

Title 7

HEALTH AND SANITATION

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Chapter 7.04**GARBAGE**

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7.04.010 Defined.

“Garbage” when used in this chapter shall, for the purposes hereof, mean all putrescible waste, except sewage and body waste, including vegetable and animal waste, animal offal, the carcasses of dead animals, rubbish, trash, debris, ashes, tin cans, swill, and waste matter and refuse generally, and shall embrace articles and things ordinarily and customarily hauled off and dumped for the purpose of promoting the cleanliness and health of the city. (Ord. 222 § 1, 1957)

7.04.015 Garbage billing.

All charges for garbage shall be due upon receipt and payable at the office of the city clerk following mailing of the garbage bills by the city. All payments and collections for domestic garbage service should be paid into the garbage revenue fund.

In the event that garbage bills are not paid by the last day of the month following billing, the customers failing to pay shall be assessed a late charge of

\$10.00 or 10 percent of the past due amount whichever is greater. If the last day of the month falls on a weekend or holiday, the next business day following will be treated as the last day of the month. (Ord. 1414 § 1 (Exh. A), 2001)

7.04.020 Accumulation causing offense or fire hazard prohibited.

It is unlawful for any person, firm or corporation to throw, place or scatter any refuse or garbage over or upon any premises, street or alley, either public or private, or adjacent thereto, and either with or without the intent to later remove or burn such refuse or garbage, or to suffer or permit, from accumulation of such refuse and garbage, the premises owned, occupied or controlled by such person, firm or corporation to become or remain offensive, unsanitary, unsightly and unsafe to public health or a fire hazard. (Ord. 222 § 2, 1957)

7.04.030 Proper container required.

It is unlawful for any individual, firm or corporation to store or permit the storage of refuse or garbage on or about their premises or the premises occupied by them unless such refuse is kept in proper containers as hereinafter set forth. (Ord. 222 § 3, 1957)

7.04.040 Can – Portable, metal required.

Repealed by Ord. 1670. (Ord. 1344 § 2, 1999; Ord. 222 § 4, 1957)

7.04.050 Can – General requirements.

Cans shall be kept in a sanitary condition with insides and outsides thereof clean and free from accumulating grease and decomposing matter. (Ord. 1670 § 1 (Exh. A), 2010; Ord. 222 § 5, 1957)

7.04.060 Can – Location.

Garbage cans shall be placed on private property in such location as is most readily accessible to the street without interfering with the convenient, slightly or sanitary enjoyment of such property. Solid waste contained in cans so placed by 6:30 a.m. on days scheduled for collection shall be guaranteed to be collected at no additional expense to the customer. Cans not placed where they are readily accessible from the street or so placed after 6:30 a.m. will be required to pay a fee for roll out service or a special trip if it is required. (Ord. 1344 § 2, 1999; Ord. 222 § 6, 1957)

7.04.070 Can – Spillage to be prevented.

The owner or the person in charge of private property shall maintain the place where the cans are located in a clean and sanitary condition, and shall at all times prevent the cans from being upset or spilled by any means whatsoever. (Ord. 222 § 7, 1957)

7.04.080 Draining and wrapping required.

Repealed by Ord. 1670. (Ord. 222 § 8, 1957)

7.04.090 Can – Tampering prohibited – Exceptions.

It is unlawful for any person other than the person in possession, charge or control of the premises, his agents, authorized city employees, or the contract collector and his employees, if any, to remove or lift the covering of any can, and no other person shall tamper with or remove any particle or material whatsoever from the can. (Ord. 233 § 1, 1957; Ord. 222 § 9, 1957)

7.04.100 Industrial establishment exemption.

There is excepted from the operation of this chapter all industrial establishments who have provided their own means of sanitarily disposing of their own refuse and garbage. (Ord. 1670 § 1 (Exh. A), 2010; Ord. 241 § 1, 1958; Ord. 222 § 10, 1957)

7.04.110 Hauling restriction.

It is unlawful for any person or persons, firm or corporation, to haul, carry or dispose of garbage or refuse in the city except as provided in this chapter. (Ord. 222 § 11, 1957)

7.04.120 Department – Established.

Repealed by Ord. 1670. (Ord. 233 § 1, 1957; Ord. 222 § 12, 1957)

7.04.130 Authorized collectors designated.

The garbage department, and/or the contract collector, if any, for the garbage department, shall have the exclusive right to collect, remove, haul and dispose of city garbage and refuse. (Ord. 233 § 1, 1957; Ord. 222 § 13, 1957)

