANCIAL REVIEW:** The ordinance, if enacted, will have a minimum to moderate impact to the City's budget for incarceration and public defender costs.

**BACKGROUND INFORMATION:** Discussed at the March 15, 2021 Public Safety Study Session

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** Ordinance

**CITY OF UNION GAP, WASHINGTON**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, AMENDING CHAPTER 8.12.230 CONTROLLED SUBSTANCES OF THE MUNICIPAL CODE AND CREATING A NEW SECTION 8.12.235 POSSESSION OF A CONTROLLED SUBSTANCE WITHOUT A PRESCRIPTION.**

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death; and

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional often exacerbates mental health conditions; and

WHEREAS, using controlled substances can alter a person's brain or brain chemistry with negative health consequences; and

WHEREAS, persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships; and

WHEREAS, the use of controlled substances without a prescription or medical supervision is more likely to result in addiction; and

WHEREAS, the use of controlled substances without a prescription is positively correlated with criminal behavior; and

WHEREAS, on February 25, 2021, the Washington State Supreme Court held in the case of State v. Blake, No. 96873-0, that RCW 69.50.4013(1) the statute that criminalized the possession of a controlled substance without a prescription- exceeds the state's police power and violates the due process clauses of the state and federal constitutions; and

WHEREAS, the Supreme Court's ruling has the effect of eliminating any criminal penalties for the possession of a controlled substance without a prescription; and

WHEREAS, the Supreme Court's ruling also eliminates the authority of police officers to arrest persons possessing a controlled substance without a prescription or obtaining search warrants to search for controlled substances possessed without a prescription; and

WHEREAS, the lack of criminal penalties for the possession of controlled substances without a prescription will immediately result in an increase in the negative health and safety consequences associated with the use of controlled substances without a prescription; and

WHEREAS, the lack of enforcement authority of the police will interfere with the City's initiatives to address addiction and criminal activity associated with the use of controlled

substances without a prescription by eliminating incentives for individuals to enter treatment or obtain necessary social services; and

WHEREAS, the effect of eliminating criminal penalties and police authority in regard to the possession and use of controlled substances without a prescription will have an immediate, direct, and negative impact on the health, safety, and welfare of the City's inhabitants; and

WHEREAS, this is a public emergency ordinance necessary for the protection of public health and public safety, and should be effective upon adoption.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP, WASHINGTON, DO ORDAIN AS FOLLOWS:**

SECTION 1. The Recitals set forth above are adopted as findings of fact in support of this emergency ordinance.

SECTION 2. Section 8.12.230 of the municipal code is amended and a new section 8.12.235 is created as set forth in Exhibit A.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 4. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 2. This ordinance shall become effective five (5) days after its passage and publication as required by law.

Ordained BY THE CITY COUNCIL this 22nd day of March, 2021.

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John Hodkinson, City Mayor

ATTEST:

APPROVED AS TO FORM:

## **EXHIBIT A**

### **8.12.230 - Controlled substances.**

The following statutes of the state of Washington, including any future amendments and additions thereto, and repeals thereof are adopted by reference:

RCW

69.50.101	Definitions
69.50.102	Drug paraphernalia—Definitions
69.50.204(e)(14)	Schedule I— <del>Marijuana</del>
69.50.206	Schedule II
69.50.208	Schedule III
69.50.210	Schedule IV
69.50.212	Schedule V
69.50.214	Controlled Substance analog
69.50.309	Containers
69.50.401	Prohibited acts: A - penalties
69.50.412	Prohibited acts: E - penalties
69.50.425	Misdemeanor violations—Minimum imprisonment
69.50.505	Seizure and forfeiture
69.50.506	Burden of proof
69.50.509	Search and seizure of controlled substances
69.50.4014	Possession of forty grams or less of marihuana—Penalty

## NEW SECTION. 8.12.235

### Possession of a controlled substance without a prescription

(1) It is unlawful for any person to knowingly possess a controlled substance or to possess a controlled substance with intent to use it, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by chapter 69.50 RCW.

(2) Any person who violates this section is guilty of a gross misdemeanor punishable by up to 364 days in jail and a \$5,000 fine.

(3)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section or this chapter.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section or this chapter.

(c) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section or this chapter.

(d) It is unlawful for a person under twenty-one years of age to knowingly possess or possess with intent to use marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization. Violation of this subsection is a misdemeanor punishable by up to 90 days in jail and a \$1,000 fine.

# **CONSENT AGENDA**



**UNION GAP CITY COUNCIL REGULAR MEETING**  
**UNION GAP COUNCIL CHAMBERS**  
*Union Gap, Washington*  
**March 8, 2021, Regular Meeting**  
**MINUTES**

<u>Call to Order</u>	Mayor Hodkinson called the Regular Meeting of the Union Gap City Council to order at 6:00 p.m.
<u>Council Members Present</u>	Council Members Murr, Wentz, Galloway, Hansen, Schilling, and Dailey were present virtually.
<u>Staff Present</u>	City Manager Fisher, Police Chief Cobb, Public Works and Community Development Director Henne, Civil Engineer Dominguez, Finance and Administration Director Clifton, City Attorney Brown, and Fire Chief Markham were present.
<u>Audience Present</u>	See attached list.
<u>Consent Agenda</u>	<p>Motion by Council Member Murr, second by Council Member Hansen to approve the consent agenda as follows.</p> <p>Regular Council Meeting Minutes, dated February 22, 2021 as attached to the Agenda and maintained in electronic format.</p> <p>Claims Vouchers – EFT’s and Voucher No. 102506 through 102586 for March 8, 2021, in the amount of \$502,951.93.</p> <p>Motion carried unanimously.</p>
<u>Items from the Audience</u>	None.
<u>General Items</u>	
<u>Public Works &amp; Community Development</u>	
Resolution No. – 21-09 – Public Works Surplus Vehicles	Public Works and Community Director Henne gave an overview of vehicles that he is requesting to surplus. Council Member Hansen asked if any of them could be used for parts and Henne replied no, that they were too old. Motion by Council Member Wentz, second by Council Member Schilling to approve Resolution No. – 21-09 – declaring Public Works Department vehicles surplus and providing for disposition of the same. Motion carried unanimously.

*CITY OF UNION GAP REGULAR COUNCIL MEETING MINUTES – March 8, 2021*

- Resolution No. – 21-10 – Agreement with Elegant Soccer League – 2021 Regular Soccer Season      Motion by Council Member Murr, second by council Member Galloway to Adopt Resolution No. – 21-10 – authorizing the City Manager to sign a Facility Use Agreement with the Elegant Soccer League for 2021 regular season soccer. Motion carried unanimously.
- Resolution No. 21-11 – HLA Local Agency A&E Professional Services Consultant Agreement, Main Street Reconstruction Phase 1 – Construction Services      Motion by Council Member Wentz, second by Council Member Murr to approve Resolution No. – 21-11 – authorizing the City Manager to sign a Local Agency A & E Professional Services Consultant Agreement, Main Street Reconstruction Phase 1 – Construction Services with HLA Engineering and Land Surveying, Inc. Council Member Schilling asked if the project would be done this year, Public Works and Community Development director Henne replied yes, should be done by May. Mayor Hodkinson inquired if they would finish paving, Henne replied yes. Motion carried unanimously.
- Items from the audience      Linda DiLimbo, General Manager of the Valley Mall stated that an event is planned for the 15<sup>th</sup> and 16<sup>th</sup> of October, having a children’s component with an author who will be supplying books for the kids.
- City Manager Report      City Manager Fisher stated that she had been on medical leave, and is getting caught up on emails, and that Chief Cobb and staff did a great job while she was gone; Three employees where recently celebrated for 30 years of service with the City. Karen Clifton, Jo Linder and Chris Dahl where given plaques, flowers and or cards during an employee wellness luncheon.
- Communications/Questions/Comments      None.
- Development of Next Agenda      Council Member Schilling asked if the director of Camp Hope could come and give them an update on all he is doing. City Manager Fisher asked if she would like him to attend a committee meeting or Council meeting. Schilling replied that it would depend on his availability. Fisher stated she would contact him the following day.
- Adjournment of Meeting      Mayor Hodkinson adjourned the regular meeting at 6:20 p.m.

