

## Title 8

### HEALTH AND SAFETY

**Chapters:**

- 8.04 Public Emergency**
- 8.08 Uniform Litter Control Code**
- 8.12 Noise Control**
- 8.16 Grass and Weeds**
- 8.20 Nuisances**
- 8.24 Abandoned Vehicles**
- 8.28 Junk Vehicle Abatement**
- 8.32 Outdoor Burning**

#### Chapter 8.04

### PUBLIC EMERGENCY

**Sections:**

- 8.04.010 Public emergency acts.**
- 8.04.020 Acts defined.**
- 8.04.030 Mayor's declaration.**
- 8.04.040 Emergency resolution.**
- 8.04.050 Penalties.**

**8.04.010 Public emergency acts.**

A. Any act, nuisance or occupation deleterious to public health or safety and causing disruption of municipal or private services within the corporation shall constitute an emergency.

B. Any act, nuisance or occupation of municipal ordinances that affect the overall peace, good government and welfare of the corporation, its citizens, trade, commerce and manufactures shall constitute an emergency.

C. Any set of circumstance that materially affects the municipal corporations ability to administer good government, provide essential services and protect the rights of its citizens, trade, commerce or manufactures shall be deemed an act, nuisance or occupation, as the case may be, which is deleterious and disruptive of the public health, safety and general welfare.

D. Any act, nuisance or occupation that is found by the City Council of North Bonneville to materially affect the environmental quality in a manner that jeopardizes the decent, safe and sanitary conditions of individual dwellings shall be deemed a nuisance which constitutes a public emergency.

E. Any act, nuisance or occupation that is found by the City Council of North Bonneville to materially affect the overall trade, services and commerce so as to disrupt normal market activity and jeopardize services within the corporation shall be deemed a public emergency. (Ord. 317 §§ 1, 2 (part), 1976)

**8.04.020 Acts defined.**

Disruptive or deleterious acts, nuisances or occupations shall include but not be limited to the following:

- A. Noise.
- B. Air Pollution and Water Pollution.
- C. Interruption or degradation of public utilities and services.
- D. Accumulation of garbage and debris whether on public or private property.
- E. Unkept, ungraded and unseeded public and private lots.

F. Construction activity that substantially disrupts rights of direct and convenient access, providing of municipal services and the normal conduct of trade, commerce, manufacturing and private utility services.

G. Land acquisitions by public agencies that materially affects the corporation ability to incur debt as provided by State law (Debt incurred based on a percentage of the assessed valuation of land within the corporation).

H. Breach of Contract--Any breach of contract with the corporation by any entity, public agency or contractor that materially affects the City Council's ability to conduct good government, meet its financial obligations or provide for essential community services required for viable conduct of trade, commerce, and manufacturing.

I. Eviction notices--Notices of evictions given to private home owners, tenants, and businesses by any public agency without provisions for replacement of public, private and commercial facilities within the corporation.

J. Relocation assistance advisory services--Failure to provide an adequate Relocation Assistance Advisory Program which provides absolute guarantees that, within a reasonable period of time, prior to displacement of any individual, business, industry or other entity, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents and prices within the financial means of the families and individuals displaced decent safe and sanitary dwellings, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment. (Ord. 317 § 2 (part), 1976)

#### **8.04.030 Mayor's declaration.**

A. The Mayor of North Bonneville shall, upon his findings of conditions set forth in Sections 8.04.010 and 8.04.020 of this chapter, issue a written declaration of a public emergency, to the City Council, the Governor of the State of Washington and the head of such federal agencies as may be involved. The Mayor's declaration shall set forth his finding and document such conditions that jeopardize the health, safety, and welfare of the citizens and the corporation.

B. The Mayor's declaration shall constitute an automatic directive to the City Council, staff, and attorney to engage in an immediate fact finding task force to substantiate the Mayor's findings. The City Council shall report its finding at a special meeting or regular meeting of the council as the particular circumstance may require and set upon receipt of the Mayor's declaration. The City attorney shall report his finding to the Mayor and Council with respect to the breach of any contract that materially affects the health, safety and welfare of the citizen and the corporation, its trade, commerce and manufactures. (Ord. 317 § 3, 1976)

#### **8.04.040 Emergency resolution.**

The City Council shall by formal resolution establish such special rules, regulation and procedures for handling the emergency. Said rules and regulation shall be specific to the findings of the Mayor and establish the definition of an infraction for each particular set of circumstances. (Ord. 317 § 4, 1976)

#### **8.04.050 Penalties.**

No person or entity shall cause any act, nuisance or occupation to be undertaken in a manner so as to create an emergency as set forth in Sections 8.04.010 and 8.04.020 of this chapter. Any person or entity found guilty of entering into, causing to continue or financing any act, nuisance or occupation that creates a public emergency shall be guilty of a misdemeanor and shall be punished by a fine in accordance with Section 7.01.020(E) of this code for each violation or imprisonment for not more than six (6) months or both. Every violation of any lawful order or regulation implemented under the terms of this chapter or City Council resolution or regulation is hereby declared a misdemeanor or public offense. (Ord. 886, 2005; Ord. 317 § 5, 1976)