7.04.140 Department – Supervisor, employee appointment.

The mayor shall appoint a supervisor of the garbage department and such employees as are needed to collect, haul and dispose of all garbage and refuse in the city and such outlying areas as are serviced by the garbage department; provided, the appointments need not be made if the city enters

into a contract with the contract collector to collect and haul garbage for the garbage department. (Ord. 233 § 1, 1957; Ord. 222 § 14, 1957)

7.04.150 Collection – Schedule.

The garbage department or the contract collector shall collect and haul from all premises served by the garbage department at least once each week all refuse and garbage placed for collection as provided in this chapter. (Ord. 233 § 1, 1957; Ord. 222 § 15, 1957)

7.04.160 Council authority to make regulations.

The city council is authorized and directed to make and adopt by resolution such rules and regulations as it deems necessary in addition to those provided in this chapter for the collection, hauling and disposal of garbage and refuse originating in the city. (Ord. 222 § 16, 1957)

7.04.170 Service charges – Billing – Lien.

All city garbage shall be collected and hauled by the garbage department or the contract collector and the garbage service herein provided for shall be compulsory for each residence, apartment, store, business, association, group, firm and corporation in the city unless a waiver is granted by the finance director, based upon consistent criteria that he/she will develop in conjunction with the public works director. All garbage accounts shall be billed and be in the name of the owner of the property to be served except as provided for in WMC 3.91.134 and the fee for garbage service shall be

collectable for each month from the property owner when the property is occupied for all or any part of a month. (Ord. 1344 § 2, 1999; Ord. 233 § 1, 1957; Ord. 222 § 17, 1957)

7.04.180 Service charges – Schedule.

The city council of the city has adopted, effective January 1, 2003, solid waste rates:

Residential Rates

(1) 40 gal. rollercan/monthly	\$19.36
(2) 40 gal. rollercan/every other week	\$25.65
(3) 40 gal. rollercan/weekly	\$34.98
(4) Each additional can/weekly	\$34.98
(5) Periodic extra can	\$13.68
(6) Each pickup special trip/40 gal.	\$58.98
(7) 90 gal. rollercan/weekly	\$61.18
Senior Citizen (Over 60) and HELICO Customer	
(1) 40 gal./monthly	\$13.05
(2) HELICO customer weekly, or at regular residential rate	\$34.98
Residential Carry Out	
(1) 40 gal. rollercan/every other week	\$41.23
(2) 40 gal. rollercan/weekly	\$48.49
(3) Each additional can	\$48.49
(4) Periodic extra can	\$19.36
(5) Each pickup special trip/40 gal.	\$58.98
(6) 90 gal. rollercan/weekly	\$74.45
Residential Rates – \$15,000/Year Income	
(1) 40 gal. rollercan/every other week	\$13.38
(2) 40 gal. rollercan/weekly	\$14.50
(3) Each additional can	\$14.50
(4) Periodic extra can	\$7.94
(5) Each pickup special trip/40 gal.	\$29.46
Senior Citizen (Over 60) and HELICO Customer	
(1) HELICO customer weekly, or at regular residential rate	\$14.50
Residential Carry Out	
(1) 40 gal. rollercan/twice monthly	\$17.38
(2) 40 gal. rollercan/weekly	\$20.86
(3) Each additional can	\$20.86

(4) Periodic extra can	\$12.01
(5) Each pickup special trip/40 gal.	\$29.46
Residential Rates – \$20,000/Year Income	
(1) 40 gal. rollercan/every other week	\$19.14
(2) 40 gal. rollercan/weekly	\$23.17
(3) Each additional can	\$23.17
(4) Periodic extra can	\$10.69
(5) Each pickup special trip/40 gal.	\$43.41
Senior Citizen (Over 60) and HELICO Customer	
(1) HELICO customer weekly, or at regular residential rate	\$23.17
Residential Carry Out	
(1) 40 gal. rollercan/every other week	\$22.79
(2) 40 gal. rollercan/weekly	\$32.67
(3) Each additional can	\$32.67
(4) Periodic extra can	\$15.33
(5) Each pickup special trip/40 gal.	\$43.41

Commercial Rates

Commercial Cans – Basic	
(1) 40 gal. rollercan/weekly	\$34.98
(2) Each additional can	\$34.98
(3) Periodic extra can	\$13.68
(4) Each pickup special trip/40 gal.	\$58.98
(5) 90 gal. rollercan/weekly	\$61.18
Commercial Cans – Carry-Out	
(1) 40 gal. rollercan/weekly	\$48.49
(2) Each additional can	\$48.49
(3) Periodic extra can	\$19.36
(4) Each pickup special trip/40 gal.	\$58.98
(5) 90 gal. rollercan/weekly	\$74.45
Commercial Bulk Rate	
(1) Bulk Rate Per Yard	\$50.40