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Arlene Fisher-Maurer, City Manager

ATTEST:

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Karen Clifton, City Clerk

**CITY OF UNION GAP**  
**REGULAR UNION GAP COUNCIL MEETING**

**SIGN IN SHEET**

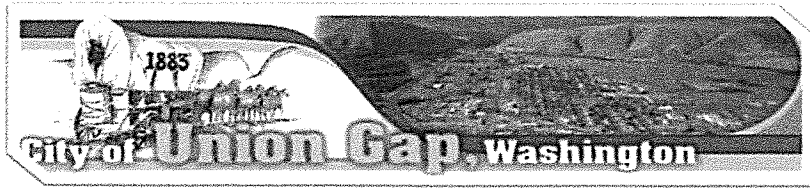
6:00 P.M. – March 8, 2021

NAME (Please Print)

(Date)

ADDRESS

Julie Schilling
Dave Hansen
Roger Wentz
Jack Galloway
Sandy Bailey
- Aaron Markham
- Mike Brown - YPAK
- Bronson Brown
Greg Cobb
John Hodgkinson
Arlene Fisher
Dennis Henne
David Dominguez
Karen Cliftich
James Murr
Kathy Cluck
Phonal 2758
- Stephen Hazzard - HLA
Mike Khlman
Linda DeLimbo
Jan



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** Karen Clifton, Director of Finance and Administration  
**Topic/Issue:** Payroll Vouchers – February 2021

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**SYNOPSIS:** Payroll Vouchers for the month of February 2021

**RECOMMENDATION:** Request Council to approve EFTs and Voucher Nos. 102505 through 102593 in the amount of \$434,364.95.

**LEGAL REVIEW:** N/A

**FINANCIAL REVIEW:** N/A

**BACKGROUND INFORMATION:** N/A

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** Payroll Voucher Register

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 10:07:43 Date: 03/05/2021

01/01/2021 To: 03/31/2021

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1099	03/10/2021	Payroll	2	EFT	LYNETTE BISCONER	4,394.89	February Payroll
1100	03/10/2021	Payroll	2	EFT	RYAN BONSEN	6,693.63	February Payroll
1101	03/10/2021	Payroll	2	EFT	JABAN R BROWNELL	6,307.91	February Payroll
1102	03/10/2021	Payroll	2	EFT	CRAIG G BUNTING	4,661.40	February Payroll
1103	03/10/2021	Payroll	2	EFT	JASON G CAVANAUGH	4,945.00	February Payroll
1104	03/10/2021	Payroll	2	EFT	NEREDIHT E CHAVEZ	2,568.71	February Payroll
1105	03/10/2021	Payroll	2	EFT	KAREN CLIFTON	5,720.30	February Payroll
1106	03/10/2021	Payroll	2	EFT	GREGORY COBB	6,443.04	February Payroll
1107	03/10/2021	Payroll	2	EFT	CHRIS DAHL	4,161.05	February Payroll
1108	03/10/2021	Payroll	2	EFT	SANDY L DAILEY	546.11	February Payroll
1109	03/10/2021	Payroll	2	EFT	ERICK MICHAEL DELP	5,061.76	February Payroll
1110	03/10/2021	Payroll	2	EFT	TORIN M DELVO	3,813.29	February Payroll
1111	03/10/2021	Payroll	2	EFT	DAVID DOMINGUEZ	6,176.05	February Payroll
1112	03/10/2021	Payroll	2	EFT	DAMON A DUNSMORE	3,996.19	February Payroll
1113	03/10/2021	Payroll	2	EFT	TRAVIS FISCUS	3,486.53	February Payroll
1114	03/10/2021	Payroll	2	EFT	ARLENE F FISHER-MAURER	8,460.04	February Payroll
1115	03/10/2021	Payroll	2	EFT	JACK L GALLOWAY	546.11	February Payroll
1116	03/10/2021	Payroll	2	EFT	DAVID O HANSEN	546.11	February Payroll
1117	03/10/2021	Payroll	2	EFT	DENNIS HENNE	6,178.88	February Payroll
1118	03/10/2021	Payroll	2	EFT	ROBERT M HENNESSY	3,572.19	February Payroll
1119	03/10/2021	Payroll	2	EFT	JOHN P HODKINSON JR	546.11	February Payroll
1120	03/10/2021	Payroll	2	EFT	SHAWN R JAMES	4,213.92	February Payroll
1121	03/10/2021	Payroll	2	EFT	RUDY M JIMENEZ	3,964.75	February Payroll
1122	03/10/2021	Payroll	2	EFT	CHASE KELLOGG	4,915.29	February Payroll
1123	03/10/2021	Payroll	2	EFT	ALBA L LEVESQUE	5,739.88	February Payroll
1124	03/10/2021	Payroll	2	EFT	JO LINDER	3,039.77	February Payroll
1125	03/10/2021	Payroll	2	EFT	TERESA LOPEZ	4,274.16	February Payroll
1126	03/10/2021	Payroll	2	EFT	VALENTINA MARTINEZ	2,562.01	February Payroll
1127	03/10/2021	Payroll	2	EFT	HOWARD L MASON	2,891.32	February Payroll
1128	03/10/2021	Payroll	2	EFT	STACE J MCKINLEY	3,238.86	February Payroll
1129	03/10/2021	Payroll	2	EFT	ROBERT MCRAE	3,713.58	February Payroll
1130	03/10/2021	Payroll	2	EFT	CASEY M MORFIN	3,003.44	February Payroll
1131	03/10/2021	Payroll	2	EFT	JAMES E MURR	519.03	February Payroll
1132	03/10/2021	Payroll	2	EFT	SERGIO E OCHOA	3,924.76	February Payroll
1133	03/10/2021	Payroll	2	EFT	REBECCA R PINA	2,951.53	February Payroll
1134	03/10/2021	Payroll	2	EFT	CARY D PITTACK	3,022.54	February Payroll
1135	03/10/2021	Payroll	2	EFT	HECTOR A RIVERA	5,363.18	February Payroll
1136	03/10/2021	Payroll	2	EFT	PAUL K SANDERS	4,755.47	February Payroll
1137	03/10/2021	Payroll	2	EFT	CURTIS J SANTUCCI	4,763.95	February Payroll
1138	03/10/2021	Payroll	2	EFT	KURT W SCHELHAMMER	3,999.17	February Payroll
1139	03/10/2021	Payroll	2	EFT	JULIE SCHILLING	549.11	February Payroll
1140	03/10/2021	Payroll	2	EFT	MICHAEL STILLWAUGH	4,518.55	February Payroll
1141	03/10/2021	Payroll	2	EFT	RAYMOND V SUAREZ	4,489.18	February Payroll
1142	03/10/2021	Payroll	2	EFT	AMANDA L TOWLE	4,048.08	February Payroll
1143	03/10/2021	Payroll	2	EFT	ERIC B TURLEY	4,993.44	February Payroll
1144	03/10/2021	Payroll	2	EFT	JENNY V VALLE	2,999.35	February Payroll
1145	03/10/2021	Payroll	2	EFT	JOSEPH VANICEK	4,955.28	February Payroll
1146	03/10/2021	Payroll	2	EFT	GLORIA A WALTMAN	3,079.46	February Payroll
1147	03/10/2021	Payroll	2	EFT	TERRYL D WAY	5,525.94	February Payroll
1148	03/10/2021	Payroll	2	EFT	ROGER E WENTZ	522.03	February Payroll
1149	03/10/2021	Payroll	2	EFT	AFLAC	254.20	Pay Cycle(s) 03/01/2021 To 03/31/2021 - AFLAC; Pay Cycle(s) 03/01/2021 To 03/31/2021 - AFLAC Pre Tax
1150	03/10/2021	Payroll	2	EFT	AWC EMPLOYEE BENEFIT TRUST	84,788.40	LEOFF I RETIREE MEDICAL BENEFITS - 02/2021; Pay Cycle(s) 03/01/2021 To 03/31/2021 - Medical