## Chapter 8.08

### UNIFORM LITTER CONTROL CODE

#### Sections:

<b>8.08.010</b>	<b>Purpose.</b>
<b>8.08.020</b>	<b>Definitions.</b>
<b>8.08.030</b>	<b>Litter in general.</b>
<b>8.08.040</b>	<b>Litter in general--Penalty.</b>
<b>8.08.050</b>	<b>Litter receptacles--Placement.</b>
<b>8.08.060</b>	<b>Litter receptacles--Placement penalty.</b>
<b>8.08.070</b>	<b>Litter receptacles--Use.</b>
<b>8.08.080</b>	<b>Litter receptacles--Damaging/penalty.</b>
<b>8.08.090</b>	<b>Removal of litter.</b>
<b>8.08.100</b>	<b>Litter bags.</b>
<b>8.08.110</b>	<b>Litter--Sweeping into gutter prohibited.</b>
<b>8.08.120</b>	<b>Merchants' duty to keep sidewalks/premises free of litter.</b>
<b>8.08.130</b>	<b>Handbills--Distribution public places/general.</b>
<b>8.08.140</b>	<b>Handbills--Distribution at residences.</b>
<b>8.08.150</b>	<b>Handbills--Distribution at residences exemption.</b>
<b>8.08.160</b>	<b>Litter--Thrown from vehicles.</b>
<b>8.08.165</b>	<b>Litter--Thrown from vehicles / penalty.</b>
<b>8.08.170</b>	<b>Vehicle loading.</b>
<b>8.08.175</b>	<b>Vehicle loading--Penalty.</b>
<b>8.08.180</b>	<b>Inspections--Receptacles.</b>
<b>8.08.190</b>	<b>Enforcement officers.</b>

#### **8.08.010 Purpose.**

The purpose of this chapter is to accomplish litter control in the city and pursuant to the general laws of the State of Washington to adopt basically uniform and coordinated litter control local legislation throughout the state. This chapter is intended to place upon all persons within the city, in a cooperative and coordinated statewide effort, the duty of contributing to the public cleanliness of the city and appearance in order to promote the public health, safety and welfare and to protect the economic interests of the people of the city against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial and non-commercial handbills. (Ord. 240 § 21, 1973)

#### **8.08.020 Definitions.**

As used in this uniform litter control code, unless the context clearly indicates otherwise, the following terms have the following meanings. All words used in the present tense include the future and past tense; all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"City" means the City of North Bonneville, Washington.

"Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature, excluding newspapers:

1. Which advertises for sale any merchandise, product, commodity, or thing; or
2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this City; or

4. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

"Highway" for the purpose of this ordinance is synonymous with and includes street, road and alley.

"Litter" means all solid wastes including but not limited to containers, packages, wrapping, printed matter or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, saw-milling, farming, or manufacturing.

"Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person.

"Litter receptacle" means those containers meeting minimum requirements of state regulations of the State Department of Ecology.

"Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

"Non-commercial handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

"Park" is a park, reservation, playground, beach, recreation center or any other area in the city, devoted to active or passive outdoor recreation.

"Person" is any individual, political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, or other entity, whatsoever.

"Private residence" shall mean any privately owned yard, grounds, walk, driveway, dwelling, house, building or other structure, including appurtenant porches, steps or vestibules, used or designated either wholly or in part for private residential purposes, whether single family, duplex or multiple, and whether inhabited or temporarily or continuously uninhabited or vacant.

"Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

"Road" for the purpose of this ordinance is synonymous with and includes street, highway and alley.

"Solid waste" means all solid and semi-solid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

"State regulations" means the regulations duly promulgated and adopted by the State Department of Ecology pursuant to Chapter 34.04 RCW and codified or prepared for codification as part of the Washington Administrative Code, copies of the applicable portions of which are attached as Exhibit "A" and by this reference are incorporated herein as if set forth in full.

"Street" for the purpose of this ordinance is synonymous and includes Road, Highway and alley.

"Vehicle" includes every device capable of being moved upon a public street and in, upon, or by which any person or property is or may be transported or drawn upon a public street, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft. (Ord. 240 § 2, 1973)

**8.08.030 Litter in general.**

No person shall throw, drop, deposit, discard or otherwise dispose of litter upon any street, alley, sidewalk or any other public place in the city or upon a private residence or other private property not owned by him or in any waters within the jurisdiction of the City whether from a vehicle or otherwise except:

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

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

C. When such person is the owner or does have control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of 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. 240 § 3, 1973)

**8.08.040 Litter in general--Penalty.**

Any person violating the provisions of Section 8.08.030 shall be guilty of a misdemeanor and the fine for such violation shall be in accordance to Section 7.01.020(A) of this code for each offense, and, in addition thereto, in the sound discretion of the court, such person may be directed by the court to pick up and remove from any public place or any private residence or other property, with permission of the legal owner or other person having legal possession, upon which it is established by competent evidence that such person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence. (Ord. 887 (part), 2005; Ord. 240 § 3 (part), 1973)

**8.08.050 Litter receptacles--Placement.**

A. Litter receptacles shall be placed in all parks, trailer parks in respect to the service of transient habitation, 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 need as specified by state regulation.

B. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accordance with such state regulations. (Ord. 240 § 4(1, 2), 1973)

**8.08.060 Litter receptacles--Placement penalty.**

Any person who fails to place such litter receptacles on the premises in the numbers and design required by state regulation, violating the provisions of this section shall be subject to a fine in accordance to Section 7.01.020(B) of this code for each day of violation. (Ord. 887 (part), 2005; Ord. 240 § 4(3), 1973)

**8.08.070 Litter receptacles--Use.**

A. Persons placing litter in litter receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private residence or other private property.

B. 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 of other solid waste accumulated in residences or places of business. (Ord. 240 § 5(1, 2), 1973)

**8.08.080 Litter receptacles--Damaging/penalty.**

It shall be unlawful for any person to willfully damage or deface any litter receptacle of another person. Upon conviction for such violation, such violator shall be subject to a fine in accordance to Section 7.01.020(B) of this code for each such violation. (Ord. 887 (part), 2005; Ord. 240 § 6, 1973)

**8.08.090 Removal of litter.**

It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same for the removal of litter from litter receptacles placed in parks, beaches, campgrounds and other public places. (Ord. 240 § 7, 1973)

**8.08.100 Litter bags.**

The owner and person in possession of all vehicles or watercraft shall keep and use a litter bag in said vehicle or watercraft at all times which litter bag shall be maintained in such vehicle or watercraft in a place which the same may be viewed from the outside of such vehicle or watercraft whether or not said vehicle or watercraft is locked or otherwise secured from entry. (Ord. 240 § 8, 1973)

**8.08.110 Litter--Sweeping into gutter prohibited.**

No person shall sweep into or deposit in any gutter, street, alley or other public place the accumulation of litter from any building or 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. 240 § 9, 1973)

**8.08.120 Merchants' duty to keep sidewalks/premises free of litter.**

A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

B. The owner or person in control of any private residence or other private property shall at all times maintain the premises free of litter. (Ord. 240 §§ 10, 11, 1973)

**8.08.130 Handbills--Distribution public places/general.**

A. Throwing or Distributing Commercial Hand-bills in Public Places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

B. Placing Commercial and Noncommercial Handbills on Vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

C. Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Property. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private residence or other private property which are temporarily or continuously uninhabited or vacant.