Hourly Rates

Straight Time	
(1) Single Axle One Man	\$73.50
(2) Single Axle Two Man	\$106.30
(3) Tandem Axle One Man	\$78.57
(4) Tandem Axle Two Man	\$108.31

Overtime	
(1) Single Axle One Man	\$90.42
(2) Single Axle Two Man	\$137.26
(3) Tandem Axle One Man	\$93.64
(4) Tandem Axle Two Man	\$138.02
Double Time	
(1) Single Axle One Man	\$106.55
(2) Single Axle Two Man	\$167.69
(3) Tandem Axle One Man	\$108.31
(4) Tandem Axle Two Man	\$167.96
Minimum call time (4 hours Saturday)	

Box Rates

	Pickups Per Week	Rate
(1) 1 Yard	1	\$189.57
	2	\$379.10
	3	\$568.68
	4	\$758.23
	5	\$947.78
(2) 1-1/2 Yard	1	\$280.79
	2	\$561.57
	3	\$842.36
	4	\$1,123.17
	5	\$1,403.95
(3) 2 Yard	1	\$376.00
	2	\$752.03
	3	\$1,128.03
	4	\$1,504.03
	5	\$1,880.05
(4) 3 Yard	1	\$475.31
	2	\$950.64
	3	\$1,425.95
	4	\$1,901.28
	5	\$2,376.59
(5) 4 Yard	1	\$604.52
	2	\$1,209.08
	3	\$1,813.59
	4	\$2,418.13
	5	\$3,022.67

(6) 6 Yard	1	\$807.93
	2	\$1,615.86
	3	\$2,423.81
	4	\$3,231.76
	5	\$4,039.66
20 Yard		\$388.78
30 Yard		\$465.41
40 Yard		\$543.44
Stationary 30 Yard		\$582.47
Stationary 40 Yard		\$659.14
The actual cost per ton for disposal will be billed to the customer.		

(Ord. 1597 § 1 (Exh. A), 2007; Ord. 1442 § 1, 2002; Ord. 1427 § 2 (Exh. A), 2001; Ord. 1394 § 1 (Exh. A), 2000; Ord. 1326 § 1 (Exh. C), 1998; Ord. 1272 § 1 (Exh. A), 1997; Ord. 1238 § 1, 1997; Ord. 1220 § 1, 1996; Ord. 1188 § 1, 1995; Ord. 1162 § 1, 1995; Ord. 1146 § 1, 1994; Ord. 1127 § 1 (Exh. A), 1994; Ord. 1122 § 1 (Exh. A), 1993; Ord. 1086 § 1 (Exh. A), 1992; Ord. 1067 § 1, 1992; Ord. 1020 § 1 (Exh. A), 1990; Ord. 983 § 1 (Exh. A), 1990; Ord. 973 § 1 (Exh. A), 1989; Ord. 941 §§ 1, 2, 1989; Ord. 939 § 1, 1988; Ord. 915 § 1, 1988; Ord. 876 § 1, 1987; Ord. 821 § 1, 1983; Ord. 789 § 1, 1981; Ord. 764 § 2, 1980)

7.04.185 Special trip fees.

Special trip fees will be charged whenever a special trip is made at the request of the customer. (Ord. 1344 § 2, 1999)

7.04.190 Collection – Permissible methods.

The garbage department shall provide a garbage and refuse collection and hauling service for the residences and businesses in the city and areas adjacent thereto, and in furtherance thereof the council may set up its own operation for the hauling and collection of refuse and garbage, or if the council deems it for the best interest of the city, the city may call for bids for the collection and hauling of garbage and refuse for the garbage department by a contract collector on such terms and conditions as determined by the city council. (Ord. 233 § 1, 1957; Ord. 222 § 19, 1957)

7.04.200 Senior citizen and HELICO – Definition.

For purposes of WMC 7.04.180, “senior citizens” means those persons 65 years or older who have gross income of not exceeding \$9,000 in the last preceding calendar year. “HELICO” custom-

ers means those persons who, by reason of physical disability, are physically unable to carry 32-gallon cans from house to curb.

The city clerk shall develop such forms and/or affidavits necessary to qualify citizens for these categories and to administer the program. (Ord. 733 § 4, 1980)

Chapter 7.06

RECYCLABLE SOLID WASTE COLLECTION

Sections:

- 7.06.010 Definitions.
- 7.06.020 Residential collection service established.
- 7.06.030 Containers.
- 7.06.040 Customers' obligations.
- 7.06.050 Collection.
- 7.06.060 Lien for unreturned containers.
- 7.06.070 Filing of claim required for lien.

