

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

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**Chapter 8.04****CITY TREE ORDINANCE**

## Sections:

- 8.04.010 Purpose.
- 8.04.020 Definitions.
- 8.04.030 City parks committee.
- 8.04.040 Public tree care.
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**8.04.010 Purpose.**

It is the purpose of this chapter to assist in developing an interest within the community on the merits of becoming a tree city and adopting an urban forestry and parks plan. It is the intent of the council to seek to enrich the community lifestyle, improve the local environment, develop and maintain a plan for the city parks and properties, as well as educate the community in appropriate plantings and maintenance within the area by example and leadership, as provided for in the urban forestry and parks plan. (Ord. 01-591 § 1, 2001)

**8.04.020 Definitions.**

For the purpose of this chapter, the following words shall have the same meanings indicated unless the content clearly requires otherwise:

A. "Street trees" means trees, shrubs, bushes and all other woody vegetation on land lying within the city right-of-way between property lines on either side of all streets, avenues or ways within the city.

B. "Park trees" means shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (Ord. 01-591 § 1, 2001)

**8.04.030 City parks committee.**

The city parks committee, comprised of two city council members appointed by the city mayor, will study, investigate, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to the city council for their acceptance and approval. (Ord. 01-591 § 1, 2001)

**8.04.040 Public tree care.**

When deemed necessary, the city shall have the right to plant, prune, remove, cut above ground, or otherwise disturb any tree on any street right-of-way or municipal owned property after first notifying the property owner of their intent. (Ord. 01-591 § 1, 2001)

**8.04.050 Obstruction.**

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such a manner that they will not obstruct the street, lights, the passage of pedestrians on sidewalks, vision of traffic signs or views of any street or alley intersection. (Ord. 01-591 § 1, 2001)

**8.04.060 Review by city council.**

The city council shall consider input from the citizens as well as the parks and tree committee(s) and make the final decision. (Ord. 01-591 § 1, 2001)

**8.04.070 Violation.**

Each and every violation of the provisions of this chapter shall be a misdemeanor and shall be enforced and controlled pursuant to AMC 1.12.010 and 1.12.020. (Ord. 01-591 § 1, 2001)

**Chapter 8.08****WEEDS**

## Sections:

## Article I. Dry Weeds

- 8.08.010 Dry weeds – Defined.
- 8.08.020 Dry weeds – Nuisance.
- 8.08.030 Dry weeds – Maintenance unlawful.
- 8.08.040 Dry weeds – Removal required.
- 8.08.050 Dry weeds – Burning approval required – Fine.
- 8.08.060 Weed control funds.
- 8.08.070 Violation – Person subject to penalty.
- 8.08.080 Violation – Penalty.

## Article II. Vegetation

- 8.08.100 Trees, plants and shrubs – Nuisance when.
- 8.08.110 Violation – Penalty – Notice to abate without penalty.

## Article III. Abatement by City

- 8.08.120 Violation – Abatement.
- 8.08.130 Violation – Abatement costs – Lien on property.

**Article I. Dry Weeds****8.08.010 Dry weeds – Defined.**

“Dry weeds” means any weeds, grass or soil growth which attains a height of six inches or more and which is permitted to dry sufficiently that the same is inflammable or combustible. (Ord. 267 § 1, 1978)

**8.08.020 Dry weeds – Nuisance.**

Dry weeds in excess of six inches in height, growing or standing upon any property within the limits of the city are declared to be a nuisance, a fire hazard and a menace to property and to the public health, safety and general welfare of residents of the city. (Ord. 267 § 2, 1978)

**8.08.030 Dry weeds – Maintenance unlawful.**

It is unlawful for any person, firm or corporation, as owner or tenant in possession, either actual or constructive, to allow or permit any grass, dry weeds, or soil growth in excess of six inches in height to grow or remain upon any property within

the corporate limits of the city after the same becomes dry, inflammable or combustible. (Ord. 267 § 3, 1978)

**8.08.040 Dry weeds – Removal required.**

Any person, firm or corporation in actual or constructive possession of any real property within the corporate limits of the city is required to remove any such growth from the land so occupied before or at the time that the same becomes dry, inflammable and or combustible and to remove from such lands the cuttings if the same are mown. (Ord. 267 § 4, 1978)

**8.08.050 Dry weeds – Burning approval required – Fine.**

The burning of dry or combustible weeds or grass upon any property within the city is expressly prohibited until and after the chief of the fire department has given approval and consent to the owner and any violation of this section shall subject the violator to a fine not in excess of \$100.00 in the municipal court of the city. (Ord. 267 § 9, 1978)

**8.08.060 Weed control funds.**

Weed control funds which shall be paid voluntary, recovery fines and penalties shall be and become a part of the general fund (current expense) of the city. (Ord. 272, 1979; Ord. 267 § 8, 1978)

