

Title 8

HEALTH AND SAFETY

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Chapter 8.04

FOOD HANDLING ESTABLISHMENTS

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8.04.010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of these rules and regulations:

A. “Drinking places” means any place where drink is served to or provided for the public with or without charge, such as bars, taverns and soda fountains.

B. “Employee” means any person working in any of the establishments defined in subsections A, C, E and G who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

C. “Grocery,” “food market,” or “meat market” means any place, wholesale or retail, where food or meats, in bulk or package form, are provided for the public for preparation and service elsewhere. For the purpose of these regulations the term “restaurant” may apply to groceries, food markets, and meat markets. This section shall not be interpreted to include slaughterhouses.

D. “Health officer” means the State Director of Health; or the city or county health officer as defined in Sections 6085, 6091, and 6092 of Remington’s Revised Statutes of Washington, or their authorized representatives.

E. “Itinerant restaurant” or “itinerant drinking places” means one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

F. “Person” means person, firm, corporation, partnership, or association.

G. “Restaurant” means any place where food and drink is served to or provided for the public with or without charge; such as hotels, restaurants, cafes, cafeterias, boardinghouses, street vendors or stalls; private, public, parochial, or Sunday schools; churches and public institutions; and railway stations and recreational and labor camps; the term restaurant shall not be construed to mean those establishments or vendors which sell or deliver packaged foods which are not removed from their original containers from the time of processing and packing in an approved plant until reaching the ultimate consumer. Foods sold or delivered by such establishments and vendors shall be kept in clean containers or cabinets so constructed to prevent contamination by dust, insects, etc.; such foods which are perishable shall be kept at a temperature of 50 degrees Fahrenheit or less.

H. “Utensils” means and includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or

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drink comes in contact during storage, preparation or serving. (Ord. 1025 § 1, 1949).

8.04.020 Inspection required – Report – Display and filing required.

At least once every six months the health officer shall inspect every restaurant and every drinking place located within his jurisdiction.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant or drinking place, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the jurisdictional health department. (Ord. 1025 § 2, 1949).

8.04.030 Sanitation requirements generally – Compliance required.

All restaurants and drinking places shall comply with the following items of sanitation codified in MVMC 8.04.040 through 8.04.270. (Ord. 1025 § 3, 1949).

8.04.040 Floors.

The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, well drained, and shall be kept clean and in good repair. Floors shall be of concrete, terrazzo, tile, wood covered with linoleum, or tight wood free from cracks. If floor drains are used, they shall be provided with proper traps. (Ord. 1025 § 3 (Item 1), 1949).

8.04.050 Walls and ceilings.

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be painted, preferably in light color, or calcimined or otherwise finished at frequent enough intervals to maintain the surface in a clean condition. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray. Evidence of splash or spray above the impervious surfacing shall be deemed a violation of this item and shall be sufficient cause to require additional impervious surfacing. (Ord. 1025 § 3 (Item 2), 1949).

8.04.060 Doors and windows.

When flies are prevalent, all openings into the outer air shall be effectively screened, with not less than 16-mesh screen, and doors shall be self-clos-

ing; or fans of sufficient power to prevent the entrance of flies shall be in use at all otherwise ineffectively screened openings. (Ord. 1025 § 3 (Item 3), 1949).

8.04.070 Lighting.

All rooms in which food or drink is stored, or prepared, or in which utensils are washed, shall be provided with artificial light sources equivalent to at least 10 foot-candles at a distance of 30 inches from the floor or working surfaces, as measured by a suitable light meter, and such artificial light sources shall be in use except when equivalent natural light is present. This requirement does not apply to dining rooms. (Ord. 1025 § 3 (Item 4), 1949).

8.04.080 Ventilation.

All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. This requirement shall not apply to cold storage rooms. (Ord. 1025 § 3 (Item 5), 1949).

8.04.090 Toilet facilities.

Every restaurant and drinking place shall be provided with adequate and conveniently located toilet facilities on the premises for its employees, conforming with any local ordinances which are in effect. The doors of all toilet rooms shall be self-closing. Booths open at the top shall not qualify as adequate toilet rooms. Toilet rooms shall be kept in a clean condition, in good repair, the walls free from defacement, well lighted, and well ventilated to the outside air. Signs shall be posted in each toilet room used by employees, directing employees to wash their hands before returning to work. In case privies or earth closets are permitted and used, they shall be separate from the restaurant or drinking place, and shall be of a sanitary type constructed and operated in conformity with the rules and regulations of the state Board of Health. (Ord. 1025 § 3 (Item 6), 1949).

8.04.100 Water supply.

A. The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed, and shall be adequate, and of a safe, sanitary quality.

B. When a public water supply is not available, and it is necessary to resort to a well, spring, or other source of water supply, no person shall maintain such well, spring, or other source of water sup-

ply used for drinking or culinary purposes, and to which the public has or may have access, and which is polluted, or which is so situated or constructed that it may become polluted in any manner that may render such water supply injurious to health.

C. The health officer may make such investigations as deemed necessary, and if upon investigation the water supply is found to be, or may become, a menace to health, the supply shall be abandoned in a manner that will prevent its further use for drinking purposes, or such alterations or changes shall be made as deemed necessary to produce a safe drinking water in accordance with the recommendations of and within a time limit set by the health officer. (Ord. 1025 § 3 (Item 7), 1949).

8.04.110 Lavatory facilities.

Adequate and convenient handwashing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. Dishwashing vats shall not be accepted as washing facilities for personnel. No employee shall resume work after using the toilet room without first washing his hands. (Ord. 1025 § 3 (Item 8), 1949).

8.04.120 Utensils and equipment – Materials and construction.

All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant or drinking place, shall be so constructed as to be easily cleaned and shall be kept clean and in good repair. All surfaces of multi-use utensils and equipment with which food or drink comes in contact, shall be free of breaks, corrosion, open seams, cracks, and chipped places. (Ord. 1025 § 3 (Item 9), 1949).

8.04.130 Utensils and equipment – Cleaning requirements.

All equipment, including display cases or windows, counters, shelves, tables, meat blocks, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. (Ord. 1025 § 3 (Item 10), 1949).

8.04.140 Utensils – Cleaning – Multi-use requirements.

All multi-use eating and drinking utensils shall be cleaned after each usage, and all multi-use uten-

sils used in the preparation or serving of food and drink, shall be thoroughly cleaned immediately following the day's operation, in such a manner as to be clean to the sight and touch. (Ord. 1025 § 3 (Item 10), 1949).

8.04.150 Utensils – Cleaning – Method.

The cleaning may be accomplished by prerinsing, followed by washing in warm water, 110 degrees Fahrenheit, containing an adequate amount of an effective soap or other effective detergent to remove grease and solids. (Ord. 1025 § 3 (Item 10), 1949).

8.04.160 Utensils – Cleaning – Bactericidal process required.

After cleaning, all such utensils shall be effectively subjected to one of the following bactericidal processes:

A. Method I: Immersion for at least two minutes in clean, hot water, at a temperature of at least 170 degrees Fahrenheit, or for one-half minute in boiling water. Unless actually boiling water is used, an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. Where this method is employed, there shall be provided a hot-water heater, capable of maintaining a water temperature of at least 170 degrees Fahrenheit in the vat at all times during business hours. The heating device may be integral with the immersion vat.

B. Method II: Immersion for at least two minutes in a chlorine rinse, containing at least 50 parts per million of available chlorine, if hypochlorites are used; or a concentration of 100 parts per million if chloramines are used. The rinse should be made up to double strength, and shall not be used after its strength has been reduced to below the specified concentration in parts per million. When this method is employed, a three-compartment vat shall be required; the first compartment to be used for washing, the second, for plain rinsing, and the third for chlorine immersion; provided that, for existing installations, the second or rinsing compartment may be omitted, if a satisfactory rinsing or spraying device is substituted.

C. Method III: Dishwashing machines. When dishwashing machines are employed, utensils should be prerinsed before being placed in the dishwashing machine. The health officer shall specify the wash water temperature. The period of exposure to rinse water shall be two minutes, and the temperature of rinse water shall be maintained

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at 170 degrees Fahrenheit, or 15 seconds exposure to live steam.

D. Method IV: Some other equally effective means, provided that such method or methods as are employed shall be approved by, and shall result in a degree of sanitization satisfactory to, the state Director of Health and provided that continuous effectiveness of such methods can be readily established. (Ord. 1025 § 3 (Item 10), 1949).

8.04.170 Utensils and equipment – Cleaning – Satisfactory when.

By any method used, the final test for cleanliness and satisfactory bactericidal treatment shall be freedom from bacteria, grease, and any other foreign matter. (Ord. 1025 § 3 (Item 10), 1949).

8.04.180 Utensils and equipment – Drying cloths.

If drying cloths are used, they shall be clean and shall be used for no other purpose. (Ord. 1025 § 3 (Item 10), 1949).

8.04.190 Utensils and equipment – Tableware.

Silver and silver-plated tableware should not be treated with chlorine unless immediately rinsed in clean water following immersion in the chlorine solution, as silver chlorides are formed which blacken the silver; therefore, one of the other methods may well be employed on such tableware. (Ord. 1025 § 3 (Item 10), 1949).

8.04.200 Utensils and equipment – Single-service containers.

Single service containers shall be used only once. (Ord. 1025 § 3 (Item 10), 1949).

8.04.210 Utensils and equipment – Storage and handling.

After bactericidal treatment, no utensil shall be stored except in a clean, dry place, protected from flies, dust, or other contamination, and no utensils shall be handled except in such a manner as to prevent contamination, so far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein, in a clean, dry place until used, and shall be handled in a sanitary manner. Spoons, spatulas, dippers, etc., used for dispensing frozen desserts, shall, when not in use, be kept in clean, preferably running, water. (Ord. 1025 § 3 (Item 11), 1949).

8.04.220 Waste disposal.

All wastes shall be properly disposed of in such a manner as not to constitute a nuisance or a public health menace, and in accordance with Book V, Part 1, Section 10 of the rules and regulations of the state Board of Health.

There shall be provided and maintained in a suitable location a sufficient number of garbage containers of watertight construction, made of nonabsorbent material and provided with handles and close-fitting covers, and all garbage shall be kept therein, pending its removal and disposal. Garbage containers shall be washed at intervals frequent enough so as to prevent nuisance. Filled garbage containers shall not be allowed to remain in any room where food is prepared or eaten. (Ord. 1025 § 3 (Item 12), 1949).

8.04.230 Refrigeration.

All readily perishable food or drink shall be kept at or below 50 degrees Fahrenheit, except when being prepared or served, and an indicating thermometer shall be provided. Waste water from refrigeration equipment shall be properly disposed of and there shall be no direct connection to a sewer. (Ord. 1025 § 3 (Item 13), 1949).

8.04.240 Food and drink – Wholesomeness required.

All food and drink shall be wholesome and free from spoilage, and comply with all existing state laws, rules and regulations. (Ord. 1025 § 3 (Item 14), 1949).

8.04.250 Food and drink – Storage and display.

All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, rodents, unnecessary handling, droplet infection, overhead leakage, sewage backflow, and other contamination. Evidence of the presence of rodents, roaches, ants, or other vermin shall be considered as a violation of this item. Dustless methods of floor cleaning shall be employed, and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed, such as after closing or between meals. No live animal or fowl shall be kept or allowed in any room in which food or drink is prepared, stored, or served. All means necessary for the elimination of flies, other insects, vermin and rodents shall be used. (Ord. 1025 § 3 (Item 15), 1949).

8.04.260 Employees – Cleanliness requirements.

All employees shall wear clean outer garments and shall keep their hands clean while engaged in handling food, drink, utensils, or equipment. Cleanliness shall be effected in a manner to adequately prevent contamination of food, drink, utensils, and equipment with dirt, filth, and unserved food particles. (Ord. 1025 § 3 (Item 16), 1949).

8.04.270 Premises – Cleanliness requirements.

The premises of all restaurants and drinking places shall be kept clean and free of litter or rubbish. Adequate lockers or dressing rooms should be provided for employees' clothing and shall be kept clean. Soiled linen, coats, and aprons shall be kept in containers provided for this purpose. (Ord. 1025 § 3 (Item 17), 1949).

8.04.280 Premises – Living or sleeping quarters prohibited where.

None of the operations connected with a restaurant or drinking place shall be conducted in any room used as living or sleeping quarters. (Ord. 1025 § 3 (Item 17), 1949).

8.04.290 Itinerant restaurants and drinking places – Construction and sanitation requirements.

A. Itinerant restaurants and drinking places shall be constructed and operated in a manner approved by the health officer.

B. The health officer shall approve an itinerant restaurant or drinking place only if it complies with the following sanitation requirements:

1. Garbage and refuse shall be kept in tightly covered watertight containers until removed and shall be disposed of in a place and manner approved by the health officer. Dishwater and other liquid wastes shall be so disposed of as not to create a nuisance.

2. No person suffering from any disease transmissible by contact or through food or drink or who is a carrier of the germs of such a disease shall be employed in any capacity. Adequate refrigeration for keeping all readily perishable food or drink at 50 degrees Fahrenheit or below shall be provided. Adequate and satisfactory toilet and handwashing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or drink shall return to his work, after using the toilet, without first thoroughly washing his hands.

