

5. AN ORDINANCE AND MOTION APPROVING THE FINAL PLAN OF WHISPERING HILLS NO. 4 PLANNED RESIDENTIAL DEVELOPMENT AND A MODIFIED LETTER OF DIRECTION FOR WHISPERING HILLS SUBDIVISION NO. 4.

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

READING OF ORDINANCE NO. 08-18

AN ORDINANCE APPROVING THE FINAL PLAN OF THE WHISPERING HILLS NO. 4 PLANNED RESIDENTIAL DEVELOPMENT LOCATED SOUTH OF OLD WAWAWAI ROAD AND WEST OF SUNNYSIDE PARK ON SUNNYSIDE HILL.

DISCUSSION

ACTION TAKEN

NOTES:

REQUEST FOR COUNCIL ACTION

For Meeting of : 10/21/08

ACTION REQUESTED:

Review and take action on the final plan of the Whispering Hills No. 4 Planned Residential Development.

BACKGROUND:

The preliminary PRD plan for this project, located at the west terminus of SW Lost Trail Drive on Sunnyside Hill, was approved by the City Council on July 24, 2007. The developer, Copper Basin Construction, Inc., chose to submit final PRD plans for this development in phases. The final plan for the first phase, Whispering Hills No. 3 PRD, was approved by Council in February of this year; it consisted of 23 lots on 5.5 acres. The developer recently submitted a final PRD plan request for the remainder of the property contained in the preliminary plan. This proposed Whispering Hills No. 4 PRD final plan involves 53 lots and public streets for development of single family homes, open space, and pathways on 14.4 acres (please refer to Exhibit "A" of the attached draft ordinance for a drawing of the PRD in its proposed final form). Pullman Zoning Code Paragraph 17.107.050(3)(b) states that "if the City Council finds that the final development plan conforms to the preliminary approval and all applicable conditions thereto, and assurances have been submitted which are satisfactory to the City Council, the Council shall approve the plan and its accompanying conditions as an amendment to the Official Zoning Map." Staff has examined the proposed final PRD plan and has found that it conforms to the applicable portion of the preliminary PRD plan and all pertinent conditions placed on the preliminary PRD plan by the Council. The construction and maintenance of outstanding improvements (such as streets, utilities, and landscaping) are assured through the letter of direction for Whispering Hills Subdivision No. 4.

RECOMMENDATION:

Approve the final plan of the Whispering Hills No. 4 Planned Residential Development as set forth in the attached ordinance.

FISCAL IMPACT: \$ _____

_____ **BARS** Code Number

SUBMITTED BY:

Name Pete Dickinson
Title Planning Director
Dept. Planning

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Ordinance No. 08-18

REVIEWED BY:

| | Initial | Date |
|-------------------------------|-------------|-----------------|
| Department Head | <u>PD</u> | <u>10/16/08</u> |
| City Supervisor | <u>JSR</u> | <u>10/17/08</u> |
| City Attorney (As to Form) | <u>Cmaj</u> | <u>10-17-08</u> |

ORDINANCE NO. 08-18

AN ORDINANCE APPROVING THE FINAL PLAN OF THE WHISPERING HILLS NO. 4 PLANNED RESIDENTIAL DEVELOPMENT LOCATED SOUTH OF OLD WAWAWAI ROAD AND WEST OF SUNNYSIDE PARK ON SUNNYSIDE HILL.

WHEREAS, the City Council approved the preliminary planned residential development plan for this project on July 24, 2007 by Council Resolution No. R-70-07; and,

WHEREAS, this Council finds that the final planned residential development plan conforms to the preliminary planned residential development plan and all applicable conditions placed on said preliminary plan by this Council; and,

WHEREAS, this Council finds that the assurances submitted with this final planned residential development plan are satisfactory; and,

WHEREAS, this Council finds that approval of the final planned residential development plan would be in the best interests of the public welfare; now, therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN DOES ORDAIN AS FOLLOWS:

SECTION 1: That the final plan of the Whispering Hills No. 4 planned residential development depicted in Exhibit "A," attached hereto and by this reference made a part hereof as though set forth in full herein, is hereby approved.

