

*Title 8*

**HEALTH AND WELFARE**

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*Chapter 8.01*

***USE OF 9-1-1 TELEPHONE NUMBER IN ADVERTISEMENTS***

**Sections:**

**8.01.010 Limiting Use of 9-1-1 Telephone Number in Advertisements.**

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**8.01.010 Limiting Use of 9-1-1 Telephone Number in Advertisements.**

Any advertisement, brochure, pamphlet, telephone label, or related public notice which is printed or published regarding citizen access to police, fire or emergency medical assistance which bears the 9-1-1 emergency telephone number or logo shall not include any other telephone number or recommend the use of any particular commercial establishment or business when using the 9-1-1 telephone system. (Ord. 85-187 § 1 (part), 1986)

**8.01.020 Penalty.**

Any person, firm or corporation convicted for violation of or failure to comply with any provision of this Chapter shall be guilty of a misdemeanor. Each day or a portion thereof upon which a violation occurs constitutes a separate offense. (Ord. 85-187 § 1 (part), 1986)



*Chapter 8.04*

***FEES FOR HEALTH SERVICES***

**Section:**

**8.04.010 Copies on File.**

**8.04.010 Copies on File.**

Fees for health services as established and revised pursuant to Article 16 and the procedures of the agreement between Pierce County and the City of Tacoma relating to the establishment of the Tacoma-Pierce County Health Department shall be kept on file and available to interested parties at the offices of the Tacoma-Pierce County Health Department. (Prior Code § 20.26.010)



*Chapter 8.08*

***PUBLIC NUISANCES***

**Sections**

- 8.08.010 Purpose and Intent.**
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**8.08.010 Purpose and Intent.**

- A. It is the purpose and intent of this Chapter to provide for the protection of the health, safety, and general welfare of the citizens of Pierce County by proscribing nuisances and establishing a procedure for the abatement of nuisances where efforts to achieve voluntary compliance have failed. The remedy provided in this Chapter shall be in addition to, and not in lieu of, other civil or criminal remedies provided by State law and/or the Pierce County Code (PCC).
- B. It is the purpose and intent of this Chapter to eliminate the effects of accumulated solid waste, unpermitted septic/sewage systems, and unpermitted motor vehicle salvage, storage, or repair sites. These conditions create blight, depress land values, generate health hazards, damage the environment and wildlife habitat, provide breeding grounds for pests such as rodents, hornets, and mosquitoes, attract illegal dumping of other solid waste and hazardous substances, lead to criminal behavior, and detrimentally affect the health and safety of communities and neighborhoods in rural and urbanized areas of unincorporated Pierce County.
- C. It is the purpose and intent of this Chapter to remove unpermitted buildings or structures, to rectify unpermitted development activities which damage environmentally sensitive areas of Pierce County including wetlands and shorelines, and to provide an alternative enforcement remedy where the landowner fails to comply with the terms of a cease and desist order or notice and order to correct or decision of the Pierce County Hearing Examiner.

- D. It is the purpose and intent of the County Council to declare that abatement of public nuisances from private property is a governmental purpose for which public funds may be spent as determined appropriate and necessary by the Executive.
- E. It is the further purpose and intent of this Chapter to hold the landowner responsible for the costs of abatement of nuisances that exist on his/her property.

(Ord. 2008-61 § 3 (part), 2008)

#### **8.08.020 Enforcement Authority.**

The Pierce County Executive or designees, the Director of the Tacoma-Pierce County Health Department or designees, and any law enforcement officer are authorized to enforce this Chapter. (Ord. 2008-61 § 3 (part), 2008)

#### **8.08.030 Definitions.**

- A. "Abate" means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition where such activity or condition constitutes a violation of this Chapter.
- B. "Apparently Inoperable" has the same meaning as in PCC 8.10.020 A.
- C. "Building" means any structure where person(s) reside, work, or congregate, including recreational vehicles, trailers, and mobile homes.
- D. "County" means Pierce County.
- E. "Extensively Damaged" has the same meaning as in PCC 8.10.020 B.
- F. "Junk Vehicle" means a motor vehicle meeting at least three of the following requirements:
  - 1. Is three years old or older;
  - 2. Is extensively damaged;
  - 3. Is apparently inoperable; or
  - 4. Has an approximate fair market value equal only to the approximate value of the scrap in it.
- G. "Landowner" is broadly defined to include a person(s) who legally owns real property and/or the person(s) shown on the last equalized assessment roll as the taxpayer for real property and/or any person in possession or control of property including an occupant, a builder or business operator who is developing, building, or operating a business on the property, or a person who has responsibility for maintaining the property.
- H. "Person" means a natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, officer, or employee of any of them.
- I. "Hearing Examiner" means a Pierce County Hearing Examiner or Deputy Hearing Examiner.
- J. "Property" means any building, lot, parcel, dwelling, rental unit, real estate, or land, or portion thereof, including property used for residential, commercial, or other purposes, and including abandoned or unused property.
- K. "Public Official" means any person(s) designated by the Pierce County Executive or the Director of the Tacoma-Pierce County Health Department to carry out the purposes of this Chapter, and any law enforcement officer.
- L. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way.



M. "Solid Waste" means all putrescible and nonputrescible solid and semisolid items including but not limited to the following items: bagged or loose household garbage, containers of household liquids or hazardous wastes, old or unused furniture, furniture parts, machinery or appliances, household fixtures, tires, batteries, mattresses, construction debris, rotting or scrap lumber, paper and/or cardboard, rubber debris, scrap metal, vehicle parts, hardware, cut brush or wood, dead or decaying plant materials, animal carcasses or animal waste, junk vehicles, or derelict vessels.