C. Upon failure of any person maintaining or operating an itinerant restaurant or drinking place, after warning, to comply with any of these requirements, it shall be the duty of the health officer summarily to forbid the further sale or serving of food or drink therein. (Ord. 1025 § 4, 1949).

8.04.300 Disease – Notification required when – Posting of regulations.

Notice shall be sent to the health officer immediately by the restaurant manager if he or any employee contracts any infectious, contagious, or communicable disease. It shall be the duty of every such employee reporting for work to notify the restaurant or drinking place manager immediately when any of said conditions obtain. If the manager concerned fails to notify the health officer, and the employee concerned fails to notify the manager immediately when any of said conditions obtain, each concerned shall be held to have violated this section. A placard containing this section shall be posted in all toilet rooms. (Ord. 1025 § 5, 1949).

8.04.310 Suspected infection – Procedures authorized.

When, in the opinion of the health officer, there exists the possibility of transmission of infection from any restaurant or drinking place employee, the health officer is authorized to require either of the following measures:

A. The immediate exclusion of the employee from all restaurants and drinking places;

B. The immediate closing of the restaurant or drinking place concerned until, in the opinion of the health officer, no further danger of disease outbreak exists.

All persons handling or preparing foodstuffs or beverages for sale shall have a physical examination by a doctor of medicine for the purpose of determining the presence of a communicable disease, whenever desired and requested by the state or local health officer. (Ord. 1025 § 6, 1949).

8.04.320 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, punishable as set forth in MVMC 1.20.010. (Ord. 1025 § 7, 1949).

Chapter 8.08

NUISANCES

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8.08.010 Scope.

The nuisance code is supplemental to all other laws that have been adopted by the city, and shall be used to help enforce elements within other laws; provided, if specific terms of enforcement and penalties are set forth in the other laws, such provisions shall take precedence over the provisions in the nuisance code. The nuisance code also applies to situations and conditions which are not addressed by other laws of the city. (Ord. 3258 § 1, 2005).

8.08.020 Purpose.

The purpose of this chapter is to provide for the protection of the health, safety, and welfare of the citizens of the city by protecting the quality of life of neighborhoods within the city from urban blight and by providing standards for the appearance and condition of properties; to protect the expectations of the citizens of the city to enjoy their dwellings and property without being subjected to unpleasant conditions; and to protect property values and the livability of neighborhoods by providing an abatement process for nuisances as defined within this chapter. (Ord. 3258 § 1, 2005).

8.08.030 Nuisances generally defined.

A nuisance consists of unlawfully doing an act, or omitting to perform a duty, which acts or omis-

sions either annoy, injure or endanger the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders persons insecure in life or the use of property. Such nuisances include, but are not limited to:

A. Unsecured attractive nuisances such as dilapidated buildings or structures;

B. An attractive nuisance, whether in or on a building, a building premises or an unoccupied lot and whether realty, fixture, or chattel, which might reasonably be expected to attract children of tender years and constitute a danger to them; including but not limited to abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperable vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris;

C. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;

D. Conditions or acts which are offensive to the senses;

E. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;

F. Illicit discharges into the municipal storm drainage system (illicit discharges are defined in MVMC 13.04.290);

G. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;

H. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;

I. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property; and

J. The improper parking or storage of vehicles on single-family residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping. (Ord. 3258 § 1, 2005).

8.08.040 Nuisances specifically defined.

The following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

The erecting, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, or other public or private place in the city, of any one or more of the following places, conditions, things, or acts to the prejudice, danger, or annoyance of others:

A. Excavations or naturally occurring holes, including, but not limited to, sinkholes, privies, vaults, cesspools, sumps, pits, wells, or any other similar conditions, which are not secure and which constitute a concealed danger or other attractive nuisance.

B. The discharge of sewage, human excrement, or other wastes in any location or manner, except through systems approved for the conveyance of such to approved public or private disposal systems which are constructed and maintained in accordance with the provisions of the plumbing code, as adopted and amended by Chapter 15.04 MVMC, and all other adopted laws pertaining to such systems.

C. Filthy, littered, trash-covered, or overgrown premises or abutting street and alley rights-of-way for which a property owner is responsible, as defined in MVMC 8.08.020, to include, but not be limited to:

1. Accumulated human or animal wastes which are improperly handled, contained, or removed from the premises, including bones, meats, hides, skins, or any part of the animal, fish, or fowl.

2. Overgrown, uncultivated, or unkempt vegetation of any type, including, but not limited to, shrubs, brush, trees, weeds, blackberries, and grasses over one foot in height. Where erosion control issues or indigenous species are present or if the area is classified as a critical area or buffer, an exception or modification may be made to these requirements.

3. Inappropriate disposal or accumulation of vegetation waste, including, but not limited to, grass clippings, cut brush, cut trees, and/or cut weeds.

4. An accumulation of garbage, litter, debris, rubble, hazardous waste, or blight, which includes, but is not limited to, improperly stored bottles, cans, paper, glass, plastic, cardboard, auto parts, tires, scrap metal, scrap wood, discarded or broken appliances, furniture, equipment, bicycles or parts thereof, barrels, boxes, crates, pallets, mattresses, clothing, household goods, construction materials, lumber, metal, improperly piled or stored firewood, or anything in which flies may

breed or multiply, which provides harborage for rats or other vermin, or which may be a fire hazard.

5. All places used or maintained as dumps, junk yards, or automobile or machinery disassembly yards or buildings, not licensed and/or located in an improper use zone, or which are operating outside of specific conditions set forth for the operation of such businesses.

6. Inoperable, abandoned, disassembled, or dilapidated appliances, machinery, or vehicles. These provisions shall not apply to vehicle storage areas as defined in Chapter 10.24 MVMC.*

D. The existence of any fences or other structures which are in a falling, decayed, dilapidated, or unsafe condition.

E. Any unsightly, abandoned, or deteriorated building or structure; or any building or structure constructed with inappropriate materials, or improperly fastened together or anchored against the forces of nature.

F. Any building or structure where construction was commenced and the building or structure was left unfinished for more than one year.

G. Burning or disposal of refuse, sawdust, or other material in such a manner as to cause or permit ashes, sawdust, soot, or cinders to be cast upon the streets or alleys of the city, or to cause or permit the smoke, ashes, soot, or gases arising from such burning to become annoying or to injure or endanger the health, comfort, or repose of said persons.

H. The erection or continuance of use of any building, room, or other place in the city for exercise of any trade, employment, or manufacture which, by emitting noxious exhausts, particulate matter, offensive odors, or other related annoyances, is discomforting, offensive, or detrimental to the health of individuals or of the public.

I. The conduct of a business which, by reason of the participation, encouragement, cooperation, or sufferance of the operator or his or her agent, becomes a place of, haven for, or is commonly the location of, breaches of the peace, lewd behavior, prostitution, or the illegal use or sale of drugs. (Ord. 3349 § 5, 2007).

*Code reviser's note: Chapter 10.24 was repealed by Ordinance 3258. Contact the development services department for more information concerning vehicle storage areas.

8.08.050 Parking of vehicles on residential property.

The primary function of yards on single-family residential lots is to provide access to light and air and to provide circulation, recreation, and land-

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scaping around the primary single-family dwelling building. It is the intent of this section to establish standards by which parking vehicles on single-family residential lots are allowable. The parking or storage of vehicles on single-family residential lots in violation of the following parking standards shall be considered a nuisance, and subject to penalties in accordance with this chapter:

A. Side Yard and Rear Yard. Parking of vehicles on single-family residential lots in the side and rear yard areas, as defined in MVMC 17.06.250, shall be limited to those lots which have legal access from the adjacent street or alley. Parking in side and rear yard areas combined shall be limited to up to four vehicles or to no more than 60 percent of the combined side and rear yard area, whichever is less.

B. Front Yard. Where alley access is available, parking in the front yard is discouraged. Parking of vehicles on single-family residential lots in the front yard, as defined in MVMC 17.06.250, shall be limited to those lots which have legal access from the adjacent street or alley. Parking of vehicles shall be on a properly prepared and contained all-weather surface, including, but not limited to, concrete, asphalt, gravel, approved permeable paving materials, or other material approved by the building official. The all-weather surface shall be limited to no more than 60 percent of the front yard area. Parking in front yard areas shall be limited to up to four vehicles or the number of vehicles which can be parked on the all-weather surfacing, whichever is less. Parking of stored or inoperable vehicles in front yards is prohibited unless permitted pursuant to MVMC 10.10.100.

C. Number of Vehicles Parked in the Open. The total number of vehicles parked or stored in the open on a single-family residential lot shall be no more than six.

D. Exceptions. The director may, under the following circumstances, grant an exception to the maximum number of private vehicles parked on a single-family residential lot or allowed in the front, rear, or side yards:

1. Additional vehicles may be allowed in a particular yard if vehicle access to other yards on the subject property is unavailable.

2. If the number of individuals with valid drivers' licenses within the household exceeds four. Applications for an exception shall be made in writing to the director within 30 days of the receipt of the initial notice of violation. The director, when determining the outcome of the exception, may take additional mitigating factors under

consideration. Exceptions are subject to review upon receipt of additional complaints.

E. Storage Standards. Inoperable stored vehicles (not defined as junk vehicles) on single-family residential lots shall be limited to the rear yard area. Type I screening shall be provided between the inoperable vehicles and adjacent properties or rights-of-way. Screening shall be subject to the provisions of MVMC 17.93.040(A), and other applicable codes.

F. Parking Within an Enclosed Structure. All private vehicles which are fully enclosed within a legally constructed garage or other structure are not considered as part of the allotted number of vehicles.

G. Junk Vehicles. Junk vehicles are defined in Chapter 10.10 MVMC and are subject to the provisions contained therein.

H. Commercial Vehicles. Commercial vehicles are defined in Chapter 10.20 MVMC and shall be subject to the provisions contained therein. (Ord. 3258 § 1, 2005).

8.08.060 Definitions.

For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. Terms, phrases, and words used in the singular include the plural, and the plural the singular. Terms, phrases, and words used in the masculine gender include the feminine, and feminine the masculine.

Where terms, phrases, and words are not defined herein, their definitions shall be taken from the International Building Code first, the International Existing Building Code second, and, if not defined therein, shall have their ordinary accepted meaning within the context which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 2000, shall be

considered as providing ordinary accepted meanings.

“Act” shall mean anything done, being done, or to be done; performance; deed.

“Attractive nuisance” shall mean any object or condition which can reasonably constitute a hazard or danger and which is accessible to unauthorized persons.

“Building code” shall mean the building code as adopted and amended by the city in Chapter 15.04 MVMC.

“Director” shall include, but not be limited to, the building official, chief of the police department or fire department, or director of the public works department, finance department, health department, or development services department charged with the enforcement of a particular portion of this chapter. The director of the department may designate an individual to act in his or her stead.

“Inoperable vehicle” shall mean, for the purposes of this chapter, a vehicle which cannot be legally operated on roads, highways, rights-of-way, waterways, or public lands as appropriate for the particular vehicle. Inoperable vehicles shall include, but not be limited to, those which appear inoperable due to missing lights, windows, or other critical parts, equipment, or safety elements.

“Person” shall mean an individual or his or her heirs, executors, administrators, or assigns; and also includes a firm, partnership, or corporation or its successors or assigns or the agent of any of the aforesaid.

“Plumbing code” shall mean the plumbing code as adopted and amended by the city in Chapter 15.04 MVMC.

“Screening,” for the purposes of this chapter, shall include, but not be limited to, solid wood fencing, chain link fencing with slats, or solid landscaping capable of hiding parked vehicles or other storage from sight by standing individuals at or near the property lines; however, such screening need not exceed six feet in height.

“Stored vehicle” shall mean, for the purposes of this chapter, vehicles kept on a single-family residential lot for over six months without substantial movement of said vehicle.

“Vehicle,” for the purposes of this chapter, shall include, but not be limited to, automobiles, motorcycles, trucks under 12,000 pounds gross vehicle weight, motorized recreational vehicles, campers, travel trailers, boats on or off trailers, utility trailers, or other vehicles. Campers, if removed from the pickup and stored separately, shall be counted as a separate vehicle. Any vehicle over 25 feet in

length shall be considered two vehicles. (Ord. 3258 § 1, 2005).

8.08.070 Violations – Penalties.

Any person violating or failing to comply with any of the provisions of MVMC 8.08.030 through 8.08.050 shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3440 § 6, 2008).

8.08.080 Administrative reviews by the director.

Repealed by Ord. 3440. (Ord. 3258 § 1, 2005).

8.08.090 Appeals to the hearing examiner.

Repealed by Ord. 3440. (Ord. 3258 § 1, 2005).

8.08.100 Graffiti deemed nuisance.

A. The city council finds and declares that graffiti, and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates, vehicles, signs, road surfaces and other structures, trees, and all other real and personal property within the city constitutes a nuisance.

B. The city council further finds that although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged, or destroyed, obtaining convictions for such acts is difficult because the offenses involved can be committed so very quickly and secretly that witnesses to the acts are frequently nonexistent.

C. The city council further finds that although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of the illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value. (Ord. 3258 § 1, 2005).

8.08.110 Graffiti definitions.

For the purposes of this chapter, the following words shall have the following meanings:

A. “Graffiti” means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures, and places.

B. “Graffiti abatement procedure” means the abatement procedure which identifies graffiti,

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issues notice to the landowner to abate the graffiti, and cures in absence of response.

