

Title 8

HEALTH AND SAFETY

Chapters:

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- 8.10 Burglar Alarm Systems**
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Chapter 8.05

PUBLIC NUISANCES

Sections:

- 8.05.005 Prohibited conduct.
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- 8.05.015 Duty to remove nuisances.
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- 8.05.020 Enforcement.
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8.05.005 Prohibited conduct.

It is a violation of this chapter for any person to permit, create, maintain, or allow, upon any premises, any of the acts or things declared in HPMC 8.05.010 to be a public nuisance. [Ord. 461 § 2, 2007]

8.05.010 Nuisances designated.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance:

(1) Trees, plants, shrubs or vegetation or parts thereof which are growing in such manner, either above or below ground, so as to obstruct or otherwise interfere or impair the full and unhampered use of a street or other public way;

(2) Any premises containing trash, filth, rubbish, debris, accumulation of yard trimmings, or abandoned materials, except properly maintained yard compost or trash kept in properly closed garbage cans or containers maintained for regular collection; provided, that said garbage cans are not left in the public right-of-way for longer than three days;

(3) Erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any premises, which may be viewed or smelled from without the premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the town, any privies, vaults, cesspools, open containers of stagnant water, sumps, pits or like

places which are not securely protected from flies and rats, or which are malodorous;

(4) Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure;

(5) Any accumulation of material which endangers property or public safety, or constitutes a fire hazard or vermin habitat on a property, including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects; provided, that nothing in this section shall prevent the temporary retention of waste in appropriate, covered receptacles;

(6) The existence in a place accessible to children of any attractive nuisance dangerous to children, including but not limited to any abandoned, broken or neglected equipment, machinery, refrigerator, freezer, or other large appliance; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(7) Dumping of any type by any person on public or private property not registered as a legal dump site;

(8) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(9) Any poisonous or harmful substance which is reasonably accessible to persons or to animals; and

(10) The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking or the making of other noises, or the keeping or harboring of any fowl which by frequent habitual crowing or the making of other noises shall annoy or disturb a neighborhood or any considerable number of persons to an unreasonable degree, taken to be continuous noise for a period of 10 or more minutes or intermittent noise for a period of 30 or more minutes. [Ord. 461 § 3, 2007; Ord. 208 § 1, 1988]

8.05.015

8.05.015 Duty to remove nuisances.

It is the duty of the owner(s) of property containing any nuisance listed in HPMC 8.05.010 to abate the nuisance. [Ord. 461 § 4, 2007]

8.05.018 Authorized act not a public nuisance.

An act which is done or maintained under the express authority of a statute or ordinance cannot be deemed a public nuisance. [Ord. 461 § 5, 2007]

8.05.020 Enforcement.

The town engineer shall enforce this chapter on town rights-of-way and private property. If, after notice, any property owner fails or refuses to abate any such nuisance on private property, the town engineer may require such property owner, in addition or alternative to the penalties prescribed by HPMC 8.05.050, to abate the nuisance by removal or destruction, at the owner's cost and expense within a time specified by the town engineer. If the removal or destruction is not made by such owner within the time specified, the town engineer acting on behalf of the town may abate the same as provided in this chapter. [Ord. 461 § 6, 2007; Ord. 208 § 3, 1988]

8.05.030 Notice.

Repealed by Ord. 461. [Ord. 208 § 4, 1988]

8.05.040 Failure to abate nuisance or pay bill – Lien on property.

If a nuisance is not abated by removal or destruction by the property owner at the direction of the town engineer within the time given, the town engineer may abate the same and shall render a statement covering the cost to the town of such abatement, including the engineer's time and expense, and mail the statement to the property owner. If the property owner fails or refuses to pay the statement, the town may record a lien 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. 461 § 8, 2007; Ord. 208 § 5, 1988]

8.05.050 Violation – Penalty.

In addition to or as an alternative to any other penalty provided in this chapter or by law, the failure or refusal to comply with any of the provisions of HPMC 8.05.015 shall subject the offender to a fine not exceeding \$500.00, or imprisonment for a period not exceeding 90 days, or both. [Ord. 461 § 9, 2007; Ord. 208 § 2, 1988]

Chapter 8.10**BURGLAR ALARM SYSTEMS**

Sections:

- 8.10.010 Purpose.
- 8.10.020 Definitions.
- 8.10.030 Emergency response card.
- 8.10.040 Fees – Corrective action – Disconnection.
- 8.10.050 Administrative decisions – Notice.
- 8.10.060 Administrative decisions – Appeals.
- 8.10.070 Civil penalties.
- 8.10.080 Automatic dialing devices prohibited.
- 8.10.090 Automatic reset required.