7.06.010 Definitions.

As used in this chapter:

- (1) "City" means the city of Washougal.
- (2) "Collection site" means that location at each residential unit where recyclables are placed for collection. The collection site for those single-family residential units where curbside collection would cause a traffic hazard and for multifamily residential units shall be the same location where solid waste is collected by the city. The collection site for all other residential units shall be at a curbside location adjacent to such residential unit.
- (3) "Container" means a plastic receptacle consisting of three separate bins capable of being stacked, and designed for the collection of residential recyclables.
- (4) "Curbside" means that portion of the public right-of-way adjacent to an improved street or alley.
- (5) "Multifamily residential unit" means those apartment complexes, condominiums, and other multifamily dwellings where recycling services are provided by means of a centralized collection system rather than individual residential unit collection.
- (6) "Property owner" means the owner of record as determined by the records of the county auditor. In the case of property being purchased on contract, the contract purchaser shall be deemed the property owner.
- (7) "Recyclables" means solid wastes that are source separated for transforming or remanufacture into useable or marketable materials. Recyclables shall include newsprint, cardboard, glass (brown, green, and clear), aluminum, tin, polyethylene terephthalate (PET) plastic, high-density polyethylene (HDPE) plastic, and motor oil.
- (8) "Residential dwelling" means a separate living unit designed and intended for occupancy as

a dwelling and having its own housekeeping and kitchen facilities. Single-family residences, apartment units, duplexes, triplexes, fourplexes, and condominium units shall be considered residential units. Hotel, motel, and rooming and boarding units designed primarily for transient tenancy shall not be considered residential units.

(9) "Service area" means those residential units who now or in the future receive refuse collection services from the city. The service area does not include those areas in the city served by private contractors holding franchises for garbage collection, unless such contractors enter into an agreement with the city to permit collection of recyclables within such area.

(10) "Single-family residential units" means those residential units served by an individual recycling container not shared with other residential units.

(11) "Solid waste" means all putrescible and nonputrescible solid and semi-solid wastes, including but not limited to garbage rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles and parts thereof, and recyclables.

(12) "Source separation" means the segregation of recyclables from other solid wastes at residential units and the separation of such recyclables into three bins as follows: (a) newsprint, (b) aluminum, tin, PET plastics and HDPE plastic, (c) unbroken glass (brown, green, and clear). Cardboard and motor oil shall be placed adjacent to the recycling bins. (Ord. 1014 § 1, 1990)

7.06.020 Residential collection service established.

There is hereby established a compulsory system for the collection of recyclables generated by residential dwellings within the service area of the city. (Ord. 1014 § 2, 1990)

7.06.030 Containers.

(1) Single-Family Residence. All persons owning single-family residential units within the service area may obtain from the city approved three bin containers for the collection of recyclables. All such containers shall be and remain the property of the city. There shall be no charge for such containers except as provided in subsection (2) of this section for the replacement of lost and damaged containers.

(2) Replacement of Containers. The city shall replace, at no charge, containers that are no longer suitable for use due to ordinary wear and deteriora-

tion. The cost of replacement for lost containers and containers damaged by causes other than ordinary wear and deterioration shall be borne by the property owner.

(3) Multifamily. Suitable collection containers designed for centralized collection of recyclables shall be delivered by the city or its contractor to all multifamily units. (Ord. 1014 § 3, 1990)

7.06.040 Customers' obligations.

The property owner or occupant of all residential units within the service area shall prepare recyclables for collection as follows:

(1) Recyclables shall be segregated from other solid waste.

(2) Recyclables shall be separated for collection as follows:

(a) For single-family residential units, newspaper shall be placed in one bin; aluminum, tin, PET plastic and HDPE plastic shall be placed in the second bin; and unbroken glass (brown, green, and clear) shall be placed in the third bin. Cardboard and motor oil shall be placed next to the three bin containers.

(b) For multifamily residential units, recyclables shall be placed in the common containers at the collection site in the appropriate bin or container designated for each type of recyclable material.

(3) Recyclables shall be placed at the collection site on the same day that each residential unit receives refuse collection service from the city. (Ord. 1014 § 4, 1990)

7.06.050 Collection.

Collection of recyclables shall be performed weekly on the same day as refuse collection services provided by city. In the event any regular collection day is a legal holiday recognized by the state as such, collection may be suspended on such day, but shall be provided within a reasonable time following the holiday on which service was suspended. (Ord. 1014 § 5, 1990)

7.06.060 Lien for unreturned containers.

In the event any property owner shall fail to return any containers for the collection of recyclables, the amount of such containers shall become a lien against the property for which the recyclable collection service is provided. (Ord. 1014 § 6, 1990)

7.06.070 Filing of claim required for lien.

No lien for unreturned recyclable containers shall be valid unless within 90 days from the date such charges become due a claim for such lien shall be filed for record in the office of the county auditor. Such notice shall specify the amount of unpaid charges, the reason for the charges, and shall give the legal description of the premises to be encumbered by such lien. No lien created by this chapter shall bind the property subject to the lien for a period longer than eight calendar months after the claim of lien has been filed unless an action shall be commenced in the proper court within that time to foreclose such lien. (Ord. 1014 § 7, 1990)

Chapter 7.08**VEGETATION**

Sections:

- 7.08.010 Removal required.
- 7.08.020 Inspection – Notice.
- 7.08.030 Removal by city.
- 7.08.040 Cost assessment.

