

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

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**Chapter 8.05****NUISANCES**

## Sections:

- 8.05.010 Purpose and administration.
- 8.05.020 Definitions.
- 8.05.030 Declaration of public nuisance.
- 8.05.040 Violations.
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- 8.05.110 Civil penalty.
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- 8.05.130 Additional relief – Abatement.
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**8.05.010 Purpose and administration.**

The city administrator is authorized to utilize the procedures of this chapter in order to enforce violations. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. (Ord. 679 § 2, 1993)

**8.05.020 Definitions.**

For the purpose of this chapter, the words and phrases designated in this section shall be defined as follows:

“Administrator” means the administrator of the city of Clyde Hill, or the administrator’s designee.

“Enforcement officer” means a person duly authorized by the city administrator to enforce the provisions of this chapter.

“Nuisance” means those acts, buildings, structures, property or premises defined as nuisances in RCW 7.48.120, as it now exists or may hereafter be amended, which statute is adopted by reference as if the same were fully set forth herein.

“Public nuisance” means those acts, buildings, structures, property or premises defined as public nuisances in RCW 7.48.130, 7.48.140, 9.66.020 and 9.66.050, as they now exist or may hereafter be amended, which statutes are adopted by reference as if the same were fully set forth herein. In addition, the erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot or premises or in or upon any street, alley, park or other public or private place in the city, of any one or more of the following conditions or things, unless otherwise permitted by law, are declared to be public nuisances:

1. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous;

2. Any filthy, littered or trash-covered dwellings, cellars, yards, barnyards, stableyards, vacant lots, stores, houses or buildings or premises;

3. Any animal manure which is not securely protected from flies or weather conditions or which is kept or handled in violation of any ordinance of the city;

4. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, lumber not neatly piled, scrap iron, tin or other metal not neatly piled or anything whatsoever in which rats may breed or multiply;

5. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure, or any building or structure commenced and left unfinished, or any building or structure that has been partially torn down or demolished, or any building or structure that has been in part(s) or as a whole moved from without the city to a place within the city or from any place within the city to another location within the city and not completed or readied for the use or occupancy for which it was originally built, and left unfinished;

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6. All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks or other machinery of any kind, or of any of the parts thereof; and

7. Dirt, mud, rocks and/or debris of any kind dropped, deposited or allowed to remain in any manner or condition on the surface of any street within the city.

“Person” means any natural person, organization, corporation or partnership and their agents or assigns. (Ord. 679 § 2, 1993)

### 8.05.030 Declaration of public nuisance.

In addition to the public nuisances as defined in this chapter, all violations of public health ordinances and violations of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) are determined to be detrimental to the public health, safety and welfare and are public nuisances. (Ord. 679 § 2, 1993)

### 8.05.040 Violations.

The following are violations of this chapter:

A. For any person to initiate, maintain or cause to be initiated or maintained a public nuisance within the city.

B. For any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.

C. For any person to fail to comply with any of the requirements of this chapter. (Ord. 679 § 2, 1993)

### 8.05.050 Enforcement.

Upon presentation of proper credentials, the enforcement officer may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this chapter. (Ord. 679 § 2, 1993)

### 8.05.060 Investigation and notice of violation.

A. The enforcement officer shall investigate any activity, premises, structure or property which the enforcement officer reasonably believes violates this chapter.

B. If, after investigation, the enforcement officer determines that there exists a violation of this chapter, the enforcement officer shall serve a notice of violation upon the owner, tenant or other person responsible for the condition.

C. The notice of violation shall contain a statement of the following:

1. A description of each separate violation;

2. What corrective action, if any, is necessary to comply;

3. A reasonable date shall be set for compliance;

4. A description of the penalties for the violation(s); and

5. The method of appealing the notice.

D. In the event of violations requiring abatement measures, the required corrective action may include, but shall not be limited to, demolition of structures or buildings and restoration of the area.

E. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person.

F. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

G. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to the UCADB. The enforcement procedures set forth in this ordinance shall not be employed in addition to the enforcement procedures in the UCADB. (Ord. 679 § 2, 1993)

**8.05.070 Time to comply.**

A. When calculating a reasonable time for compliance, the enforcement officer shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations or construction requirements; and
5. Any other circumstances beyond the control of the responsible party.