SECTION 2: That a zone classification amendment from R2 to R2/PRD is hereby granted for the property encompassed by the planned residential development of Whispering Hills No. 4, with said property being more particularly described in Exhibit "B," attached hereto and by this reference made a part hereof as though set forth in full herein.

SECTION 3: Effective Date. This ordinance shall be in full force and take effect five (5) days from and after its publication, or a summary thereof is published, in the official newspaper of the City of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2008.

SIGNED by the Mayor in Authentication and Approval
Thereof on the _____ day of _____, 2008.

Mayor

ATTEST:

Finance Director

Approved as to Form:

City Attorney



Exhibit "A"

LEGAL DESCRIPTION FOR WHISPERING HILLS SUBDIVISION NO. 4

A parcel of land situate within the Southeast Quarter, of Section 1, T.14N., R.44E., W.M., Whitman County, State of Washington, more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 1, thence S 00° 33' 38" W, 314.95 feet along the east section line of said Section 1 to the Southeast corner of Whispering Hills No. 3 according to the plat thereof filed under Auditors File Number (AFN) 684465, records of said County, the Southwest corner of Whispering Hills No. 1 filed under AFN 665827, records of said County, the Northwest corner of Whispering Hills No. 2 filed under AFN 673523, records of said County, said point being the POINT OF BEGINNING;

thence continuing along said east section line S 00° 33' 38" W, 353.71 feet;
thence leaving said east section line N 89° 29' 46" W, 82.69 feet;
thence S 65° 31' 09" W, 83.63 feet;
thence S 58° 14' 59" W, 56.10 feet;
thence S 54° 48' 41" W, 56.10 feet;
thence S 51° 22' 24" W, 56.10 feet;
thence S 47° 46' 47" W, 61.23 feet;
thence S 50° 04' 35" W, 65.46 feet;
thence S 55° 56' 33" W, 72.55 feet;
thence S 62° 11' 45" W, 72.55 feet;
thence S 68° 26' 58" W, 72.55 feet;
thence S 74° 42' 11" W, 72.55 feet;
thence S 80° 57' 24" W, 72.55 feet;
thence S 87° 12' 36" W, 72.55 feet;
thence N 87° 15' 44" W, 72.50 feet;
thence N 82° 20' 26" W, 90.29 feet;
thence N 71° 57' 42" W, 61.04 feet;
thence N 82° 09' 53" W, 110.00 feet;
thence N 09° 44' 44" E, 66.00 feet;
thence N 13° 33' 58" E, 66.00 feet;
thence N 18° 20' 55" W, 350.69 feet to the southerly right-of-way (ROW) line of Old Wawawai Road, said point being the beginning of a curve to the Left having a radius of 1196.00 feet and a central angle of 06° 42' 53" from which the radius bears N 24° 44' 38" W;
thence Left along said ROW line and curve for an arc length of 140.16 feet, said curve having a chord bearing of N 61° 53' 56" E, 140.08 feet;
thence N 58° 26' 17" E, 491.25 feet along said ROW line to the beginning of a curve to the right having a radius of 2815.00 feet and a central angle of 00° 17' 38" from which the radius bears S 31° 33' 43" E;
thence Right along said ROW line and curve for an arc length of 14.44 feet, said curve having a chord bearing of N 58° 35' 06" E, 14.44 feet to a point on the westerly line of Whispering Hills No. 3;

thence leaving said ROW line and along the westerly line of said Whispering Hills No. 3, according to the plat thereof, the following 4 courses;

- 1) S 29° 26' 04" E, 68.67 feet
- 2) S 29° 31' 54" E, 109.87 feet;
- 3) S 30° 04' 14" E, 60.00 feet;
- 4) S 30° 49' 50" E, 135.36 feet to the southerly line of said Whispering Hills No. 3;

thence along said Whispering Hills No. 3, the following 4 courses;

- 1) N 59° 32' 54" E, 20.00 feet;
- 2) N 60° 28' 06" E, 242.19 feet;
- 3) N 73° 04' 17" E, 133.68 feet;
- 4) N 82° 12' 52" E, 117.08 feet to the POINT OF BEGINNING,

the Area being more or less 628479 Sq Ft or 14.43 Acres.