8.10.010 Purpose.

It is the intent of this chapter to reduce the number of false alarms occurring within the town and the resultant waste of town resources by providing for corrective administrative action, including fees and potential disconnect and/or criminal penalties. [Ord. 290 § 1, 1995]

8.10.020 Definitions.

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

(1) “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.

(2) “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.

(3) “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.

(4) “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.

(5) “Chief of police” includes his designee. “Chief of police” means the chief of police of the city of Medina or the equivalent office of any other municipal corporation with which the town contracts for police services.

(6) “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 circumstances not reasonably subject to control by the alarm business operator or alarm user.

(7) “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 activation of the alarm system.

(8) “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. 290 § 2, 1995]

8.10.030 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 becomes effective. [Ord. 290 § 3, 1995]

8.10.040 Fees – Corrective action – Disconnection.

For police response to any false alarm, the city shall charge and collect from the alarm

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user such fees as established herein. In addition to the imposition of fees, the chief of police is authorized to conduct the following investigation.

(1) 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.

(2) 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:

- (a) The cause of such false alarm;
- (b) The corrective action taken;
- (c) Whether and when such alarm has been inspected by authorized service personnel;
- (d) 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.

(3) For a third response to premises 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 (2) 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. 290 § 4, 1995]

8.10.050 Administrative decisions – Notice.

(1) 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.

(2) The notice shall specify the sanctions imposed and shall advise the alarm user that unless a hearing is requested with the town administrator, as set forth in HPMC 8.10.060, the sanctions will be deemed final and nonappealable. [Ord. 290 § 5, 1995]

8.10.060 Administrative decisions – Appeals.

(1) 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 town administrator upon filing a timely written notice.

(2) The notice of appeal must be made in writing and filed with the town administrator within 15 days of the date of the notice of administrative decision provided for in HPMC 8.10.050 or the decisions shall be deemed final. The notice shall describe all facts relied upon in support of the appeal. Upon receipt of a timely written notice, the town 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 town administrator determines that the false alarm user or alarm user’s employees or agents have established the cause of the false alarm 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 town administrator shall keep a written report of the hearing including a statement of reasons for whatever action is taken. Any appeal from the town administrator’s decision shall be to a court having jurisdiction and must

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be perfected by filing the same within 10 days of the issuance date of the town administrator’s decision or be barred. [Ord. 290 § 6, 1995]

8.10.070 Civil penalties.

The town administrator may authorize the town attorney to collect the fees by appropriate legal action. The person responsible for payment of the civil penalties shall also be responsible for payment of all costs incurred by the town, including reasonable attorney’s fees. [Ord. 290 § 7, 1995]

8.10.080 Automatic dialing devices prohibited.

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the town or to any municipal corporation providing police services to the town. 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. 290 § 8, 1995]

8.10.090 Automatic reset required.

Within 180 days after the effective date of the ordinance codified in this section, all alarm systems maintained on any premises in the town 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. 290 § 9, 1995]

Chapter 8.15

SOLID WASTE MANAGEMENT

Sections:

8.15.010 Plan adopted.

8.15.020 Limitations on county authority – Levels and types of service.

8.15.010 Plan adopted.

The town of Hunts Point hereby adopts the comprehensive solid waste management plan with addenda as recommended by the solid waste interlocal forum through Resolution No. 89-005. [Ord. 234 § 1, 1990]

8.15.020 Limitations on county authority – Levels and types of service.

Pursuant to RCW 70.95.160, the town of Hunts Point hereby determines that King County shall not exercise any powers regarding the levels and types of service for any aspect of solid waste handling in the town of Hunts Point. King County regulations and ordinances regarding levels and types of service for any aspect of solid waste handling shall not apply within the corporate limits of the town as may be now or hereafter determined by the town. [Ord. 234 § 2, 1990]

Chapter 8.20

Chapter 8.25

HAZARDOUS WASTE MANAGEMENT

TREE CODE

Sections:

- 8.20.010 Plan adopted.
- 8.20.020 Interagency agreements.
- 8.20.030 Adoption criteria.