B. Unless a request for review before the administrator is made in accordance with CHMC 8.05.100, the notice of violation shall become a final order of the administrator. A copy of the notice shall be filed with the department of records and elections of the county. The enforcement officer may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property. (Ord. 679 § 2, 1993)

**8.05.080 Stop work order.**

Whenever a continuing violation of this chapter will materially impair the enforcement officer's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the enforcement officer may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. (Ord. 679 § 2, 1993)

**8.05.090 Emergency order.**

Whenever any use, building, premises or activity in violation of this chapter threatens the health and safety of the occupants of the premises, building, or structure or any member of the public, the enforcement officer may issue an emergency order directing that the use

or activity be discontinued, or that the building or premises be vacated, and that the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. (Ord. 679 § 2, 1993)

**8.05.100 Review by the administrator.**

A. The party to whom the notice of violation is directed may obtain a review of the notice by requesting such review within 15 days after service of the notice. The request shall be in writing, and upon receipt of the request, the enforcement officer shall send written notice to any persons served the notice of violation and the complainant, if any, of the date, time and place set for the review, which shall be not less than 10 nor more than 20 days after the request is received, unless otherwise agreed by all persons served with the notice of violation. If no timely appeal is made, the notice of violation shall become the final order of the city.

B. The review shall consist of an informal meeting held at the City Hall. The enforcement officer who is familiar with the case and the applicable ordinances will attend. The administrator will explain the reasons for the enforcement officer's issuance of the notice of violation and will listen to any additional information presented by the persons attending. At or after the review, the administrator may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the notice of violation, which may include an extension of the compliance date.

C. The administrator shall issue an order of the administrator containing the decision within seven days of the date of completion of the review, and shall cause the same to be mailed by regular first class mail to the person

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or persons named on the notice of violation. (Ord. 752 § 1, 1996; Ord. 679 § 2, 1993)

### **8.05.110 Civil penalty.**

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter shall be subject to the cumulative penalty in the amount of \$250.00 per day for each violation from the date set for compliance until the order is complied with.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The administrator shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the administrator, take appropriate action to collect the penalty and all costs and expenses of the city associated with the enforcement of this chapter, including, but not limited to, attorney's fees, expert witness and witness fees. (Ord. 679 § 2, 1993)

### **8.05.120 Criminal penalty.**

A criminal penalty, not to exceed \$1,000 per occurrence, may be imposed:

A. For any violation of this chapter for which corrective action is not possible; or

B. For willful, intentional or bad faith failure or refusal to comply with this chapter. (Ord. 679 § 2, 1993)

### **8.05.130 Additional relief – Abatement.**

The administrator or city attorney may seek legal or equitable relief to enjoin any acts or practices, to abate any condition which constitutes or will constitute a violation of this chapter when civil or criminal penalties are inadequate to effect compliance, and to recover all costs and expenses of the city associated with such abatement, including, but not limited to, attorneys' fees and any witness and expert witness fees. (Ord. 679 § 2, 1993)

### **8.05.140 Appeal.**

The order of the administrator shall be the final action of the city, unless within 21 days of issuance of the administrator's order the party to whom the notice of violation was directed appeals to the court with jurisdiction. In the event that the order of the administrator is not appealed, it shall become a final order. Any penalties imposed shall become a lien against the property and may be foreclosed in the same manner as a mortgage foreclosure action. (Ord. 752 § 2, 1996; Ord. 679 § 2, 1993)

## Chapter 8.10

### NOISE REGULATIONS

#### Sections:

- 8.10.010 Declaration of policy.
- 8.10.020 Findings.
- 8.10.025 Definitions.
- 8.10.027 Designation of EDNAs.
- 8.10.030 Prohibited acts.
- 8.10.040 Penalties.

#### **8.10.010 Declaration of policy.**

It is the policy of the city to minimize the exposure of citizens to physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and general welfare. It is the express intent of the city council to control the level of noise in a manner which promotes the use, value and enjoyment of property, sleep and repose, and the quality of the environment. (Ord. 636 § 1, 1990)

#### **8.10.020 Findings.**

Pursuant to RCW 70.107.060, the city council finds that the regulations set forth in CHMC 8.10.030 are made necessary by local conditions. The city is almost exclusively residential in nature with very few properties devoted to commercial and other nonresidential uses. This residential character renders the noises regulated in CHMC 8.10.030 particularly disturbing and annoying in the city and necessitates different thresholds and considerations for the city's noise regulations than are evident in those adopted by the state. (Ord. 636 § 1, 1990)

#### **8.10.025 Definitions.**

For purposes of implementation and enforcement of this chapter, the following terms shall have the assigned meanings:

A. "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound

pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

B. "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established. For purposes of this definition, WAC 173-60-030(1), identifying and describing the classes of EDNAs recognized by the State Department of Ecology shall be adopted by reference.