**8.08.070 Violation – Person subject to penalty.**

In the event of corporate ownership or tenancy, the officer of the corporation shall be individually subject to the penalties provided in this chapter. (Ord. 06-682 § 1, 2006; Ord. 267 § 5, 1978)

**8.08.080 Violation – Penalty.**

Each and every violation of any of the provisions of this article shall be a civil infraction. The failure or refusal to comply with any of the provisions of this article shall subject the offender to a fine of \$200.00, together with costs of abatement as provided in this chapter and costs of prosecution; provided, however, that every day upon which any person, firm, or corporation shall allow such nuisance and hazardous condition as defined in this chapter to exist shall constitute a separate offense. (Ord. 06-682 § 1, 2006; Ord. 267 § 6, 1978)

## Article II. Vegetation

### 8.08.100 Trees, plants and shrubs – Nuisance when.

Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street or alley, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public are public nuisances. Grass and weeds which have grown to a height in excess of 12 inches, including but not limited to the weeds on the Asotin County noxious weed list, are declared a public nuisance. It is the duty of the owner of the property wherein or whereon any such nuisance exists to abate the nuisance by destroying, removing or trimming any such growth and removing or destroying any such debris. (Ord. 323 § 1, 1983)

### 8.08.110 Violation – Penalty – Notice to abate without penalty.

Each and every violation of any of the provisions of this article shall be a civil infraction. The failure or refusal to comply with any of the provisions of this article shall subject the offender to a fine of \$200.00, together with costs of abatement as provided in this chapter and costs of prosecution; provided, however, that every day upon which any person, firm, or corporation shall allow such nuisance and hazardous condition as defined in this chapter to exist shall constitute a separate offense. Prior to citation issuing, the person in control of the premises shall be given a warning notice providing a three-day period to abate the nuisance without penalty. If the property in violation is not under local control, notice shall be sent to the last known address of owner and five days from date of mailing shall be allowed prior to issuance of citation. (Ord. 06-682 § 2, 2006; Ord. 323 § 2, 1983)

## Article III. Abatement by City

### 8.08.120 Violation – Abatement.

In addition to citation for violation of this chapter issued to the person in control of the offending premises and penalty as provided in this chapter, upon resolution duly passed by the council that an existing nuisance as defined in this chapter endangers the health and/or public safety of the inhabitants of the city, such nuisance shall be abated forthwith at the cost of the person in control of the property involved. (Ord. 06-682 § 2, 2006; Ord. 323 § 3, 1983)

### 8.08.130 Violation – Abatement costs – Lien on property.

If the nuisance is not abated by removal or destruction by the property owner within the time fixed by AMC 8.08.040 or in the notice provided in AMC 8.08.110, the designated city employee may abate the same, and he shall render a bill covering the cost to the city of such abatement and mail the bill to the property owner. The cost of abatement shall consist of labor billed at an hourly rate set by resolution of the council, together with actual or reasonable costs for equipment, equipment use, hauling, composting, landfill fees, materials, or other consumable supplies generally attendant to such labor. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because he cannot be found, the designated city employee in the name of the city may file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and material. (Ord. 06-682 § 2, 2006; Ord. 323 § 5, 1983)

## Chapter 8.09

### NOXIOUS WEEDS

#### Sections:

- 8.09.010 Definitions.
- 8.09.020 Owner to control noxious weeds.
- 8.09.030 Notice – Contents – Service.
- 8.09.040 Compliance – Required.
- 8.09.050 City forces authorized.
- 8.09.060 Penalty.

#### **8.09.010 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

A. “Noxious weed” means a plant that, when established, is highly destructive, competitive, or difficult to control by horticultural or chemical practices, or any plant listed as a noxious weed on the State Noxious Weed List as defined by RCW 17.10.010(2), and Chapter 16-750 WAC.

B. “Owner” means any person or his agent owning and/or in actual control of real property in the city, whether as fee owner, tenant, or holder of other possessory interest.

C. “Person” means any individual, partnership, corporation, or other association, including municipal corporations, public utilities, private utilities, and governmental agencies. (Ord. 07-709 § 1, 2007)

#### **8.09.020 Owner to control noxious weeds.**

Owners shall take all necessary steps to prevent the growth and spread of any noxious weeds growing on their property within the city. (Ord. 07-709 § 1, 2007)

#### **8.09.030 Notice – Contents – Service.**

A. Whenever the city becomes aware that noxious weeds are present upon property within the city and that the owner is not taking sufficient steps to control the same, the city shall send a written notice to the owner as set forth herein.