7.08.010 Removal required.

It is the duty of every owner and occupant of any property within the limits of the city to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon or upon the sidewalk or parking strip area abutting such property in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public. It is the further duty of every owner and occupant to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation, or parts thereof, growing or which has grown and died upon such property, or upon the sidewalk, or parking strip areas abutting on such property, which are a fire hazard, either present or potential, or a menace to public health, safety or welfare. (Ord. 865 § 2, 1986)

7.08.020 Inspection – Notice.

It is the duty of the fire chief or his designates to make inspections of vacant lots and other properties within the city limits to determine whether the obligations imposed by WMC 7.08.010 are being fulfilled. In the event it is discovered that on a lot or tract or property, there is found growing, or that which has grown and died, any vegetation as is described in WMC 7.08.010, the fire department shall prepare a written notice to the owner or occupant of such property, which notice shall describe the property involved and the hazardous condition, and shall require the owner or occupant to remove or destroy such vegetation within 10 days after receipt of such notice. Such notice shall be served by mailing a copy thereof to the record owner of such property at his last known address as shown by the records in the office of the assessor of Clark County, and by posting an additional copy thereof on the bulletin board at the front door of the fire department headquarters. (Ord. 865 § 3, 1986)

7.08.030 Removal by city.

In the event that the removal or destruction of such vegetation is not made by the owner or occu-

pant within the 10-day period so provided, the city, under the direction of the director of public works or fire chief, shall provide for or remove such vegetation either by city work forces or under contract with a private party. An accounting of the costs of such work shall be kept and reported to the director of the finance department when the work is completed. The cost to the city of such work, together with an administrative fee, to be established by resolution, shall be and become a charge against the owner of the property and a lien against the property. (Ord. 865 § 4, 1986)

7.08.040 Cost assessment.

In addition to the actual costs of removing or destroying vegetation from those properties whose owners failed to respond to a notice from the city to remove or destroy vegetation, there shall be assessed against the owner and against the property the sum of \$50.00 as reimbursement to the city for its administrative expenses and costs incurred in enforcing the provisions of this chapter. (Res. 345 § 1, 1986)

Chapter 7.10

YARD DEBRIS COLLECTION

Sections:

- 7.10.010 Definitions.
- 7.10.020 Residential collection service established.
- 7.10.030 Rates.
- 7.10.035 Rate increases.
- 7.10.040 Enrollment.
- 7.10.050 Correction notices.
- 7.10.060 Special seniors/disabled service.
- 7.10.070 Spring cleanup.
- 7.10.080 Billing.

7.10.010 Definitions.

As used in this chapter:

- (1) "City" means the city of Washougal.
- (2) "Yard debris" means grass clippings, leaves, brush and vegetative material up to four inches in diameter and five feet in length, originating on the served property.
- (3) "Yard debris containers" means a 90-gallon rollercan with a weight limit of 200 pounds designed for automated collection of yard debris.
- (4) "Yard debris extra containers" means a 30-gallon can, kraft bag or bundle tied with twine. Plastic bags are not permitted. (Ord. 1132 § 1, 1994)

7.10.020 Residential collection service established.

There is established a voluntary system for collection of yard debris generated by residential dwellings within the service area of the city. Yard debris shall be collected every other week during the months of March through December, inclusive, and once a month during the months of January and February. Customers will be notified by the contractor, who shall be responsible for notifying the customers of their collection date. (Ord. 1132 § 1, 1994)

7.10.030 Rates.

The garbage contractor shall be permitted to charge the following rates for yard debris collection:

- (1) Basic Service. Basic yard debris service shall include the pickup of one 90-gallon rollercan every other week for 10 months and once per month for the months of January and February. The contractor shall be entitled to charge a rate of \$6.08 per month for the months of March through

December, inclusive, and no charge per month for the months of January and February for basic service.

(2) Excess Materials. Yard debris set out in excess of the basic service amount shall be charged at the rate of \$2.12 per 30-gallon can or kraft bag, and \$12.13 per cubic loose yard. Special arrangements must be made between contractor and customer for amounts beyond two cubic yards.