Approved as to form:

Mark D. Workman, P.E.
Mark D. Workman, P.E.

9/20/08
Date

REQUEST FOR COUNCIL ACTION

For Meeting of: 10/21/08

ACTION REQUESTED:

Approve a modified Letter of Direction for Whispering Hills Subdivision No. 4.

BACKGROUND:

Whispering Hills Subdivision No. 4 was approved by Council on August 26, 2008. The related Letter of Direction provided the public works improvement security requirements for the developer. It has now been determined that a Planned Residential Development (PRD) is also required for this property and the PRD has landscaping requirements that also need to be secured. A modified Letter of Direction has been prepared to incorporate landscaping security.

RECOMMENDATION:

By motion, approve a modified Letter of Direction for Whispering Hills Subdivision No. 4.

FISCAL IMPACT:

BARS Code Number

SUBMITTED BY:

Name Mark Workman
Title Public Works Director
Dept. Public Works

ATTACHMENTS FOR COUNCIL REVIEW/ACTION:

1. Modified Letter of Direction

REVIEWED BY:

| | Initial | Date |
|-----------------|--------------------|-----------------|
| Department Head | <u>MW</u> | <u>10/16/08</u> |
| City Supervisor | <u>[Signature]</u> | <u>10/17/08</u> |
| City Attorney | <u>[Signature]</u> | <u>10-16-08</u> |

(As to Form)



CITY OF PULLMAN

Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163
(509) 338-3220 or (509) 338-3213 Fax (509) 338-3282
www.pullman-wa.gov

LETTER OF DIRECTION

TO: Copper Basin Construction, Inc. (Developer)
FROM: Mark Workman, Public Works Director (Director)
RE: Whispering Hills Subdivision No. 4 (Subdivision)
DATE: October 5, 2008

Prior to recording of the final plat for the Subdivision, the Developer shall provide the City of Pullman (City) security in the form of a letter of credit toward the completion of construction of all improvements for the Subdivision as shown on the improvement drawings for the Subdivision approved on September 21, 2007 and for required landscaping. The amount of said security is to be equal to the value of improvements not constructed and approved as of this date, which is hereby established to be \$101,475 plus \$75,000 for the required landscaping for a total of \$176,475. The form of the letter of credit shall be as approved by the City. The Developer shall construct all required public works improvements within a period of one year of the date of approval of the final plat, i.e., by August 26, 2009, except for sidewalks, which shall be completed within a period of three years of the date of approval of the final plat, and except for required landscaping, which shall be constructed prior to issuance of a final certificate of occupancy for any building on any lot in the Subdivision. All work shall be constructed in conformance with the approved plans and the City of Pullman Standard Construction Specifications and Design Standards to the satisfaction of the Director. Failure to complete said improvements by the noted completion dates will constitute sufficient grounds for the City to foreclose on said letter of credit and to cause all remaining improvements to be completed utilizing the proceeds from said letter of credit to pay for the work. The decision of whether or not to foreclose on said letter of credit as described shall be the Director's.

On acceptance by the Director of all required work as shown on the improvement drawings for the Subdivision and all required landscaping, with the possible exception of the sidewalks, warranty security shall be furnished to the City by Developer in the amount of 10% of the total of the estimated cost of all work, including required landscaping, as maintenance security. The amount of said security is hereby

established as \$85,571.70 for the public works improvements plus \$7,500.00 for required landscaping for a total of \$93,071.70. The purpose of this maintenance security is to guarantee and warrant the public works improvements for a period of one year and the required landscaping for a period of two years against defective workmanship and/or materials and to secure payment to all contractors and subcontractors performing work on the Subdivision improvements. If all required sidewalks are not constructed at this time, performance security shall concurrently be provided to warrant the construction of said remaining sidewalks. The maintenance security and performance security, if provided, shall be cash or a bond, letter of credit, or certificate of deposit in a form acceptable to the City.