Sections:

- 8.25.010 Short title.
- 8.25.020 Definitions.
- 8.25.030 Town arborist.
- 8.25.040 Purpose and intent.
- 8.25.050 Tree removal permit – Required.
- 8.25.060 Tree removal permit – Application.
- 8.25.070 Tree removal permit – Issuance.
- 8.25.080 Emergency tree removal.
- 8.25.090 Mitigation for significant tree removal.
- 8.25.100 Mitigation and significant tree species.
- 8.25.110 Appeals.
- 8.25.120 Violation – Penalty for unpermitted tree removal.
- 8.25.130 Construction site tree protection.

8.20.010 Plan adopted.

The town of Hunts Point hereby adopts the local hazardous waste management plan with addenda as recommended by the solid waste interlocal forum through Resolution No. 90-001. [Ord. 235 § 1, 1990]

8.25.010 Short title.

This chapter shall be known and may be cited as the “tree code” of the town of Hunts Point. [Ord. 480 § 2, 2010]

8.20.020 Interagency agreements.

The mayor or designee is authorized to enter into such interagency agreements or memoranda of understanding as may be necessary to conduct said project, said agreements to be in such form as may be approved by legal counsel. [Ord. 235 § 2, 1990]

8.25.020 Definitions.

“Caliper” means a synonym for tree trunk diameter used to measure the size of nursery stock; by convention, measured six inches above the ground for stems less than or equal to four inches and at 12 inches above the ground for stems greater than four inches.

8.20.030 Adoption criteria.

Adoption is contingent on agreement being reached through the interlocal forum on the first year budget; the details of the funding mechanism; the evaluation strategy to be used and the manner of representation on the management coordination committee by participating cities. [Ord. 235 § 3, 1990]

“Canopy cover” means the proportion of ground surface covered by the canopy layer(s) when projected vertically downwards. Cover is usually expressed as a percentage.

“Crown cleaning” means the removal of dead, dying, diseased, crowded, weakly attached or low-vigor branches, and new sprouts from a tree’s crown which will not adversely affect the health of the tree. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

“Crown raising” means the removal of the lower branches of a tree in order to provide a height of up to eight feet for pedestrian clearance, up to 16 feet for vehicular clearance, or

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such other increased height as deemed appropriate for an allowed use on the lot upon which the tree is situated which will not adversely affect the health of the tree. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

“Crown reduction” means reducing the height or spread of a tree by performing appropriate pruning cuts. This is an appropriate method to reduce the end weight of lateral branches. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

“Crown thinning” means the selective removal of branches not to exceed more than 25 percent of the leaf surface to increase light penetration and air movement, and to reduce weight. All pruning should comply with American National Standards Institute (ANSI) A300 standards.

“Deciduous tree” means any tree or other plant that loses its leaves sometime during the year and stays generally leafless during the cold season.

“DSH” means the diameter of a tree at standard height; the diameter of the trunk measured 54 inches (four and one-half feet) above grade.

“Evergreen tree” means any tree that stays green all year, has needles or scales for leaves, and produces seeds in protective cones.

“Groves” means a group of eight or more trees of the species listed in HPMC 8.25.100 with a DSH of six inches or greater that form a continuous canopy. Trees that are part of a grove shall also be considered significant if they meet these criteria.

“Hazardous tree” means any tree receiving an 11 or 12 rating under the Pacific Northwest Chapter of the International Society of Arboriculture Tree Risk Assessor rating method set forth in “Tree Risk Assessment in Urban Areas and the Urban/Rural Interface,” which is hereby adopted by reference as Exhibit A, or any tree receiving a 9 or 10 rating under this method at the discretion of the town.

“Qualified professional” is an individual with a minimum of three years’ experience in tree evaluation and, where applicable, works

directly with the protection of trees during construction along with one of the following qualifiers:

(a) Society of American Foresters (SAF) certified forester;

(b) American Society of Consulting Arborists (ASCA) registered consulting arborist;

(c) Washington State registered landscape architect; or

(d) International Society of Arborists (ISA) certified arborist with an associate degree and/or a minimum of two years of college-level credit and/or 120 continuing education units.

To undertake tree risk assessment, a qualified professional must have a tree risk assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training.

“Root protection zone (RPZ)” means the ground area around a tree with one foot of radius in all directions for each inch of trunk diameter measured at four feet, six inches above grade. In no event shall the root protection zone be less than a 10-foot radius. In cases with substantial size trees, 24-inch DSH and greater, a suitable RPZ should be established at the discretion of the town arborist.

“Significant tree” means any evergreen tree, and all deciduous trees set forth in HPMC 8.25.100(2), with a trunk diameter greater than 10 inches, measured at four feet, six inches above grade, or that meets the criteria of grove trees, or any tree planted as mitigation under this chapter.