(3) On-Call Service. On-call service will be available for customers who only want occasional pickup. Charges for on-call service shall be at the rate of \$4.42 per 30-gallon can or kraft bag with a \$6.00 minimum charge for pickup, and \$14.57 per cubic yard for loose pickup.

(4) Containers. The containers shall be purchased by the city to provide to its customers. (Ord. 1552 § 1, 2006; Ord. 1238 § 1, 1997; Ord. 1132 § 1, 1994)

7.10.035 Rate increases.

The rates outlined in the previous code section herein shall be effective as of September 1, 2006. The rates specified herein will increase automatically on a bi-annual basis after September 1, 2006, consistent with increases in the Consumer Price Index for all Urban Consumers and the Consumer Price Index for Urban Wage Earners and Clerical Workers, U.S. City-West, as published by the Department of Labor, Bureau of Labor Statistics, using as a base year 1982 through 1984 equals 100, or such other base years as may be designated by the Department of Labor, and any revisions to the aforescribed Consumer Price Indexes. (Ord. 1552 § 1, 2006)

7.10.040 Enrollment.

Customers who desire to enroll in the voluntary yard waste recycling program must do so for a period of one year. Customers who stop and then restart service without having completed one year will be subject to an \$18.00 restart fee. (Ord. 1132 § 1, 1994)

7.10.050 Correction notices.

If a residential unit repeatedly sets out unacceptable or contaminated material, or fails to make prior arrangements for excessive materials beyond two cubic yards, the contractor may send the customer a correction notice. After two correction notices, the contractor may refuse pickup or may assess an additional fee at the on-call rate of excessive material. (Ord. 1132 § 1, 1994)

7.10.060 Special seniors/disabled service.

The contractor shall provide a special carry-out service to elderly and handicapped residents who are otherwise unable to deliver yard debris containers to curbside. Such service shall be provided at the request of the customer at no additional cost. (Ord. 1132 § 1, 1994)

7.10.070 Spring cleanup.

The contractor shall sponsor a spring cleanup program for subscribers each year, wherein an additional 90-gallon volume will be collected at no additional charge. The contractor shall promote said program on an annual basis with the assistance of the city. (Ord. 1132 § 1, 1994)

7.10.080 Billing.

The contractor shall be responsible for billing and collection of all charges assessed to customers who enroll in the voluntary yard debris recycling program. The city shall have no responsibility to bill or collect any assessed charges. The contractor shall pay to the city \$0.50 per customer, per billing, for can replacement. Remittance of such money shall be accompanied by a current list of customers. (Ord. 1132 § 1, 1994)

Chapter 7.12

SMOKING PROHIBITIONS

Sections:

- 7.12.010 In council chambers.
- 7.12.020 In city-owned public buildings.
- 7.12.030 Smoking allowed out-of-doors.

7.12.010 In council chambers.

Smoking or use of smokeless tobacco in the council chambers is prohibited. (Ord. 1592 § 1 (Exh. A), 2007; Res. 221, 1977)

7.12.020 In city-owned public buildings.

Smoking or use of smokeless tobacco in any city-owned building is prohibited. (Ord. 1592 § 1 (Exh. A), 2007; Ord. 1013 § 1, 1990)

7.12.030 Smoking allowed out-of-doors.

Smoking shall be allowed out-of-doors in accordance with Chapter 70.160 RCW. (Ord. 1592 § 1 (Exh. A), 2007; Ord. 1013 § 2, 1990)

Chapter 7.16

**MAXIMUM ENVIRONMENTAL
NOISE LEVELS**

Sections:

- 7.16.010 Adoption of regulations.

7.16.010 Adoption of regulations.

The city adopts by reference WAC 173-60-020, 173-60-030, 173-60-040, 173-60-080, and 173-60-090. Copies of said WAC sections are attached to the ordinance codified in this chapter as Exhibit A. The city clerk of the city is directed to maintain three copies of said Washington Administrative Code sections on file at the city clerk's office at all times. (Ord. 736 § 1, 1980)

Chapter 7.20**GENERAL REGULATIONS FOR AIR
POLLUTION SERVICES**

Sections:

7.20.010 Adoption of regulations.

7.20.010 Adoption of regulations.

The city adopts by reference WAC 173-400-020, 173-400-030, 173-400-040, 173-400-050, 173-400-060, 173-400-070, 173-400-075 and 173-400-150. Copies of said WAC sections are attached to the ordinance codified in this chapter as Exhibit A. The city clerk of the city is directed to maintain three copies of said Washington Administrative Code sections on file at the city clerk's office at all times. (Ord. 737 § 1, 1980)