C. "Private contractor" means any person with whom the city shall have duly contracted to remove graffiti. (Ord. 3258 § 1, 2005).

8.08.120 Notice of removal.

A. Whenever the city of Mount Vernon or the city's designated representative determines that graffiti exists on any public or private buildings, structures, and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the city, and when seasonal temperatures permit the painting of exterior surfaces, the city or the city's designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have 15 days after the date of the notice to remove the graffiti or the same will be subject to abatement by the city.

B. The notice to abate graffiti pursuant to this section shall be in writing and shall be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of Skagit County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

- 1. By personal service on the owner, occupant or person in charge or control of the property;
- 2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

C. The notice to abate graffiti shall be substantially in the following form:

NOTICE TO ABATE GRAFFITI

Date:

To:

NOTICE IS HEREBY GIVEN that you are required, by ordinance of the City of Mount Vernon, Washington, at your own expense, to remove or paint over graffiti located on the property commonly known as [insert street address], Mount Vernon, Washington, which is visible to public view, within fifteen (15) days after the date of this notice. IN THE EVENT YOU FAIL to do so, the City shall cause the nuisance to be abated at your expense by removal or painting over of the graffiti. The cost of

abatement by the City or private contractors employed by the City to abate the nuisance will be assessed against your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to or interest in said matters are hereby notified they have the right to appeal this decision by submitting a written notice of appeal to the Director of Development Services or the City of Mount Vernon Code Compliance Officer, P.O. Box 809, 910 Cleveland Avenue, Mount Vernon, WA 98273, including any objections or comments, or to request relief by reason of financial inability, physical inability or time constraints. Within ten (10) days from the date of this notice. If no objections or comments to the notice of abatement are received by the City, the City will, at the conclusion of the fifteen (15) day period, proceed with abatement of the graffiti inscribed on your property at your expense without further notice.

(Ord. 3440 § 9, 2008).

8.08.130 City costs enforceable debt – Lien.

Any and all costs incurred by the city in the abatement of the graffiti nuisance as provided in this chapter shall constitute a debt owed to the city by the property owner or person in charge or control of the property, and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts. (Ord. 3258 § 1, 2005).

8.08.140 Graffiti appeal.

Within 10 days of the date of mailing or personal service of the notice to abate graffiti, the owner or person occupying or controlling the premises affected may appeal the matter to the Mount Vernon hearing examiner by filing a written notice of appeal with the development services director or code compliance officer. Filing of an appeal will stay, during the pendency of the appeal, any enforcement or actions by the city to abate the graffiti nuisance. (Ord. 3258 § 1, 2005).

8.08.150 Removal by city.

A. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the city or the city's designated representative approves, the city or the city's designated representative is authorized and directed to cause the graffiti to be abated by city forces or by

private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate or cover graffiti shall be as close as practicable to background color(s). If the city’s designated representative provides for the removal of the graffiti, he shall not authorize nor undertake to provide for the painting or repair or any more extensive area than the area where the graffiti is located.

B. Property owners in the city of Mount Vernon may consent in advance to city entry onto private property for graffiti removal purposes. (Ord. 3258 § 1, 2005).

8.08.160 Nuisance abatement.

Repealed by Ord. 3440. (Ord. 3258 § 1, 2005).

8.08.170 Collection of judgments.

Repealed by Ord. 3440. (Ord. 3258 § 1, 2005).

8.08.180 Additional relief.

The director may seek any legal or equitable relief available at any time to mitigate any acts or practices that violate the provisions referenced in MVMC 8.08.030 through 8.08.050 or abate any condition that constitutes a nuisance. (Ord. 3258 § 1, 2005).

8.08.190 Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect. (Ord. 3258 § 1, 2005).

Chapter 8.12

GARBAGE COLLECTION

- Sections:
- 8.12.010 Intention of provisions.
- 8.12.020 Definitions.
- 8.12.030 Carts – Required for deposit of garbage and refuse.
- 8.12.040 Carts and bins – City to provide.
- 8.12.050 Carts and bins – Maintenance.
- 8.12.055 Cart – Weight limitation.
- 8.12.060 Bulk collection containers permitted when.
- 8.12.061 Pads for garbage bins and recycling containers required.
- 8.12.062 Bin enclosure location standards.
- 8.12.064 Enclosure pad size requirements.
- 8.12.066 Pad and roll-out area construction standards.
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- 8.12.070 Dead animals – Disposal required.
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- 8.12.200 Service beyond corporate limits permitted when.
- 8.12.210 Violation – Penalty.

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8.12.010 Intention of provisions.

The maintenance of health and sanitation requires, and it is the intention hereof, to make the collection, removal and disposal of recyclable materials, garbage and refuse and dead animals within the city compulsory and universal. (Ord. 3408 § 1, 2008).

8.12.020 Definitions.

A. "Garbage and refuse," as used in this chapter, shall be taken to mean all waste and discarded material from dwellings, flats, rooming houses, hotels, clubs, restaurants, boardinghouses, eating establishments, shops and places of business, including rubbish and debris, waste and discarded food, animal and vegetable matter, ashes, and offal. "Waste" shall not include materials subject to manufacture into by-products.

B. "Person" means every natural person, natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

C. "Recyclable materials," as used in this chapter, will refer to all materials eligible for curbside pick-up of recycling pursuant to the city's recycling program. Specific items shall be identified to citizens in educational materials provided pursuant to the current contract for curbside collection of recyclable materials and/or other educational materials provided directly by the city.

D. "Yard waste" as used in this chapter will refer to plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter. (Ord. 3408 § 1, 2008).

8.12.030 Carts – Required for deposit of garbage and refuse.

It shall be the duty of every person in possession, charge or control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where garbage and refuse is created or accumulates, at all times to keep or cause to be kept in city issued plastic wheeled carts or metal dumpsters for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein. (Ord. 3408 § 1, 2008).

8.12.040 Carts and bins – City to provide.

The solid waste utility shall provide either wheeled carts or large bins to all residential properties. Single-family dwelling units will be offered a choice between four cart sizes as set forth in this chapter. The city solid waste utility supervisor shall determine, on an individual basis, whether wheeled carts or larger bins are appropriate for multifamily dwelling units or business/commercial customers. (Ord. 3408 § 1, 2008).

8.12.050 Carts and bins – Maintenance.

The carts and bins required to be kept and utilized pursuant to MVMC 8.12.030 shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing materials. Each such cart and bin shall be kept in a place accessible to the collector of garbage and refuse. (Ord. 3408 § 1, 2008).

8.12.055 Cart – Weight limitation.

Maximum allowable weights for the various sized carts are as follows:

Cart Size	Maximum Weight
20 gallon	30 pounds
35 gallon	53 pounds
64 gallon	96 pounds
96 gallon	144 pounds

Garbage collectors may refuse to collect any carts which exceed these weight limits. (Ord. 3408 § 1, 2008).

8.12.060 Bulk collection containers permitted when.

Large suitable containers for bulk collection of garbage and refuse may with the approval of the solid waste utility be used by hotels, restaurants, boardinghouses, eating places, apartment houses, schools and hospitals and in the business districts, provided a signed Equipment Rental Contract and Dumpster Use Instruction Sheet is on file at City Hall. (Ord. 3408 § 1, 2008).

8.12.061 Pads for garbage bins and recycling containers required.

Every development that may reasonably be anticipated to utilize garbage bins for garbage collection shall provide an area for such garbage bins and recycling containers (the pad) as set forth in MVMC 8.12.062 through 8.12.068. (Ord. 3408 § 1, 2008).

8.12.062 Bin enclosure location standards.

All garbage bin, garbage cart and recycling container locations, including roll-out areas, shall provide for direct and unobstructed access by sanitation equipment and personnel. No garbage bins or recycling containers with an individual capacity of 1.5 cubic yards or more shall be located within five feet of combustible walls, openings, or combustible roof eave lines. The location of areas provided for garbage bins and recycling containers and the improvements to such areas shall be approved by the sanitation and fire departments prior to issuance of a building permit. (Ord. 3408 § 1, 2008).

8.12.064 Enclosure pad size requirements.

A. Minimum Opening and Depth for Garbage Bins Only.

Garbage Bin	Enclosure Minimum Size	Opening and Depth
1. 8 cubic yards	12 feet	10 feet
2. 6 cubic yards	12 feet	10 feet
3. 4 cubic yards	12 feet	10 feet
4. 2 cubic yards	12 feet	10 feet
5. 1 1/2 cubic yards	12 feet	8 feet
6. 1 cubic yards	12 feet	8 feet

B. Minimum Opening and Depth for Garbage Bin and Recycling Containers.

Garbage Bin	Enclosure Minimum Size	Opening and Depth
1. 8 cubic yards	18 feet	10 feet
2. 6 cubic yards	18 feet	10 feet
3. 4 cubic yards	18 feet	10 feet
4. 2 cubic yards	14 feet	10 feet
5. 1 1/2 cubic yards	14 feet	10 feet
6. 1 cubic yards	12 feet	10 feet

(Ord. 3408 § 1, 2008).

8.12.066 Pad and roll-out area construction standards.

All pad and roll-out areas shall be constructed of concrete with the thickness to be not less than four inches. All pads shall be level. The top surface ele-

vation of all pads shall be even with parking lot or driveway top surface elevations. (Ord. 3408 § 1, 2008).

8.12.068 Enclosure requirements.

All garbage bin and recycling container pads shall be enclosed by a minimum of a six-foot sight obscuring fence to screen and retain the bin/container on the pad site as well as contain and control blowing debris. (Ord. 3408 § 1, 2008).

8.12.070 Dead animals – Disposal required.

It shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located to forthwith cause the same to be removed and disposed of by the city animal control officer. (Ord. 3408 § 1, 2008).

8.12.085 Certain materials prohibited.

It is unlawful to set out for collection any material likely to produce dust, fumes or vapors or any material likely to be carried by the wind unless such material is securely bagged and tied and contained within the garbage can in such a manner as to prevent it from being so carried by the wind or giving off such dust, fumes or vapors during the process of garbage collection. (Ord. 3408 § 1, 2008).

8.12.090 Burning, dumping or collection prohibited when.

It is unlawful for any person to burn garbage or refuse, excepting waste paper, boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawns or gardens burned in a furnace or upon permit from the fire chief; or to dump or deposit any garbage and refuse upon any street or alley or private property in the city or to burn the same; or to collect, remove or dispose of the same except as in this chapter provided. (Ord. 3408 § 1, 2008).

8.12.100 Department – Administrative authority.

The administration of the solid waste utility as set out in this chapter shall be the responsibility of the mayor of the city, who shall have full power and authority to administer the same as he or she deems expedient and advisable unless otherwise directed by the city council. (Ord. 3408 § 1, 2008).

8.12.110 Times designated.

A. The solid waste utility shall collect, remove and dispose of all garbage and refuse in the residential sections of the city at least once each week,

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and from hotels, restaurants, boardinghouses, eating places, apartment houses, schools and hospitals and in the business section of the city not less than once a week or, in the discretion of the city solid waste utility supervisor, more often as may be required.

B. The city shall provide for collection of recyclable materials properly separated and placed for collection by the resident or business operator pursuant to the city's recycling program at least once every other week. (Ord. 3408 § 1, 2008).

8.12.120 Fees – Designated – Increases authorized when – Special charges – Recordkeeping.

The fees for garbage collection and refuse services, and for collection of recyclable materials, shall be as follows:

A. Residential Buildings of One to Four Units. Garbage collection for residential dwellings with four or fewer living units shall be performed once per week. Curbside collection of recyclable materials for residential dwellings with four or fewer living units shall be performed once every other week. Fees shall be assessed for the collection of garbage and refuse and for curbside collection of recyclable materials as set forth below:

1. The base fee for garbage collection of residential dwellings with four or fewer living units shall be as follows:

Service Level – Cart	Rates
One mini-cart (20-gallon maximum)	\$7.56/month
One regular cart (35-gallon maximum)	\$15.12/month
One 65 gallon maximum cart	\$27.24/month
One 95 gallon maximum cart	\$36.70/month
Extra garbage (in addition to current service level)	\$5.50 per extra 35 gallons; \$2.25 per extra 20 gallons

Service Level – Bins (Bin size in yards)	Rates
1 yard	\$63.00/month
1-1/2 yard	\$77.40/month
2 yard	\$100.80/month
4 yard	\$174.60/month

Service Level – Bins (Bin size in yards)	Rates
6 yard	\$279.00/month
8 yard	\$349.20/month

Customers subject to garbage collection charges shall enroll for the desired level of service by applying to the office of the finance director in the form and manner provided by the office. Fees are payable regardless of whether or not garbage is actually set out for collection. Where no service level has been designated by the current owner, it shall be assumed that service level will be at the base rate of one regular 35 gallon cart.

2. In addition to the charges set forth above, there shall be assessed a fee for curbside collection of recyclable materials equal to \$2.25 per dwelling unit for structures containing five or fewer living units. Fees are payable regardless of whether or not recyclable materials are properly set out for collection.