“Snag” refers to a standing, partly or completely dead tree, often missing a top or most of the smaller branches. [Ord. 480 § 2, 2010]

8.25.030 Town arborist.

The office of town arborist is appointed by the town council and is hereby established for the purpose of assisting the town, when called upon to do so, in supervising, administering, making recommendations to the town administrator, and enforcing the provisions of this chapter. The town arborist shall review and

prepare a written recommendation for each tree removal permit application received by the town. [Ord. 480 § 2, 2010]

8.25.040 Purpose and intent.

The town council has determined that an overall objective of this tree code is to retain or maintain a canopy cover of 60 percent of the land area of Hunts Point in order to maintain and protect the privacy of residents and the established character of the community. An instrument by which this will be achieved is through the enforcement of these regulations.

The tree preservation code recognizes trees and other vegetation as important elements of the physical environment that are integral to Hunts Point’s community character. Protecting the sylvan nature, enhancing and maintaining healthy trees and vegetation are key community values. A goal is to achieve an overall tree canopy coverage of 60 percent for the community with a variety of ages and species and to periodically measure the overall tree canopy, and to create a process for replacement of trees offsite and in public rights-of-way, public parks or a Town Hall upon recommendation of the town arborist.

To replace, protect and maintain trees impacted by improvements to SR-520 and to protect trees within and adjacent to town rights-of-way.

These regulations are adopted for the following purposes, which shall serve as standards for significant tree protection, the issuance of tree removal permits under HPMC 8.25.070, and the issuance of permits under Chapter 15.45 HPMC:

(1) To promote the public health, safety, and general welfare of the citizens of Hunts Point in a manner consistent with the purposes addressed in the town’s comprehensive plan;

(2) To preserve and enhance the town’s physical and aesthetic character by preventing indiscriminate removal or destruction of trees on developed and undeveloped property;

(3) To preserve and enhance the dominance of the following characteristics historically present in the community:

(a) Shade from tall trees upon the public streets and ways;

(b) The presence of trees of substantial size (24-inch DSH or greater); to obscure the view of artificial structures or surfaces from the public streets and ways and from adjoining properties; and

(c) The presence of spacious areas of natural trees indigenous to forested lands of western Washington and historically present in the town;

(4) To encourage the retention of large trees for the abatement of noise, and for wind protection;

(5) To promote building and site development practices consistent with the town’s natural topography and historically dominant vegetation features;

(6) To minimize surface and ground water runoff and diversion, to retain undisturbed native soil for absorbing, filtering, and reducing runoff and water pollution to prevent erosion of the soil, siltation and water pollution in Lake Washington, and to minimize the need for additional storm drainage facilities;

(7) To preserve the existing and unique advantages of the town environment for quiet, secluded, and peaceful residential living;

(8) To retain trees and ground cover for the purpose of reducing air pollution, and providing wildlife habitat;

(9) To implement the goals and objectives of the Washington State Environmental Policy Act and the State Shoreline Management Act;

(10) To promote and ensure careful construction methods, techniques, and procedures that will minimize impact to significant trees, on and off site, and to require site restoration and replanting following construction;

(11) To protect significant trees as a community resource and to prevent a net loss of trees and canopy cover; and

(12) To provide procedures to implement the town’s current and future tree management plans. [Ord. 480 § 2, 2010]

8.25.050 Tree removal permit – Required.

No person, corporation or other entity shall remove or destroy, or cause to be removed or destroyed, a significant tree within the town of Hunts Point without first having obtained a tree removal permit from the town. A permit

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shall not be required for pruning that complies with American National Standards Institute (ANSI) A300 standards. A permit shall not be required for the removal of trees less than six inches DSH that are part of a groves' contiguous canopy if in the opinion of the town arborist their removal does not damage the health of the groves. [Ord. 480 § 2, 2010]

8.25.060 Tree removal permit – Application.

(1) An application for a tree removal permit shall be submitted on a form provided by the town and shall be signed by the owner of the property and shall be accompanied by all of the following documents and information as are determined to be necessary by the town:

(a) Name, address, and telephone number of the applicant and the owner (if different);

(b) A plot plan showing the location of improvements, the location of the tree(s) proposed for removal, and adjacent significant trees that may be impacted from proposed activities, including those on adjacent property within 20 feet of the property line;

(c) Reason for removal;

(d) A preliminary plan indicating the locations and species for all trees to be planted as mitigation;

(e) Where the plot plan identifies significant trees within the 20 feet of the property line on adjacent property, proof that the applicant has notified the neighboring property owners of the application, either by signature or by United States Postal Service return receipt if the property owner is unavailable for signature; and

(f) Any other information as deemed necessary by the town to further the purposes of this chapter.