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 10:07:43 Date: 03/05/2021

01/01/2021 To: 03/31/2021

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1151	03/10/2021	Payroll	2	EFT	ICMA RETIREMENT TRUST #302189 ROTH	5,529.94	Pay Cycle(s) 03/01/2021 To 03/31/2021 - ICMA ROTH - Catch-up; Pay Cycle(s) 03/01/2021 To 03/31/2021 - ICMA 457 ROTH
1152	03/10/2021	Payroll	2	EFT	ICMA RETIREMENT TRUST#108800	2,204.10	Pay Cycle(s) 03/01/2021 To 03/31/2021 - ICMA MNGT
1153	03/10/2021	Payroll	2	EFT	ICMA RETIREMENT TRUST#302189	12,502.51	Pay Cycle(s) 03/01/2021 To 03/31/2021 - ICMA Retirement Trust
1154	03/10/2021	Payroll	2	EFT	INTERNAL REVENUE SERVICE	76,826.13	941 Deposit for Pay Cycle(s) 03/01/2021 - 03/31/2021
1155	03/10/2021	Payroll	2	EFT	WA STATE DRS - DCP	50.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - DRS - DCP - 902B71
1156	03/10/2021	Payroll	2	EFT	WA STATE EMPLOYMENT SECURITY DEPT-PFML	769.28	Pay Cycle(s) 03/01/2021 To 03/31/2021 - PMFL
1157	03/10/2021	Payroll	2	EFT	WA STATE LAW ENFORCEMENT	18,776.30	Pay Cycle(s) 03/01/2021 To 03/31/2021 - LEOFF II - B040
1158	03/10/2021	Payroll	2	EFT	WA STATE PUBLIC EMPLOYEES	30,428.26	Pay Cycle(s) 03/01/2021 To 03/31/2021 - PERS II - 5591; Pay Cycle(s) 03/01/2021 To 03/31/2021 - PERS III - 5591
1159	03/10/2021	Payroll	2	EFT	WESTERN CONFERENCE OF	2,247.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - Teamster's Pension
849	02/22/2021	Payroll	2	102505	WA STATE EMPLOYMENT SECURITY DEPT	342.28	2020 Q3 CORRECTION
1160	03/10/2021	Payroll	2	102587	EMPLOYEE FUND	184.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - Employee Fund
1161	03/10/2021	Payroll	2	102588	TEAMSTERS LOCAL 760	729.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - Teamsters Dues
1162	03/10/2021	Payroll	2	102589	UNION GAP POLICE OFFICERS ASSN	1,400.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - UGPOA Dues
1163	03/10/2021	Payroll	2	102590	USABLE LIFE	74.82	Pay Cycle(s) 03/01/2021 To 03/31/2021 - USABLE Life
1164	03/10/2021	Payroll	2	102591	WA STATE COUNCIL OF CNTY	699.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - AFC SME Dues
1165	03/10/2021	Payroll	2	102592	WA STATE COUNCIL OF	175.00	Pay Cycle(s) 03/01/2021 To 03/31/2021 - WSCOPO Dues
1166	03/10/2021	Payroll	2	102593	WESTERN STATES POLICE MEDICAL TRUST	1,022.40	Pay Cycle(s) 03/01/2021 To 03/31/2021 - WSPMT

001 Current Expense Fund	322,243.48
101 Street Fund	24,999.60
128 Transit System Fund	5,846.32
133 Marijuana Excise Tax Fund	1,561.96
401 Water Fund	48,557.35
402 Garbage Fund	2,988.92
403 Sewer Fund	28,167.32

434,364.95 Payroll: 434,364.95



## City Council Communication

**Meeting Date:** March 22, 2021  
**From:** Karen Clifton, Director of Finance and Administration  
**Topic/Issue:** Claim Vouchers – March 22, 2021

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**SYNOPSIS:** Claim Vouchers Dated March 22, 2021

**RECOMMENDATION:** Request Council to approve EFTs and Vouchers Nos. 102594 through 102647. In the amount of \$ 281,689.64.