D. Prohibiting Distribution of Handbills Where Properly Posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private residence or other private property, if requested by anyone thereon not to do so, or if there is placed on said residence or property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or agents;" "No Advertisements," or any similar notice, indicating in any matter that the occupants of said residence or property do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 240 §§ 12--15, 1973)

**8.08.140 Handbills--Distribution at residences.**

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private residence which is inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person then present or upon such private residence. Provided, however, that in case if inhabited private residence which is not posted, as provided in this chapter such person unless requested by anyone upon such residence not to do so, may place or deposit any such handbill in or upon such inhabited private residence, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such residence or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations. (Ord. 240 § 16 ¶1, 1973)

**8.08.150 Handbills--Distribution at residences exemption.**

Exemption for mail and newspapers. The provisions of Section 8.08.140 shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) 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 street, sidewalk or other public place or upon private residences or other private property. (Ord. 240 § 16, 1973)

**8.08.160 Litter--Thrown from vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any street or other public place or upon any private residence or private property. (Ord. 240 § 17, 1973)

**8.08.165 Litter--Thrown from vehicle / penalty.**

Any person violating the provisions of Section 8.08.160 of this chapter shall be subject to a fine in accordance with Section 7.01.020(B) of this code. (Ord. 887 (part), 2005)

**8.08.170 Vehicle loading.**

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 or gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

B. Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street shall immediately cause said public street to be cleaned of all such glass or other objects and shall pay any cost therefore. (Ord. 240 § 18(1, 2), 1973)

**8.08.175 Vehicle loading – Penalty.**

In addition to any and all other remedies allowed under this section, any person owning or operating a vehicle in violation of Section 8.08.170 of this chapter shall be subject to a fine in accordance with Section 7.01.020(C) of this code. (Ord. 887 (part), 2005)

**8.08.180 Inspections--Receptacles.**

A. At such times as the fire department or other local fire control agency makes routine or other fire inspections within the city, it shall also be the duty of the fire department to inspect all such inspected premises to assure compliance with the requirements for placing and maintaining litter receptacles as required by this chapter. In the event violations of this chapter are found, members of the fire department are authorized to issue citations and the legal process authorized in this chapter as in the case of police and other law enforcement personnel.

B. The building department shall not approve occupancy of any building, structure or other improvement for new construction or modification, to any existing building, structure or other improvement for which a building permit is required, nor give final inspection approval to any such building, structure or other improvement, until litter receptacles as herein required have been set in place on the subject property. In the event violations of this chapter are found, members of the building department are authorized to issue citations and other legal process authorized in this chapter as in the case of police and other law enforcement personnel. (Ord. 240 § 19(1, 2), 1973)

**8.08.190 Enforcement officers.**

Enforcement of this chapter may be by any police officer or other law enforcement officer, fire department and building department personnel, jurisdictional health department personnel, and those public employees charged with the responsibility of operating and maintaining all public places within the provisions of this chapter. All such enforcement officers are hereby empowered to issue citations to and/or arrest without warrant, persons violating the provisions of this chapter. Said enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation, or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged.

Nothing herein shall be construed to prohibit citizens' complaints or arrests as may be otherwise permitted under applicable state regulations, state statute, ordinance, or court rule. (Ord. 240 § 20, 1973)

## Chapter 8.12

### NOISE CONTROL

**Sections:**

- 8.12.010 Policy--Scope.**
- 8.12.020 Definitions.**
- 8.12.030 Maximum permissible environmental noise levels.**
- 8.12.040 Exemptions.**
- 8.12.050 Vibration.**
- 8.12.060 Variances and implementation schedules.**
- 8.12.070 Enforcement policy--Violations and penalties.**
- 8.12.080 Appeals.**

**8.12.010 Policy--Scope.**

It is the policy of the City of North Bonneville to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

This Chapter shall apply to the control of all sound and vibration that affects any residential, commercial, industrial property within the limits of the City of North Bonneville. (Ord. 320 §§ 1, 2, 1973)

**8.12.020 Definitions.**

(a) "Background Sound Level" means the level of all sounds in a given environment, independent of the specific source being measured.

(b) "DBA" means the sound pressure level in decibels measured using the "A" weighing network on a sound level meter. The sound pressure level, in decibels, of a sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure of twenty (20) micropascals.