C. "Leaf blower" means any electric, gas or other alternative fuel-powered piece of equipment or device primarily designed to blow, expel or vacuum air in order to sweep, move or blow leaves, grass clippings, dust, and other types of yard and garden debris.

D. "Noise" means the intensity, duration and character of sounds, from any and all sources.

E. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

F. "Receiving property" means real property within which the maximum permissible noise levels specified within this chapter shall not be exceeded from sources outside such property. (Ord. 815 § 1, 2000)

#### **8.10.027 Designation of EDNAs.**

Pursuant to the authority of Chapter 70.107 RCW and WAC 173-60-030(2), the city council designates all residentially zoned property within the boundaries of the city limits to be EDNA Class A (residential). The council further designates all commercially zoned property within the boundaries of the city limits to be EDNA Class B (commercial). (Ord. 815 § 1, 2000)

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### 8.10.030 Prohibited acts.

It is unlawful for any person to commit or cause or permit to be committed, any of the following acts, when done in such a manner as to unreasonably annoy, disturb, injure or endanger the comfort, repose, convenience, health, peace or safety of others, within the limits of the city:

A. The sounding of any horn, siren or signaling device on any automobile, motorcycle or other vehicle within the city, except as a warning of danger or as specifically permitted or required by law;

B. The playing, using, operating or permitting to be played, used or operated, of any machine or device for the producing, reproducing or amplifying of sound between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the location of such machine or device, or at the nearest property boundary, whichever is farther away;

C. The playing, using, operating or permitting to be played, used or operated, of any motor vehicle audio sound system, such as a tape player, radio, or compact disc player, at a volume so as to be audible at a distance of 50 feet from the vehicle itself;

D. The operation, or permitting the operation of, any motor vehicle upon the city streets or private roads which is not equipped with a muffler in good working order, in constant operation, and which meets the requirements established by RCW 46.37.390, as that section now exists or as it may hereafter be amended or modified;

E. The erection (including excavation), demolition, alteration or repair of any building, structure, lane, street or road, within the city other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, (other than holidays) and 10:00 a.m. and 4:00 p.m. on Saturdays, Sundays and holidays. In cases of the urgent necessity of protecting health and property, an owner, builder or other person, firm or corporation, may apply to the city building

official for a permit to work during other than the hours herein specified. If the building official determines that the public health and safety will not be impaired, he may issue a permit for a period not to exceed three days. The permit may be renewed for periods of up to three days while the emergency continues;

F. The operation, or permitting the operation of, a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other sound from the tires in contact with the ground or other roadway surface because of rapid acceleration or excessive speed around corners or other such reason; provided that, the sounds resulting from emergency braking to avoid imminent danger shall be exempt from this section;

G. The operation, or permitting of the operation, of any leaf blower other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays (other than holidays), and 10:00 a.m. and 4:00 p.m. on Saturdays, Sundays and holidays; provided, that such prohibition shall not apply to equipment or machinery operated in such a manner so as to not cause noise to intrude upon receiving properties above a maximum permissible level of 45 dBA. It shall be the burden of the operator or noise source property owner to establish that the operation of such equipment or machinery does not exceed this maximum permissible noise level. (Ord. 815 § 2, 2000; Ord. 636 § 1, 1990)

### 8.10.040 Penalties.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in CHMC 1.08.010. (Ord. 636 § 1, 1990)

## Chapter 8.12

**OUTDOOR BURNING BAN**

Sections:

8.12.010 Outdoor burning ban.

**8.12.010 Outdoor burning ban.**

A. Outdoor burning means the combustion of material of any type in an open fire or in an outdoor container, which includes:

1. Yard waste fires burned for the purpose of disposing of leaves, clippings, prunings and other natural yard and gardening refuse;

2. Land clearing fires burned for the purpose of clearing lands of larger quantities of natural vegetation, including trees, branches and stumps; and

3. Burning household trash.

B. Notwithstanding any other code provisions to the contrary, it is unlawful for any person to engage in outdoor burning within the corporate limits of the city, except as provided in this chapter.

C. This chapter shall not apply to the following:

1. Fires which are burned for firefighting training; and

2. Barbecues, small cooking fires (consisting solely of charcoal, natural gas, propane or seasoned natural wood) and campfires at designated city, county or state campgrounds or areas.