B. Business-Commercial (Including Five Residential Units or More). Collection fees for the collection of garbage and refuse of business and commercial establishments, including but not limited to hotels, restaurants, boardinghouses, apartment houses of five or more units, schools, garages, service stations and manufacturing establishments and other businesses without limitations shall be as follows:

1. A fee shall be established at a base rate as follows:

Service Level – Cart	Rates
One to four carts (35 gallons each)	\$15.50 per cart/month (weekly pick-up)
Occasional extra garbage (35 gallons extra)	\$5.50 per pick-up
(20 gallons extra)	\$2.25 per pick-up

Service Level – Bins (Bin size in yards)	Rates
1 yard	\$63.00/month
1-1/2 yard	\$77.40/month
2 yard	\$100.80/month
4 yard	\$174.60/month
6 yard	\$279.00/month
8 yard	\$349.20/month

Any customer using more than four cans, or where garbage is not adequately contained, may, in the discretion of the sanitation supervisor, be required to utilize a bin for garbage disposal and shall be charged at the commercial rate set forth above.

This fee shall entitle a customer to one collection per week and for bins shall be considered the minimum monthly charge. An additional fee for collection in excess of one time per week shall be charged at the following rates:

Bin Size (Yards)	Charge per Collection
1 yard	\$15.75
1-1/2 yard	\$19.35
2 yard	\$25.20
4 yard	\$43.65
6 yard	\$69.75
8 yard	\$87.30

2. For business-commercial establishments served by city-owned 20-yard or 30-yard bins, the following base monthly fees, plus actual tipping fees charged to the city by the disposal site, will apply and entitles the customer to one collection per month.

Bin Size	Rental Fee	Haul Fee
20-Yard	\$55.90	\$140.00
30-Yard	\$69.70	\$140.00

An additional fee for hauls in excess of one time per month shall be charged at the rate of \$140.00 plus the actual tipping fee charged to the city by the disposal site for each haul.

3. For business-commercial establishments serviced by compacted bins, fees shall be at a rate of \$140.00 plus the actual fees charged to the city for disposal at the disposal site per each haul.

4. Except as provided for compacted bins in subsection (B)(3) of this section, business-commercial establishments using trash compactors or in some manner providing compacted wastes shall be required to use 20 or 30 yard bins and shall be charged at the rates provided in subsection (B)(2) of this section.

C. Temporary Bins. Subject to availability, the city may provide bins to customers on a temporary basis such as for individual cleanup projects. The fee for such service shall be \$15.00 for delivery of one to six yard bins plus \$3.00 for each day the bin

is in the possession of the customer, or \$25.00 for delivery of 20 and 30 yard bins plus \$4.00 for each day the bin is in the possession of the customer, and in each case there shall be an additional fee for each collection of such bin as follows:

Bin Size (Yards)	Amount Charged Per Collection
1 yard	\$15.75
1-1/2 yard	\$19.35
2 yard	\$25.20
4 yard	\$43.65
6 yard	\$69.75
8 yard	\$87.30
20 and 30 yard	\$140.00 plus actual charges charged to city by dumpsite

D. Recognizing the constant increase in costs of maintenance and operation of the garbage service facilities of the city, the mayor shall be and is specifically granted the power and authority to increase the charges for garbage collection services to business-commercial customers an additional 50 percent through administrative order. This authority shall be considered to be a part of the currently established fees and may be exercised by the mayor without the necessity of additional public hearings or legislative action. No charges in excess thereof shall be made except by specific consent and approval of the city council.

E. Any person who qualifies for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381 shall be entitled to a 50 percent reduction of the mini-can rate, if applicable, or a 25 percent reduction of the one-can rate, if applicable, for the garbage and refuse collection fees associated with the resident to which the property tax exemption of RCW 84.36.381 applies; provided, however, that no person shall be entitled to such reduction without first providing proof satisfactory to the city finance director that they are currently entitled to the property tax exemption. Such proof may consist of documents or copies of documents from the county assessor's office showing that the applicant meets the necessary qualifications set forth in RCW 84.36.381. The fee reduction shall be granted for 12 months from the date the person shows proof that they are entitled to such reduction and may be renewed on an annual basis by again showing proof that the person is still entitled pursuant to the terms of this subsection. Such reduc-

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tion in rates shall not be applicable to that portion of the fees in subsection A of this section that are charged for recycling collection.

F. There shall be no credit given for fees charged to residences or other buildings on the basis that such residence or building is, has been, or may be vacant. Exemptions for service charges may be granted with prior notice for a minimum period of two months on the basis that such residence or building will be vacant. No credit will be granted for after-the-fact notification.

G. Should there be needed or desired additional services than as provided by the normal routine pick-up schedules of the garbage department or should there be any request for the cleaning up and removal of brush, weeds, rubbish or debris, or for bulk collection of garbage and refuse, or should there be a need for unclassified and miscellaneous service or collection needs, all fees for such special service shall be fixed and determined in advance through the city solid waste utility supervisor and request therefor shall be made at such office prior to the furnishing of any collection service as outlined above. The city solid waste utility supervisor is authorized to establish reasonable fees for such services which shall be sufficient to recover the cost of providing the service, including labor, equipment and administrative costs. Fees for collection of extra garbage shall as nearly as possible follow the rates established for routine collection, and shall be \$5.50 per extra can, and \$2.25 per extra one-half can.

H. For the purposes of this chapter, any reference to the word "mini-can" shall mean a container with a maximum capacity of 20 gallons or less and "regular can" shall mean a container with a capacity of 35 gallons. "Extra bags/cans" shall refer to any bag or can placed out for collection in excess of that for which the customer is currently enrolled.

I. Yard Waste Punchcard. The fee for yard waste disposal service shall be as follows:

1. For brush (for purposes of this section, any yard waste material which must be chipped prior to disposal, such as branches, etc.):

- a. A minimum charge of \$1.00;
- b. For loads in excess of one cubic yard, up to \$2.00;
- c. For loads in excess of two cubic yards, up to \$3.00;
- d. For loads in excess of five cubic yards, up to \$6.00.

2. For compost materials (for purposes of this section, any yard waste materials which do not need to be chipped prior to disposal, such as grass, leaves, fruits, vegetables, etc.):

a. A minimum charge of \$1.00 per two 35 gallon cans, or the equivalent if in bags.

The fee for yard waste disposal must be prepaid through the purchase of a punchcard. Punchcards shall be available for purchase at either The City Yard Waste Facility, 409 W Fir Street, or at City Hall, 910 Cleveland Avenue, in the finance department, during normal business hours. Each punchcard shall entitle the bearer to yard waste disposal service in the amount of \$5.00, \$10.00, or \$20.00. (Ord. 3408 § 1, 2008).

8.12.123 Billing procedures.

Charges for garbage collection, together with sewer service charges under Chapter 13.32 MVMC, are the responsibility of the owner in fee of any property chargeable for such service. Charges for garbage collection and sewer service charges shall be billed on the same statement to the owner in fee of the subject property last made known to the city, and to the last known address. It shall be the duty of every property owner within the city to notify the office of the finance director of the fact of ownership and the address to which billing should be made. It shall be the duty of every property owner within the city to provide to the office of the finance director a current contact phone number of either the property owner or property manager. Property owners are required to notify the office of the finance director of any changes made to their contact phone number within five days of any change. Any purchaser of property within the city shall notify the office of the finance director of the date of purchase and the proper billing address immediately upon acquisition of such interest; provided, however, that any owner in fee may designate another party to receive billing statements (such as a tenant) if such owner shall do so in writing together with a waiver of notice of such bills or any liens for delinquent accounts. (Ord. 3408 § 1, 2008).

8.12.125 Access and use of city-owned bins restricted.

Use of city-owned bins shall be restricted to use by the owner or employees of the business-commercial establishment to which the bin has been provided and solely for the purpose of depositing garbage and refuse for collection by the solid waste utility. Any unauthorized use of such bins shall be unlawful. (Ord. 3408 § 1, 2008).

8.12.130 Separation of garbage – Option preserved by city.

The city reserves the right to and may at its option require the separation of paper or swill or other component parts of garbage and refuse or any of them, may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof. (Ord. 3408 § 1, 2008).

8.12.140 Swill – Sale and removal permitted when.

Until otherwise provided swill may, with the approval of the solid waste utility and subject to its rules and regulations be used or sold by the persons producing same and removed beyond the city limits by the person using or purchasing same. (Ord. 3408 § 1, 2008).

8.12.143 Yard waste – Collection stations established.

The city shall establish and maintain one or more collection stations for yard wastes. Such station or stations shall be available to the citizens of the city for the disposal of yard wastes. Days and hours of operation shall be as established by the mayor. The mayor shall cause notice to be made to the public by such means as the mayor shall deem most appropriate, describing the availability of such station, its purpose, location or locations and days and hours of operation. Purchase of a punchcard to use for payment of disposal is required. Punchcards shall be available for purchase at either the Yard Waste Facility, 409 W Fir Street, or at City Hall, 910 Cleveland Avenue, in the finance department, during normal business hours. (Ord. 3408 § 1, 2008).

8.12.146 Yard waste – Restrictions on disposal – Exception.

Except as hereinafter provided, it is unlawful to set out for collection any grass, yard clippings, tree trimmings, weeds or any other yard wastes, and the same shall not be collected by the garbage collectors; provided, that any persons who, by reason of age or disability, are unable to conveniently deliver yard wastes to the city's yard waste collection station may arrange for curbside collection of such yard wastes by making application at the office of the finance director. (Ord. 3408 § 1, 2008).

8.12.150 Delinquent charges – Enforcement of collection.

A. Charges made pursuant to this chapter shall become delinquent if not paid within 25 days following the billing date. If such charges are not paid

by the twenty-fifth day following the billing date, interest shall accrue at the annual rate of eight percent, computed monthly, until the account is paid. In the event any billing or other service charge has not been paid within 60 days of billing, the city shall mail a first delinquency notice to the property owner and occupant if the record owner does not reside at the premises. The delinquency notice shall provide the following:

1. Notice that payment for service is overdue, an itemization of the total amount due, and that a statutory lien will be imposed;

2. A date certain by which the account must be settled, which date shall not exceed 10 days from the date of the notice; and

3. The address and telephone number of the finance department, stating that the owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of lien.

The customer shall be charged \$10.00 for this first notice.

B. Collection service may be suspended for nonpayment of such accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended subject to condemnation for sanitary reasons.

C. Upon the failure to pay any charges imposed pursuant to this chapter, the amount thereof shall become a lien against the property for which the solid waste or recyclable materials collection service was rendered. Such lien shall encompass all delinquent and unpaid rates and charges for garbage collection, penalties, and interest thereon, all in accordance with RCW 35.21.140. (Ord. 3408 § 1, 2008).

8.12.160 Collection by others than department prohibited when.

It is unlawful for any person other than said solid waste utility to engage in the business of collecting, removing and disposing of garbage and refuse and dead animals in the city, or for any person other than said solid waste utility, its agents or employees, to do or perform any of the things herein required to be done or performed by said solid waste utility. It is unlawful for any person, other than said solid waste utility or a contractor hired by the city for such purpose, to be engaged in the business of curbside collection of recyclable materials. No more than one contractor may be designated by the city to perform such service. (Ord. 3408 § 1, 2008).

8.12.170

8.12.170 Warrants for financing authorized when – Procedure.

The city shall, to finance equipment, purchases and administrative costs, issue interest-bearing warrants in denominations of \$500.00 with a minimum interest rate of four percent and a maximum interest rate of six percent. The city's current expense investment fund may purchase said warrants. The city shall from the garbage warrant redemption fund retire a minimum of one warrant each month hereafter until all warrants outstanding are redeemed. (Ord. 3408 § 1, 2008).

8.12.180 Accounts – Payable where – Billing of charges.

All collections of funds made hereunder shall be paid through the finance department and charges shall be billed simultaneous with, and upon, the same building as the finance department billing. (Ord. 3408 § 1, 2008).

8.12.190 Accounts – Collection by court proceedings authorized when.

The charge of the city for garbage collection, removal or disposal, including delinquency charges, which are payable, due or unpaid shall constitute a debt to the city, and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 3408 § 1, 2008).

8.12.200 Service beyond corporate limits permitted when.

The solid waste utility may accept applications for garbage service beyond the corporate limits of the city upon such terms and conditions as the superintendent of public works and the applicant may agree upon, subject, however, to the approval of the city council. All such contracts or agreements shall be reduced to writing and properly executed before they shall become binding upon the parties. (Ord. 3408 § 1, 2008).

8.12.210 Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in MVMC 1.20.010. (Ord. 3408 § 1, 2008).

Chapter 8.20

SETTING OUT POISON

Sections:

8.20.010 Prohibited – Exceptions.

8.20.020 Exceptions designated.

8.20.030 Violation – Penalty.

8.20.010 Prohibited – Exceptions.

Hereafter it is unlawful for any person to place poison in any street, alley, avenue, park or other public place, or on any private premises; provided, however, that this chapter shall not apply to the distribution or placing of insecticides, or other poisonous preparations inside of any building for the purpose of destroying insects, rats, mice or other vermin when the same is set out or placed by professional exterminators. (Ord. 1039 § 1, 1950).

8.20.020 Exceptions designated.

Nothing in this chapter contained shall be construed as applying to the use of sprays, washes, powders or other substances used and applied as insecticides in the usual and customary manner for the control and eradication of insects and pests. (Ord. 1039 § 2, 1950).