(c) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

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



- (e) "Noise Control Office" means the North Bonneville Police Department.
- (f) "Noise Control Officer" means the North Bonneville Chief of Police or any designated representative of the North Bonneville Police Department.
- (g) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.
- (h) "Property Boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the real property owned, rented or leased by one person, or occupied by a residential structure and associated garden area or living group from that owned, rented or leased by another person, and its vertical extension.
- (i) "Racing Event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.
- (j) "Receiving Property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.
- (k) "Sound Level Meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.
- (l) "Temporary Construction Site" means construction occurring on any property for a period of not more than thirty (30) days.
- (m) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water. (Ord. 320 § 3, 1976)

**8.12.030 Maximum permissible environmental noise levels.**

- (a) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.
- (b) The noise limitation established are as set forth in Washington Administrative Code (WAC) Chapter 173-60-040 and the following table. EDNA means Environmental Designation for Noise Abatement. EDNA's are broken down into the following classes:

- Class A EDNA--residential areas
- Class B EDNA--commercial areas
- Class C EDNA--industrial areas

- (c) EDNA's are designated by a map in appendix "A" of this ordinance.
- (d) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57	60	65
Class C	60	65	70

- (ii) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by ten (10) DBA for receiving property within Class A EDNA's.
  - (iii) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:
    - (a) Five (5) dBA for a total of fifteen (15) minutes in any one-hour period;
    - (b) Ten (10) dBA for a total of five (5) minutes in any one-hour period;
    - (c) Fifteen (15) dBA for a total of 1.5 minutes in any one-hour period.
- (Ord. 320 § 4(a-d), 1976)

#### **8.12.040 Exemptions.**

Certain sounds shall be exempt from the noise limitations established in Section 8.12.030 above. These exemptions are enumerated in WAC 173-60-050, "Exemptions," and are attached as appendix "B" of this ordinance. (Ord. 320 § 5, 1976)

#### **8.12.050 Vibration.**

Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited by this ordinance. For the purposes of this section "vibration perception threshold" means the minimum ground - or structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. (Ord. 320 § 6, 1976)

#### **8.12.060 Variances and implementation schedules.**

(a) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of non-availability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for a minimum time period found to be necessary under the facts and circumstances.

(b) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(c) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variances shall be issued for a period of more than thirty (30) days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the City Council.

(d) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance. (Ord. 320 § 7(a--d), 1976)

#### **8.12.070 Enforcement policy--Violations and penalties.**

Noise measurement for the purpose of enforcing the provisions of this chapter shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes each day, defined as the twenty-four (24) hour period beginning at 12:01 a.m., in which violation of the Noise Control Ordinance occurs, shall constitute a separate violation. Any violation of this chapter shall be punishable by a fine in accordance with Section 7.01.020(D) of this code for each violation, or imprisonment of not more than six (6) months for each violation, or both. (Ord. 888, 2005; Ord. 320 § 8, 1976)

#### **8.12.080 Appeals.**

Any person aggrieved by any decision of the NCO in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the City Council. (Ord. 320 § 9, 1976)

## Chapter 8.16

### GRASS AND WEEDS

#### Sections:

- 8.16.010 Purpose.**
- 8.16.020 Grass and weeds prohibited.**
- 8.16.030 Enforcement--Notification.**
- 8.16.040 Penalty.**

#### **8.16.010 Purpose.**

This chapter is declared to be necessary to provide for the preservation of public peace, property, health and safety of the people of the City of North Bonneville. (Ord. 480 § 5, 1981)

#### **8.16.020 Grass and weeds prohibited.**

All persons owning or occupying property within the City limits of North Bonneville are prohibited from permitting weeds or grasses growing thereon, or upon the street right-of-ways adjacent thereto between the edge of pavement or curbs to the property line from exceeding twelve (12) inches in height, or becoming dry and inflammable and judged a nuisance by the official designated by the City. (Ord. 1081, 2017; Ord. 480 § 1, 1981)

#### **8.16.030 Enforcement--Notification.**

It shall be the duty of the City of North Bonneville to notify all persons violating this chapter, or the agents of such persons, to remove such weeds or grass within ten (10) days. (Ord. 1081, 2017; Ord. 480 § 2, 1981)

#### **8.16.040 Penalty.**

Any person violating the provisions of this chapter shall be subject to a fine in accordance with Section 7.01.020(C). (Ord. 1081, 2017; Ord. 912, 2006; Ord. 906, 2006; Ord. 764, 1998; Ord. 753, 1998; Ord. 480 § 3(a), § 4(b), 1981)

## Chapter 8.20

### NUISANCES

#### Sections:

- 8.20.010 Health and sanitation--Debris.**
- 8.20.020 Health and sanitation--Household refuse/garbage.**
- 8.20.030 Garbage defined.**
- 8.20.040 Household refuse--Receptacles.**
- 8.20.050 Penalty.**
- 8.20.060 Carcasses/penalty--Private lots.**
- 8.20.070 Carcasses/penalty--Public property/streets.**
- 8.20.080 Nuisance declared--Odors, fumes or smoke.**
- 8.20.090 Nuisance declared--Mechanical music.**
- 8.20.100 Nuisance declared--Discordant or unnecessary noises.**
- 8.20.110 Nuisance declared--Auto horns, bells.**
- 8.20.120 Nuisance declared--Burning refuse.**
- 8.20.130 Nuisance declared--Houses of prostitution.**
- 8.20.140 Nuisance declared--Disorderly houses.**

- 8.20.150 Nuisance declared--Gambling houses.**
- 8.20.160 Nuisance declared--Premise liquor sold unlawfully.**
- 8.20.170 Nuisance declared--Unguarded excavation.**
- 8.20.180 Nuisance declared--Animals.**
- 8.20.190 Nuisance declared--Obstructing streets.**
- 8.20.200 Nuisance declared--Unfinished buildings.**
- 8.20.210 Nuisance--Violation/penalty.**
- 8.20.220 Abatement.**
- 8.20.230 Liability for costs--Action to abate.**
- 8.20.240 Animal noise nuisance.**

**8.20.010 Health and sanitation--Debris.**

No individual, firm or corporation within the incorporated limits of the City shall break or cause to be broken and left on the streets, alleys, walks, lots or public parking places of the said City any glass, refuse containers, spikes, nails, tacks, trash, brush, or other objects of obstruction to the free use of the streets and public spaces of said City. (Ord. 487 § 1, ¶1, 1981)