(2) Where a tree removal permit is issued for new construction or additions to existing structures and there is a change in the location of any of the proposed improvements, the applicant shall be required to get approval for a revised tree permit application and comply with any notice requirements if the town arborist determines that the revision would impact different or additional trees.

(3) The town shall complete its review and make its decision as soon as reasonably possible after a complete application is submitted.

(4) Any permit granted for the removal of a significant tree shall expire six months from the date of issuance. Upon a showing of good cause, a permit may be extended for an additional six months. [Ord. 480 § 2, 2010]

8.25.070 Tree removal permit – Issuance.

(1) A tree removal permit will be issued when it is determined by the town that such tree removal will be consistent with the purposes stated in HPMC 8.25.040 and also that it is reasonably necessary for one or more of the following reasons:

(a) The tree is dead;

(b) The tree is hazardous, as defined in HPMC 8.25.020;

(c) To accommodate the building of new construction or additions to existing structures which cannot be located without such tree removal, and which otherwise comply with zoning and building code requirements; for purposes of this section, “new construction or additions to existing structures” includes pools, sport courts, and associated appurtenances;

(d) A new driveway of customary and reasonable width cannot be reasonably located without such tree removal or an existing driveway cannot be reasonably utilized due to the proximity of the tree to the driveway or actual or imminent damage to a residential structure or foundation will occur as determined by the town arborist;

(e) The avoidance of a substantial risk of damage to an existing residential structure, garage or electrical, telephone or other utility line; provided, no permit shall be issued if said risk may reasonably be avoided by pruning, trimming or any other operation without the complete removal of the tree or the creation of a snag;

(f) The installation and maintenance of public utilities or public streets by the town or its contractors cannot be reasonably accomplished without such tree removal.

(2) If the applicant asserts that the tree removal is necessary solely to assure that the property enjoys reasonable amounts of light and view, the tree removal permit application shall be processed as a variance by the hearing examiner, pursuant to the procedure set forth in Chapter 18.55 HPMC. The town arborist shall prepare a report, at the expense of the applicant, and make a recommendation whether the proposed removal and mitigation meet the intent of the code.

(3) All work for which a permit is required under this chapter shall be subject to inspection by the town and shall be done in accordance with all town conditions and requirements.

(4) Any tree removal permit that is issued shall not be effective for 10 days until the appeal period has expired. Any tree removal permit that is timely appealed shall be stayed during the pendency of the appeal. [Ord. 480 § 2, 2010]

8.25.080 Emergency tree removal.

(1) A significant tree may be removed prior to the issuance of a tree removal permit only in an emergency situation involving immediate danger to life or property as long as the following requirements are met:

- (a) The town is notified within five business days of the tree having been removed; and
- (b) The town is provided such information as the town requests in order to verify the emergency; photographic documentation will be required.

(2) A tree removal permit must be applied for within 20 days following the removal of the tree along with a proposed mitigation/replacement plan. [Ord. 480 § 2, 2010]

8.25.090 Mitigation for significant tree removal.

(1) Whenever a significant tree is removed or destroyed in accordance with the provisions of this chapter, the owner of the property upon which said tree was located shall replace it with two similar trees of the same species or such species as recommended by the town arborist. Replacement evergreen trees shall be a minimum height of 10 feet tall and have a

full, well-developed crown of foliage. Deciduous trees shall be three inches in caliper. Mitigation is to occur on site unless other arrangements are made with the town, as set forth in subsection (4) of this section, or at a location determined by the town arborist.

(2) Mitigation requirements must be met within six months of the tree removal or within six months of the expiration of a building permit, whichever is later. In the case of concurrent new construction or site development, mitigation requirements must be met before final inspection or certificate of occupancy is issued. If trees are removed pursuant to new construction, grading, excavation, or a development project work, mitigation must occur in accordance with the provisions in this chapter. At the sole discretion of town staff, the town may require the applicant to post a bond to guarantee compliance with the provisions of this chapter.

(3) Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced at the applicant's expense. An annual site inspection by the town arborist, or an annual report by a qualified professional, shall be provided to the town for each of the three years. The report shall discuss the health condition of the trees and be approved by the town arborist. The cost of the inspection, report preparation and report review report shall be paid for by the applicant.