8.20.030 Violation – Penalty.

Any person, firm, or corporation violating the provisions of this chapter shall, upon conviction, be punishable as set forth in MVMC 1.20.010. (Ord. 1039 § 3, 1950).

Chapter 8.24**FIREWORKS**

Sections:

- 8.24.010 Definitions.
- 8.24.020 Use of certain fireworks unlawful.
- 8.24.030 Discharge of consumer fireworks.
- 8.24.035 Discharge of consumer fireworks prohibited near forests and parks.
- 8.24.040 Sale or purchase of consumer fireworks.
- 8.24.050 Permit for consumer fireworks.
- 8.24.060 Display of sign.
- 8.24.070 Permit required for public display.
- 8.24.080 Permit fees.
- 8.24.090 Issuance – Nontransferable – Voiding.
- 8.24.100 Applications for public display permit.
- 8.24.110 Fire marshal authorized to adopt regulations.
- 8.24.120 Special effects for entertainment media.
- 8.24.130 Nonprohibited acts – Signal purposes, forest protection.
- 8.24.140 Violations.
- 8.24.150 Effective date.
- 8.24.160 Severability.

8.24.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

A. “Chaser” means a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect or other noise is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

B. “Consumer fireworks” means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 milligrams or less of explosive materials, and aerial devices containing 130 milligrams or less of explosive materials and classified as fireworks containing UN0336 by the United States Department of Transportation at 49 C.F.R. Section 172.101 as of the effective date of the ordinance codified in this section, and not including fused set pieces containing components which together exceed 50 milligrams of salute powder. Consumer fireworks

include, but are not limited to, fireworks devices commonly known as the following: sparklers, morning glory, ground spinners, multi-aerials, helicopters, parachutes, cone and fountains, Roman candles, wheels, novelties, snakes, cakes and smoke devices.

C. “Firecracker” or “salute” means a small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Upon ignition, noise and a flash of light is produced. External dimensions shall not exceed one and one-half inches in length or one-quarter inch in diameter.

D. “Forest lands” means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute a fire menace to life or property. Brush and grass areas may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth.

E. “Missile-type rocket” means a device similar to a sky rocket in size, composition and effect that uses fins rather than a stick for guidance and stability.

F. “Mortar-type firework” means a device including a shell or shells, typically round or cylindrical, that is launched by a lift charge and uses a mortar tube.

G. “Sky rocket” means a tube not exceeding one-half inch (12.5 millimeters) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight. (Ord. 3204 § 1, 2004).

8.24.020 Use of certain fireworks unlawful.

Whether permitted by state law or not, the manufacture, storage, transportation (except in interstate commerce), sale at wholesale or retail, possession or discharge of firecrackers, salutes, chasers, sky rockets and missile-type rockets and mortar-type fireworks is prohibited in the city, except as allowed by this chapter. (Ord. 3204 § 1, 2004).

8.24.030 Discharge of consumer fireworks.

Notwithstanding any provision of state law, it shall be unlawful to use or discharge consumer fireworks at any time except for the following: on July 4th between the hours of 12:00 p.m. until 12:00 a.m. Nothing in this section shall be construed to permit the use or discharge of firecrackers, salutes, chasers, sky rockets, missile-type rockets, or mortar-type fireworks at any time except pursuant to a valid permit issued by the fire

8.24.035

chief for a public or private display of display fireworks. (Ord. 3276 § 1, 2005).

8.24.035 Discharge of consumer fireworks prohibited near forests and parks.

Notwithstanding any provision of state law, it shall be unlawful to use or discharge consumer fireworks within 300 feet from any forest lands or parks within the city. (Ord. 3204 § 1, 2004).

8.24.040 Sale or purchase of consumer fireworks.

Notwithstanding any provision of state law, it shall be unlawful to sell or purchase consumer fireworks at any time except for the following: From 12:00 noon to 11:00 p.m. on the 28th of June, from 9:00 a.m. to 11:00 p.m. on each day from the 29th of June through the 4th of July, and from 12:00 noon to 11:00 p.m. on each day from the 27th of December through the 31st of December of each year. (Ord. 3204 § 1, 2004).

8.24.050 Permit for consumer fireworks.

Pursuant to RCW 70.77.260, any person desiring to manufacture, import, possess, or sell any fireworks at wholesale or retail for any use shall apply in writing to a local fire official for a permit. All applications must be submitted by May 1st for sales commencing on June 28th. (Ord. 3204 § 1, 2004).

8.24.060 Display of sign.

Any person or organization that sells consumer fireworks within the city limits shall prominently display a sign or signs designed and produced by the fire marshal to inform the public of the times and dates for which the use or discharge of consumer fireworks is permitted. (Ord. 3204 § 1, 2004).

8.24.070 Permit required for public display.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter. (Ord. 3204 § 1, 2004).

8.24.080 Permit fees.

Every person, firm or corporation shall, prior to obtaining any public display permit as provided in this chapter, pay a permit fee of \$100.00 payable in advance. In addition, in the event that the location specified in the permit has unusual parameters, limitation or risks requiring inspection over and above that anticipated in the establishment of this

fee, a charge for inspection shall be paid by the applicant equal to the actual cost of providing the inspection. (Ord. 3204 § 1, 2004).

8.24.090 Issuance – Nontransferable – Voiding.

Each public display issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code. (Ord. 3204 § 1, 2004).

8.24.100 Applications for public display permit.

Applications for a permit to hold, conduct or operate a public display of fireworks shall be made to the Mount Vernon fire marshal at least 21 days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements set forth in any regulations authorized by the fire marshal pursuant to MVMC 8.24.070. (Ord. 3204 § 1, 2004).

8.24.110 Fire marshal authorized to adopt regulations.

The fire marshal appointed pursuant to MVMC 15.08.040 is authorized to adopt reasonable rules and regulations to implement the provisions set forth in this chapter, giving due regard to the prevention of fire, property damage and injury; provided, however, that any rule or regulation that is more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after adoption. A copy of such rules and regulations shall be maintained for copying and inspection in the office of the finance director. (Ord. 3204 § 1, 2004).

8.24.120 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television production, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the city of Mount Vernon to purchase, possess, transport or use such fireworks. (Ord. 3204 § 1, 2004).

8.24.130 Nonprohibited acts – Signal purposes, forest protection.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for the use in forest protection activities. (Ord. 3204 § 1, 2004).

8.24.140 Violations.

Any person violating or failing to comply with the provisions of this chapter which does not also constitute a violation of state law shall be guilty of a civil infraction and, upon conviction thereof, shall be punished by a fine of \$50.00 for the first offense, \$100.00 for the second offense, \$150.00 for the third offense and \$200.00 for each additional offense within a three-year period. Any violation of this chapter which also constitutes a violation of state law shall be punishable under state law penalties. In addition, any fireworks that are involved in the violation may be confiscated. (Ord. 3204 § 1, 2004).

8.24.150 Effective date.

Pursuant to RCW 77.77.250, the ordinance codified in this chapter shall be in effect on June 28, 2005. (Ord. 3204 § 1, 2004).

8.24.160 Severability.

If any chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 3204 § 1, 2004).

Chapter 8.28**LITTERING**

Sections:

- 8.28.010 Citation.
- 8.28.020 Purpose.
- 8.28.030 Prohibited – Exceptions.
- 8.28.040 Distribution of handbills.
- 8.28.050 Depositing handbills on vacant property.
- 8.28.060 Enforcement.
- 8.28.070 Receptacles – Placement – Maintenance responsibility.
- 8.28.080 Receptacles – Responsibility for emptying.
- 8.28.090 Receptacles in public places not to be used for garbage from business and residences.
- 8.28.100 Receptacles – Damaging.
- 8.28.110 Litter bags in vehicles and watercraft.
- 8.28.120 Streets and sidewalks to be kept free of litter.
- 8.28.130 Littering from vehicles.
- 8.28.140 Spilled or lost cargo – Responsibility for cleanup.
- 8.28.150 Severability.
- 8.28.160 Conflicting provisions.
- 8.28.170 Violation – Penalty.
- 8.28.180 Additional penalty.

8.28.010 Citation.

The ordinance codified in this chapter shall be known and may be commonly referred to as the “Mount Vernon Litter Control Code.” (Ord. 2217 § 1, 1986).

8.28.020 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 general 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. 2217 § 2, 1986).

8.28.030 Prohibited – Exceptions.

No person shall throw, drop, deposit, discard or otherwise dispose of litter as that term is defined in RCW 70.93.030(4), upon any public place in the city or upon any private property not owned by

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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 use such property;

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 said 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, or unless the act is done under the personal direction of said owner or tenant and provided said litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations. (Ord. 2217 § 3, 1986).

8.28.040 Distribution of handbills.

No persons shall throw, scatter, place or deposit any handbill, dodger, or paper of any kind whatsoever on any street, sidewalk, alley or 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 person who is willing to accept it. (Ord. 2217 § 12, 1986; Ord. 267 § 2, 1909).

8.28.050 Depositing handbills on vacant property.

No persons shall throw or deposit any handbill in or upon any uninhabited or vacant private property or upon any property posted with a conspicuous sign prohibiting the deposit of handbills; provided, however, the provisions of this section shall not apply to distribution of mail by the United States Postal Service 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. 2293 § 1, 1988; Ord. 2217 § 13, 1986).

8.28.060 Enforcement.

Enforcement of this chapter may be by any police officer. All such enforcement officers are empowered to issue citations to persons violating the provisions of this chapter. Said enforcement officers may serve and execute all warrants, cita-

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tions and other process issued by the courts. (Ord. 2217 § 5, 1986).

8.28.070 Receptacles – Placement – Maintenance responsibility.

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, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to the need as specified by state regulations.

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. 2217 § 6, 1986).

8.28.080 Receptacles – Responsibility for emptying.

It shall be the responsibility of the local municipality, or other agency or person owning or maintaining park, beach, campground or other public place to remove the litter from the litter receptacles placed on such property. (Ord. 2217 § 9, 1986).

8.28.090 Receptacles in public places not to be used for garbage from business and residences.

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. 2217 § 7, 1986).

8.28.100 Receptacles – Damaging.

It is unlawful for any person to willfully damage or deface any litter receptacle. (Ord. 2217 § 8, 1986).

8.28.110 Litter bags in vehicles and watercraft.

The owner and person in possession of all vehicles or watercraft shall keep a litter bag in said vehicle or watercraft at all times. (Ord. 2217 § 10, 1986).

8.28.120 Streets and sidewalks to be kept free of litter.

No person shall sweep into or deposit in any gut-

ter, 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. 2217 § 11, 1986).

8.28.130 Littering from vehicles.

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. 2217 § 14, 1986).

8.28.140 Spilled or lost cargo – Responsibility for cleanup.

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 dropping, 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 person under contract or other authorization from 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. 2217 § 15, 1986).

8.28.150 Severability.

If any section, word or words of this chapter is found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the remaining portions of this chapter. (Ord. 2217 § 16, 1986).

8.28.160 Conflicting provisions.

In the event any other city ordinance, whether or not codified, is in conflict with any of the terms of this chapter the more stringent shall be construed as applicable. (Ord. 2217 § 17, 1986).

8.28.170 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in MVMC 1.20.010. (Ord. 1728 § 1, 1974; Ord. 267 § 3, 1909).

8.28.180 Additional penalty.

In addition to any penalty, provided upon conviction of a violation of this chapter, except where infirmity or age or other circumstances would create a substantial hardship, any person convicted of violating the provisions of this chapter shall be directed by the court in which the penalty 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 or 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. Courts may designate the city official responsible for supervising community service workers to coordinate and supervise the work performed pursuant to this section. (Ord. 2217 § 4, 1986).

Chapter 8.32

SMOKING IN PUBLIC PLACES

Sections:

- 8.32.010 Findings.
- 8.32.020 Definitions.
- 8.32.030 Smoking in designated areas only.
- 8.32.040 Designation of smoking areas by owner or lessee.
- 8.32.050 Signs to be posted – Owner responsibility to enforce.
- 8.32.060 Smoking in private work space – Intent of provisions.
- 8.32.070 Smoking prohibited in city buildings and property.
- 8.32.080 Violation – Penalty.
- 8.32.090 Adoption of regulations to implement provisions.

8.32.010 Findings.

The city council recognizes the increasing evidence that tobacco smoke in closely confined spaces may create a danger to the health of some citizens of this state and to employees of the city of Mount Vernon. In order to protect the health and welfare of those citizens and employees it is necessary to prohibit smoking in public places except in areas designated as smoking areas. (Ord. 2603 § 1, 1994; Ord. 2203 § 1, 1986).

8.32.020 Definitions.

As used in this chapter the following terms have the meanings indicated unless the context clearly indicates otherwise.

A. “Smoke” or “smoking” means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

B. “Public place” means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the city, or other public entity, and regardless of whether a fee is charged for admission.

Public places include, but are not limited to: Elevators, public theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, city and other municipal buildings and facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas. A public

place does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

C. "Restaurant" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where meals are made available to be consumed on the premises, for consideration of payment. (Ord. 2603 § 2, 1994).

8.32.030 Smoking in designated areas only.

No person may smoke in a public place except in designated smoking areas. (Ord. 2603 § 3, 1994).