D. Any person violating this chapter shall be subject to punishments provided in CHMC 1.08.010. (Ord. 663 § 2, 1992)

## Chapter 8.14

**FALSE ALARMS**

Sections:

8.14.010 Purpose.

8.14.020 Definitions.

8.14.030 Emergency response card.

8.14.040 Fees, corrective action, disconnection.

8.14.050 Administrative decisions – Notice.

8.14.060 Appeal from administrative decision – Finality.

8.14.070 Payment of fees required.

8.14.080 Automatic dialing device – Certain interconnections prohibited.

8.14.090 Automatic reset required.

**8.14.010 Purpose.**

It is the intent of this chapter to reduce the number of false alarms occurring within the city and the resultant waste of city resources by providing for corrective administrative action, including fees and potential disconnection and/or criminal penalties. (Ord. 645 § 1, 1991)

**8.14.020 Definitions.**

In this chapter, unless a different meaning plainly is required, the definitions contained in this section shall apply:

A. “Alarm business” means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

B. “Alarm system” means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an unauthorized or illegal entry or other activity requiring urgent attention and to which police are expected to respond.

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C. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

D. "Automatic dialing device" means a device which is interconnected and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

E. "Chief of police" includes his designee.

F. "False alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by the police does not in fact exist. It does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstance not reasonably subject to control by the alarm business operator or alarm user.

G. "Interconnect" means to connect an alarm system, including an automatic dialing service, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

H. "Response" shall be deemed to have occurred when the police department begins to proceed towards the premises as a result of the activation of the alarm. (Ord. 645 § 1, 1991)

### 8.14.030 Emergency response card.

It is unlawful to have or maintain on any premises an alarm system unless there is on file with the police department an emergency response card containing the name or names and current telephone number or numbers of the person(s) authorized to enter such premises and turn off or reset any alarm at all hours of the day and night. Cards for alarms existing as of the effective date of the ordinance codified in this chapter must be filed with the police department within 90 days of the date upon which the ordinance codified in this chapter becomes effective. (Ord. 645 § 1, 1991)

### 8.14.040 Fees, corrective action, disconnection.

For police response to any false alarm, the city shall charge and collect from the alarm user such fees as established herein. In addition to the imposition of fees, the chief of police is authorized to conduct the following investigations:

A. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no civil penalty shall be charged. Upon first response, notice of conditions and requirements of this chapter shall be given to the alarm user or occupant of the premises on which the false alarm occurred and upon which the alarm system is located.

B. For a second response to premises within six months after the first response, a civil penalty of \$75.00 shall be charged. The alarm user shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth:

1. The cause of such false alarm;
2. The corrective action taken;
3. Whether and when such alarm has been inspected by authorized service personnel;
4. Such other information as the chief of police may reasonably require to determine the cause of such false alarm, and any mitigating circumstances and corrective action necessary.

The chief of police may direct the alarm user to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the chief of police. All costs of inspection and corrective action shall be borne by the alarm user having or maintaining the alarm on said premises.

C. For a third response to premises within six months after a second response, and for all succeeding responses within six months after a second response, and for all succeeding responses within six months of the last response, a civil penalty of \$150.00 shall be

charged, and if such third false alarm or any such succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed under subsection (B) of this section, the chief of police may order the alarm user to disconnect such alarm until the prescribed corrective action is taken and certification of such corrective action is provided to the police department, provided that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation. (Ord. 645 § 1, 1991)

**8.14.050 Administrative decisions – Notice.**

A. Notice of imposition of any administrative sanction, including the imposition of a civil penalty or order of disconnection, under the provisions of this chapter, shall be sent by mail or delivered personally to the alarm user or a person of suitable age and discretion at the premises, provided, that with respect to business premises, schools or churches, mailing or personal delivery to the manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence of a false alarm shall be presumed to be delivery to the alarm user.

B. The notice shall specify the sanctions imposed and shall advise the alarm user that unless a hearing is requested with the city administrator, as set forth in CHMC 8.14.060, the sanctions will be deemed final and nonappealable. (Ord. 645 § 1, 1991)

**8.14.060 Appeal from administrative decision – Finality.**

A. Any person subject to the imposition of a civil penalty and/or an order of disconnection or other administrative sanction under the terms of this chapter shall have a right of appeal therefrom to the city administrator upon filing a timely written request.