(4) At its sole discretion after request by a tree removal permit applicant, the town may agree to replant new trees required as mitigation under subsection (1) of this section within the right-of-way or on other public property. In such cases, the permit applicant shall pay into the town's tree mitigation account the installed tree cost value of the mitigation trees otherwise required by subsection (1) of this section, as that installed tree cost value is determined by the town arborist pursuant to then-current edition of the Pacific Northwest Chapter of the International Society of Arboriculture's Species Ratings for Landscape Tree Appraisal, and hereby adopted by reference as Exhibit C. Payments into the tree mitigation account shall be used by the town for acquiring, maintain-

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ing, and preserving wooded areas, and for the planting and maintaining of trees within the town. Penalties and other sanctions for unpermitted tree removal are set forth in HPMC 8.25.120 and 8.25.130. [Ord. 480 § 2, 2010]

8.25.100 Mitigation and significant tree species.

(1) Trees planted as mitigation, whether on the applicant's property, adjacent property (with the owner's permission) or on public property pursuant to HPMC 8.25.090(4), should replace the same species removed wherever possible or with a species recommended by the town arborist. The following list of tree species should be used as mitigation:

Western Red Cedars (*Thuja plicata*);
Douglas Firs (*Pseudotsuga menziesii*);
Western and Mountain Hemlocks (*Tsuga heterophylla* or *T. mertensiana*); or
Incense Cedar (*Calocedrus decurrens*).

(a) Dwarf varieties of the above species can be used when appropriate and approved by the town arborist.

(b) When native conifers are not practicable, the following nonnative species, if approved by the town arborist, are recommended: Japanese Black Pine (*Pinus thunbergiana*); Scots Pine (*Pinus sylvestris*); or Italian Stone Pine (*Pinus pinea*).

(2) The following significant deciduous trees shall be protected:

Oak (*Quercus* sp.);
Madrona (*Arbutus menziesii*);
Dogwood (*Cornus*).

The town arborist shall determine the species to use as mitigation when deciduous trees are removed. [Ord. 480 § 2, 2010]

8.25.110 Appeals.

Any person or persons aggrieved by any action of the town relating to a tree removal permit, including any person receiving a civil citation or order imposing fines, may, within 10 days of such action, file a notice of appeal to the hearing examiner, setting forth the reasons for such an appeal. The hearing examiner shall hear and determine the matter in accordance with the rules and procedures set out in

HPMC Title 18 and may affirm, modify or disaffirm the administrative decision within 45 days of the filing of the notice of appeal. [Ord. 480 § 2, 2010]

8.25.120 Violation – Penalty for unpermitted tree removal.

(1) A violation of any of the provisions of this chapter shall be a civil infraction and any person, corporation or other entity that violates this chapter shall receive a fine of \$1,000 per violation plus \$1,000 per inch of diameter (DSH) for each significant tree that is illegally removed; provided, that the maximum fine for the illegal removal of trees listed in HPMC 8.25.100(2) shall not exceed \$25,000. It shall be a separate offense for each and every act in violation of any of the provisions of this chapter. It shall furthermore be a separate offense for each and every tree removed in violation of this chapter.

(2) In addition to the penalty set forth in subsection (1) of this section, trees that were unlawfully removed or damaged shall be replaced in accordance with HPMC 8.25.090 and 8.25.100.

(3) Fines levied under this chapter shall be deposited into the tree mitigation account and shall be used by the town for acquiring, maintaining, and preserving wooded areas, and for the planting and maintaining of trees within the town. [Ord. 480 § 2, 2010]

8.25.130 Construction site tree protection.

(1) A preapplication meeting with appropriate town staff and the town arborist is required prior to the submittal of a tree removal permit on properties proposed for construction. The applicant shall sign a form attesting to the fact that it had a preapplication meeting and received certain materials from the town staff and/or town arborist.

(2) All significant trees on the property and within the building envelope and within 20 feet of the applicant's property shall be accurately located on a current site survey prior to performing any work. All staging areas must be defined on the survey and on the ground and be preapproved prior to issuance of a tree removal permit. All site work shall be accom-

plished so as to avoid damage to trees or other vegetation and not occur within the RPZ of significant trees and in accordance with Chapter 15.45 HPMC. All areas to be disturbed must be reviewed by the town arborist.

(3) All significant trees identified on the site survey with potential to be impacted by site development or construction, as determined by the town arborist, must be protected in accordance with this section during such development or construction activities.