B. The written notice shall contain the following:

1. The name of the noxious weeds growing on the property;
2. The location of the property;
3. The type of action necessary to control the noxious weeds;
4. The time within which such action must be completed. The time stated must be at least 10 days from the date of the notice;

5. Signed and dated by the mayor or designee.

C. The written notice shall be posted on the property and a copy sent by U.S. mail, postage prepaid, addressed to the owner at the address shown on the rolls of the county treasurer, and to the property address, if there is one. (Ord. 07-709 § 1, 2007)

#### **8.09.040 Compliance – Required.**

No owner shall fail or refuse to take the corrective action set forth on the written notice within the time limit set forth therein. (Ord. 07-709 § 1, 2007)

#### **8.09.050 City forces authorized.**

A. If the owner fails or refuses to take the corrective action set forth in the written notice within the specified time limit, corrective action may be taken by city forces.

B. In the event the corrective action is performed by city forces, the owner shall be liable for the full costs thereof, including fees for cost of service of the notice and for administrative overhead.

C. The remedy provided in this section shall be in addition to any other action authorized in this chapter or under state law, including institution of appropriate criminal and/or civil proceedings in courts of competent jurisdiction. (Ord. 07-709 § 1, 2007)

#### **8.09.060 Penalty.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in AMC 1.12.010. (Ord. 07-709 § 1, 2007)

**Chapter 8.10****EXCLUSIVE SYSTEM OF  
AMBULANCE SERVICE**

## Sections:

8.10.010 Exclusive ambulance service established.

**8.10.010 Exclusive ambulance service established.**

The city is an incorporated noncharter code city under the mayor/council plan of government. The city council finds that the city is not adequately served by existing private ambulance service. The city council establishes an exclusive system of ambulance service in the city, said exclusive ambulance service may be implemented by the city through an intergovernmental cooperation agreement with the city of Lewiston, Idaho. (Ord. 97-527 § 1, 1997)

**Chapter 8.12****LITTER**

## Sections:

- 8.12.010 Title.
- 8.12.020 Purpose.
- 8.12.030 Littering prohibited.
- 8.12.040 Receptacle – Placement.
- 8.12.050 Receptacle – Use.
- 8.12.060 Receptacle – Damaging prohibited.
- 8.12.070 Receptacle – Responsibility to remove.
- 8.12.080 Litter bags required – Vehicles – Watercraft.
- 8.12.090 Sweeping into gutter prohibited.
- 8.12.100 Handbills – Throwing or depositing prohibited.
- 8.12.110 Handbills – Deposit on vacant property prohibited.
- 8.12.120 Throwing from vehicle prohibited.
- 8.12.130 Vehicle load loss on street prohibited.
- 8.12.140 Enforcement.
- 8.12.150 Violation – Penalty.

**8.12.010 Title.**

This chapter shall be known and may be commonly referred to as the “uniform litter control code.” (Ord. 83-327 § 1, 1983)

**8.12.020 Purpose.**

The purpose of this chapter is to accomplish litter control in the city. This chapter is intended to place upon all persons within the city the duty of contributing to the public cleanliness of the city and appearance in order to promote the public health, safety and welfare and to protect the economic interests of the people of the city against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incident to littering. (Ord. 83-327 § 2, 1983)

**8.12.030 Littering prohibited.**

No person shall throw, drop, deposit, discard or otherwise dispose of litter as that term is defined in RCW 70.93.0303(4), upon any public place in the city or upon any private property not owned by him or in any waters within the jurisdiction of the city whether from a vehicle or otherwise, including but not limited to any sidewalk, street, alley, highway, or park, except:

A. When such property is designated by the state or by any of its agencies or the city for disposal of garbage and refuse, and such person is authorized by the proper public authority to so use such property; or

B. Into a litter receptacle or other container in such manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such public place or any private property; or

C. When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of such owner or tenant and provided such litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations. (Ord. 83-327 § 3, 1983)

**8.12.040 Receptacle – Placement.**

A. Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, boat launching areas, beaches, bathing areas and other such places in numbers appropriate to need as specified by state regulation.

B. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such state regulations. (Ord. 83-327 § 6, 1983)

**8.12.050 Receptacle – Use.**

Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal or other solid waste accumulated in residences or places of business. (Ord. 83-327 § 7, 1983)

**8.12.060 Receptacle – Damaging prohibited.**

It is unlawful for any person to wilfully damage or deface any litter receptacle. (Ord. 83-327 § 8, 1983)

**8.12.070 Receptacle – Responsibility to remove.**

It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter

receptacles placed in parks, beaches, campgrounds and other public places. (Ord. 83-327 § 9, 1983)

**8.12.080 Litter bags required – Vehicles – Watercraft.**

The owner and person in possession of all vehicles or watercraft shall keep a litter bag in such vehicle or watercraft at all times. (Ord. 83-327 § 10, 1983)

**8.12.090 Sweeping into gutter prohibited.**

No person shall sweep into or deposit in any gutter, street, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter. (Ord. 83-327 § 11, 1983)

**8.12.100 Handbills – Throwing or depositing prohibited.**

No person shall throw or deposit any handbill upon any public place within the city; provided, however, that it shall not be unlawful for any person to hand out without charge to the receiver thereof any handbill to any occupant of a vehicle or to any other person who is willing to accept it. (Ord. 83-327 § 12, 1983)

**8.12.110 Handbills – Deposit on vacant property prohibited.**

A. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.