Chapter 7.24**DOT CLASS A POISONS**

Sections:

7.24.010 Restrictions.

7.24.020 Report required.

7.24.030 Compliance with International Fire Code Chapter 27.

7.24.040 Violation – Penalty.

7.24.010 Restrictions.

No individual, industry, and/or entity of any kind, within the city limits of the city, shall at any time maintain more than a maximum of 60 days' normal use in storage any DOT Class A poisons, liquid, gas and/or solid, unless the accumulated quantity is one pound or less. There shall be no time limit for the storage of any DOT Class A poisons when the quantity is one pound or less. (Ord. 1604 § 1 (Exh. D), 2008; Ord. 899 § 1, 1988)

7.24.020 Report required.

Within 30 days from the passage of the ordinance codified in this chapter, each individual, industry, and/or entity of any kind shall report to the fire chief the total usage and supply rates of all DOT Class A poisons (gases, liquids and/or solids). (Ord. 1604 § 1 (Exh. D), 2008; Ord. 899 § 2, 1988)

7.24.030 Compliance with International Fire Code Chapter 27.

All usage and storage by any individual, industry, and/or entity of any Class A poison shall be at all times in full and complete compliance with International Fire Code Chapter 27 which has been adopted in its entirety by the city. (Ord. 1604 § 1 (Exh. D), 2008; Ord. 899 § 3, 1988)

7.24.040 Violation – Penalty.

Any violation of this chapter shall immediately invoke any and all remedies allowed by law for the enforcement of this chapter. (Ord. 1604 § 1 (Exh. D), 2008; Ord. 899 § 4, 1988)

Chapter 7.28

OUTDOOR BURNING

Sections:

- 7.28.010 Fire chief – Responsibility and authority.
- 7.28.020 Fire safety information required.
- 7.28.030 Residential back yard burning.
- 7.28.040 Recreational fires.
- 7.28.050 Burn barrels.
- 7.28.060 Land clearing (burning) prohibited.
- 7.28.070 RCW 70.94.740 through 70.94.780 adopted by reference.
- 7.28.080 Citation authority.
- 7.28.090 Violation – Penalty.

7.28.010 Fire chief – Responsibility and authority.

There are established specific rules and procedures for outdoor burning. The responsibility for the enforcement of this chapter shall be upon the fire chief of the city fire department to see that the public health and safety of the citizens of the city are maintained and protected. The fire chief may prohibit outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. (Ord. 907 § 1, 1988)

7.28.020 Fire safety information required.

Any party wishing to conduct outdoor burning must first obtain information on fire safety and precautions, as well as fire department regulations which shall be obtained through the city fire department. (Ord. 907 § 2, 1988)

7.28.030 Residential back yard burning.

(1) Within the City Limits. Burning of natural vegetation only by the private resident of a single-family or duplex dwelling shall only be allowed to comply with Environmental Protection Agency, Department of Ecology and Southwest Washington Air Pollution Control Authority regulations; natural vegetation is defined as nonprocessed material growth on the lands where burning is to occur, restricted to natural growth consistent with regulations of Southwest Air Pollution Control.

(2) Permitted Open Fires (Written Permit Required). Fires not more than three feet in diameter or three feet high, set only for recreational purposes or cooking of food for human consumption are excepted from provisions of this regulation provided only clean wood is used and the fire does not create a nuisance.

(3) No residential fires shall start before sunrise nor continue after sunset. All residential fires must be extinguished by dark.

(4) Field, forage grass or turf grass burning is not allowed. (Ord. 1108 § 1, 1993; Ord. 997 § 1, 1990; Ord. 907 § 3, 1988)

7.28.040 Recreational fires.

Permitted fires are allowed for cooking, pleasure or ceremonial purposes, but there are conditions to these activities including location, size of the fire and the materials burned.

(1) Fires in approved containers must be a minimum of 15 feet away from structures. Approved containers are made of noncombustible materials; enclose the flames behind wire mesh or other noncombustible mesh with openings not larger than one-half inch in diameter and are not designed for the fire to be wider than three feet or higher than two feet.

(2) Fires other than in approved containers are required to be 25 feet or more from structures and other combustible materials. Conditions which could cause fire to spread (such as dry vegetation) to within 25 feet of a structure shall first be eliminated. Fires may not be more than two feet high and three feet in diameter.

(3) Material being burned must be either charcoal or dry natural firewood.

(4) Means of extinguishing the fire must be readily available, such as a charged garden hose. The fire must always be constantly attended.

(5) Permits are required for recreational fires excluding listed portable containers. Permits issued are valid from the date of issue and expire the following June 1st and may be obtained through the fire department. Permits may be revoked at any time by fire department personnel.