**8.20.020 Health and sanitation--Household refuse/garbage.**

No individual, firm or corporation shall dump household refuse, peelings, decomposed vegetables, fruits or other garbage that would attract flies, rats, or other rodents, either on public areas or private lots within the incorporated limits of said City. (Ord. 487 § 1, ¶2, 1981)

**8.20.030 Garbage defined.**

"Garbage" is defined as follows: Garbage shall mean and include all accumulations of household waste matter which has been discarded as of no further value to the owner thereof, including ashes, cinders, trade waste, lawn cuttings, grass, rags, bottles, papers, broken household furniture, dead animals, boxes, barrels, shrubs, rubbish in general and every accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, storage or handling of meat, fish, fowl, fruits or vegetables. (Ord. 487 § 1, ¶3, 1981)

**8.20.040 Household refuse--Receptacles.**

All individuals, firms or corporations shall procure and maintain suitable cans/receptacles for the accumulation of all household refuse with close fitting lids. (Ord. 487 § 1, ¶4, 1981)

**8.20.050 Penalty.**

Any individual, firm or corporation violating any of the provisions of Sections 8.20.010 through 8.20.040 shall, upon conviction thereof, be subject to a fine in accordance with Section 7.01.020(B). (Ord. 905, 2006; Ord. 487 § 1, ¶5, 1981)

**8.20.060 Carcasses/penalty--Private lots.**

No individual, firm or corporation shall allow any dead cats, dogs, or other dead animals or parts thereof to remain on private lots.

If after eight (8) hours of notification to the owner the dead animals have not been removed the City shall have same removed. Upon non-compliance, the animal owner will be responsible for expenses incurred for removal and disposal of said animals and subject to a fine of twenty-five dollars (\$25.00) per animal. (Ord. 487 § 2, ¶1, 1981)

**8.20.070 Carcasses/penalty--Public property/streets.**

If any such cats, dogs or other animals are killed upon the streets of said City, it shall be the duty of the animal owner to remove and dispose of same within eight (8) hours after notification. Upon non-compliance of animal owner, city personnel will remove and dispose of said animals and the owner will

be responsible for expenses incurred for removal and disposal and subject to a fine of twenty-five dollars (\$25.00) per animal. (Ord. 487 § 2, ¶2, 1981)

**8.20.080 Nuisance declared--Odors, fumes or smoke.**

The erection, continuances or use of any building, room or other place in said City for the exercise of any trade, employment or manufacture, which by occasioning noxious exhalations, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or the public. (Ord. 501 § 1(1), 1982)

**8.20.090 Nuisance declared--Mechanical music.**

The playing or causing to be played in front of any building where any show, moving picture exhibition, or theatrical performance is given or in the open vestibule or area of any building, any automatic or mechanical musical instrument for the attraction of custom. (Ord. 501 § 1(2), 1981)

**8.20.100 Nuisance declared--Discordant or unnecessary noises.**

Making or causing to be made by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn or other mechanical device, or by outcry, loud speaking or signing, and discordant and unnecessary noise of any kind which shall annoy any considerable number of persons or interfere with the comfort or repose of such persons, for the purpose of advertising any goods, wares or merchandise, or show to entertain to which an admission fee is charged, or to attract attention or invite the patronage of any person to any business whatsoever in the City; provided that the use of bands of music for the above purposes is not hereby prohibited. (Ord. 501 § 1(3), 1981)

**8.20.110 Nuisance declared--Auto horns, bells.**

The sounding of auto horns, ringing bells, blowing whistles, or making other annoying noises unnecessarily at unseemly hours or for an unreasonable time. (Ord. 501 § 1(4), 1982)

**8.20.120 Nuisance declared--Burning refuse.**

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, alleys of the City; or to cause or permit the smoke, ashes, soot or gases arising from such burning to become annoying to any considerable number of persons, or to injure or endanger the health, comfort or repose of said persons. (Ord. 501 § 1(5), 1982)

**8.20.130 Nuisance declared--Houses of prostitution.**

All disorderly houses, houses of ill fame, houses of prostitution or bawdy houses, or houses kept or resorted to for the purpose of prostitution or for the resort of lewd people, and all houses, rooms, scows, boats or other structure used as a place of resort where women are employed to draw custom, dance or for the purposes of prostitution, or in which women practice or carry on the business of prostitution. (Ord. 501 § 1(6), 1982)

**8.20.140 Nuisance declared--Disorderly houses.**

Any house or place where drunkenness, gambling, fighting or breeches of the peace are carried on or permitted. (Ord. 501 § 1(7), 1982)

**8.20.150 Nuisance declared--Gambling houses.**

Any eating house, hotel or other places of resort, including all rooms adjoining or connected therewith, in which gambling is conducted. (Ord. 501 § 1(8), 1982)

**8.20.160 Nuisance declared--Premise liquor sold unlawfully.**

Any building, room or rooms, place or places in said City, kept or maintained, in which intoxicating liquors are sold or given away contrary to law, or in which such liquors are kept or harbored for the

evident purpose of selling or giving away the same contrary to law; or where persons are permitted to resort for the purpose of drinking illegal intoxicating liquors, or where intoxicating liquors are kept for the purpose of inducing people to resort, to buy or receive intoxicating liquors in violation of law. (Ord. 501 § 1(9), 1982)

**8.20.170 Nuisance declared--Unguarded excavation.**

Any unguarded or abandoned excavation, pit or well or hole dangerous to life. (Ord. 501 § 1(10), 1982)

**8.20.180 Nuisance declared--Animals.**

Leading, driving or riding any horse, mule, cow or other like animal upon or over any lawn, parking strip, sidewalks or private property, in the City of North Bonneville; except at the entrance to some buildings or premises and at crossings, or causing or permitting any such animal to remain upon any sidewalk or crossing to the obstruction of travel, or picketing or tethering any animal upon any of the streets or alleys in the City, or hitching, tying or fastening any animal to any ornamental or shade tree or shrub, or to any lamp post, fence or railing, without the consent of the owner, or leaving any such animal, whether attached to any vehicle or conveyance or not, in any public place without being securely fastened or guarded. (Ord. 501 § 1(11), 1982)

**8.20.190 Nuisance declared--Obstructing streets.**

Obstructing, in any manner or by any means not specifically mentioned in any other provision of this chapter, any street, alley, sidewalk, crossing, ditch, drain or other public or private passageway, without authority to do so. (Ord. 501 § 1(14), 1982)

**8.20.200 Nuisance declared--Unfinished buildings.**

A. The City Council of the City of North Bonneville has determined that unfinished buildings and other unfinished structures within the City of North Bonneville are unsightly and can cause a diminution in the value of other property in the City.