B. Exemption for Mail and Newspaper. The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property. (Ord. 83-327 § 14, 1983)

**8.12.120 Throwing from vehicle prohibited.**

No person while a driver or passenger in a vehicle shall throw or otherwise deposit litter upon any public place or upon any private property. (Ord. 83-327 § 13, 1983)

**8.12.130 Vehicle load loss on street prohibited.**

A. No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from drop-

ping, shifting, leaking or otherwise escaping therefrom, except that sand and gravel may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

B. Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefor. (Ord. 83-327 § 15, 1983)

#### **8.12.140 Enforcement.**

Enforcement of this chapter may be by any police officer. All such enforcement officers are empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this chapter. Such enforcement officers may serve and execute all warrants, citations and other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged. (Ord. 83-327 § 5, 1983)

#### **8.12.150 Violation – Penalty.**

A. Civil Penalties. Any person who violates the provisions of this chapter shall be subject to a penalty in the amount of not less than \$50.00 and not more than \$250.00.

B. Gross Misdemeanor.

1. In addition to the penalty imposed in subsection (A) of this section, any person who violates any provision of this chapter more than two times is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00.

2. In addition thereto, except where infirmity or age or other circumstances would create a hardship, any such person shall be directed by the court in which the fine is levied to pick up and remove litter from public property and/or private property with prior permission of the legal owner for not less than eight hours nor more than 16 hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities. (Ord. 83-327 § 4, 1983)

## **Chapter 8.16**

### **GARBAGE AND REFUSE**

Sections:

- 8.16.010 Deposit on street or sidewalk prohibited.
- 8.16.020 Keeping or dumping certain materials.
- 8.16.030 Automobile wrecker – Fencing required.
- 8.16.040 Garbage receptacle requirements.
- 8.16.050 Building or remodeling refuse removal.
- 8.16.060 Shipping container requirements.
- 8.16.070 Violation – Penalty.

#### **8.16.010 Deposit on street or sidewalk prohibited.**

It is unlawful for any person to place or deposit upon or adjacent to any street, avenue, alley, sidewalk or other thoroughfare in the city any broken ware, glass, rubbish, refuse, garbage, ashes, tin cans, kitchen garbage or any other waste or refuse material of any kind. (Ord. 160 § 1, 1966)

#### **8.16.020 Keeping or dumping certain materials.**

It is unlawful for any person, persons or corporations to keep, dump, deposit or collect together on any streets, alleys, lots and premises in the city any offal or material that is injurious or endangers the comfort, repose, health or safety of any of its citizens or any part or parts of worn out and discarded automobiles, trucks and other second hand material in such a manner as to offend the public decency, whether the same are kept for sale or have been dumped and abandoned as wastage. (Ord. 160 § 2, 1966)

#### **8.16.030 Automobile wrecker – Fencing required.**

Any person or persons conducting a business in the city as automobile wreckers shall fence and enclose their business in such a manner as not to offend public decency. (Ord. 160 § 3, 1966)

#### **8.16.040 Garbage receptacle requirements.**

All garbage receptacles shall be metal or plastic containers of not less than 10 nor more than 30 gallons in capacity and shall be equipped with a tight fitting lid, which shall be insectproof and rodentproof. Wet or decayed garbage shall be wrapped before being placed in the garbage container. Soot and ashes and other light material easily blown

shall be securely wrapped in paper or other container before placement in the garbage containers. (Ord. 160 § 4, 1966)

**8.16.050 Building or remodeling refuse removal.**

All refuse from building or remodeling shall be cleaned up and hauled away from the premises by the person or persons doing such remodeling or building. (Ord. 160 § 5, 1966)

**8.16.060 Shipping container requirements.**

Receptacles for garbage, ashes, waste, trash and other rubbish in the business district of the city shall comply with the provisions of this chapter except that shipping containers being discarded by a merchant need not be placed within the metal or plastic container if the same are more than one cubic foot in capacity. Such discarded containers, however, shall be neatly stacked adjoining the metal or plastic refuse container. (Ord. 160 § 6, 1966)

**8.16.070 Violation – Penalty.**

Any person violating any provision of this chapter is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$1.00 nor more than \$25.00. Each day that a violation continues shall be deemed a separate offense. (Ord. 160 § 7, 1966)

**Chapter 8.20**

**FIRE SAFETY REGULATIONS**

Sections:

- 8.20.010 Fire limits designated.
- 8.20.020 Definitions.
- 8.20.030 Flammable material accumulation prohibited.
- 8.20.040 Weed fire hazard prohibited.
- 8.20.050 Flammable liquid storage prohibited.
- 8.20.065 Open burning regulation.
- 8.20.080 Open burning – Exemptions.
- 8.20.100 Enforcement.
- 8.20.110 Penalties.