B. The request for a hearing must be made in writing and filed with the city administrator within 15 days of the date of the notice of

administrative decision provided for in CHMC 8.14.050 or the decisions shall be deemed final. Upon receipt of a timely written request the city administrator shall schedule a hearing date and inform the alarm user of the date, time and place of the hearing. The city administrator shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the city administrator determines that the false alarms are not caused by the alarm user or alarm user's employees or agents and that reasonable steps have been taken to correct the problem, the civil penalty or other sanction may be suspended, in whole or in part. The city administrator shall keep a written report of the hearing including a statement of reasons for whatever action is taken. Any appeal from the city administrator's decision shall be to a court having jurisdiction and must be perfected by filing the same within 10 days of the issuance date of the city administrator's decision or be barred. (Ord. 645 § 1, 1991)

**8.14.070 Payment of fees required.**

The city administrator may authorize the city attorney to collect the fees by appropriate legal action. (Ord. 645 § 1, 1991)

**8.14.080 Automatic dialing device – Certain interconnections prohibited.**

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city. It is unlawful for any person to fail to disconnect or reprogram such device within 12 hours of receipt of written notice from the chief of police to disconnect or reprogram the automatic dialing device. Any person violating this section shall be guilty of a misdemeanor. (Ord. 645 § 1, 1991)

**8.14.090 Automatic reset required.**

Within 180 days after the effective date of the ordinance codified in this section, all alarm

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systems maintained on any premises in the city shall have an automatic reset device which will cause the alarm to reset after 10 minutes of continuous audible operation. Any alarm user failing to install such an automatic reset device as required in this section shall be guilty of a misdemeanor. (Ord. 645 § 1, 1991)

## Chapter 8.16

### FIREWORKS

Sections:

8.16.010 Definitions.

8.16.020 Prohibited acts.

8.16.030 Violations designated – Penalty.

#### **8.16.010 Definitions.**

“Fireworks,” as used in this chapter, means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and classified as common or special fireworks by the United States Bureau of Explosives or contained in the regulations of the United State Department of Transportation and designated as U.N. 0335 1.3G or U.N. 0336 1.4G, as now or hereafter amended. (Ord. 729 § 1, 1995; Ord. 83 § 2, 1959)

#### **8.16.020 Prohibited acts.**

The manufacture, storage, delivery, distribution, sale, offering for sale, use, firing, exploding, lighting, igniting, burning and discharge of fireworks within the city is prohibited and declared unlawful. (Ord. 83 § 1, 1959)

#### **8.16.030 Violations designated – Penalty.**

Any person who provides, sells, transfers or delivers fireworks to an person within the city shall be guilty of a gross misdemeanor. Any person who uses, fires, explodes, lights, ignites, burns and/or discharges fireworks within the city or expressly encourages or assists any other person to do any of the same shall be guilty of a misdemeanor. (Ord. 729 § 2, 1995; Ord. 83 § 3, 1959)

**Chapter 8.20****VEGETATION**

Sections:

8.20.010 Obstructing streets and sidewalks.

8.20.020 Abatement by city.

8.20.030 *Repealed.*

**8.20.010 Obstructing streets and sidewalks.**

Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street, 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, weeds, shrubs, bushes, trees or vegetation growing or which have grown and died, and all debris upon any property and which are a fire hazard or menace to public health, safety or welfare, are likewise public nuisances. It is the duty of the owner of the property upon which any such nuisances exist to abate the nuisance by destroying, removing or trimming any such growth, and removing any such debris. For the purpose of this chapter, the owner of property abutting upon a dedicated street or sidewalk shall be deemed the owner of that portion of such street or sidewalk to which he holds the ultimate title, even though subject to the easement and rights of the city under the dedication; provided, that this chapter shall not be construed so as to require a private property owner to abate any such nuisance which exists because of natural vegetation growing wholly within the limits of the right-of-way of any dedicated street or sidewalk. (Ord. 447 § 1, 1982)

**8.20.020 Abatement by city.**

The city may initiate the process requiring an abutting property owner to remove the nuisance described in CHMC 8.20.010 as follows:

A. A resolution of the city council shall be adopted which shall describe the property

involved and the hazardous condition, and require the owner to make such removal or destruction after not less than five days' notice to the abutting property owner.