8.32.040 Designation of smoking areas by owner or lessee.

A. A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

1. Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail stores and lobbies of financial institutions; office reception areas and waiting rooms of any building owned or leased by the state or by any city, county, or other municipality in the state; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aiseways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

2. Hallways of health care facilities, with the exception of nursing homes, and lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas.

Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designated as a smoking area in its entirety. If a bar, tobacco shop, or restaurant is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

B. Where smoking areas are designated, existing physical barriers and ventilation systems shall

be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

C. Managers of restaurants who choose to provide smoking areas shall designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke. Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. Restaurant patrons shall be informed that separate smoking and nonsmoking sections are available.

D. Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge. (Ord. 2603 § 4, 1994).

8.32.050 Signs to be posted – Owner responsibility to enforce.

Owners, or in the case of a leased or rented space, the lessee, or other person in charge of a place regulated under this chapter shall make every reasonable effort to prohibit smoking in public places by posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a nonsmoking area and a smoking permitted area shall be clearly designated so that persons may differentiate between the two areas. (Ord. 2603 § 5, 1994).

8.32.060 Smoking in private work space – Intent of provisions.

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the director of community development, through the director of fire protection, or by other law, ordinance, or regulation. (Ord. 2603 § 6, 1994).

8.32.070 Smoking prohibited in city buildings and property.

Smoking shall be prohibited in all city buildings, offices, and vehicles, including offices and vehicles rented or leased by the city. Smoking is prohibited within 50 feet of the doorway of any city owned building. (Ord. 2603 § 7, 1994).

8.32.080 Violation – Penalty.

A. Any person intentionally violating this chapter by smoking where prohibited is subject to a civil fine of up to \$100.00. Any person intentionally removing, defacing, or destroying a sign required by this chapter or posted to advise the public that smoking is prohibited, is subject to a civil fine of up to \$500.00. This section shall be enforced by issuing a notice of infraction. Disposition of the infraction shall be governed by the infraction rules for courts of limited jurisdiction (IRLJ) and the laws of the state.

B. When violations of MVMC 8.32.040 or 8.32.050 occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil fine of up to \$100.00. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

C. The fire department of the city shall enforce MVMC 8.32.040 and 8.32.050 regarding the duties of owners or other persons in charge of public places and the local health department shall enforce MVMC 8.32.040 and 8.32.050 regarding the duties of restaurants by either of the following actions:

1. Serving notice requiring the correction of any violation; or
2. Calling upon the city attorney to maintain an action for an injunction to enforce MVMC 8.32.040 and 8.32.050, to correct a violation, and to assess and recover a civil penalty for the violation. (Ord. 2603 § 8, 1994).

8.32.090 Adoption of regulations to implement provisions.

The fire department of the city and the local health department may adopt regulations as required to implement this chapter. (Ord. 2603 § 9, 1994).

Chapter 8.36

ROBBERY AND BURGLARY ALARMS

Sections:

- 8.36.010 Purposes of provisions.
- 8.36.020 Definitions.
- 8.36.030 Registration required – Application – Fees – Transferability – False statements.
- 8.36.035 Alarm registration duration and renewal.
- 8.36.040 Duties of the alarm user.
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8.36.010 Purposes of provisions.

A. The purpose of this chapter is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

B. This chapter governs alarm systems intended to summon law enforcement response, and requires registration, establishes fees, provides penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration. (Ord. 3148 § 2, 2003).

8.36.020 Definitions.

As used in this chapter:

1. “Alarm administrator” means a person or persons designated by the law enforcement authority to administer, control and review false alarm reduction efforts and will be administering the provisions of this chapter.
2. “Alarm dispatch request” means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.
3. “Alarm installation company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site.

4. “Alarm registration (or permits)” means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

5. “Alarm site” means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

6. “Alarm system” means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. “Alarm system” does not include an alarm installed in a vehicle or on someone’s person unless the vehicle or the personal alarm is permanently located at a site.

7. “Alarm user” means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.

8. “Arming station” means a device that allows control of an alarm system.

9. “Automatic voice dialer” means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency requesting dispatch.

10. “Cancellation” means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

11. “Conversion” means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

12. “Duress alarm” means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

13. “False alarm” means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

14. “Holdup alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

15. “Law enforcement authority” means the chief of police, director or other authorized representative of a law enforcement agency.

16. “Local alarm system” means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

17. “Monitoring” means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

18. “Monitoring company” means a person in the business of providing monitoring services.

19. “One plus duress alarm” means the manual activation of a silent alarm signal by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

20. “Panic alarm” means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

21. “Person” means an individual, corporation, partnership, association, organization or similar entity.

22. “Responder, AKA Call Out” means an individual capable of reaching the alarm site within minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

23. “SIA Control Panel Standard CP-01” means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

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24. "Takeover" means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

25. "Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

26. "Zones" mean division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted. (Ord. 3148 § 2, 2003).

8.36.030 Registration required – Application – Fees – Transferability – False statements.

A. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration. A separate alarm registration is required for each alarm site.

B. The fee for an alarm registration or an alarm registration renewal is set forth below and shall be paid by the alarm user. No refund of a registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the alarm administrator within five days after the alarm system installation or alarm system takeover.

1. Registration fees: \$10.00.
2. Yearly renewal fees: no cost.
3. Late fee: \$25.00.

C. Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant using a call out/registration form unless the applicant has:

1. Failed to pay a fine assessed under MVMC 8.36.070; or
2. An alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

D. Each alarm registration application must include the following information:

1. The name, complete address (including apartment/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter;

2. The classification of the alarm site as either residential (includes apartment, condominium, mobile home, etc.) or commercial;

3. For each alarm system located at the alarm site, the classification of the alarm system (i.e., burglary, holdup, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;

4. Mailing address, if different from the address of the alarm site;

5. Any dangerous or special conditions present at the alarm site;

6. Names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site within minutes at any time; and (c) upon request can grant access to the alarm site and deactivate the alarm system if necessary;

7. Type of business conducted at a commercial alarm site;

8. Signed certification from the alarm user stating the following:

a. The date of installation, conversion or takeover of the alarm system, whichever is applicable;

b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system;

c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;

d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company, i.e., an installer false alarm prevention program checklist; and

e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms, i.e., customer false alarm prevention checklist;

9. That law enforcement response may be influenced by factors including, but not limited to, the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

E. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

F. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five business days of such change.

G. All fees owed by an applicant must be paid before an alarm registration may be issued or renewed. (Ord. 3148 § 2, 2003).

8.36.035 Alarm registration duration and renewal.*

An alarm registration shall expire on December 31st of the year of issuance and must be renewed annually by submitting an updated application to the alarm administrator. (Ord. 3148 § 2, 2003).

*Code reviser’s note: This section was set forth by Ord. 3148 as MVMC 8.36.030(1) and was editorially renumbered to MVMC 8.36.035 for consistency.

8.36.040 Duties of the alarm user.

A. An alarm user shall:

1. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

2. Make every reasonable effort to have a responder to the alarm system’s location within minutes when requested by the law enforcement agency in order to:

- a. Deactivate an alarm system;
- b. Provide access to the alarm site;

and/or

c. Provide alternative security for the alarm site;

3. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

B. An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 10 minutes after being activated.

C. An alarm user shall have a licensed alarm installation company inspect the alarm system after three false alarms in a one-year period. The alarm administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period, the alarm user must have a licensed alarm installation company modify the alarm system to be more false alarm resistant or provide additional

user training as appropriate, i.e., installer false alarm prevention program checklist.

D. An alarm user shall not use automatic voice dialers.

E. An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system. (Ord. 3148 § 2, 2003).

8.36.050 Duties of alarm installation company and monitoring company.

A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

B. Upon the effective date of the ordinance codified in this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms prior to enactment of the ordinance codified in this chapter. However, upon the effective date of the ordinance codified in this chapter, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification pursuant to MVMC 8.36.040(C), an alarm installation company must remove the one plus duress alarm capability from such alarm systems.

C. Upon the effective date of the ordinance codified in this chapter, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, nonrecessed button.

D. Ninety days after enactment of the ordinance codified in this chapter, and conditioned upon reasonable availability, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

E. An alarm installation company shall not use automatic voice dialers.

F. After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user a customer false alarm prevention checklist or an equivalent checklist approved by the alarm administrator.

G. A monitoring company shall:

1. Report alarm signals by using telephone numbers designated by the alarm administrator;

2. Verify every alarm signal by making an attempt to contact the alarm owner before calling

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the police; the exception would be duress or holdup alarm activation;

3. Communicate alarm dispatch requests to the law enforcement authority in a manner and form determined by the alarm administrator;

4. Communicate cancellations to the law enforcement authority in a manner and form determined by the alarm administrator;

5. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;

6. Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

7. Communicate type of alarm activation (silent or audible, interior or perimeter);

8. Provide an alarm user registration number when requesting law enforcement dispatch;

9. After an alarm dispatch request, promptly advise the law enforcement agency if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

10. Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

11. Upon the effective date of the ordinance codified in this chapter, monitoring companies must maintain for a period of at least one year from the date of the alarm dispatch request records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within 60 days of an alarm dispatch request, the monitoring company shall furnish requested records within three business days of receiving the request. If the records are requested between 60 days to one year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days of receiving the request.

H. An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide details as may be reasonably requested by the alarm administrator. (Ord. 3148 § 2, 2003).

8.36.060 Duties and authority of the alarm administrator.

A. The alarm administrator shall:

1. Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

2. Establish a procedure to accept cancellation of alarm dispatch requests.

B. The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the information listed below:

1. Identification of the registration number for the alarm site;

2. Identification of the alarm site;

3. Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;

4. Date and time of law enforcement officer arrival at the alarm site;

5. Zone and zone description, if available;

6. Name of alarm user's representative at alarm site, if any;

7. Identification of the responsible alarm installation company or monitoring company;

8. Whether law enforcement officer was unable to locate the address of the alarm site; and

9. Cause of alarm signal, if known.

C. The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:

1. The date and time of law enforcement response to the false alarm;

2. The identification number of the responding law enforcement officer; and

3. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.

D. The alarm administrator may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

E. The alarm administrator may require an alarm user to remove a holdup alarm that is a single action, nonrecessed button, if a false holdup alarm has occurred.

F. The alarm administrator will make a copy of the ordinance codified in this chapter and/or an

ordinance summary sheet available to the alarm user. (Ord. 3148 § 2, 2003).

8.36.070 Enforcement and fines for false alarms.

A. An alarm user shall be subject to fines, depending on the number of false alarms within a 12-month period based upon the following schedule:

Calendar Year (Fixed Period): For any alarm activations that occur between January 1st to December 31st that are over the “free” count, the user is charged.

1. One to 3 false alarms in a calendar year: no charge;
2. Four, 5 and 6 false alarms: \$50.00 each;
3. Seven and above false alarms: \$100.00 each.

Example: If a user had a false alarm in February 2004 and two false alarms in March 2004, they would be billed for any additional false alarms that occurred through December 31, 2004, of that same year. The user would then “start over” for any false alarm activations occurring in the next calendar year, January 1, 2005 through December 31, 2005.

B. In addition, any person operating a nonregistered alarm system will be subject to a fine of \$100.00 for each false alarm in addition to any other fines. The alarm administrator may waive this additional fine for a nonregistered system if the alarm user submits an application for alarm registration within 10 days after notification of such violation.

C. If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of fines, and no fines will be assessed.

D. The alarm installation company shall be assessed a fine of \$100.00 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

E. The monitoring company shall be issued a fine of \$100.00 for each failure to verify alarm system signals as specified in MVMC 8.36.050(G)(2).

F. The alarm installation company shall be issued a fine of \$200.00 if the alarm administrator determines that an alarm installation company employee knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

G. The city is authorized to collect the monetary penalty by use of appropriate legal remedies.

Seeking legal redress by the city shall neither stay nor terminate the accrual of additional monetary penalties so long as the violation continues. Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the alarm administrator or law enforcement authority.

H. Notice of the right of appeal under this chapter will be included with any fines. (Ord. 3148 § 2, 2003).

8.36.080 Notification.

The alarm administrator shall notify the alarm user in writing after each false alarm. The notification shall include the amount of the fine for the false alarm.

The alarm administrator will notify the alarm user and the alarm installation company or monitoring company in writing after alarm response has been suspended, except to duress, holdup and panic alarms. This notice of suspension will also include the amount of the fine for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company. (Ord. 3148 § 2, 2003).

8.36.090 Suspension of response.

A. The alarm administrator may suspend law enforcement response to an alarm site by revoking the alarm registration if it is determined that:

1. The alarm user has 10 or more false alarms in a 12-month period excluding duress, holdup or panic alarms;
2. There is a statement of a material fact known to be false in the application for a registration;

3. The alarm user has failed to make timely payment of a fine assessed under MVMC 8.36.070 or fee assessed under MVMC 8.36.030; or

4. The alarm user has failed to submit a written certification from an alarm installation company, that complies with the requirements of this chapter, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company.

B. A person commits an offense if he/she operates an alarm system during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in MVMC 8.36.070. A monitoring company commits an offense if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked and is subject to

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enforcement and penalties set forth in MVMC 8.36.070.

C. Unless there is separate indication that there is a crime in progress, the law enforcement authority will refuse law enforcement response to an alarm dispatch request at an alarm site for which the alarm registration is revoked.