B. Any building or structure which appears to be uncompleted, abandoned, boarded up, vacant, unused or unoccupied, whether or not allowed to become or remain open to entrance by unauthorized persons or the general public, which has remained in such a condition uncompleted for a period of one (1) year, or for which a building permit has been terminated or revoked for a period of one (1) year. (Ord. 636 § 1(15A, B), 1989)

**8.20.210 Nuisance--Violation/penalty.**

Any person, firm or corporation violating any of the provisions of this chapter or who shall create, keep or maintain any nuisance as herein defined shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) and/or imprisonment up to thirty (30) days in the County Jail. (Ord. 501 § 2, 1982)

**8.20.220 Abatement.**

When judgement shall be rendered against any person, firm or corporation finding them guilty of creating, keeping or maintaining a nuisance, as herein provided, it shall be the duty of the Court before whom the conviction is had, in addition to imposing the penalty or penalties herein above provided, to order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within twenty-four (24) hours the same shall be abated and removed under the direction of the Police Chief of the City of North Bonneville or any other officer authorized by the order of the said Court, which said order of abatement shall be entered upon the docket of said Court and made a part of the judgement in such action. (Ord. 501 § 3, 1982)

**8.20.230 Liability for costs--Action to abate.**

Any person, firm or corporation found guilty of keeping or maintaining a nuisance as hereinabove provided shall be liable for all costs and expenses of abating the same when said nuisance has been abated by any officer of the City, which said expenses shall be taxed as part of the costs of said prosecution against the party liable, to be recovered as other costs are recovered. Provided, that in such cases the City shall be liable in the first instance to pay the same, and in all cases where the Police Chief or other officer shall abate any such nuisance he shall keep an account of all expenses, attending such abatement and in addition to other powers herein given to collect such costs and expenses. The City of North Bonneville may bring suit for the same in any Court of competent jurisdiction against the person, firm or corporation keeping or maintaining the nuisance so abated. (Ord. 501 § 4, 1982)

**8.20.240 Animal noise nuisance.**

A. It is a public nuisance for any person to keep or harbor any animal which makes such noise that the peace or repose of another is unreasonably disturbed. Any such animal shall be deemed a public nuisance.

B. Violation of this section shall constitute a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Each and every day during which an animal makes such noise that the peace or repose of another is unreasonably disturbed shall constitute a separate violation of this section. (Ord. 707 § 1, 1994)

**Chapter 8.24**

**ABANDONED VEHICLES**

**Sections:**

- 8.24.010 Nuisance defined.**
- 8.24.020 Notice to owner.**
- 8.24.030 Public hearing request/removal of vehicle.**
- 8.24.040 Public hearing--Notice to owner.**
- 8.24.050 Public hearing--Procedure--Determination.**
- 8.24.060 Removal and disposal of vehicle--Notice to agencies.**
- 8.24.070 Disposal--State provisions to govern.**
- 8.24.080 Exemptions.**

**8.24.010 Nuisance defined.**

For the purpose of this Chapter, any abandoned, wrecked, dismantled, inoperative vehicle(s), automobile hulks or parts thereof left stored, parked or left standing on property owned by any person(s) firm or entity shall be declared a public nuisance by the City. (Ord. 532 § 1, 1983)

**8.24.020 Notice to owner.**

When in the opinion of the City an abandoned, wrecked, dismantled or inoperative vehicle or automobile hulks on private property, not including public highways, is declared to be a nuisance by the City, then a notice, in such event, shall be given to the last registered owner of record and the property owner of record. (Ord. 532 § 2, 1983)

**8.24.030 Public hearing request/removal of vehicle.**

A public hearing may be requested before the governing body of the City, town or county as designated by the governing body, and if no hearing is requested, the vehicle or automobile hulk will be removed. (Ord. 532 § 3, 1983)

**8.24.040 Public hearing--Notice to owner.**

If a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 532 § 4, 1983)

**8.24.050 Public hearing--Procedure--Determination.**

The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner. (Ord. 532 § 5, 1983)

**8.24.060 Removal and disposal of vehicle--Notice to agencies.**

After notice has been given of the intent of the city or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington State Patrol and the Department of Motor Vehicles that the vehicle has been wrecked. (Ord. 532 § 6, 1983)

**8.24.070 Disposal--State provisions to govern.**

The provisions for disposal of such nuisance shall be conducted in the manner provided under the laws of the State of Washington, RCW 46.52, as amended to date. (Ord. 532 § 7, 1983)

**8.24.080 Exemptions.**

This chapter shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130. (Ord. 532 § 8, 1983)

**Chapter 8.28**

**JUNK VEHICLE ABATEMENT**

**Sections:**

- 8.28.010 Nuisances enumerated.**
- 8.28.020 Enforcement with regard to junk vehicles.**
- 8.28.030 Enforcement with regard to other materials which constitute a nuisance.**
- 8.28.040 Administrative hearings officer.**
- 8.28.050 Enforcement of other nuisance complaints.**
- 8.28.060 Penalty.**
- 8.28.070 Abatement.**
- 8.28.080 Nonconforming uses.**



### **8.28.010 Nuisances enumerated.**

Each of the following conditions, unless otherwise expressly permitted by law, is declared to constitute a public nuisance on all property located in the City of North Bonneville (hereinafter referred to as "the City").

