

ORDINANCE NO. 1892-16

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON; ADDING A NEW CHAPTER TO TITLE 13 OF THE MILTON MUNICIPAL CODE ESTABLISHING A PROCESS FOR LAND CLEARING, FILL AND GRADING PERMIT APPLICATIONS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, clearing, fill and grading activities should be monitored and inspected to decrease pollution by erosion and runoff; and

WHEREAS, state and federal standards also require the City of Milton not only to monitor and inspect such activities, but also to enforce high standards of runoff control that may contribute to water pollution; and,

WHEREAS, the City of Milton needs to establish a permitting program through which clearing, fill, and grading activities can be monitored and inspected,

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO
ORDAIN AS FOLLOWS:

That a new chapter be added to Title 13 of the Milton Municipal Code entitled Chapter 13.27, Clear, Fill and Grade, to read as follows:

13.27.010 Permit required

- A. All clear, grade and fill activities must be approved by the public works director or designee and are subject to the provisions of the current fee schedule approved by the City Council.
- B. No person shall make changes or cause changes to be made in the surface of any land by grading, excavating, clearing, filling or disturbing the natural topsoil, vegetation other than trees, thereon without first obtaining a valid Public Works Permit allowing clearing, fill and grading, except as provided in the following exemptions, and except where other permits have been issued to perform activities which additionally permit clearing, fill and grading under the specific conditions set forth in such permits.
- C. The application form and accompanying drawings and other information shall be in a form and of a content approved by the Public Works Director or designee. The application form and other required documentation shall require the applicant to provide

documentation and information needed for the City to make a decision on the same based on the proposed project's compliance with federal, state and local laws, rules and regulations on land clearing, fill and grading.

- D. An Applicant shall be considered in violation of a permit issued under this chapter if information is withheld during the application process, or if the parameters of proposed actions change after permit approval without notifying the City of Milton. Permit violation will result in permit revocation. Any work done in permit violation will be considered work done without a permit and result in the same fines, fees and costs as set forth in Milton Municipal Code 13.27.040.

13.27.020 Fees

Fees for a land clearing, fill and grading permit shall be paid according to the most current adopted fee schedule.

13.27.030 Exemption

- A. The following activities are exempt from compliance with this chapter:
1. An excavation below finish grade for basements and footings of a building retaining wall or other structure or activity authorized by any valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavations having an unsupported height greater than 5 feet after the completion of such structure;
 2. The clearing by a public agency within a public right of way or upon an easement, for the purpose of installing and maintaining water, storm, sanitary sewer mains or other public utilities. The clearing by a franchised utility within a public right of way for the purpose of installing and maintaining power, gas, or communication lines;
 3. Routine landscape maintenance involving not more than 50 cubic yards of excavation and fill on a single parcel of property within a consecutive 12-month period.
 4. Landscape installation where fill is contained to less than 1 foot of topsoil or landscape berms are constructed not exceeding 4 feet in height and 30 cubic yards in volume with side slopes flatter than 3 feet horizontal to 1-foot vertical (33 percent).
 5. Emergency situations involving immediate danger to life or property, substantial fire hazards or other public safety hazards within 7 days of the onset of the emergency or during the period covered by an emergency declaration by the City; provided verbal authorization is provided by the City and followed up with

written authorization communicating the need and verifying the nature of the emergency.

6. Routine agricultural activities such as plowing, harrowing, disking, ridging, listing, leveling and similar operations to prepare a field or crop;
 7. Cemetery graves; and
 8. Removal of non-native invasive plant species from environmentally critical lands and native growth protection easements.
- B. Except for subsections (A) (2) for maintenance only, (A) (5), and (A) (8), the exemptions set forth above shall not apply to activity within critical areas and associated buffers. All clearing and grading within critical areas and their associated buffers shall conform to the provisions of this Chapter and Chapter 18.16 MMC. In the case of any conflict between the provisions of this chapter and Chapter 18.16, the provisions of Chapter 18.16 shall prevail.

13.27.040 Expiration and enforcement of Permit

- A. Permits for clearing and grading shall expire 6 months after the issuance date. If the proposed project is unfinished after permit expiration, the applicant will be required to resubmit a permit application and pay 100% of the permit fee. Work done without a permit will result in a fine of triple the permit fee, plus investigation fees, plus all other City incurred costs of enforcement of this chapter, including attorney fees.
- B. Except as otherwise stated in this chapter, any violation of any provision of this chapter constitutes a civil code violation subject to and enforced pursuant to the provisions of Chapter 1.08 MMC.

Section 1. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the 18th day of April, 2016, and approved by the Mayor, the 18th day of April, 2016.



DEBRA PERRY, MAYOR

ATTEST/AUTHENTICATED:



KATIE BQLAM, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
GREG A. RUBSTELLO, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: April 18th 2016
PUBLISHED: April 21, 2016
EFFECTIVE DATE: April 26, 2016
ORDINANCE NO. 1892-16

SUMMARY OF ORDINANCE NO. _____

of the City of Milton, Washington

On the _____ day of _____, 2016, the City Council of the City of Milton, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON; ADDING A NEW CHAPTER TO TITLE 13 OF THE MILTON MUNICIPAL CODE ESTABLISHING A PROCESS FOR LAND CLEARING, FILL AND GRADING PERMIT APPLICATIONS; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2016.

Katie Bolam, CITY CLERK