Occupancy of any structure in this development will only be allowed when, in the sole opinion of the Director, adequate infrastructure; including but not necessarily limited to water, sewer, storm drainage, electricity, natural gas, and streets; has been provided.

Modifications to the conditions contained herein, such as substituting forms or amount of security, shall be at the sole discretion of the City and shall require the prior approval of the Pullman City Council.

Acknowledged and Accepted:

Date: 10-7-08

By: [Signature]
Steve White for:
Copper Basin Construction, Inc.

6. SNOW REMOVAL DISCUSSION

STAFF REPORT _____

QUESTIONS FROM COUNCIL ON STAFF REPORT _____

DISCUSSION _____

ACTION TAKEN _____

NOTES :



City of Pullman
Public Works Department
MEMORANDUM

TO: Mayor and City Council
FROM: Mark Workman, Public Works Director MW
RE: Parking vs. Snow and Gravel Removal
DATE: October 16, 2008

One of the 2008 adopted Council goals was to “consider adopting an emergency snow removal and street cleaning ordinance to address the problem of parked vehicles that impede snow and gravel removal efforts.” My sense of recollection from discussions during the goal setting process is that Council was looking for an ordinance that would require something like vehicles to be vacated from the street or parked on opposite sides of the street every other day. Examples of such regulation from Cheney, East Wenatchee, and Puyallup are attached for reference.

In discussing this issue with Maintenance and Operations staff, such an ordinance could be problematic, particularly as it relates to snow removal. Our snow removal activities are dependent on weather conditions and vehicle availability such that we are seldom able to guarantee where we will be working even so much as one day ahead. It would likely lead to a disgruntled public if people were required to vacate a street or one side of a street on a particular day and a city crew did not make it to that street to perform maintenance. There are often limited options for parking in many areas of Pullman. In addition to several streets only allowing parking on one side, it is not reasonable to expect people to park facing uphill on a street where it will likely be impossible to start moving forward again on the slick road surface. An ordinance that mandates a general rule, such as parking on opposite sides of the street every other day, is not requested by M&O and is actually discouraged because of the poor public relations that would be generated and the angry phone calls we would have to field.

What would be helpful in this regard would be to address the vehicles that are parked on the street and left there for long periods of time. City code already prohibits such parking for periods longer than seven days. If this existing code could be enforced to a greater extent, the majority of the related problems for the snow removal crews would be

eliminated. If there are street sections where it becomes desirable to load out accumulated snow, the authority to post said street sections as No Parking and tow when necessary to accommodate such activity would also be helpful. Adequate authority for both may already exist in city code and state law and City Attorney Laura McAloon is researching that. If this is acceptable to Council, that research will be completed and, if necessary, appropriate revision to city code brought to Council for adoption.

Cheney, WA

11.48.070 Snow removal.

Each time two or more inches of snow accumulates upon the public streets, and so long as that snow remains uncleared, no vehicle shall be parked or left standing upon any such street or city right-of-way between midnight and six a.m., except in the central business district wherein no vehicle shall be parked or left standing between the hours of three a.m. and six a.m. For the purpose of this chapter, the “central business district” is defined as the area bordered by and inclusive of 1st and 2nd Streets from G Street to D Street and G and D Streets between 1st Street and 2nd Street. (Ord. P-76 § 3(part), 1993).

11.48.080 Period of heavy snowfall-Police removal of unlawfully parked vehicles.

When any vehicle is parked or left parked in violation of Section 11.48.070, it is lawful for any police officer of the city to direct the removal of the unlawfully parked vehicle and to impound the same or to move the vehicle to a place of safety where the vehicle does not impede snow removal. The registered owner or other person in possession or in charge of the vehicle shall pay all costs of storage of the vehicle. (Ord. P-76 § 3(part), 1993).