**LEGAL REVIEW:** N/A

**FINANCIAL REVIEW:** N/A

**BACKGROUND INFORMATION:** N/A

**ADDITIONAL OPTIONS:** N/A

**ATTACHMENTS:** 1. Claim Voucher Register  
2. Detailed Claim Voucher Register

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:10 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1075	02/03/2021	Claims	2	EFT	CHASE PAYMENTECH	1,060.07	ONLINE CREDIT CARD PAYMENTS FEE - 01/2021
1091	03/03/2021	Claims	2	EFT	CHASE PAYMENTECH	784.31	ONLINE CREDIT CARD PAYMENTS FEE - 02/2021
1345	03/05/2021	Claims	2	EFT	US BANK - CHECKING	24.00	INV MAINT FEE - 02/2021
1346	03/12/2021	Claims	2	EFT	US BANK - CHECKING	384.47	ANALYSIS FEE - 02/2021
1385	03/22/2021	Claims	2	EFT	CENTURY LINK - LD	145.08	LONG DISTANCE - 03/2021
1386	03/22/2021	Claims	2	EFT	SPECTRUM BUSINESS	104.59	CIVIC CENTER TV SVC - 03/2021
1387	03/22/2021	Claims	2	EFT	VERIZON WIRELESS - CH #742100945-0001	423.80	CH - 02/2021
1441	03/22/2021	Claims	2	EFT	US BANK CARDMEMBER SVC	2,053.94	PD1 - WALTMAN; IIMC & WMCA MEMBERSHIPS - WALTMAN; HIGH SPEED GEAR SINGLE PISTOL TACO MAG POUCH; HIGH SPEED GEAR DOUBLE PISTOL TACO MAG POUCH; TRIPLE THREAT II MAGAZINE POUCH; HSGI HANDCUFF TACO POUCH;
1388	03/22/2021	Claims	2	102594	ABSOLUTE COMFORT TECHNOLOGY	1,152.87	QUARTERLY - SPRING MAINTENANCE
1389	03/22/2021	Claims	2	102595	VERONICA ALVAREZ	115.48	Refund Utility Deposit
1390	03/22/2021	Claims	2	102596	AMERICAN ROCK PRODUCTS	65,764.85	MAIN STREET RECON PH 1; PROGRESS ESTIMATE NO. 9; CONSTRUCTION PROJECT
1391	03/22/2021	Claims	2	102597	AT&T MOBILITY	270.66	MODEMS - FEB 2021
1392	03/22/2021	Claims	2	102598	BORARCHITECTURE, PLLC	11,371.00	LIBRARY / COMMUNITY CENTER - 02/2021
1393	03/22/2021	Claims	2	102599	CASCADE NATURAL GAS CORP	2,612.96	102 W. AHTANUM RD - 02/2021; 107 W AHTANUM RD / 30007 2ND ST - 02/2021; 4401 MAIN STREET - 02/2021
1394	03/22/2021	Claims	2	102600	CENTRAL PRE-MIX CONCRETE CO.	2,578.55	5/8" TOP COURSE; ROAD SHOULDER PROJECT; 5/8" TOP COURSE ROAD PROJECTS
1395	03/22/2021	Claims	2	102601	CENTRAL WASHINGTON FAIR ASSOC.	2,500.00	MARKETING & SALES - 03/2021
1396	03/22/2021	Claims	2	102602	CI SHRED	185.29	SHRED SERVICE - FEB 2021; SHRED SERVICE - FEB 2021
1397	03/22/2021	Claims	2	102603	CLASSIC CAR WASH	45.00	CAR WASHES - 02/2021
1398	03/22/2021	Claims	2	102604	CLASSIC PRINTING INC	843.24	#10 WINDON W/PERMIT ENVELOPES -UB; UB STATEMENTS - 02/2021
1399	03/22/2021	Claims	2	102605	CLIFF'S SEPTIC SERVICE	135.00	RENT-HANDICAP - 02/2021
1400	03/22/2021	Claims	2	102606	CONCRETE SPECIAL TIES INC	243.29	PEARL 14" X .125 X 1/20MM WET & DRY CONCRETE DIAMOND BLADES; MAT REPLACEABLE 2 X 4 YELLOW ARMOR TILE HURCULITE SERIES
1401	03/22/2021	Claims	2	102607	COPIERS NORTHWEST	217.22	COPIER LEASE - 02/2021
1402	03/22/2021	Claims	2	102608	CHARIE DEL VALLE	27.39	Refund Utility Deposit
1403	03/22/2021	Claims	2	102609	DOBBS PERTBILT-YAKIMA, WA	1,310.82	SWAT VEHICLE MAINTENANCE
1404	03/22/2021	Claims	2	102610	DTG ENTERPRISES INC.	331.52	DEMOTION - SHOP



## WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:10 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1405	03/22/2021	Claims	2	102611	E3 SOLUTIONS, INC	216.40	MILESTONE LICENSE FOR CITY OF UNION GAP
1406	03/22/2021	Claims	2	102612	FRANK'S POINT S	11.90	PASS FLAT OFF; FLAT BED TRAILER
1407	03/22/2021	Claims	2	102613	G.S. LONG CO., INC.	180.01	VIRTUAL TRAINING 03.04.21; BUNTING, MCRAE, DELVO, HENNESSY
1408	03/22/2021	Claims	2	102614	GAP AUTO PARTS - PW	38.09	5 LB DIAPER
1409	03/22/2021	Claims	2	102615	GENE WEINMANN CONSULTING	403.81	CDBG COORDINATOR & POSTAGE/SUPPLY - 01/2021 & 02/2021
1410	03/22/2021	Claims	2	102616	HLA ENGINEERING & LAND SURVEYING INC	39,248.37	PROFESSIONAL SERVICES; 02.01.21 THRU 02.28.21; PROFESSIONAL SERVICES THRU 02.28.21
1411	03/22/2021	Claims	2	102617	HYUNDAI OF YAKIMA	375.33	VEH - 16 - LOF; TIRE ROTATION; UNITE 11 - STEERING, SUSPENSION; WHEEL ALIGNMENT; BATTERY SVC; AIR FILTER
1412	03/22/2021	Claims	2	102618	ENRIQUE & CAROLE	73.35	OVERPAYMENT REFUND
1413	03/22/2021	Claims	2	102619	KELLER SUPPLY CO	109.87	SLOAN UR REPAIR KIT, VACUUM BRKR KIT, HDL REPAIR KIT, DIAPH REP KT
1414	03/22/2021	Claims	2	102620	LAW OFFICE OF DANIEL POLAGE	4,750.00	PUBLIC DEFENDER SVC
1415	03/22/2021	Claims	2	102621	LAW OFFICES OF MARGITA DORNAY	14,500.00	PROSECUTING ATTORNEY - 03/2021
1416	03/22/2021	Claims	2	102622	MANSFIELD ALARM CO INC	64.92	102 W AHTNAUM RD - FIRE ALARM SERVICE LABOR
1417	03/22/2021	Claims	2	102623	MORTONS SUPPLY	128.43	CHINA FINGERS
1418	03/22/2021	Claims	2	102624	NOEL WAREHOUSE	125.00	OVERPAYMENT REFUND - BUSINESS LICENSE
1419	03/22/2021	Claims	2	102625	OFFICE SOLUTIONS NORTHWEST	514.46	PERFED PAPER; INK CTG'S; 2 HOLE PUNCH; STOCK PAPER; LEGAL COPY PAPER; COPY PAPER; INK CTG'S & STOCK PAPER
1420	03/22/2021	Claims	2	102626	PACIFIC POWER	18,455.01	STREET LIGHTS; TRAFFIC LIGHTS & WELLS - FEB 2021; AREA LIGHTS - 02/2021; LIFT STATION - 03/2021; CIVIC CENTER - 03/2021; FIRE DEPT. - 03/2021
1421	03/22/2021	Claims	2	102627	PEOPLE FOR PEOPLE	1,628.00	SENIOR NUTRITION SITE MANAGER - 02/2021
1422	03/22/2021	Claims	2	102628	PETTY CASH	23.99	MISC RECEIPTS - 03/2021
1423	03/22/2021	Claims	2	102629	PREMIER POWER SPORTS	1.00	SERVICE FEE
1424	03/22/2021	Claims	2	102630	REPUBLIC PUBLISHING CO	925.25	COUNCIL MEETING - 03/01/2021; CLASS 2 REVIEW, R. FLORES DUPLEX; COUNCIL MEETING NTC - 03/08/2021; NTC OF COUNCIL ATTENDING (SMP)
1425	03/22/2021	Claims	2	102631	SAFEGUARD BUSINESS SYSTEMS	175.54	DEPOSIT SLIPS
1426	03/22/2021	Claims	2	102632	STAR RENTALS	64.98	SAW; CUT OFF GAS HUSQVARNA K770
1427	03/22/2021	Claims	2	102633	TRAFFIC SAFETY SUPPLY CO INC	1,990.75	SIGNS: SPEED LIMIT, PED CROSSING, CAPS
1428	03/22/2021	Claims	2	102634	TRAVELERS	40.00	NOTARY BOND - C.MORFIN

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:10 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 3