A. The outside accumulation of more than two (2) cubic yards of waste, rubbish and trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster, and any other similar abandoned discarded or unused material, which is visible from an adjacent road or other public or private property, unless kept in covered bins or covered receptacles.

B. The outside storage of abandoned, discarded or unused objects or equipment, including but not limited to tires, household furniture, stoves, refrigerators and freezers, which are visible from an adjacent road or other public or private property.

C. The outside storage for more than sixty (60) consecutive days of more than five (5) yards of any used or unused building materials which are visible from an adjacent road or other public or private property; provided, that nothing herein shall:

1. Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which, in the opinion of the City Building Official, is being pursued diligently to completion or, when the proposed construction does not require a building permit subject to Title 15 of this code, the construction, in the opinion of the City Building Official, is being diligently pursued to completion;

2. Prohibit storage upon the premises of a bonafide lumber yard, dealer in building materials, or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable law;

3. Make lawful any storage when it is prohibited by other ordinances or laws.

D. The presence for more than thirty (30) consecutive days of unattached motor vehicle parts that are visible from an adjacent road or other public or private property, or junk vehicles. A junk vehicle is a vehicle certified under RCW 46.55.010 as meeting three (3) of the following requirements:

1. Is three (3) years old or older;

2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor or transmission.

3. Is apparently inoperable;

4. Has an approximate fair market value equal only to the value of the scrap in it. (Ord. 910, 2006; Ord. 697 § 2, 1992)

### **8.28.020 Enforcement with regard to junk vehicles.**

Prior to impounding any unauthorized junk vehicles:

A. The City shall give notice to the last registered owner of record of any such vehicle and the property owner of record upon whose property said vehicle is located that a hearing may be requested and that if no hearing is requested within ten (10) days of the receipt of said notice, the vehicle will be removed.

B. In the event a hearing is requested by either the vehicle owner or the property owner, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five (5) day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

C. This chapter shall not apply to: (1) a vehicle, or parts thereof, that are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or (2) a vehicle, or parts thereof, that are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

D. Any owner of land upon which any such vehicle is located may appear in person or by representation at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is

determined at the hearing that the vehicle was placed on his land without his consent and that he has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the owner or the property on which the vehicle is located.

E. After notice has been given of the intent of the City to dispose of the vehicle, and after a hearing, if requested, has been held, the vehicle, or parts thereof, shall be removed at the request of any law enforcement officer with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

F. Any other provisions of RCW 46.55.240, as amended from time to time, required by law to be provided in municipal ordinances concerning unauthorized, abandoned, or impounded vehicles are incorporated herein. (Ord. 697 § 3, 1992)

#### **8.28.030 Enforcement with regard to other materials which constitute a nuisance.**

A. Upon receiving notice of the existence of a nuisance enumerated in Section 8.28.010, other than a junk vehicle or parts thereof, the person, firm or corporation named in said notice or the owner of record of said property may request a hearing on the alleged nuisance and abatement thereof. If a hearing is requested, all penalties and abatement proceedings shall be stayed until the conclusion of said hearing and a final determination by the hearing officer. A request for hearing must be made by the person, firm, corporation or property owner of record to the City of North Bonneville, City Hall, North Bonneville, Washington, in writing, within ten (10) days of receipt of said notice or the right to a hearing will be waived.

B. In the event no hearing is requested, penalties may be imposed pursuant to Section 8.28.060 and abatement may proceed in accordance with Section 8.28.070.

C. Upon receipt by the City of a written request for hearing, a notice giving the time, location and date of the hearing shall be mailed by certified mail, with a five (5) day return receipt requested, to the person, firm, corporation or property owner of record requesting said hearing at the address provided by said person, firm, corporation or property owner of record in the request for hearing.

D. In the event it is determined by the hearings officer that the nuisance complained of exists, the provisions of Sections 8.28.060 and 8.28.070 shall apply as of the date the notice of violation was received by the person, firm, corporation or owner of record named in said notice. (Ord. 697 § 4, 1992)

#### **8.28.040 Administrative hearings officer.**

All hearings required under this chapter shall be conducted by an administrative hearings officer who shall be the judge, or judge pro tem, of the North Bonneville Municipal Court. A decision made by such administrative hearings officer may be appealed to the Skamania County District Court for final judgment. (Ord. 697 § 5, 1992)

#### **8.28.050 Enforcement of other nuisance complaints.**

The provisions of this chapter may be enforced by the Skamania County Sheriff or such other entity or person as the North Bonneville City Council may from time to time designate. Such agency, entity or person shall use a law enforcement notice of infraction or citation as notice of its authorization to act hereunder. (Ord. 697 § 6, 1992)

#### **8.28.060 Penalty.**

A. Any person, firm, or corporation who violates any provision of this ordinance, shall be liable to the City for a civil penalty of fifty dollars (\$50.00) for each day that said violation continues after notice is received by said person, firm or corporation; provided, said penalty or any portion thereof may be reduced or waived by the administrative hearings officer if, in that officer's opinion, compliance with this ordinance is being diligently pursued.

B. As an alternative to any other penalty provided in this chapter or by law, any person who knowingly violates any provision of this chapter shall be guilty of a misdemeanor. (Ord. 697 § 7, 1992)

**8.28.070 Abatement.**

A. In addition to the remedies provided for in Section 8.28.020 with respect to junk vehicles, the City may give notice, by certified mail or by personal delivery to the owner of the site where nuisance materials other than junk vehicles may be located, of the necessity within ten (10) days of the date of the notice to abate the specified nuisance. The notice shall state with specificity the nuisance which is occurring at the posted site, shall order that such nuisance must be abated within ten (10) days of the date of notice, shall state that if the nuisance is not so abated, the City may remove specified materials and bill the owner of the property for removal, that the costs of such removal shall become a lien against the property where the nuisance has occurred, and shall state the date of the notice. The notice shall be posted in a conspicuous place at the site. It is unlawful for any person to remove such notice until the terms thereof shall have been fully complied with. If at the end of the ten (10) day period the site has not been cleaned and the nuisance thus abated, the City is authorized to have such site cleaned and to bill the cost of such cleaning, disposal and administrative expenses against the owner of the property. If unpaid, such cost shall become a lien in favor of the City of North Bonneville and enforceable as other liens against the real property where such nuisance occurred.