East Wenatchee, WA

10.08.030 Parking – Snow removal

A. On the even days of the months of December, January and February, the person who owns, controls or operates any vehicle in the city shall park the vehicle on the even numbered side of the street and on the odd days of said months, the person shall park the vehicle on the odd numbered side of the street. This section applies to all streets and avenues in the city, and the days referred to in this section shall commence at 10:00 p.m. and end at 7:00 a.m. the following morning.

B. The chief of police of the city, in conjunction with the street superintendent, is authorized and directed to promulgate regulations for the orderly enforcement of this section, such regulations to be in keeping with the intent and purpose of this section and to not be inconsistent herewith.

C. Any person convicted of violating the provisions of this section shall be guilty of an infraction, subject to a fine not to exceed \$100.00. (Ord. 91-6 § 3, 1991; Ord. 369 § 4, 1984; Ord. 275 § 4, 1978)

Puyallup, WA

11.08.100 Roadway maintenance.

(1) The department of public works shall have the authority to order the removal of vehicles from the roadway for purpose of emergency and regularly scheduled roadway maintenance or snow removal.

(2) In the event of an emergency, the department of public works shall have the authority to order the removal of vehicles without prior notice to the owner. No expense shall be incurred by the owner of said removed vehicle.

(3) In the event of regularly scheduled roadway maintenance, the department of public works shall post the roadway a minimum of 24 hours in advance. Vehicles remaining after the 24 hours' notice shall be relocated at the expense of the owner. (Ord. 2373 § 2, 1993).

7. STATUS OF RENTAL REGISTRATION PROCEDURES/COSTS/PUBLIC RECORDS

STAFF REPORT

QUESTIONS FROM COUNCIL ON STAFF REPORT

DISCUSSION

ACTION TAKEN

NOTES:

TO: Mayor Johnson and City Council; John Sherman
FROM: Laura D. McAloon
DATE: October 16, 2008
RE: Discussion of Status of Rental Registration procedures and fee estimates

Following the most recent discussion of the proposed ordinance establishing a rental property registration system, the Council directed staff to fully evaluate the process for registering the rental properties and come up with a justification for the proposed fees of \$20 for the initial registration and \$10 for renewal registrations per "residential rental unit." As currently proposed, the definition of a "residential rental unit" is:

... any free-standing structure or part of a structure or multi-unit apartment complex for which the City has assigned a street address, which is used, in whole or in part, as a home, residence or sleeping place by one or more persons; and for which rent is charged by or on behalf of the Owner. For purposes of registering multi-unit apartment complexes, each free-standing building located within a multi-unit apartment complex shall constitute a separate Residential Rental Unit.

A "multi-unit apartment complex" is defined as "consisting of one or more apartment buildings."

There have been numerous meetings between myself, Finance Director Woo, Police Chief Weatherly and the two Police Support Services staff who will be primarily responsible for implementing the registration program if adopted. Penni Reavis and Jerry Cork developed detailed flow charts demonstrating the volume of clerical work that will be required to input each registration and handle renewals.

Based on the amount of work involved, Mr. Woo and Chief Weatherly both believe that the proposed fee schedule is probably not enough to cover the true cost of the program, but is a good and fair starting point. Verifiable and quantifiable costs will only be able to be provided based on the actual experiences of the Support Services department during the first and second years of the registration program. As your legal counsel, I can tell you that the data compiled by City staff provides more than enough evidence to withstand a challenge that the fee is intended to generate income, as compared to the permissible standard of covering the program's expenses. Thus, staff stands by its initial recommendation of an initial registration fee of \$20 per "residential rental unit" and a renewal fee of \$10 per unit. We also recommend a review of the fee schedule once the program has been in effect for two years.

In addition to the work-flow and fee analysis, Chief Weatherly and myself each met with the Chamber's Rental Housing Committee on two separate occasions. The Committee raised a number of questions on the purpose of the program, the information that would be required of property owners, the status of the information as a public record subject to disclosure, the definition of a "residential rental unit" and how the requirement would be enforced. My general sense of the feedback from the Committee was that they

K&L|GATES

Memorandum

October 16, 2008

Page 2

don't necessarily agree with the need for a registration program, but that if it is initiated it needs to be fairly applied and enforced.