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1429	03/22/2021	Claims	2	102635	U.S. CELLULAR	919.37	PHONE SVC - 03/2021
1430	03/22/2021	Claims	2	102636	U.S. LINEN & UNIFORM	581.56	UNIFORM SERVICE; FEBRUARY 2020
1431	03/22/2021	Claims	2	102637	UNITED PARCEL SERVICE	110.86	SHIPPING - 02/2021
1432	03/22/2021	Claims	2	102638	UNITED STATES POSTMASTER	775.56	UB POSTAGE - 03/2021
1433	03/22/2021	Claims	2	102639	WA STATE DEPT OF TRANSPORTATION	693.26	MAIN ST RECON; PRELIMINARY ENGINEERING; THRU 01/01/21 TO 01/31/21; MANUFACTURE AND SHIP SIGNS; LATERAL, CLEARANCE MARKERS LEFT & RIGHT
1434	03/22/2021	Claims	2	102640	WA STATE TREASURER	12,764.55	CJRS - 02/2021
1435	03/22/2021	Claims	2	102641	WELLS FARGO VENDOR FIN SERV	822.31	TASKLA LEASE - 02/2021
1436	03/22/2021	Claims	2	102642	YAKIMA CO AUDITOR	356.50	UTILITY LIEN RELEASE - MENDOZA; WATER RIGHTS TRANSFER - SPEIDEL, JAMES & ANGELES, CARLOS; WATER RIGHTS TRANSFER; AFFIDAVIT ANGELES, CARLOS
1437	03/22/2021	Claims	2	102643	YAKIMA CO DISTRICT COURT	21,164.17	MUNICIPAL COURT OPERATIONS - 02/2021
1438	03/22/2021	Claims	2	102644	YAKIMA CO TREAS PROSECUTING	193.34	CVC - 02/2021
1439	03/22/2021	Claims	2	102645	YAKIMA HUMANE SOCIETY	3,000.00	ANIMAL CONTROL SERVICE - 02/2021
1440	03/22/2021	Claims	2	102646	YAKIMA WASTE SYSTEMS INC	1,451.40	WASTE SVC - 02/2021
1442	03/18/2021	Claims	2	102647	MEDSTAR CABULANCE,	60,126.90	DIAL A RIDE/FIXED ROUTE - 02/2021
						72,379.64	
001 Current Expense Fund						13,947.78	
101 Street Fund						2,500.00	
108 Tourism Promotion Area Fund						11,371.00	
111 Library & Community Center Fund						90,666.19	
121 Street Development Reserve Fund						102.77	
123 Criminal Justice Fund						433.45	
124 Infrastructure Reserve Fund						60,145.95	
128 Transit System Fund						403.81	
170 Housing Rehabilitation Fund						10,668.82	
401 Water Fund						3,860.85	
402 Garbage Fund						1,852.23	
403 Sewer Fund						2,264.28	
404 Water Improvement Reserve						10,950.00	
405 Sewer Improvement Reserve						142.87	
414 Water Deposits						<u>281,689.64</u>	
* Transaction Has Mixed Revenue And Expense Accounts						281,689.64	Claims: 281,689.64

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 1

Trans Date	Type	Acct #	War #	Claimant	Amount	Memo
1075	02/03/2021	Claims	2	EFT CHASE PAYMENTECH	1,060.07	ONLINE CREDIT CARD PAYMENTS FEE - 01/2021
		001 - 524 20 49 00 - MISCELLANEOUS			190.98	
		401 - 534 50 49 00 - MISCELLANEOUS			226.04	
		403 - 535 50 49 00 - MISCELLANEOUS			226.04	
		402 - 537 50 49 00 - MISCELLANEOUS			226.03	
		001 - 558 60 49 00 - MISCELLANEOUS			190.98	
1091	03/03/2021	Claims	2	EFT CHASE PAYMENTECH	784.31	ONLINE CREDIT CARD PAYMENTS FEE - 02/2021
		001 - 524 20 49 00 - MISCELLANEOUS			21.09	
		401 - 534 50 49 00 - MISCELLANEOUS			247.38	
		403 - 535 50 49 00 - MISCELLANEOUS			247.38	
		402 - 537 50 49 00 - MISCELLANEOUS			247.38	
		001 - 558 60 49 00 - MISCELLANEOUS			21.08	
1345	03/05/2021	Claims	2	EFT US BANK - CHECKING	24.00	INV MAINT FEE - 02/2021
		001 - 514 23 49 00 - MISCELLANEOUS			24.00	
1346	03/12/2021	Claims	2	EFT US BANK - CHECKING	384.47	ANALYSIS FEE - 02/2021
		001 - 514 23 49 00 - MISCELLANEOUS			384.47	
1385	03/22/2021	Claims	2	EFT CENTURY LINK - LD	145.08	LONG DISTANCE - 03/2021
		001 - 511 60 42 01 - COMMUNICATION			23.22	
		001 - 513 10 42 01 - COMMUNICATION			33.47	
		001 - 514 23 42 00 - COMMUNICATIONS			11.61	
		001 - 514 30 42 00 - COMMUNICATIONS			11.61	
		001 - 524 20 42 00 - COMMUNICATION			11.61	
		401 - 534 50 42 00 - COMMUNICATION			10.53	
		403 - 535 50 42 00 - COMMUNICATION			10.39	
		402 - 537 50 42 00 - COMMUNICATION			11.61	
		101 - 543 30 42 00 - COMMUNICATION			10.39	
		001 - 558 60 42 00 - COMMUNICATION			10.64	
1386	03/22/2021	Claims	2	EFT SPECTRUM BUSINESS	104.59	CIVIC CENTER TV SVC - 03/2021
		001 - 511 60 47 00 - CIVIC CAMPUS UTILITIES-			10.46	
		001 - 514 23 47 00 - CIVIC CAMPUS UTILITIES-			10.46	
		001 - 514 30 47 00 - CIVIC CAMPUS UTILITIES -			10.46	
		001 - 524 20 47 00 - CIVIC CAMPUS UTILITIES-			10.46	
		401 - 534 50 47 00 - UTILITIES			10.46	
		403 - 535 50 47 00 - UTILITIES			10.46	
		402 - 537 50 47 00 - UTILITIES			10.46	
		101 - 542 30 47 00 - UTILITIES			10.46	
		001 - 558 60 47 00 - PUBLIC UTILITY SERVICES			10.46	
		001 - 576 80 47 00 - UTILITIES			10.45	
1387	03/22/2021	Claims	2	EFT VERIZON WIRELESS - CH #742100945-0001	423.80	CH - 02/2021
		001 - 511 60 42 01 - COMMUNICATION			320.10	
		001 - 513 10 42 01 - COMMUNICATION			51.85	
		001 - 514 23 42 00 - COMMUNICATIONS			25.93	
		001 - 514 30 42 00 - COMMUNICATIONS			25.92	
1441	03/22/2021	Claims	2	EFT US BANK CARDMEMBER SVC	2,053.94	PD1 - WALTMAN; HMC & WMCA MEMBERSHIPS - WALTMAN; HIGH SPEED GEAR SINGLE PISTOL TACO MAG POUCH; HIGH SPEED GEAR DOUBLE PISTOL TACO MAG POUCH; TRIPLE THREAT II MAGAZINE POUCH; HSGI HANDCUFF TACO POUCH;
		001 - 511 60 49 00 - MISCELLANEOUS			150.00	
		001 - 513 10 49 01 - MISCELLANEOUS			75.00	
		001 - 514 30 49 00 - MISCELLANEOUS			475.00	
		001 - 514 30 49 00 - MISCELLANEOUS			190.00	