**8.20.010 Fire limits designated.**

The city limits of the city of Asotin are declared to be the fire limits of the city. (Ord. 125 § 1, 1961)

**8.20.020 Definitions.**

As used in this chapter, except as otherwise specifically provided in this chapter and except where the contents indicate otherwise, the following words shall have the meaning described in this chapter:

“Air contaminate” means any solid, liquid or gas, except uncombined water, discharged into the outdoor atmosphere.

“Air pollution” means the presence in the outdoor atmosphere of one or more contaminants or combinations thereof in such quantities and of such duration that they are or may tend to be injurious to human, plant or animal life, or property, that interfere with the comfortable enjoyment of life or property or the conduct of business.

“Air quality specialist” means the air quality specialist of the state of Idaho, stationed at Lewiston, Idaho.

“Air stagnation” means a condition when there is little or no air movement as determined by the air quality specialist.

“Control and enforcement officer” means the Asotin County sheriff’s department.

“Episode” means a period of time when a forecast, alert, warning or an emergency pollution alert is declared as determined by the air quality specialist.

“Incinerator” means any device, structure or contrivance used to burn refuse as defined herein, or process refuse as defined herein, in any way, but not including burning barrels.

“Multiple chamber incinerator” means any article, machine, equipment, contrivance, structure or

part of structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

“Open burning” means the burning of any matter in such a manner that the products of combustion resulting from burning are emitted directly into the open atmosphere with out passing through a stack, chimney or duct of an approved incinerator as defined herein. Burning barrels are prohibited at all times.

“Particulate matter” means any material, except uncombined waste, which exists in a finely divided form as a liquid or solid at standard conditions.

“Person” means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

“Refuse” means any combustible solid, liquid or gaseous waste material, including garbage, rubbish, trade wastes, wet leaves, grass clippings, household waste, disposable diapers, salvageable material, agricultural waste and other wastes.

“Salvage operation” means any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material, including but not limited to metals or chemicals.

“Smoke” means small gas-borne particles other than water that form a visible plume in the air and form a source of atmospheric pollution.

“Standard conditions” means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. (Ord. 91-436 § 1, 1991; Ord. 86-361 § 1, 1986)

#### **8.20.030 Flammable material accumulation prohibited.**

The accumulation or storage of waste paper, hay, grass, straw, weeds or flammable waste or rubbish of any kind on any roof, yard, vacant lot or open space whatsoever is prohibited. (Ord. 125 § 2, 1961)

#### **8.20.040 Weed fire hazard prohibited.**

No person owning or occupying property within the city shall permit or suffer an accumulation of flammable weeds or dry grass to grow upon the property occupied by him or under his control in such quantities as may constitute a fire hazard. (Ord. 125 § 3, 1961)

#### **8.20.050 Flammable liquid storage prohibited.**

The storing or handling of flammable liquids, including but not limited to gasoline and cleaning fluids in any building is prohibited, except:

A. Not to exceed one five-gallon metal container kept tightly sealed in any building;

B. For commercial use, where storage is in underground tanks or other containers, complying with all applicable laws and regulations of this city and of the state. (Ord. 125 § 4, 1961)

#### **8.20.065 Open burning regulation.**

A. Except as provided hereafter, all open burning shall be prohibited within the corporate limits of the city.

B. Notwithstanding the foregoing, open burning shall be allowed within the city from April 1st through May 31st and October 15th through December 15th of each calendar year, from the hours of 10:00 a.m. to 5:00 p.m. each day under the following conditions:

1. The air quality specialist has not declared an episode and the control officer has not declared a period of air stagnation or impaired air quality;

2. The smoke from the open burning shall remain away from neighboring structures;

3. The open burning shall be a distance of at least 50 feet from any building, structure or other combustible matter;

4. A garden hose connected to a water supply or other fire extinguishing equipment is available;

5. An adult is in attendance until all fire has been extinguished;

6. The person conducting the burning must be in legal possession of the land on which the burning is to be done;

7. The person conducting the burning shall obtain all necessary state and federal permits;

8. All burning activities shall be conducted in accordance with all applicable state and federal regulations;

9. The substance being burned shall not consist of any of the following:

a. Garbage;

b. Oil, grease or asphalt;

c. Junk motor vehicles;

d. Commercial and industrial wastes;

e. Rubber;

f. Dead animals;

g. Demolition debris (provided, however, untreated lumber and/or wood shall be burnable);

h. Plastic;

i. Asphalt shingles;