The issue of fees was discussed in detail. In general, a fee structure that imposes a per building fee on the large multi-unit complexes was more fair and equitable than a fee structure based solely on street address. However, some landlords expressed the opinions that owner-occupied units should not be exempt from registration if the intent is public safety. In addition, as a matter of fairness, some expressed a desire to charge only a single fee to buildings with duplex rental units regardless of the street address because even with a per building fee, the large complexes can distribute the fee across many more rental units than a duplex owner. I explained that this is difficult to justify for the City since the emergency calls will be dispatched on a per street address basis and the 911 operator at Whitcom would have no way of knowing if an address is part of a rental duplex unless the address is registered as such.

Another prominent concern was the status of the registration form as a public record. I explained that this is a matter of state law, not local law, and the only method of changing this was through the State Legislature. All of the information that the City would require of a rental property owner is information that is not exempt from disclosure and does not implicate any legally recognized privacy right. We obtain addresses, telephone numbers and dates of birth, all of which have been determined by the courts to be information that must be released upon request. A draft copy of the registration form is also attached for your review.

Some members of the Rental Housing Committee asked about the availability of a process by which an owner could appeal or seek an exemption from the fee imposed. I do not recommend such an appeal since the fee schedule will be objectively determined based on the definition of a "residential rental unit." If a civil infraction is issued for failing to register, the cited party would have the ability to contest the infraction or seek mitigation of the penalty in District Court.

In the context of enforcement, I explained that the City didn't anticipate (or have staffing) to investigate whether every rental property in the City complies with the ordinance. However, if any city employee becomes aware of a failure to register as a result of other contacts with the property or a citizen complaint, the City will issue a warning letter and ultimately an infraction if the property owner continues to be non-compliant with the law. The final request of the Committee was that if the registration program is implemented, they would like to see a quicker turn-around on the notification letters that are sent out when one of the specified criminal events occurs at a rental property. The letters provide the landlords with actual evidence they can use in an eviction proceeding where a tenant violates the terms of the lease by permitting criminal activity to occur on the property and they would like to have that documentary evidence as soon as possible after the event.

I have included the most recent draft of the ordinance for your discussion and direction. Would you like me to proceed with bringing back the ordinance and a fee schedule resolution as an action item at a future Council meeting? At the time the City Council considers the adoption of the ordinance and fee schedule, another opportunity for public input on this issue will be provided.

ORDINANCE NO. 08-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 6, LICENSES AND TAXATION, ADDING CHAPTER 6.98 RESIDENTIAL RENTAL UNIT REGISTRATION, AND OTHER MATTERS PROPERTY RELATED THERETO.

WHEREAS, the City of Pullman is charged with the protection of the public health, safety and welfare of all its citizens through the enforcement of state laws and local laws, including, but not limited to Pullman City Code (PCC) Title 2, "Building Code", PCC Title 3 "Fire Code", PCC Title 5, "Health and Sanitation", PCC Title 8 "Public Safety and Morals", PCC Title 9 "Animals", PCC Title 11, "Streets and Sidewalks", and PCC Title 17 "Zoning"; and

WHEREAS, the City of Pullman has certain duties, obligations and responsibilities for the prompt notification of property owners where police officers have investigated or cited persons for violation of certain State criminal statutes on rented premises; and

WHEREAS, the City of Pullman desires to maintain a database of current property ownership information and emergency contact information for certain residential rental properties located within the City in order to adequately comply with the City's legal obligations under State and local laws; and

WHEREAS, the City of Pullman, through business registration has the ability to require the registration of residential rental properties in the City for public safety purposes and to protect the health, safety and welfare of all of the citizens of the city of Pullman; and,

WHEREAS, the City Council has conducted public meetings and received substantial amounts of testimony and evidence concerning the registration of residential rental units for the benefit of promoting the health, safety and welfare of each citizen of the City of Pullman; and

WHEREAS, the City Council of Pullman, Washington has determined it is in the best interest of the health, safety and welfare of the citizens of the City of Pullman to require all owners of residential rental properties to register said properties with the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON DO ORDAIN AS FOLLOWS;

Section 1: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.010 Purpose. The purpose of this chapter is to provide for a means of obtaining public safety and emergency contact information on existing and new residential rental properties in the City, and to assist in the effective administration of the City's obligations under state and local laws.