(6) Charcoal BBQs, gas grills, smokers and fires in permanent or listed portable containers are exempt from this requirement.

(7) The fire marshal may issue a temporary burn ban within the city limits due to drought or adverse conditions.

(8) On rare occasion the air pollution authority or other state authority may prohibit all outdoor burning.

(9) Outdoor fires larger than the requirement listed in subsection (1) of this section need special written permits from the SWCAA.

(10) Outdoor and/or recreational fires are not allowed to become a public nuisance. If the wind carries the smoke onto a neighbor's property or

into their house, you must extinguish the fire immediately.

(11) All fires which require a permit shall not start before sunrise and must be extinguished by 12:00 a.m.

(12) Field, forage grass or turf grass burning is not allowed. (Ord. 1604 § 1 (Exh. E), 2008)

7.28.050 Burn barrels.

The use of burn barrels is prohibited throughout the state of Washington. (Ord. 1604 § 1 (Exh. E), 2008)

7.28.060 Land clearing (burning) prohibited.

Land clearing (burning) is strictly prohibited within the city limits. Land clearing is defined as the removal of stumps, trees and other heavy vegetation that, when removed, changes the scope and the intended use of the property. (Ord. 1604 § 1 (Exh. E), 2008; Ord. 907 § 4, 1988. Formerly 7.28.040)

7.28.070 RCW 70.94.740 through 70.94.780 adopted by reference.

Further, the city adopts by reference RCW 70.94.740 through and including 70.94.780 pertaining to outdoor burning. (Ord. 1604 § 1 (Exh. E), 2008; Ord. 907 § 8, 1988. Formerly 7.28.080)

7.28.080 Citation authority.

Any authorized employee of the city fire department may issue an appropriate citation to any person violating the regulations adopted by the city for outdoor burning as set forth in this chapter. (Ord. 1604 § 1 (Exh. E), 2008; Ord. 918 § 1, 1988; Ord. 907 § 9, 1988. Formerly 7.28.090)

7.28.090 Violation – Penalty.

Any person violating the regulations for outdoor burning set forth in WMC 7.28.010 through 7.28.070 shall be subject to a fine not exceeding \$500.00 for each violation. Appeals of fines shall be made to the city council. (Ord. 1604 § 1 (Exh. E), 2008; Ord. 1047 § 1, 1991; Ord. 918 § 2, 1988. Formerly 7.28.100)

Chapter 7.32

ELECTRIC FENCES

Sections:

7.32.010 Electric fences prohibited.

7.32.020 Definitions.

7.32.030 Authority of police to disconnect enclosure.

7.32.040 Violation – Penalty.

7.32.010 Electric fences prohibited.

It is unlawful for any person, individually or by their agent or as an agent for another, or for any entity hereinafter defined, to install, use and/or operate, or permit to be used, installed and/or operated, an electric fence as defined in this chapter upon property and land owned, occupied and/or under the control of such person and/or entity, situated within the city. (Ord. 913 § 1, 1988)

7.32.020 Definitions.

“Electric fence” means any wire or wire enclosure which can be or is energized by an electrical current, which current does or could run through said enclosure. In addition, “any person” and/or “entity” means and includes any person, firm, partnership, corporation, agent and/or other associations and relationships of persons. (Ord. 913 § 2, 1988)

7.32.030 Authority of police to disconnect enclosure.

The police of the city shall be allowed to immediately disconnect said enclosure if it is determined that the same is in violation of this chapter. (Ord. 913 § 4, 1988)

7.32.040 Violation – Penalty.

Any violation of this chapter shall constitute a violation of a criminal ordinance, and any person convicted of a violation thereof shall be punished by a fine of not to exceed \$500.00 or by imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. (Ord. 913 § 3, 1988)

Chapter 7.36

SMOKE DETECTION DEVICES

Sections:

7.36.010 RCW 48.48.140 – Adopted.

7.36.010 RCW 48.48.140 – Adopted.

The city does hereby adopt by this reference in total, RCW 48.48.140 entitled “Smoke Detection Devices in Dwelling Units – Penalty.” Said adoption shall include the following:

Smoke Detection Devices in Dwelling Units – Penalty:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on or after December 31, 1981; or

(b) Built or manufactured in this state after December 31, 1980.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the Administrative Procedure Act, Chapter 34.04 RCW, Rules and Regulations promulgated by the State Fire Marshal.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall ensure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than \$50.00.

(5) For the purposes of this section:

(a) “Dwelling unit” means a single unit providing complete, independent living facili-

ties for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) “Smoke detection device” means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm sounding device, operated by a power supply either in the unit or obtained at the point of installation.

(Ord. 905 § 1, 1988)