D. If the alarm registration is reinstated pursuant to MVMC 8.36.110, the alarm administrator may again suspend law enforcement response to the alarm site by again revoking the alarm registration if it is determined that three false alarms have occurred within 90 days after the reinstatement date. (Ord. 3148 § 2, 2003).

8.36.100 Appeals.

A. If the alarm administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm registration, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.

B. The alarm user, alarm installation company or monitoring company may appeal an assessment of a fine or the revocation of an alarm registration to the alarm administrator by setting forth in writing the reasons for the appeal within 15 business days after receipt of the fine or notice of revocation.

C. The alarm user or the alarm installation company or monitoring company may appeal the decision of the alarm administrator to the law enforcement authority as follows:

1. The applicant, alarm user, alarm installation company, or the monitoring company may file a written request for a review and set forth the reasons for the appeal within 20 business days after the date of notification of the decision from the alarm administrator.

2. The law enforcement authority shall conduct a formal hearing within 30 days of the receipt of the request and consider the evidence by any interested person(s). The law enforcement authority shall make its decision on the basis of the preponderance of evidence presented at the hearing. The law enforcement authority must render a decision within 15 days after the date of the hearing. The law enforcement authority shall affirm or reverse the decision of the alarm administrator.

D. Filing of a request for appeal shall stay the action by the alarm administrator revoking an alarm registration or requiring payment of a fine until the law enforcement authority has completed its review. If a request for appeal is not made

within the 20-business-day period, the action of the alarm administrator is final.

E. Alarm administrator or law enforcement authority may adjust the count of false alarms based on:

1. Evidence that a false alarm was caused by an act of God;

2. Evidence that a false alarm was caused by action of the telephone company;

3. Evidence that a false alarm was caused by a power outage lasting longer than four hours;

4. Evidence that the alarm dispatch request was not a false alarm;

5. Evidence that the law enforcement officer response was not completed in a timely fashion; and/or

6. In determining the number of false alarms, multiple alarms occurring in any 24-hour period shall be counted as one false alarm, to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

F. With respect to fines of an alarm installation company or monitoring company the alarm administrator or law enforcement authority may take into consideration whether the alarm company had engaged in a consistent pattern of violations. (Ord. 3148 § 2, 2003).

8.36.110 Reinstatement.

A. A person whose alarm registration has been revoked may, at the discretion of the alarm administrator or the law enforcement authority, have the alarm registration reinstated by the alarm administrator or the law enforcement authority if the person:

1. Submits a new application and pays a \$10.00 reinstatement fee;

2. Pays, or otherwise resolves, all outstanding citations and fines; and

3. Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company.

B. In addition, the alarm administrator may require one or more of the following as a condition to reinstatement:

1. Proof that an employee of the alarm installation company or monitoring company caused the false alarm;

2. Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

3. A written statement from an independent inspector designated by the law enforcement

authority that the alarm system has been inspected and is in good working order;

4. Confirmation that all motion detectors are “dual technology” type;

5. Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;

6. Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company;

7. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a listen-in device;

8. Certification that the monitoring company will not request an alarm dispatch unless the need for law enforcement is confirmed by a camera device; or

9. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site. (Ord. 3148 § 2, 2003).

8.36.120 Confidentiality.

All information contained in and gathered through the alarm registration applications and applications for appeals shall be considered specific intelligence information compiled by law enforcement, the nondisclosure of which is essential to effective law enforcement and shall be exempt from public disclosure pursuant to RCW 42.17.310(d). (Ord. 3148 § 2, 2003).

8.36.130 Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (Ord. 3148 § 2, 2003).

Chapter 8.40

AMBULANCE SERVICE

Sections:

- 8.40.010 Findings.
- 8.40.020 Definition of terms.
- 8.40.030 Title – Gender.
- 8.40.040 Purpose.

Article I. Authority and Administration

- 8.40.050 Authority.
- 8.40.060 Operation and administration.
- 8.40.070 Fire chief – Duties.
- 8.40.080 Finance director – Duties.

Article II. Operation and Funding

- 8.40.090 Additions, betterments, purchases – Compliance with capital facilities plan.
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- 8.40.110 Ambulance service fund.
- 8.40.120 Ambulance service fees.
- 8.40.130 Use of ambulance service fees.
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8.40.010 Findings.

The city of Mount Vernon (“city”) makes the following findings:

The city is an optional municipal code city, organized under RCW Title 35A, with all powers possible for a city or town to have under the Constitution and laws of the state.

The city has been required over its history to provide a complete range of municipal services to city residents, as well as providing services to its neighboring community. The services long provided by the city include fire, emergency medical services, and other emergency responses. As part of its services to the community, the city has, pursuant to RCW 35.21.766 and other authority, established and maintained a system of basic life support services. The provision of emergency medical services is a basic governmental program, necessary to meet the objective of providing for the public health and safety.

The city is not adequately served by existing private ambulance service, and has not been for many years. During the past year, significant concerns have arisen regarding the delivery of emergency medical services in Skagit County, and more particularly in Mount Vernon. To maintain quality service to the community, it is necessary to establish the city’s ambulance service, as a governmental function of the city, which shall be operated as a utility of the city. In order to achieve the economy of scale to justify a standing force of trained emergency medical personnel, it is further necessary to establish the city ambulance service as the emergency medical service provider to provide service for all emergencies occurring within the city. Further, it is necessary to establish regulatory standards for the provision of ALS and BLS ambulance service.

The city has, in the past, supported county-wide efforts for EMS funding. Current EMS funding for ambulance service is derived from fees and charges, as well as contracts for receipt of proceeds of an EMS levy paid by city and county residents. The source of EMS funding may vary from year to year, and a stable and secure financial structure is necessary for ambulance services to be maintained.

Following recent actions of the county, it appears that, for the near term, funding will be stable. However, the provision of emergency medical services cannot be continued without adequate funding. Moreover, there are no assurances regarding funding sources and the city may in the future increase rates, provide for fees (including taxes), and take other means to support the ambulance service. (Ord. 3198 § 1, 2004).

8.40.020 Definition of terms.

The words and phrases set forth herein with the initial capitalization shall have the respective meanings ascribed to such words and phrases in the findings hereto and in this chapter, unless the context clearly requires otherwise:

A. “Advanced life support” or “ALS” means invasive emergency medical services requiring advanced medical treatment skills as defined in Chapter 18.71 RCW.

B. “Ambulance” means a ground, air or water vehicle designed and used to transport patients and to provide personnel, facilities and equipment to treat patients before and during transportation.

C. “Basic life support” or “BLS” means noninvasive emergency medical services requiring basic medical treatment skills as defined in Chapter 18.73 RCW.

D. “City” means the city of Mount Vernon, Washington.

E. “City ambulance service” means the BLS, ILS, and/or ALS ambulance transport service operated by, or under contract with, the city of Mount Vernon.

F. “County” means Skagit County, Washington.

G. “Emergency” means a situation or patient condition (1) in which either of the following procedures is performed: administration of a drug (except oxygen) or initiation of an intravenous line; (2) which a person requesting ambulance assistance indicates requires immediate response by medically trained personnel; or (3) which an EMT would assess, in the interest of good patient care, as requiring the assistance of at least a paramedic certified pursuant to Chapter 18.71 RCW and regulations promulgated thereunder.

H. “Emergency medical service” or “EMS” means medical treatment and care that may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

I. “Emergency medical technician” or “EMT” means a person who is certified as such by the Secretary, pursuant to Chapter 18.73 RCW and regulations promulgated thereunder.

J. “Finance director” means the city finance director or his/her duly authorized designee.

K. “Fire chief” means the city fire chief or his/her duly authorized designee.

L. “Fire department” means the fire department of the city of Mount Vernon, Washington.

M. “ILS” means intermediate life support as identified in WAC 246-976-010.

N. “Medical program director” means the person who is the approved medical program director for Skagit County, as defined by RCW 18.71.205.

O. “Mutual aid” refers to situations in which a licensed basic, intermediate, or advanced life support ambulance service is required, as determined by the fire department, to make ambulances, personnel and equipment under the city’s direction available for basic or advanced life support response to other jurisdictions.

P. “Patient” means a person who is ill, injured, or otherwise incapacitated or helpless, and in need of, or receiving, medical treatment, including trauma care.

Q. “Person” means any individual, corporation, political subdivision of the state of Washington, municipal corporation, quasi-municipal corporation, company, firm, joint stock company, co-partnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, or any receiver, administrator, executor, assignee, or trustee in bankruptcy.

R. “Police chief” means the city police chief or his/her duly authorized designee.

S. “Secretary” means the Secretary of the Department of Health of the State of Washington.

T. “Skagit emergency communications” means the Skagit 911 Center. (Ord. 3198 § 2, 2004).

8.40.030 Title – Gender.

A. All references to the finance director, medical program director, Secretary, police chief, and/or fire chief shall include their respective designees.

B. Any reference to or use of the terms “he,” “she,” “him,” “her,” or other gender based classification, if applicable as shown by the context thereof, shall also apply to the opposite gender. (Ord. 3198 § 3, 2004).

8.40.040 Purpose.

A. The city council declares it to be in the public interest and for the protection of the health, safety and welfare of the residents of the city and its environs to provide for the highest level of emergency medical services reasonably practicable. The city council finds it to be in the public interest to provide for the inspection, regulation and control of emergency medical services to achieve high standards and thereby to eliminate inadequate, improper and harmful practices that may endanger the health and safety of the people.

B. The city council hereby finds and declares that the city of Mount Vernon is not adequately served by existing private ambulance service. Accordingly, pursuant to RCW 35.21.766, the city hereby establishes the city ambulance service for the use and for the health, safety, and welfare of all city residents and visitors to be operated as a public utility of the city.

C. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

D. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, employees, agents, or volunteers, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

E. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees, volunteers, or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, volunteers or agents. (Ord. 3198 § 4, 2004).

Article I. Authority and Administration

8.40.050 Authority.

The provisions of this chapter constitute an exercise of the city’s police power to promote the public health, safety and welfare of all city residents and visitors, and its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 3198 § 5, 2004).

8.40.060 Operation and administration.

A. The city council shall be the governing body of the city ambulance service utility.

B. The city ambulance service shall be operated and administered by the mayor, through the fire chief, as set forth herein to ensure care is provided in the best interest of the patient. The city ambulance service shall be operated and administered in accordance with (1) state law, regulations of the State Department of Health, and procedures adopted thereunder, including, but not limited to, Chapters 18.71, 18.73 and 70.168 RCW, and Chapter 246-976 WAC; and (2) federal law.

8.40.070

C. The medical program director shall be responsible for the provisions of patient care quality and treatment protocols. (Ord. 3198 § 6, 2004).

8.40.070 Fire chief – Duties.

A. The fire chief, through the fire department, shall oversee and superintend the operation and administration of the city ambulance service.

B. The fire chief shall be vested with the authority to promulgate, revise, or rescind such reasonable rules and regulations as may be necessary or appropriate to administer the provisions of this chapter, as well as the operation and administration of the city ambulance service.

C. The fire chief shall make such regular inspections as the fire chief deems necessary, and shall make such reports relative to conditions existing at such times and in such manner as the mayor may direct. (Ord. 3198 § 7, 2004).

8.40.080 Finance director – Duties.

The finance director shall keep a system of accounts of revenues and disbursements of the city ambulance service as prescribed by the State Auditor, all as required by law. (Ord. 3198 § 8, 2004).

Article II. Operation and Funding

8.40.090 Additions, betterments, purchases – Compliance with capital facilities plan.

Additions, betterments and purchases to and for the city ambulance service shall be made in accordance with the city's capital facilities plan as the same now exists or as it may hereafter be amended. (Ord. 3198 § 9, 2004).

8.40.100 Additions, betterments, purchases – Financing.

The cost of making additions, betterments or purchases to and for the ambulance service shall be paid from such sources and by such means as the city from time to time may direct, in accordance with RCW 35A.80.010 and other laws of the state as the same now exist or as they may hereafter be amended. (Ord. 3198 § 10, 2004).

8.40.110 Ambulance service fund.

A. There shall be created and established in the office of the finance director a special fund, to be known and designated as the "ambulance service fund." There shall be deposited in the ambulance service fund: (1) all revenues collected pursuant to the ambulance service fees set forth in MVMC

8.40.120; (2) all revenues collected pursuant to any contract and/or agreement to provide all or a portion of the ambulance service; (3) appropriations from the city, the county, state and federal government; and (4) such other funds as may be received for the use of the ambulance service. The ambulance service fund shall be administered in accordance with the laws of the state.

B. Assistance of a form other than funds shall be accounted for in accordance with state law, applicable regulations of the State Auditor, and in accordance with RCW 36.32.470. (Ord. 3198 § 11, 2004).

8.40.120 Ambulance service fees.

Fees for users of the city ambulance service ("ambulance service fees") shall be fixed from time to time by resolution of the city council. (Ord. 3198 § 12, 2004).

8.40.130 Use of ambulance service fees.

All proceeds derived from the ambulance service fees in MVMC 8.40.120 herein shall be used solely for the operation, maintenance, and capital needs of the city ambulance service. (Ord. 3198 § 13, 2004).