Section 2: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

- (1) "Authorized Property Management Representative" (APMR) means a Person identified in writing by an Owner as authorized to manage and supervise one or more Residential Rental Units owned by a Person. An Owner shall promptly notify the City in writing of any change in the Owner's Authorized Property Management Representative. For purposes of accepting registration applications and for enforcement of this chapter, the City shall rely on the most current written identification of an Authorized Property Management Representative in the City's files.
- (2) "City" means the City of Pullman.
- (3) "Multi-unit apartment complex" means a complex consisting of one or more apartment buildings.
- (4) "Person" includes the singular and the plural and also means and includes any person, firm, corporation, association, partnership, limited liability company, individual receiver, assignee, trustee, trust, estate, joint venture, company, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. For purposes of this chapter, "Person" shall include an Authorized Property Management Representative identified in writing by an Owner.
- (5) "Owner" means the legal owner of the real property on which any Residential Rental Unit is located.
- (6) "Residential Rental Unit" shall mean any free-standing structure or part of a structure or multi-unit apartment complex for which the City has assigned a street address, which is used, in whole or in part, as a home, residence or sleeping place by one or more

persons; and for which rent is charged by or on behalf of the Owner. For purposes of registering multi-unit apartment complexes, each free-standing building located within a multi-unit apartment complex shall constitute a separate Residential Rental Unit.

Section 3: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.030 Residential Rental Unit Registration Required.

- (1) Effective July 1, 2009, no person shall make available for rent, or rent, lease, or let, to the public any Residential Rental Unit as defined in Section 6.98.020 of this title without first registering the Residential Rental Unit with the Pullman Police Department as required by this title, unless exempted herein. An Owner of multiple Residential Rental Units shall separately register each Residential Rental Unit by its assigned street address. An Owner of a multi-unit apartment complex shall separately register by its assigned street address and shall also register and identify each separate building within the multi-unit apartment complex.
- (2) The fees for registration and renewal shall be as set forth in the current fee resolution adopted by the City Council.
- (3) Residential Rental Unit registrations are non-transferable. When any Residential Rental Unit changes ownership, the new Owner shall register with the City within thirty (30) days of the closing date of the sale or transfer of the real property on which the Residential Rental Unit is located.
- (4) The Owner or an Authorized Property Management Representative shall complete the registration form provided by the Pullman Police Department with the following information:
 - (a) Street address of Residential Rental Unit;
 - (b) Name, date of birth, address, telephone and email contact information for the Owner;
 - (c) Where applicable, the name, date of birth (for individuals), address, telephone and email contact information for the Owner's Authorized Property Management Representative;

- (d) A minimum of one (1) emergency contact name and 24 hour contact information for purposes of emergency notifications relating to the use or occupancy of the Residential Rental Unit;
- (e) The maximum anticipated number of occupants of each Residential Rental Unit.
- (f) For multi-building apartment complexes, the Owner or APMR shall identify clearly each building in the complex and shall provide the City with the identifying numbers or letters for each individual apartment within each building. The identifying numbers or letters for each building shall also be posted on the exterior of each building in letters or numbers at least four (4) inches high and in a color contrasting with the building color.

Section 4: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.040 Residential Rental Unit Registration - Exemptions.

The provisions of this chapter shall not apply to:

- (1) Property owners leasing or renting a Residential Rental Unit contained within a residential structure which is also occupied by the owner as his or her primary residence; provided, this exemption shall only apply to structures consisting of two or fewer dwelling units.
- (2) Property owners leasing or renting a dwelling unit in a duplex residential structure where one of the duplex units is occupied by the owner as his or her primary residence.

Section 5: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.060 Registration Renewal and Updates.