B. If a public health official determines that the nuisance constitutes an extreme hazard to public health, and notifies the City in writing of such hazard, the City of North Bonneville may proceed immediately to do all things necessary to abate such nuisance. (Ord. 697 § 8, 1992)

**8.28.080 Nonconforming uses.**

That portion of a commercial or industrial nonconforming use of property involving outside storage of inventory, supplies or other material shall be abated within six (6) months of the adoption of this chapter unless, within such period, application for site plan approval for such outside storage is made and thereafter granted. (Ord. 697 § 9, 1992)

**Chapter 8.32**

**OUTDOOR BURNING**

**Sections:**

- 8.32.010 Permit required for outdoor burning.**
- 8.32.020 Permit issued.**
- 8.32.030 Permit fee.**
- 8.32.040 Fire allowed.**
- 8.32.050 Emergency closure.**
- 8.32.060 Burning rules.**
- 8.32.070 Enforcement.**
- 8.32.080 Penalties.**

**8.32.010 Permit required for outdoor burning.**

Outdoor burning shall be regulated by a permit system that will include a small fire permit for fires that do not exceed piles with outside dimensions of four (4) feet by four (4) feet by three (3) feet high from July 1st through October 15th and ten (10) feet by ten (10) feet by five (5) feet high from October 16th through June 30th. (Ord. 1086, 2017; Ord. 711 § 1, 1994)

**8.32.020 Permit issued.**

The City is responsible to oversee the permitting process and the process by which permits practices will be conducted. The permitting process will conform to the Laws of the State of Washington and such other ordinances and regulations that are now or may become in effect in City of North Bonneville. (Ord. 1086; Ord. 711 § 2, 1994)

### **8.32.030 Permit fee.**

The permit fee shall be set by resolution of the City Council.

A. Open burning permits will be provided by the City. A record of the permit will be maintained by the City in a file to be called "open burning permit record." Open burning permits may be obtained by personal request.

B. The Fire Chief may prohibit any or all open fires when, in his/her sole discretion, atmospheric conditions, air pollution conditions or other local circumstances make such fires hazardous or create an air contamination problem. (Ord. 1091, 2018; Ord. 1086, 2017; Ord. 711 § 3, 1994)

### **8.32.040 Fire allowed.**

The following outdoor fires described in this section may be burned subject to the provisions of the Laws of the State of Washington and such other ordinances and regulations that are now or may become in effect in the City of North Bonneville.

Fire shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings, prunings, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process. (Ord. 1086, 2017; Ord. 711 § 4, 1994)

### **8.32.050 Emergency closure.**

Any Fire District or other municipality or agency with fire protection or air quality authority may declare a temporary emergency to exist and report the same to the Fire Chief of the City, who may determine whether or not to continue said closure and the duration thereof. (Ord. 1086, 2017; Ord. 711 § 5, 1994)

### **8.32.060 Burning rules.**

All outdoor fires are subject to the following rules:

A. No open burning shall be done during the declared period of impaired air quality. Burning conditions shall be obtained each day before starting to burn. Phone number will be on the permit;

B. Burning must be done with the following clearances from structures, property lines and other combustible materials:

(1) Not less than twenty (20) feet when using an approved burning appliance.

(2) Not less than twenty-five (25) feet for pile sizes four (4) feet by four (4) feet or less.

(3) Not less than fifty (50) feet for pile sizes greater than four (4) feet by four (4) feet.

C. The person capable of extinguishing the fire shall attend it at all times and the fire must be totally extinguished before leaving it. A sufficient water supply and shovel must be at the burning site and ready to use on fires;

D. Burning shall be conducted only during daylight hours and only one (1) pile may be burned at a time and it must be extinguished before starting another;

E. The person or entity obtaining a burn permit shall be responsible to burn in accordance with the conditions of said permit. Response by Fire Department for "out of control" burns will be billed to permit holder.

F. If a fire creates a nuisance, it must be extinguished upon direction from fire control authorities and those designated under Section 8.32.070. (Ord. 1086, 2017; Ord. 711 § 6, 1994)

### **8.32.070 Enforcement.**

The provisions of this chapter may be enforced by any entity or person as the City may from time to time designate. In emergency situations where immediate action is required, officials representing a fire protection authority, such as the City Fire Chief, State Department of Natural Resources and SW Washington Air Pollution Control Authority may issue notice of violation under any of the following:

A. Conditions of a permit issued under this chapter are violated;

B. Any open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained;

C. Prohibited materials are burned in an open fire, including trash and garbage disposal in "burn barrel;"

D. Any open fire is ignited when a condition of impaired air quality, or burn ban has been declared;

E. The fire causes emissions that unreasonably interfere with property use and enjoyment of adjacent property owners. (Ord. 1086, 2017; Ord. 711 § 7, 1994)

**8.32.080 Penalties.**

A. A violation of this chapter may subject a person to any penalty or other remedy authorized in RCW 70.94. If a fire protection authority is called to respond to, control or extinguish an illegal or out of control fire, said fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action.

B. Violations under the preceding section will be a civil infraction in accordance with the laws of the City and shall be punishable by a fine in accordance with Section 7.01.020(D) of this code for each occurrence. (Ord. 1086, 2017; Ord. 711 § 8, 1994)