- j. Railroad ties;
- k. Telephone poles;
- l. Fence poles treated with any chemicals;
- m. Damp yard garbage, trimmings and residue and any other material or product that would smolder;
- n. No burning barrels. (Ord. 06-684 § 1, 2006; Ord. 01-593 § 1, 2001; Ord. 99-568 § 1, 1999; Ord. 93-463 § 1, 1993; Ord. 91-436 § 4, 1991)

#### **8.20.080 Open burning – Exemptions.**

The following activities are exempt under the terms of this chapter:

- A. Barbecues;
- B. Ceremonies;
- C. Fireplaces;
- D. Fire fighting training under the direction of the fire chief;
- E. Weed or fire hazard control upon the approval of the fire chief;
- F. Other building, structures and material deemed a hazard to public safety or health by the building inspector. (Ord. 91-436 § 2, 1991; Ord. 86-361 § 2, 1986)

#### **8.20.100 Enforcement.**

The fire chief is vested with authority to:

- A. Require any person to remove from property occupied by him or under his control, any accumulation of weeds, grass, rubbish or flammable material of any kind constituting a fire hazard;
- B. Remove from any property at the expense of the owner or occupant thereof after due notice given as hereinafter provided, any accumulation of weeds, grass, rubbish or flammable material of any kind, constituting a fire hazard;
- C. Notify any owner or occupant of property by written notice personally served upon such owner or occupant of any accumulation of weeds, grass, rubbish or flammable material of any kind constituting a fire hazard and requiring the owner or occupant to remove such accumulation within 10 days after service of such written notice. In the event such notice is served upon an owner having the right to immediate possession of the property and such owner fails, refuses or neglects to remove such accumulation within 10 days after the service of such written notice, the cost of removing such accumulation may be charged as a lien against the property by filing a notice of claim of lien with the auditor of Asotin County, Washington. If such written notice is served on any person, other than the owner thereof, having the right to possession or

occupancy of property and such person fails, refuses or neglects to remove such accumulation within 10 days from the service of such written notice, the cost of removing such accumulation may be recovered from such person by civil action in the name of the city in the municipal court of the city or in the superior court of the state in and for Asotin County. (Ord. 125 § 6, 1961)

#### **8.20.110 Penalties.**

A. Any person who violates any of the provisions of this chapter as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the appropriate appeal process, or by a court of competent jurisdiction, within the required times, shall severally for each and every such violation and noncompliance, respectively, incur a civil penalty. The penalty for the first violation shall be \$200.00. The first \$100.00 of this penalty shall not be suspended or deferred. The penalty for a second violation of this chapter shall be \$500.00, and the first \$300.00 of this penalty shall not be suspended or deferred. The penalty for a third violation of the same section of this chapter shall be \$1,000, and the first \$500.00 shall not be suspended or deferred. The penalty of a fourth violation of the same section shall be up to \$10,000 in accordance with RCW 70.94.431(1), and the first \$1,000 shall not be suspended or deferred. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the police chief, mayor or fire marshal, a commissioned deputy sheriff or designee, or such persons designated by the Asotin County legislative authority.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. In addition to the fines above, in the event of a violation, the city may charge any suppression costs, investigative costs or costs of testing material to the property owner and/or any responsible parties involved. (Ord. 06-684 § 2, 2006; Ord. 91-436 § 4, 1991; Ord. 86-361 § 7, 1986)

**Chapter 8.24****EXPLOSIVES**

## Sections:

8.24.010 Storage prohibited.

**8.24.010 Storage prohibited.**

It is unlawful for any person, firm or corporation to have, keep or store within the corporate limits of the city any dynamite, blasting or giant powder or any article containing nitroglycerine. (Ord. 64 § 1, 1915)

**Chapter 8.28****RADON MEASURING DEVICES**

## Sections:

8.28.010 Chapter application.  
 8.28.020 Device delivery – Responsibility.  
 8.28.030 Fees.  
 8.28.040 Installation and maintenance – Responsibility.