B. If any nuisance as defined by this chapter is not abated by removal or destruction by the property owner upon reasonable notice, the city may abate the same and shall render a bill covering the city's cost of such abatement, and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because the property owner cannot be found, the clerk for the city in the name of the city may file a lien therefor against the property with the King County office of records and elections, which lien shall be in substantially 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 labor and materials liens. (Ord. 730 § 1, 1995; Ord. 447 § 3, 1982)

**8.20.030 Violation – Penalty.**

*Repealed by Ord. 730. (Ord. 447 § 2, 1982)*

## 8.21.010

### Chapter 8.21

#### STREET TREES

Sections:

- 8.21.010 Administration.
- 8.21.020 Street trees.
- 8.21.030 Tree board.

#### **8.21.010 Administration.**

The mayor or mayor's designee is authorized to administer this chapter, and to enforce violations. (Ord. 683 § 1, 1993)

#### **8.21.020 Street trees.**

Trees or shrubs may be planted on planting strips by the owner of property adjacent to the right-of-way, subject to the following:

A. Type of Tree. The city shall maintain a list of trees and shrubs acceptable for planting in the right-of-way, which do not have aggressive root systems which could cause damage to streets, sidewalks and underground utilities. Selection of the type of tree or shrub to be planted in the right-of-way may be made by the property owner from this list.

B. Maintenance of Tree. All costs of planting, pruning and maintenance of any trees and/or shrubs shall be the responsibility of the abutting property owner. Obstruction of the streets or sidewalks by overhanging vegetation may be abated by the city at the abutting owner's expense, as provided in Chapter 8.20 CHMC.

C. Location of Tree. Any tree or shrub planted within the right-of-way shall only be planted in those areas approved by the city as allowing a clear line of sight for traffic in intersections and driveways, and an acceptable overhead clearance for utility lines.

D. Public Nuisance. Any street tree or shrub planted in violation of this chapter is declared to be a public nuisance, and may be abated by the city as such under Chapter 8.20 CHMC.

E. Removal, Destruction or Damage to Street Trees. Spiking, damaging, removal or destruction of a street tree is a violation of RCW 64.12.030 and/or RCW 9.91.150. (Ord. 730 § 3, 1995; Ord. 683 § 1, 1993)

#### **8.21.030 Tree board.**

The planning commission is designated the city's tree board, with the responsibility to review and amend the approved list of trees and shrubs for planting in the public right-of-way, and to determine policies for the care of such trees and shrubs, such as planting locations, maintenance and removal. The commission shall also have the responsibility for the development of appropriate methods for preservation of trees or existing plantings in the public right-of-way during construction activities, so that such methods may be incorporated as conditions of permits or any other city approval of such activities. (Ord. 683 § 1, 1993)

**Chapter 8.24**

**HOT TUBS**

(Repealed by Ord. 731)

**Chapter 8.25**

**DUMPSTERS**

(Repealed by Ord. 731)

**Chapter 8.28**

**SOLID WASTE COLLECTION AND RECYCLING**

Sections:

8.28.010 Certain county ordinances not applicable.

8.28.020 Yard waste – Separation from solid waste and recyclable materials required.

**8.28.010 Certain county ordinances not applicable.**

The city determines that King County shall not exercise any powers regarding the levels and types of solid waste service for any aspect of solid waste handling in the city. King County ordinances and regulations regarding the levels and types of service for any aspect of solid waste handling in the city shall not apply within the corporate limits of the city. (Ord. 624 § 1, 1990)

**8.28.020 Yard waste – Separation from solid waste and recyclable materials required.**

A. Definitions. As used in this section:

1. “Solid waste” means and includes all garbage, rubbish, trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, except hazardous wastes, any and all source separated recyclable materials and yard waste.

2. “Yard waste” means and includes all loose materials such as sod, grass, weeds, flowers, leaves, as well as branches and prunings less than four inches in diameter. It excludes food waste; plastics, and synthetic fibers; lumber and any wood or tree limbs over four inches in diameter or five feet in length; and soil contaminated with hazardous waste.

B. The deposit of yard waste in solid waste containers or recycling containers for collection by a collection service authorized to do business in the city is prohibited. No solid waste nor recyclable materials that are mixed

## 8.28.020

with yard waste will be collected by a collection service authorized to do business in the city. Yard waste will only be collected by a collection service authorized to do business in the city if the yard waste is separated and contained in approved containers and the resident is participating in the city's yard waste collection program.

C. The city administrator or the administrator's designee is authorized and directed to take all action necessary to implement the provisions of this section, including the amendment of any solid waste, recycling or yard waste agreement necessary to achieve the purposes of this section and to modify or establish new rules for the collection of solid waste, recyclable materials or yard waste. (Ord. 625 §§ 1, 2, 3, 1990)