(4) Prior to development or construction activity, documentation shall be provided by the applicant to the town that demonstrates that neighboring property owners have been made aware, by letter or e-mail, that a significant tree is identified on the neighboring property as one with the potential to be impacted by applicant's site development.

(5) The following tree protection requirements are required at a minimum and must be included on site permit documents:

(a) Tree protection fencing or other barriers shall be installed along all clearing limits just outside of a tree's root protection zone (RPZ). Tree protection fencing shall be the installation of a rigid cyclone fence, six feet in height located just outside the root protection zone. In the case of trees along a driveway, public right-of-way, or high traffic areas, plywood fencing no less than six feet in height may be used in lieu of a rigid cyclone fence. A moveable panel or gate should be part of the fencing or barrier to allow access to the RPZ.

(b) All tree protection fencing shall be installed and its location approved by the town arborist prior to the commencement of work on site.

(c) A two- to four-inch-deep layer of arborist woodchip mulch shall be placed over the soil in the RPZ. Hog fuel is acceptable.

(d) No debris or construction materials may be stored, nor grade changes occur, within this protected area. No parking, dumping, or burning is allowed.

(e) Work required for removal of unwanted vegetation within the RPZ areas will be hand work only; no heavy equipment.

(f) When removing trees outside of the RPZ determined to be unacceptable for reten-

tion, use methods such as directional felling to avoid damage to trees and other valuable vegetation that is being retained. Small trees and other native vegetation in these areas should be carefully preserved.

(g) Where construction or utility trenches are required in the rights-of-way, side property setbacks, and RPZs; it is required to tunnel under or around roots by drilling, auger boring, pipe jacking or hand digging.

(h) Tree stumps that are within a RPZ or immediately adjacent to the RPZ of a preserved tree or other vegetation shall be removed by grinding.

(i) Where it has been determined that roots of a significant tree may be encountered during excavation or grading, a certified arborist shall be on site to supervise any root pruning and to assess the potential impact of such pruning. Any root greater than one-and-one-half-inch diameter that is encountered shall be carefully cut with a sharp tool. Roots cut shall be immediately covered with soil or mulch and kept moist.

(j) Where access for machinery or any vehicle is required within the RPZ of any significant tree, the soil should be protected from compaction. Acceptable methods may include 18 inches of wood chips or hog fuel, plywood, or steel sheets. The town arborist should be contacted a minimum of 48 hours before entering into the RPZ.

(k) Tree protection fencing shall not be moved without authorization from the site supervisor. All fencing is to be left in place until the completion of the project.

(l) Landscaping specified within the RPZ areas shall be designed to limit disturbance of surface soils and preserved vegetation. No root pruning is permitted. New plants added in these areas should be of the smallest size possible to minimize disturbance.

(m) Any trees adjacent to high traffic areas or building envelopes shall be pruned by an International Society of Arboriculture certified arborist using ANSI A300 American Standards for pruning to remove dead wood, provide clearance, and cabling or bracing.

(n) Supplemental irrigation for all protected trees is required during the summer

8.30.010

months or prolonged periods of dry weather as determined by a qualified professional.

(o) All significant, preserved, and replacement trees shall be maintained for a period of three years after site development or mitigation.

(6) Exceptions to this requirement may be requested, and must be accompanied by a report prepared by a qualified professional arborist. Exceptions will be granted by the town only if an appropriate alternative plan for significant tree protection is proposed which will result in the protection of all significant trees.

(7) There shall be a rebuttable presumption that any development or construction activity within the RPZ of a significant tree is responsible for the failure of any tree to thrive or that experiences rapid decline within three years from the date that a development or construction activity receives final approval. A tree that fails within this time period shall be subject to the mitigation set out in HPMC 8.25.090(1). [Ord. 480 § 2, 2010]

Chapter 8.30

RESIDENTIAL YARD WASTE

Sections:

- 8.30.010 Definitions.
- 8.30.020 Collection limitations.
- 8.30.030 Chapter implementation.
- 8.30.040 Violation – Penalty.

8.30.010 Definitions.

For purposes of this chapter, the following words shall have the meaning hereinafter provided:

(1) “Solid waste” as used herein, means and includes all garbage, rubbish, trash, refuse, debris, scrap, waste materials, and discarded materials of all types whatsoever, except the following:

- (a) Hazardous waste;
- (b) Recyclable materials; and
- (c) Yard waste.