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 2

Trans Date	Type	Acct #	War #	Claimant	Amount	Memo
		001 - 514 30 49 00 - MISCELLANEOUS			149.00	
		001 - 514 30 49 00 - MISCELLANEOUS			140.00	
		001 - 521 10 21 00 - PD ADMIN UNIFORMS & EC			-396.92	
		001 - 521 10 21 00 - PD ADMIN UNIFORMS & EC			289.98	
		001 - 521 10 31 00 - PD ADMIN SUPPLIES			30.29	
		001 - 521 21 31 00 - INVESTIGATION SUPPLIES			94.14	
		001 - 521 21 31 00 - INVESTIGATION SUPPLIES			171.78	
		001 - 521 21 31 00 - INVESTIGATION SUPPLIES			122.28	
		001 - 521 21 32 01 - LEAD TASK FORCE - FUEL			64.69	
		001 - 521 22 31 00 - PATROL SUPPLIES			160.08	
		001 - 521 22 31 00 - PATROL SUPPLIES			170.94	
		001 - 522 50 35 00 - FD FACILITIES - SMALL TC			64.91	
		123 - 594 21 64 23 - MACHINERY & EQUIPMEN			102.77	
1388	03/22/2021	Claims	2	102594 ABSOLUTE COMFORT TECHNOLOGY	1,152.87	QUARTERLY - SPRING MAINTENANCE
		001 - 518 20 48 00 - REPAIRS & MAINTENANCE			1,152.87	
1389	03/22/2021	Claims	2	102595 VERONICA ALVAREZ	115.48	Refund Utility Deposit
		414 - 582 10 04 14 - DEPOSIT REFUND			115.48	Refund Utility Deposit
1390	03/22/2021	Claims	2	102596 AMERICAN ROCK PRODUCTS	65,764.85	MAIN STREET RECON PH 1; PROGRESS ESTIMATE NO. 9; CONSTRUCTION PROJECT
		121 - 595 30 63 28 - TIB-MAIN ST PHASE 1-CN			65,764.85	
1391	03/22/2021	Claims	2	102597 AT&T MOBILITY	270.66	MODEMS - FEB 2021
		001 - 521 10 42 00 - PD ADMIN COMMUNICATI			270.66	
1392	03/22/2021	Claims	2	102598 BORARCHITECTURE, PLLC	11,371.00	LIBRARY / COMMUNITY CENTER - 02/2021
		111 - 594 10 41 43 - LIBRARY/COMM CENTER-I			11,371.00	
1393	03/22/2021	Claims	2	102599 CASCADE NATURAL GAS CORP	2,612.96	102 W. AHTANUM RD - 02/2021; 107 W AHTANUM RD / 30007 2ND ST - 02/2021; 4401 MAIN STREET - 02/2021
		001 - 518 20 47 00 - UTILITIES/CIVIC CAMPUS			974.46	
		001 - 522 50 47 00 - FD FACILITIES - UTILITIES			362.88	
		403 - 535 50 47 00 - UTILITIES			226.87	
		402 - 537 50 47 00 - UTILITIES			1,048.75	
1394	03/22/2021	Claims	2	102600 CENTRAL PRE-MIX CONCRETE CO.	2,578.55	5/8" TOP COURSE; ROAD SHOULDER PROJECT; 5/8" TOP COURSE ROAD PROJECTS
		101 - 542 70 31 00 - SUPPLIES			1,264.80	
		101 - 542 70 31 00 - SUPPLIES			1,313.75	
1395	03/22/2021	Claims	2	102601 CENTRAL WASHINGTON FAIR ASSOC.	2,500.00	MARKETING & SALES - 03/2021
		108 - 557 30 44 01 - ADVERTISING-STATE FAIR			2,500.00	
1396	03/22/2021	Claims	2	102602 CI SHRED	185.29	SHRED SERVICE - FEB 2021; SHRED SERVICE - FEB 2021
		001 - 521 50 41 00 - PD FACILITIES PROFESSIO			93.56	
		001 - 521 50 41 00 - PD FACILITIES PROFESSIO			91.73	
1397	03/22/2021	Claims	2	102603 CLASSIC CAR WASH	45.00	CAR WASHES - 02/2021
		001 - 521 10 48 00 - PD ADMIN REPAIRS & MAI			5.50	
		001 - 521 22 48 00 - PATROL REPAIRS & MAIN			39.50	
1398	03/22/2021	Claims	2	102604 CLASSIC PRINTING INC	843.24	#10 WINDON W/PERMIT ENVELOPES -UB; UB STATEMENTS - 02/2021
		401 - 534 50 31 00 - SUPPLIES			223.26	
		401 - 534 50 41 00 - PROFESSIONAL SERVICES			57.82	

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 3

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
			403 - 535 50 31 00 - SUPPLIES			223.26	
			403 - 535 50 41 00 - PROFESSIONAL SERVICES			57.82	
			402 - 537 50 31 00 - SUPPLIES			223.26	
			402 - 537 50 41 00 - PROFESSIONAL SERVICES			57.82	
1399	03/22/2021	Claims	2	102605	CLIFF'S SEPTIC SERVICE	135.00	RENT-HANDICAP - 02/2021
			001 - 576 80 45 00 - OPERATING RENTALS & LI			135.00	
1400	03/22/2021	Claims	2	102606	CONCRETE SPECIAL TIES INC	243.29	PEARL 14" X .125 X 1/20MM WET & DRY CONCRETE DIAMOND BLADES; MAT REPLACEABLE 2 X 4 YELLOW ARMOR TILE HURCULITE SERIES
			101 - 543 30 31 00 - SUPPLIES			243.29	
1401	03/22/2021	Claims	2	102607	COPIERS NORTHWEST	217.22	COPIER LEASE - 02/2021
			001 - 521 10 45 01 - PD CLERICAL RENTALS &			217.22	
1402	03/22/2021	Claims	2	102608	CHARIE DEL VALLE	27.39	Refund Utility Deposit
			414 - 582 10 04 14 - DEPOSIT REFUND			27.39	Refund Utility Deposit
1403	03/22/2021	Claims	2	102609	DOBBS PERTBILT-YAKIMA, WA	1,310.82	SWAT VEHICLE MAINTENANCE
			001 - 521 22 48 00 - PATROL REPAIRS & MAINC			1,310.82	
1404	03/22/2021	Claims	2	102610	DTG ENTERPRISES INC.	331.52	DEMOTION - SHOP
			001 - 576 80 49 00 - MISCELLANEOUS			331.52	
1405	03/22/2021	Claims	2	102611	E3 SOLUTIONS, INC	216.40	MILESTONE LICENSE FOR CITY OF UNION GAP
			001 - 521 50 31 00 - PD FACILITIES SUPPLIES			216.40	
1406	03/22/2021	Claims	2	102612	FRANK'S POINT S	11.90	PASS FLAT OFF; FLAT BED TRAILER
			401 - 534 50 48 00 - REPAIRS & MAINTENANCE			3.97	
			403 - 535 50 48 00 - REPAIRS & MAINTENANCE			3.96	
			101 - 542 30 48 00 - REPAIRS & MAINTENANCE			3.97	
1407	03/22/2021	Claims	2	102613	G.S. LONG CO., INC.	180.01	VIRTUAL TRAINING 03.04.21; BUNTING, MCRAE, DELVO, HENNESSY
			101 - 542 70 49 00 - MISCELLANEOUS			135.01	
			001 - 576 80 49 00 - MISCELLANEOUS			45.00	
1408	03/22/2021	Claims	2	102614	GAP AUTO PARTS - PW	38.09	5 LB DIAPER
			402 - 537 50 31 00 - SUPPLIES			19.04	
			128 - 547 60 31 00 - OFFICE & OPERATING SUP			19.05	
1409	03/22/2021	Claims	2	102615	GENE WEINMANN CONSULTING	403.81	CDBG COORDINATOR & POSTAGE/SUPPLY - 01/2021 & 02/2021
			170 - 559 30 31 00 - SUPPLIES			66.31	
			170 - 559 30 41 01 - PROFESSIONAL SERVICES			337.50	
1410	03/22/2021	Claims	2	102616	HLA ENGINEERING & LAND SURVEYING INC	39,248.37	PROFESSIONAL SERVICES; 02.01.21 THRU 02.28.21; PROFESSIONAL SERVICES THRU 02.28.21
			404 - 534 50 49 49 - MISCELLANEOUS-WATER			2,264.28	
			101 - 542 30 41 00 - PROFESSIONAL SERVICES			1,132.75	
			405 - 594 35 63 42 - S BROADWAY AREA SEWE			10,950.00	
			121 - 595 10 41 08 - W. AHTANUM RD-GOODM			10,118.01	
			121 - 595 30 63 28 - TIB-MAIN ST PHASE 1-CN			1,728.33	
			121 - 595 30 63 51 - E WASHINGTON GRIND & C			13,055.00	