8.40.140 Billing of ambulance service fees.

Each patient who utilizes the city ambulance service shall be billed by the city in accordance with the ambulance service fees immediately after the provision of the ambulance service. The finance director shall establish a procedure to bill and collect city ambulance service fees for the ambulance services rendered. Under the procedure, the city may elect to bill the patient directly or bill the patient's insurance company, and if the patient's insurance does not cover all of the cost of the ambulance service, bill the remaining balance to the patient directly. The city may contract with a public or private entity to bill and collect the city ambulance service fees. (Ord. 3198 § 14, 2004).

8.40.150 Civil enforcement.

The city ambulance service fees imposed by this chapter may be collected by appropriate civil action instituted by the city attorney for that purpose. (Ord. 3198 § 15, 2004).

8.40.160 Fee determination criteria.

Ambulance service fees shall be set at a level to cover the actual costs incurred by the city in operating the city ambulance service. It is the intent of the city that ambulance service fees shall be charged in exchange for targeted ambulance ser-

vice that alleviates the burden placed on such service by its users. In classifying customers served, or ALS, ILS or BLS ambulance service, the city may, in its discretion, consider any or all of the following factors: the difference in cost of service to various customers; the location of the various customers within the city; the difference of cost of maintenance, operation, repair and replacement of the various parts of the city ambulance service; the different character of service furnished various customers; and any other criteria or matters which constitute a reasonable ground for distinction. (Ord. 3198 § 16, 2004).

8.40.170 Amendment of ambulance service fees.

The city ambulance service fees provided in MVMC 8.40.120 herein may be amended from time to time in the discretion of the city council as financial requirements for the city ambulance service may dictate, and such amended fees shall apply to and be binding upon users of the city ambulance service; provided, that such fees shall be uniform for the same class of users of the city ambulance service. (Ord. 3198 § 17, 2004).

8.40.180 Compliance with Medicare and Medicaid requirements.

This chapter and the city ambulance service fees hereunder shall be construed and implemented in a manner consistent with applicable Medicare and Medicaid requirements. If any part of this chapter is found to conflict with Medicare and Medicaid requirements, the conflicting part of this chapter shall be inoperative to the extent of the conflict and such finding or determination shall not affect the operation of the remainder of this chapter. (Ord. 3198 § 18, 2004).

8.40.190 Additional funding.

To the extent permitted under the Washington Constitution and the laws of the state of Washington (including, but not limited to, RCW 35.21.768 and 84.52.069, as may be amended), the city may adopt ordinances for the levy and collection of taxes or other charges and/or fees for the sole purpose of paying the costs for the operation, maintenance and capital needs of the ambulance service. (Ord. 3198 § 19, 2004).

8.40.200 County-wide ambulance service.

The city may contract with the county and/or a public corporation formed pursuant to RCW 35.21.730 et seq., for the provision of all or a portion of ALS, ILS and/or BLS ambulance service

within the city's jurisdictional limits on such terms and conditions agreed upon by the city and the county and/or public corporation. (Ord. 3198 § 20, 2004).

Article III. Licensing

8.40.210 Applicability.

All ALS, ILS and BLS ambulance service involving the provision of emergency medical services to emergencies occurring within the city shall be provided within the city limits by the fire department in accordance with the provisions of this chapter; provided, that this provision shall not be applicable to medical services provided by any public hospital district for interfacility patient transport. (Ord. 3198 § 21, 2004).

8.40.220 License required – Application – Fee.

A. It shall be unlawful for any person (other than the fire department) to:

1. Operate or cause to be operated within the city limits an ambulance service without first being issued a license therefor by the city.

2. Operate or cause to be operated an ambulance service within the city limits, except as provided in MVMC 8.40.310.

B. In the event the city elects to enter into a contract with an ambulance service, an ambulance service license may be obtained by applying therefor at the office of the finance director on forms provided. The finance director, subject to a review and approval from the fire chief, is responsible for issuing, denying, revoking, renewing, suspending and canceling ambulance licenses to operate an ambulance service within the city.

C. The fee schedule for such license shall be adopted by city council, and it shall be renewable annually. The fee shall be payable in January of each year for the ensuing year, and there shall be no proration for new applications during the year. Each ambulance service license issued by the finance director shall be valid for the period of one year. The license year shall be from January 1st to December 31st of each year.

D. The finance director shall not issue such license unless the applicant has fulfilled all requirements of this chapter.

E. No person shall operate an ambulance service within the city unless there is on file with the finance director proof that the required license/licenses have been obtained from the Secretary as required by state law, including, but not

8.40.230

limited to, Chapter 18.73 RCW and Chapter 246-976 WAC, as now or hereafter amended.

F. To the extent not inconsistent with other provisions of this chapter, the provisions of MVMC Title 5, regarding the general issuance of city licenses, shall also be applicable to ambulance service providers. (Ord. 3198 § 22, 2004).

8.40.230 Standards for license.

A. All applicants for an ambulance service license shall be appropriately certified by the Secretary, and be in good standing pursuant to a Chapter 18.73 RCW and regulations promulgated thereunder. Upon receiving an application and fee, the finance director shall forward the application to the fire chief for review and recommendation for approval or denial. No license shall be issued unless the fire chief is satisfied, pursuant to policies duly adopted, that (1) the applicant is properly certified by the state; (2) the applicant's facilities, ambulances, and equipment meet state standards; (3) employees of the applicant are certified and in good standing; (4) a record check of the applicant and its employees by the police chief shows no criminal convictions for offenses having a direct adverse relationship to custody of incapacitated persons, custody of narcotic or controlled substances, or safe driving of emergency vehicles; and (5) the applicant is otherwise in good standing and capable of performing ambulance service.

B. Upon written recommendation of approval of the application by the fire chief, the finance director is authorized to issue an ambulance service license. All equipment proposed for use shall be subjected to random inspection by the fire chief or his/her designee, who shall determine whether said records and equipment conform to all requirements of this chapter. It shall be the responsibility of the licensee to immediately notify the finance director in writing of any change in any of the information required on the application.

C. Applicant shall obtain and at all times maintain in full force the following insurance in amounts determined by the office of the city attorney: (1) comprehensive general liability; (2) automobile liability for all vehicles; and (3) professional liability. Applicant shall provide an insurance certificate to this effect, naming the city as an additional insured as to subsections (C)(1) and (2) of this section. Such policies shall also provide for prompt advance notice to the city of intended cancellation of coverage. Applicant shall also agree to indemnify, defend and hold the city harmless from any causes of action arising from the operation of the ambulance service. No person

shall operate an ambulance service within the city unless there is on file with the finance director satisfactory proof that the required insurance is in effect as required herein. An ambulance service operated by a political subdivision of the state, or by a municipal corporation, or quasi-municipal corporation, may elect to be a self-insurer; provided, that the office of the city attorney is satisfied with the adequacy of the self-insurance. (Ord. 3198 § 23, 2004).

8.40.240 License not transferable.

No ambulance service license issued under the provisions of this chapter shall be transferable or assignable. (Ord. 3198 § 24, 2004).

8.40.250 Ambulance personnel.

No ambulance shall be operated as such without at least two persons. Such personnel shall not have been convicted of offenses having a direct relationship to custody of incapacitated persons, custody of narcotic or controlled substances, or safe driving of emergency vehicles and shall hold a valid Washington State driver's license. An ALS ambulance shall be staffed by at least one paramedic and one EMT-B (or higher level certification). An ILS ambulance shall be staffed by at least one ILS-certified EMT (or higher level certification), and one EMT-B (or higher level certification). A BLS ambulance shall be staffed by at least two EMTs (or higher level certification). (Ord. 3198 § 25, 2004).

8.40.260 Ambulances and equipment.

A. Ambulances shall be maintained and inspected pursuant to requirements from time to time adopted by the Secretary. All licensees shall provide the fire department with copies of reports of inspection submitted to the Secretary pursuant to RCW 18.73.145.

B. All ambulances and equipment storage and cleaning areas are subject to inspection by the fire department, at reasonable times, to ensure that they are maintained in a clean and functional state. Disinfection or chemical sterilization of reusable equipment must meet guidelines established by the National Center for Disease Control.

C. Licensees shall take immediate action to eliminate any unsanitary condition when becoming aware of it and shall immediately correct any situation about which the fire chief or the Secretary has delivered written notice. Failure to immediately correct any such situation may result in license suspension or revocation.

D. Ambulances shall not be used without the minimum equipment prescribed by the Secretary and fire department. In the event any variance from requirements is granted by the state, a licensee must apply for and obtain a similar such variance from the fire department. (Ord. 3198 § 26, 2004).

8.40.270 Performance standards – Compliance – Records.

A. All operations of, and services provided by a licensee and representatives thereof shall, as a minimum, fully comply at all times with all applicable provisions of (1) city and county ordinances and procedures adopted thereunder; (2) state law, regulations of the State Department of Health, and procedures adopted thereunder, including, but not limited to, Chapters 18.71, 18.73 and 70.168 RCW, and Chapter 246-976 WAC; and (3) federal law.

B. All services performed hereunder shall be in accordance with the standards and principles of the course of instruction given EMTs or paramedics, as the case may be, by the state, and pursuant to medical protocols established from time to time by the Skagit County medical program director.

C. The fire department shall be informed by the licensee of rates charged and changes in rates which may occur from time to time.

D. Records shall be logged by ambulance crews and shall include date and time of service and response times. Copies of such records shall be mailed or otherwise delivered to the fire department on a weekly basis, or more often if requested for good cause. Subject to the requirements of the State Public Disclosure Act, and subject further to the provisions of the federal Health Insurance Portability and Accountability Act of 1996, such records are confidential and shall be released only to proper officials of the city. (Ord. 3198 § 27, 2004).

8.40.280 Emergency notification.

In the event a call for emergency ambulance service is received by licensee or a representative thereof, the caller shall be directed to call Skagit Emergency Communications for response by the Mount Vernon fire department. (Ord. 3198 § 28, 2004).

8.40.290 Response to calls.

It is unlawful for a licensee in responding to any call to use emergency lighting or siren, unless (1) responding to emergencies or transporting a patient in accordance with the mutual aid provisions herein, or (2) directed to do so by the Mount Vernon fire department. (Ord. 3198 § 29, 2004).

8.40.300 Mutual aid.

A. A licensee is required to cooperate with any request by the fire department for mutual aid. At such times, the city will have operational control of all equipment and personnel for all purposes and may dispatch ambulances to any point within the city. However, in the event of any suit or claim arising out of activities under this section, the city and licensee shall each be responsible for, and to the extent of, their own respective liability.

B. Licensee shall equip vehicles with city fire department frequencies, which, however, shall only be used by licensees in the event of a mutual aid situation described herein. (Ord. 3198 § 30, 2004).

8.40.310 Ambulance service agreement.

In the event the city determines it to be in the best interests of the public to enter into an agreement with a public ambulance service to provide ambulance services, the city may, as authorized by the city council, enter into an interlocal agreement with such public ambulance service. (Ord. 3198 § 31, 2004).

8.40.320 Denial, revocation or suspension of license.

A. Grounds. The finance director, upon recommendation of the fire chief, may deny a license application or license renewal, or revoke, suspend or restrict a license if the finance director has reasonable cause to believe that the applicant for or holder of the license has violated any provision or failed to meet any provision, term or standard established in this chapter.

B. Notice. If the finance director denies a license application or license renewal, or revokes, suspends or restricts a license, the applicant for or holder thereof shall be given a written notice stating: (1) the facts and conclusions upon which the decision is based; and (2) that the finance director's decision shall be final and conclusive and that the applicant or holder shall be deemed to have waived all rights to an administrative hearing unless the applicant or holder files with the finance director a written notice of appeal pursuant to subsection C of this section. Notice of a license revocation, suspension or restriction shall be given prior to the effective date of such action; provided, that the finance director may revoke, suspend or restrict a license, without prior notice, but subject to a timely appeal, if the finance director finds that immediate action is necessary in order to protect the health, welfare or safety of the public.

8.40.330

C. Appeal. The notice of appeal shall be filed with the office of the finance director within 10 business days following notice of the finance director's decision and shall state the grounds for the appeal. Upon the filing of an appeal, the finance director shall cause to have scheduled a hearing thereon before the city hearing examiner within 30 days and provide at least 10 days' notice of the hearing to the applicant or holder. The decision of the finance director shall be upheld unless the hearing examiner finds that the decision was arbitrary, capricious or contrary to law. The decision of the hearing examiner shall be final and conclusive unless review is sought in a court of competent jurisdiction within 10 days of the written decision of the hearing examiner. The proceeding before the hearing examiner shall be considered proceedings under RCW 42.30.140(1) and (2). (Ord. 3198 § 32, 2004).

8.40.330 Penalty for violation.

A. In the event of a violation of any provision of this chapter, the fire department shall promptly notify the licensee thereof and, if the situation warrants it, give the licensee a reasonable opportunity to take corrective action.

B. Any licensee or employee of a licensee who violates any provision of this chapter shall subject licensee to suspension or revocation of license pursuant to MVMC 8.40.320. Any person violating a provision of this chapter shall be guilty of a gross misdemeanor and upon conviction shall be punished by a fine not exceeding \$5,000. (Ord. 3198 § 33, 2004).

8.40.340 Severability.

If any of the provisions of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected, and to this end, the provisions of this chapter are declared to be severable. (Ord. 3198 § 34, 2004).

8.40.350 Effective date.

This chapter shall take effect June 15, 2004. (Ord. 3198 § 35, 2004).