**8.28.010 Chapter application.**

This chapter shall apply to all new single-family residences and ground floor units of new multifamily residential buildings which have not obtained final building inspections as of July 1, 1992. (Ord. 92-455 § 4, 1992)

**8.28.020 Device delivery – Responsibility.**

The building inspector shall be responsible for obtaining and delivering radon measuring devices to each new single-family residence and each ground floor unit of a new multifamily residential building, consistent with the provisions of Chapter 132, Laws of 1992. (Ord. 92-455 § 1, 1992)

**8.28.030 Fees.**

The building department shall charge each applicant receiving a radon measuring device a fee equal to the city's cost of purchasing the device, which cost shall include postage, testing costs and instructions, plus the department's overhead charge used in calculating building permit fees. This fee is due at the time of permit issuance or prior to final inspection for permits issued prior to July 1, 1992. (Ord. 92-455 § 2, 1992)

**8.28.040 Installation and maintenance – Responsibility.**

The owner of any single-family residence of multifamily residential building receiving a radon measuring device shall be solely responsible for installing, maintaining and removing the device per the instructions provided and shall be solely responsible for returning the radon measuring device to the appropriate testing laboratory in accordance with the instructions provided with the device. (Ord. 92-455 § 3, 1992)

**Chapter 8.32****JUNK AND JUNK MOTOR  
VEHICLE ABATEMENT**

(Repealed by Ord. 09-744)

**Chapter 8.34****JUNK, JUNK VEHICLES, AND  
SOLID WASTE****Sections:**

- 8.34.010 Purpose.
- 8.34.020 Definitions.
- 8.34.030 Certification of junk vehicle.
- 8.34.030A Certification of junk.
- 8.34.040 Junk and junk vehicles prohibited.
- 8.34.050 Solid waste removal.
- 8.34.060 Exceptions.
- 8.34.070 Procedure for abatement.
- 8.34.080 Determination of responsibility.
- 8.34.090 Hearing.
- 8.34.100 Appeals.
- 8.34.110 Abatement and removal.
- 8.34.120 Costs of removal and disposal.

**8.34.010 Purpose.**

The purpose of this chapter is to preserve the character and safety of city neighborhoods by eliminating junk, junk vehicles, and/or solid waste from private property, provide monetary penalties for violations of this chapter, and to provide procedures for the removal of junk, junk vehicles and/or solid waste. (Ord. 09-744 § 1, 2009)

**8.34.020 Definitions.**

For purpose of this chapter:

A. "Abandoned vehicle" means a vehicle which has been left within the city limits, on any street, road, highway, public property beyond the street limits, or upon private property for a period greater than 96 consecutive hours.

B. "Junk" means and includes the storage of any old appliance(s), equipment, junk vehicle(s), or parts thereof, scrap metal, automotive tires, cardboard, old lumber, old wood, and any items which are not being used for their intended purpose, and does not include orderly stacked firewood.

C. "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements from RCW 46.55.010:

1. Is three years old or older;
2. Is extensively damaged, including but not limited to any of the following: a broken window or windshield, or a missing wheel, tire, motor or transmission;
3. Is apparently inoperable;
4. Has a fair market value equivalent only to the value of scrap.

D. "Premises" means any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

E. "Residential property" means property that has no more than four living units located on it.

F. "Responsible person" means any legal property owner(s) and/or representative as indicated by Asotin county assessor records.

G. "Significant parts" of a junk vehicle means more than 50 percent of any of the following:

1. Chassis.
2. Body.
3. Engine.

H. "Solid waste" means all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

I. "Vehicle" means every device capable of being moved upon a roadway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles, snowmobiles, boats and tractors, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. (Ord. 09-744 § 1, 2009)

#### **8.34.030 Certification of junk vehicle.**

Any person duly authorized under the authority of the city of Asotin police chief or mayor shall inspect and declare under penalty of perjury that a vehicle meets the requirements of a junk vehicle. Such declaration shall be in writing and shall record the vehicle make and/or model if available. The declaration shall also describe in detail the damage or missing equipment to verify that the requirements under AMC 8.34.020(C) are met. (Ord. 09-744 § 1, 2009)

#### **8.34.030A Certification of junk.**

Any person duly authorized under the authority of the city of Asotin police chief or mayor shall inspect and declare under penalty of perjury that the junk meets the requirements as defined in AMC 8.34.020(B). Such certification shall be in writing and shall describe the junk in detail to verify that the requirements under AMC 8.34.020(B) are met. (Ord. 09-744 § 1, 2009)

#### **8.34.040 Junk and junk vehicles prohibited.**

It shall be unlawful to deposit, park, store or abandon junk and/or junk vehicles on private property that is within view from public right-of-way, public property or private property with exceptions as provided in AMC 8.34.060. Such a violation shall be subject to the abatement procedure set out in this chapter. (Ord. 09-744 § 1, 2009)

#### **8.34.050 Solid waste removal.**

Solid waste shall be removed from private property no less than weekly. (Ord. 09-744 § 1, 2009)

#### **8.34.060 Exceptions.**

This chapter shall not apply to:

A. Any junk and/or junk vehicle or part thereof shall be stored behind a sight obscuring fence or densely planted evergreen hedge which is not less than six feet in height or within a completely enclosed building where it is not visible from the public right-of-way, public property, or private property. Junk vehicles on property at the bottom of a hill shall be covered by a tarp in addition to the fencing/hedge requirements when the junk vehicle is visible from public or private property on the hill above the location of the junk vehicle. The tarp shall be in good condition and properly secured in order to completely cover the junk vehicle at all times and in all weather conditions;

B. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with a business according to Chapter 46.80 RCW; or

C. A vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified and has given just reason for the inability to remove it to the city police chief. (Ord. 09-744 § 1, 2009)

#### **8.34.070 Procedure for abatement.**

A. Initiation of Abatement. Enforcement of this section may be initiated by any city of Asotin law enforcement officer upon his/her observation and/or upon receipt of complaint given by a citizen or property owner of the city of Asotin. Citizen or property owner initiated complaints must indicate the specific address of the property in violation. Violation of this chapter is an infraction. If a notice of infraction is issued by a law enforcement officer, the penalties will be in accordance with the schedule listed in subsection (B) of this section. If a notice of infraction is issued for the violation, the case must be resolved in the Asotin County district court.

B. Fines. Monetary penalties may be assessed for violations of this chapter via issuance of a notice of infraction on any contact by any city of Asotin law enforcement officer upon his/her observation of the violation. Monetary penalties for violations of this chapter will be graduated as follows:

1. First violation: \$125.00.
2. Second violation: \$250.00.
3. Third and subsequent violations: \$500.00.

C. Notice of Abatement. A notice of abatement may be given to the responsible person(s) of record for the property where the violation occurs at any time without the prior issuance of a verbal or written warning, or issuance of infraction. The responsible person(s) of record shall be given notice of abatement by city of Asotin law enforcement officer or by certified mail. If the notice of abatement is delivered by an Asotin law enforcement officer to the responsible person, a receipt of delivery will be signed at the time of delivery. Notices of abatement sent by certified mail will have a five-day return receipt requested. Notices of abatement will include verbiage that a public hearing may be requested before a hearing officer. The hearing officer will be appointed for the purpose by the Asotin city mayor and whose identity shall be maintained for public record by the clerk. If no hearing is requested within 15 days from the date of hand delivery or from the date of the postmark of the notice of abatement if mailed, the junk, junk vehicles, significant parts thereof, or solid waste will be caused to be removed by the city of Asotin police chief.

D. Hearing Request. If a request for hearing is received by the city of Asotin within 15 days of the hand delivery or of the postmark of the mailed notice, a notification giving the time, location and date of such hearing on the questions of abatement and removal of the junk and/or junk vehicle(s) or part(s) thereof will be sent to the person requesting the hearing or his/her authorized representative by certified mail with a five-day return receipt requested. (Ord. 09-744 § 1, 2009)

#### **8.34.080 Determination of responsibility.**

The responsible person for the premises on which the junk, junk vehicle, or solid waste is located shall appear in person at the hearing or present a written statement in time for consideration at the hearing. (Ord. 09-744 § 1, 2009)

#### **8.34.090 Hearing.**

Hearings are for the purpose of contesting the city's intent to remove junk, junk vehicle(s) or

solid waste after a notice of abatement has been hand delivered or sent by certified mail to the responsible person(s) of record for the property where the violation occurred. A copy of the hearing officer's written opinion will be given to the party at the conclusion of the hearing. In the event the hearing officer must take the decision under advisement, the written order will issue within 14 days and be mailed to the party who sought the hearing. (Ord. 09-744 § 1, 2009)

#### **8.34.100 Appeals.**

The responsible person(s) of record for the property may appeal the decision of the hearing officer directly to the Asotin County district court. The appeal must be filed within 10 days of service of the final order. The petitioner will notify the hearing officer and the city of Asotin police chief in writing of the petitioner's intent to appeal. (Ord. 09-744 § 1, 2009)

#### **8.34.110 Abatement and removal.**

A. The city of Asotin police chief will cause the removal of the junk, junk vehicle and/or solid waste after:

1. Twenty-one days have elapsed from the date the written notice of abatement was received by the responsible person(s) if a hearing has not been requested; or

2. Fifteen days have elapsed after the hearing officer's final decision is received by the responsible person(s); or

3. Ten days after an appeal to the Asotin County district court has been heard and denied.

B. Vehicle(s) or part(s) thereof will be removed by a licensed tow company, licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

C. All other junk and/or solid waste will be removed by and disposed of by a licensed disposal company or licensed contractor. (Ord. 09-744 § 1, 2009)

#### **8.34.120 Costs of removal and disposal.**

The costs of removal and disposal shall be assessed against the responsible person by the company removing the junk, junk vehicle, or solid waste. (Ord. 09-744 § 1, 2009)