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 4

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1411	03/22/2021	Claims	2	102617	HYUNDAI OF YAKIMA	375.33	VEH - 16 - LOF; TIRE ROTATION; UNITE 11 - STEERING, SUSPENCISION; WHEEL ALIGNMENT; BATTERY SVC; AIR FILTER
			001 - 521 22 48 00 - PATROL REPAIRS & MAIN			45.38	
			001 - 521 22 48 00 - PATROL REPAIRS & MAIN			329.95	
1412	03/22/2021	Claims	2	102618	ENRIQUE & CAROLE JEVONS	73.35	OVERPAYMENT REFUND
			402 - 589 10 04 02 - 210-10			73.35	
1413	03/22/2021	Claims	2	102619	KELLER SUPPLY CO	109.87	SLOAN UR REPAIR KIT, VACUUM BRKR KIT, HDL REPAIR KIT, DIAPH REP KT
			001 - 576 80 48 00 - REPAIRS & MAINTENANC			109.87	
1414	03/22/2021	Claims	2	102620	LAW OFFICE OF DANIEL POLAGE	4,750.00	PUBLIC DEFENDER SVC
			001 - 515 91 41 03 - LEGAL SERVICES-PUBLIC			4,750.00	
1415	03/22/2021	Claims	2	102621	LAW OFFICES OF MARGITA DORNAY	14,500.00	PROSECUTING ATTORNEY - 03/2021
			001 - 515 31 41 02 - LEGAL SERVICES - PROS. /			14,500.00	
1416	03/22/2021	Claims	2	102622	MANSFIELD ALARM CO INC	64.92	102 W AHTNAUM RD - FIRE ALARM SERVICE LABOR
			001 - 518 20 41 00 - PROF. SERVICES			64.92	
1417	03/22/2021	Claims	2	102623	MORTONS SUPPLY	128.43	CHINA FINGERS
			401 - 534 50 31 00 - SUPPLIES			128.43	
1418	03/22/2021	Claims	2	102624	NOEL WAREHOUSE	125.00	OVERPAYMENT REFUND - BUSINESS LICENSE
			001 - 321 99 00 00 - GENERAL BUSINESS LICEN			-125.00	
1419	03/22/2021	Claims	2	102625	OFFICE SOLUTIONS NORTHWEST	514.46	PERFTED PAPER; INK CTG'S; 2 HOLE PUNCH; STOCK PAPER; LEGAL COPY PAPER; COPY PAPER; INK CTG'S & STOCK PAPER
			001 - 511 60 31 01 - SUPPLIES			2.29	
			001 - 511 60 31 01 - SUPPLIES			0.77	
			001 - 513 10 31 00 - SUPPLIES			4.01	
			001 - 513 10 31 00 - SUPPLIES			1.34	
			001 - 514 23 31 00 - SUPPLIES			26.80	
			001 - 514 23 31 00 - SUPPLIES			8.96	
			001 - 514 30 31 00 - SUPPLIES			36.51	
			001 - 514 30 31 00 - SUPPLIES			37.88	
			001 - 514 30 31 00 - SUPPLIES			66.74	
			001 - 521 10 31 00 - PD ADMIN SUPPLIES			0.01	
			001 - 521 10 31 00 - PD ADMIN SUPPLIES			0.01	
			001 - 524 20 31 00 - SUPPLIES			9.12	
			001 - 524 20 31 00 - SUPPLIES			3.05	
			401 - 534 50 31 00 - SUPPLIES			21.60	
			401 - 534 50 31 00 - SUPPLIES			2.61	
			401 - 534 50 31 00 - SUPPLIES			52.31	
			403 - 535 50 31 00 - SUPPLIES			21.60	
			403 - 535 50 31 00 - SUPPLIES			75.25	
			403 - 535 50 31 00 - SUPPLIES			2.61	
			403 - 535 50 31 00 - SUPPLIES			52.31	
			402 - 537 50 31 00 - SUPPLIES			21.59	
			402 - 537 50 31 00 - SUPPLIES			2.61	
			402 - 537 50 31 00 - SUPPLIES			52.31	
			001 - 558 60 31 00 - SUPPLIES			9.12	

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 5

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
			001 - 558 60 31 00 - SUPPLIES			3.05	
1420	03/22/2021	Claims	2	102626	PACIFIC POWER	18,455.01	STREET LIGHTS; TRAFFIC LIGHTS & WELLS - FEB 2021; AREA LIGHTS - 02/2021; LIFT STATION - 03/2021; CIVIC CENTER - 03/2021; FIRE DEPT. - 03/2021
			001 - 518 20 47 00 - UTILITIES/CIVIC CAMPUS			1,408.10	
			001 - 522 50 47 00 - FD FACILITIES - UTILITIES			506.22	
			401 - 534 50 47 00 - UTILITIES			7,194.82	
			401 - 534 50 47 00 - UTILITIES			1,696.91	
			403 - 535 50 47 00 - UTILITIES			239.10	
			101 - 542 63 47 00 - UTILITIES			6,589.43	
			101 - 542 64 47 00 - UTILITIES			820.43	
1421	03/22/2021	Claims	2	102627	PEOPLE FOR PEOPLE	1,628.00	SENIOR NUTRITION SITE MANAGER - 02/2021
			001 - 571 21 41 00 - PROF SERVICES - PEOPLE I			1,628.00	
1422	03/22/2021	Claims	2	102628	PETTY CASH	23.99	MISC RECEIPTS - 03/2021
			001 - 511 60 31 01 - SUPPLIES			3.24	
			401 - 534 50 42 00 - COMMUNICATION			20.00	
			402 - 537 50 42 00 - COMMUNICATION			0.75	
1423	03/22/2021	Claims	2	102629	PREMIER POWER SPORTS	1.00	SERVICE FEE
			101 - 542 66 49 00 - MISCELLANEOUS			1.00	
1424	03/22/2021	Claims	2	102630	REPUBLIC PUBLISHING CO	925.25	COUNCIL MEETING - 03/01/2021; CLASS 2 REVIEW, R. FLORES DUPLEX; COUNCIL MEETING NTC - 03/08/2021; NTC OF COUNCIL ATTENDING (SMP)
			001 - 511 60 44 01 - ADVERTISING			294.35	
			001 - 511 60 44 01 - ADVERTISING			275.36	
			001 - 511 60 44 01 - ADVERTISING			170.91	
			001 - 558 60 44 00 - ADVERTISING			184.63	
1425	03/22/2021	Claims	2	102631	SAFEGUARD BUSINESS SYSTEMS	175.54	DEPOSIT SLIPS
			001 - 524 20 31 00 - SUPPLIES			35.11	
			401 - 534 50 31 00 - SUPPLIES			35.11	
			403 - 535 50 31 00 - SUPPLIES			35.11	
			402 - 537 50 31 00 - SUPPLIES			35.11	
			001 - 558 60 31 00 - SUPPLIES			35.10	
1426	03/22/2021	Claims	2	102632	STAR RENTALS	64.98	SAW; CUT OFF GAS HUSQVARNA K770
			101 - 542 70 35 00 - SMALL TOOLS & EQUIP			32.49	
			001 - 576 80 35 00 - SMALL TOOLS & EQUIPME			32.49	
1427	03/22/2021	Claims	2	102633	TRAFFIC SAFETY SUPPLY CO INC	1,990.75	SIGNS: SPEED LIMIT, PED CROSSING, CAPS
			101 - 542 64 31 00 - SUPPLIES			1,990.75	
1428	03/22/2021	Claims	2	102634	TRAVELERS	40.00	NOTARY BOND - C.MORFIN
			001 - 521 10 49 01 - PD CLERICAL MISCELLAN			40.00	
1429	03/22/2021	Claims	2	102635	U.S. CELLULAR	919.37	PHONE SVC - 03/2021
			001 - 521 10 42 00 - PD ADMIN COMMUNICATI			919.37	
1430	03/22/2021	Claims	2	102636	U.S. LINEN & UNIFORM	581.56	UNIFORM SERVICE; FEBRUARY 2020
			401 - 534 50 21 00 - UNIFORMS & EQUIPMENT			139.45	
			403 - 535 50 21 00 - UNIFORMS & EQUIPMENT			139.45	
			402 - 537 50 21 00 - UNIFORMS & EQUIPMENT			59.76	
			101 - 542 30 21 00 - UNIFORMS & EQUIPMENT			139.45	
			001 - 576 80 21 00 - UNIFORMS & EQUIPMENT			103.45	

# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 6

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1431	03/22/2021	Claims	2	102637	UNITED PARCEL SERVICE	110.86	SHIPPING - 02/2021
					001 - 521 10 42 00 - PD ADMIN COMMUNICATI	110.86	
1432	03/22/2021	Claims	2	102638	UNITED STATES POSTMASTER	775.56	UB POSTAGE - 03/2021
					401 - 534 50 42 00 - COMMUNICATION	258.52	
					403 - 535 50 42 00 - COMMUNICATION	258.52	
					402 - 537 50 42 00 - COMMUNICATION	258.52	
1433	03/22/2021	Claims	2	102639	WA STATE DEPT OF TRANSPORTATION	693.26	MAIN ST RECON; PRELIMINARY ENGINEERING; THRU 01/01/21 TO 01/31/21; MANUFACTURE AND SHIP SIGNS; LATERAL, CLEARANCE MARKERS LEFT & RIGHT
					101 - 542 64 41 00 - INTERGOVERNMENTAL PF	259.81	
					124 - 595 30 64 28 - MAIN ST PH 1-CN	433.45	
1434	03/22/2021	Claims	2	102640	WA STATE TREASURER	12,764.55	CJRS - 02/2021
					001 - 586 00 01 00 - STATE BUILDING CODE FE	75.00	
					001 - 586 00 04 00 - PSEA 1 STATE SHARE	5,970.16	
					001 - 586 00 05 00 - PSEA 2 STATE SHARE	3,171.55	
					001 - 586 00 06 00 - PSEA 3 STATE SHARE	37.30	
					001 - 586 00 07 00 - CRIME LAB/BREATH ST SH	67.40	
					001 - 586 00 08 00 - JIS STATE SHARE	2,098.88	
					001 - 586 00 09 00 - SCH ZONE SAFETY ST SHA	57.58	
					001 - 586 00 10 00 - TRAUMA CARE STATE SH/	332.07	
					001 - 586 00 13 00 - AUTO THEFT PREVENTION	651.80	
					001 - 586 00 14 00 - CRIME LAB ANALYSIS FEE	4.18	
					001 - 586 00 15 00 - DOM VIOLENCE PREV ACC	1.98	
					001 - 586 00 18 00 - MOTOR VEHICLE ACCOUN	296.65	
1435	03/22/2021	Claims	2	102641	WELLS FARGO VENDOR FIN SERV	822.31	TASKLA LEASE - 02/2021
					001 - 511 60 45 00 - OPERATING RENTALS & LJ	19.43	
					001 - 513 10 45 00 - OPERATING RENTALS & LJ	33.94	
					001 - 514 23 45 00 - OPERATING RENTALS & LJ	227.03	
					001 - 514 30 45 00 - OPERATING RENTALS & LJ	320.95	
					001 - 521 10 45 00 - PD ADMIN RENTALS & LE/	0.14	
					001 - 524 20 45 00 - OPERATING RENTALS & LJ	77.25	
					401 - 534 50 45 00 - OPERATING RENTALS & LJ	22.10	
					403 - 535 50 45 00 - OPERATING RENTALS & LJ	22.10	
					402 - 537 50 45 00 - OPERATING RENTALS & LJ	22.10	
					001 - 558 60 45 00 - OPERATING RENTALS & LJ	77.25	
					001 - 576 80 45 00 - OPERATING RENTALS & LJ	0.02	
1436	03/22/2021	Claims	2	102642	YAKIMA CO AUDITOR	356.50	UTILITY LIEN RELEASE - MENDOZA; WATER RIGHTS TRANSFER - SPEIDEL, JAMES & ANGELES, CARLOS; WATER RIGHTS TRANSFER; AFFIDAVIT ANGELES,
					401 - 534 50 41 02 - INTERGOVERNMENTAL PF	317.50	
					402 - 537 50 49 00 - MISCELLANEOUS	39.00	
1437	03/22/2021	Claims	2	102643	YAKIMA CO DISTRICT COURT	21,164.17	MUNICIPAL COURT OPERATIONS - 02/2021
					001 - 512 50 41 00 - COURT SERVICE COSTS	21,164.17	
1438	03/22/2021	Claims	2	102644	YAKIMA CO TREAS PROSECUTING	193.34	CVC - 02/2021
					001 - 586 00 03 00 - CRIME VICTIMS COMP CN	193.34	
1439	03/22/2021	Claims	2	102645	YAKIMA HUMANE SOCIETY	3,000.00	ANIMAL CONTROL SERVICE - 02/2021



# WARRANT/CHECK REGISTER

CITY OF UNION GAP

Time: 14:12:32 Date: 03/17/2021

01/01/2021 To: 03/31/2021

Page: 7

Trans Date	Type	Acct #	War #	Claimant	Amount	Memo
		001 - 554 30 41 00 - PROF SERVICES-ANIMAL C			3,000.00	
1440	03/22/2021	Claims	2	102646 YAKIMA WASTE SYSTEMS INC	1,451.40	WASTE SVC - 02/2021
		402 - 537 60 49 00 - CONTRACTED SERVICES			1,451.40	
1442	03/18/2021	Claims	2	102647 MEDSTAR CABULANCE, INC.	60,126.90	DIAL A RIDE/FIXED ROUTE - 02/2021
		128 - 547 60 49 00 - TRANSIT SERVICE PAYME			60,126.90	
001 Current Expense Fund					72,379.64	
101 Street Fund					13,947.78	
108 Tourism Promotion Area Fund					2,500.00	
111 Library & Community Center Fund					11,371.00	
121 Street Development Reserve Fund					90,666.19	
123 Criminal Justice Fund					102.77	
124 Infrastructure Reserve Fund					433.45	
128 Transit System Fund					60,145.95	
170 Housing Rehabilitation Fund					403.81	
401 Water Fund					10,668.82	
402 Garbage Fund					3,860.85	
403 Sewer Fund					1,852.23	
404 Water Improvement Reserve					2,264.28	
405 Sewer Improvement Reserve					10,950.00	
414 Water Deposits					142.87	
* Transaction Has Mixed Revenue And Expense Accounts					281,689.64	Claims: 281,689.64