- (1) A Residential Rental Unit registration shall be valid for one (1) year from the date of registration and the expiration date shall be noted on the registration form. An owner or the owner's authorized property management representative shall renew the registration with the City on or before the date of expiration. Failure to renew a registration may result in the imposition of a late renewal penalty fee as established by the City.

(2) If any of the information required for registration changes during the term of the Registration, the Owner or APMR shall provide the City with updated information within 30 days. Failure to update registration information may result in a penalty.

Section 5: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.070 Violations. Failure to comply with any of the requirements of this chapter shall be a Class 1 civil infraction and shall be punishable by the imposition of a monetary penalty. Each person who violates or fails to comply with this chapter is guilty of separate code infractions for each and every day that the violation continues. Subsequent violations after the issuance of a Notice of Infraction may be punishable by two times the penalty for a Class 1 civil infraction.

Section 6: There is added to the Pullman City Code a new section to chapter 6.98 to read as follows:

6.98.080 Severability. If any provisions of this ordinance are declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this ordinance and the applicability thereof to persons and circumstances shall not be affected thereby.

Section 7: This ordinance, or a summary thereof, shall be published in the official newspaper of the city of Pullman. This ordinance shall be in full force and take effect five (5) days after publication.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2008.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2008.

Mayor
ATTEST:

Finance Director

Approved as to form:

City Attorney

Summary Published: _____

Pullman Police Department

Serving our Community

260 SE Kamiaken
Pullman, Wa. 99163
Tel: 509-334-0802
Fax: 509-332-0829

Landlord / Rental Property Business Registration

Street Address of Property: _____

Building Number (for multi-building apartment complexes only): _____

City; _____ State; _____ Zip; _____

of units associated with this Address/Building: _____

Maximum number of occupants for this Address/Building: _____

Rental Property Owner;

Last Name; _____ First; _____ Middle _____

Date of Birth; _____

Physical Address; _____

Mailing Address (if different) _____

City; _____ State; _____ Zip; _____

Authorized Property Management Representative (if applicable):

Management Representative Name/Business Name: _____

Date of Birth (for individual only) _____

Physical Address; _____

Mailing Address (if different) _____

City; _____ State; _____ Zip; _____

OWNER: Initial here if you want all registration notices/contacts to be directed to your Authorized Property Management Representative identified above.

EMERGENCY CONTACT INFORMATION

YOU MUST PROVIDE AT LEAST ONE (1) EMERGENCY CONTACT. In case of emergency, persons to call, in order of preference: (Please provide full name, including middle initial and date of birth.) This information goes into a master name file and is for our records and identifying purposes only.

_____ **OWNER** Initial here if your first Emergency Contact is the same as your Authorized Property Management Representative.

1st Contact;

Last Name; _____ First; _____ Middle _____

Date of birth; _____

Address; _____ St. _____ Zip _____

Phones; Wk _____ Hm _____ Cell _____

2nd Contact;

Last Name; _____ First; _____ Middle _____

Date of birth; _____

Address; _____ St. _____ Zip _____

Phones; Wk _____ Hm _____ Cell _____

3rd Contact;

Last Name; _____ First; _____ Middle _____

Date of birth; _____

Address; _____ St. _____ Zip _____

Phones; Wk _____ Hm _____ Cell _____

In the event that an arrest or seizure involving the following violation (s) is made at one of your rental properties, the Pullman Police Department must notify the owner as per RCW 59.18.075

*Arrest of tenant using or threatening to use a firearm or other deadly weapon against another tenant.

*Other unlawful use by a tenant of a firearm or other deadly weapon on the rental premises.

*Physical assault of another person by a tenant on the rental premises.

*Seizure of a Legend Drug pursuant to a violation of Chapter 69.41 RCW.

*Seizure of a Controlled Substance pursuant to a violation of Chapter 69.50 RCW.

*Seizure of an Imitation Controlled Substance pursuant to a violation of Chapter 69.52 RCW.

In the event that such a violation should occur please advise whom you would like notified:

Please notify the owner at address on page one; _____

DRAFT 10/6/08

Please notify a member of my management team; contact # _____