(2) “Yard waste” as used herein, means and includes materials such as sod, grass, weeds, flowers, as well as branches and prunings less than four inches in diameter. It excludes food waste, plastics and synthetic fibers, lumber, any wood or tree limbs over four inches in diameter or five feet in length, and soil contaminated with hazardous waste. [Ord. 236 § 1, 1990]

8.30.020 Collection limitations.

The deposit of yard waste in solid waste containers or recycling containers for collection by licensed collection service is prohibited. No solid waste, nor recyclable material that is mixed with yard waste, will be collected by licensed collection service. Yard waste will only be collected by collection service if the yard waste is separated and contained in approved containers or bundled in an approved manner and the resident is participating in the town’s yard waste collection program. [Ord. 236 § 2, 1990]

8.30.030 Chapter implementation.

The mayor or her designee is authorized and directed to take all action necessary to implement the provisions of this chapter, including

the amendment of any solid waste, recycling or yard waste agreement necessary to achieve the purposes of this chapter and to modify or establish new rules for the collection of solid waste, recyclable materials or yard waste. [Ord. 236 § 4, 1990]

8.30.040 Violation – Penalty.

Violation of HPMC 8.30.020 shall constitute an infraction punishable by a fine not to exceed \$100.00. [Ord. 236 § 3, 1990]

Chapter 8.35

RADON DETECTORS

(Repealed by Ord. 313)

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Chapter 8.40

NOISE CONTROL¹

Sections:

8.40.010 King County Code – Adopted by reference.

8.40.020 King County Code – Amended.

8.40.010 King County Code – Adopted by reference.

The provisions of the King County Code, Chapters 12.86 through 12.100, governing excessive noise and noise control are hereby adopted by reference, except Chapter 12.91, Watercraft Sound Levels. All future amendments, alterations and additions to the adopted portions of the King County Code are also adopted by reference. At least one copy of the adopted portions of the King County Code is on file with the town clerk. [Ord. 305 § 1, 1995]

8.40.020 King County Code – Amended.

The following amendments are adopted:

(1) Section 12.87.030 of the King County Code is amended to read as follows:

“Administrator” means the Town Building Official or the Town Building Official’s designated representative.

(2) Section 12.87.070 of the King County Code is amended to read as follows:

“Residential district” includes all properties locates within the Town.

(3) Section 12.99.010 of the King County Code is amended to read as follows:

Enforcement. Violations of the provisions adopted by this ordinance shall constitute a civil infraction punishable by a fine not to exceed \$500.00. Each day the violation occurs shall constitute a separate violation. In addition to

seeking imposition of the fines provided herein for any violation, such violations may be enjoined or abated as a nuisance.

(4) Section 12.99.020 of the King County Code is amended to read as follows:

Appeals. Any person aggrieved by a final order of the administrator, including a final variance decisions, may appeal to the hearing examiner using the procedures established in HPMC 8.25.110.

[Ord. 406 § 3, 2002; Ord. 305 § 2, 1995]

1. See also Ch. 14.10 HPMC, Vessel Noise, and Ch. 15.50 HPMC, Construction Site Noise.

8.45.010

Chapter 8.45

PARKS

(b) The proposed use will not generate unsafe traffic or parking conditions. [Ord. 440 § 1, 2004]

Sections:

8.45.010 Organized and for-profit sports organizations parks use permits.

8.45.010 Organized and for-profit sports organizations parks use permits.

(1) No commercial or other for-profit sports organizations, persons, or other entities shall be allowed to use any town of Hunts Point parks and recreation facility for games, matches, lessons, or related activities. Such organizations may use such facilities for team practices only after obtaining a park use permit from the town of Hunts Point. No more than three such permits shall be issued within any calendar year for any Hunts Point facility.

(2) Applications for such permits shall not be accepted more than 90 days prior to the first proposed use date; provided, applications from organizations with a Hunts Point resident serving as a coach, manager, or other official shall be accepted up to 180 days prior to the first proposed use date.

(3) Fees for park use permits shall be set by the town clerk-treasurer pursuant to HPMC 3.05.140. Payment of such fees shall be accompanied by proof of insurance in a form and amount deemed acceptable by the town administrator against claims for injuries to persons or damage to property arising from or connected to the organization's use of the facility.

(4) All organizations making use of the Hunts Point Park playfield under such a permit shall park all vehicles in the Town Hall parking lot and shall not park along Hunts Point Lane or within the park.

(5) Park use permits shall be issued by the town administrator, upon determining that a proposed use:

(a) Will not cause unacceptable damage to the specified facility due to the nature of the use, the condition of the facility, or other factors deemed relevant by the town administrator; and