N. "Solid Waste Handling" has the same meaning as in RCW 70.95.030(24).  
(Ord. 2008-61 § 3 (part), 2008)

#### **8.08.040 Public Nuisance Defined.**

A public nuisance consists of performing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which:

- A. Unreasonably annoys, injures, or endangers the comfort, repose, health, or safety of others; or
- B. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any lake, or navigable river, bay, stream, canal or basin, or any public property, open spaces, parks, or public right-of-way in the County; or
- C. Renders other persons insecure in life or in the use of property; or
- D. Creates, maintains, or permits the existence or continuance of any of the specific public nuisances identified in this Chapter.

(Ord. 2008-61 § 3 (part), 2008)

#### **8.08.050 Specific Public Nuisances Declared.**

The following specific acts, omissions, places, conditions, and things are hereby declared to be public nuisances and are per se violations of this Chapter:

- A. The discharge of sewage, human excrement, or other wastes in any location or manner, except through approved means of sewage disposal which are constructed and maintained in accordance with the regulations of the Tacoma-Pierce County Health Department and/or the Pierce County Public Works and Utilities Division.
- B. Any residence, business, or place where people congregate, reside, or work that does not have an adequate and lawful source of potable water as required by state or local regulations.
- C. Any residence, business, or place where people congregate, reside, or work that is not serviced by a sewage disposal system constructed and maintained in accordance with the regulations of the Tacoma-Pierce County Health Department and/or the Pierce County Public Works and Utilities Division.
- D. Any poisonous material or poisonous thing on any property accessible to any animal or minor children.
- E. Unsecured hazards accessible to and posing a danger to minor children, including unused, abandoned, or discarded refrigerators, freezers, or large appliances which are left in any place accessible to minor children, or any unsecured or abandoned excavation, pit, mine, cistern, storage tank, or shaft.
- F. Property where solid waste has accumulated or is handled, stored, treated, processed, or buried, and poses a threat to human health and/or the environment. This subsection does not apply to properly permitted solid waste handling sites or facilities that are operated and maintained in full compliance with the terms of any permit, license, statute, regulation, or ordinance regulating such activity.

- G. Property used or maintained for the purpose of dismantling, salvaging, storing, or repairing of machinery, metals, or vehicles except where the landowner has obtained all licenses, permits, and approvals necessary to conduct such activity on the property.
- H. Property used or maintained for the purpose of dismantling, salvaging, storing, or repairing of machinery, metals, or vehicles where the landowner is not in compliance with the conditions set forth in any permit, license, statute, or ordinance regulating such activity.
- I. Property where derelict vessels, junk vehicles, or vehicle or vessel parts are stored and pose a threat to human health or safety or to the environment, except properties maintained in full compliance with the terms of any permit, license, statute, regulation, or ordinance regulating such activity.
- J. Any building or structure where construction was commenced and then ceased and the building or structure was left unfinished, or any building or structure that has been constructed or modified without required permits.
- K. Any property that has been found contaminated and declared unfit for use by a local health officer pursuant to RCW 64.44.030.
- L. Any violation of any of the following in the Pierce County Code: Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage; Title 17B, Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards; Title 17C, Construction and Infrastructure Regulations – Building and Fire Codes.
- M. Any violation of any of the following in the Pierce County Code: Title 18, Development Regulations – General Provisions; Title 18A, Development Regulations – Zoning; Title 18B, Development Regulations – Signs; Title 18D, Development Regulations – Environmental; Title 18E, Development Regulations – Critical Areas; Title 18F, Development Regulations – Land Divisions and Boundary Changes; Title 18H, Development Regulations – Forest Practices and Tree Conservation; Title 18I, Development Regulations – Natural Resources Lands; Title 18J, Development Regulations – Design Standards and Guidelines.
- N. Any violation of Pierce County Code Title 20, Shoreline Management Use Regulations.
- O. Property maintained in violation of the terms of a permit or authorization issued by Pierce County Planning and Land Services, the Tacoma-Pierce County Health Department, or the Pierce County Fire Prevention Bureau.
- P. Property maintained in violation of the terms of a written order issued by Pierce County Planning and Land Services, the Tacoma-Pierce County Health Department, or the Pierce County Fire Prevention Bureau.

(Ord. 2008-61 § 3 (part), 2008)

#### **8.08.060 Landowner Responsibility.**

Every landowner has a duty to maintain his or her property free of public nuisances. It is not a defense to this Chapter that other persons may have caused or contributed to the nuisance.

(Ord. 2008-61 § 3 (part), 2008)

#### **8.08.070 A Nuisance Does Not Become Legal by Prescription.**

A nuisance does not become legal by lapse of time. (Ord. 2008-61 § 3 (part), 2008)

**8.08.080 Notice of Violation and Abatement.**

- A. Whenever, upon a reasonable belief, a public nuisance exists in violation of this Chapter, a public official may issue a Notice of Violation and Abatement to the landowner(s), containing the following:
  - 1. The street address, parcel number(s), or description of the building, structure, premises, or land in terms reasonably sufficient to identify its location;
  - 2. A description of the violation(s);
  - 3. A reference to the Title, Chapter, and Section of the Pierce County Code or Tacoma-Pierce County Health Department regulation or written order which has been violated, if applicable.
  - 4. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action, and a date by which voluntary abatement must be completed;
  - 5. A statement that the person to whom a Notice of Violation and Abatement is directed may request an administrative hearing to be conducted by the Hearing Examiner. Such request (Notice of Appeal) must be in writing and must be received by the public official within 15 days after the Notice of Violation and Abatement has been served.
  - 6. A statement that the costs and expenses of abatement incurred by the County may be assessed against the person(s) named in the Notice of Violation and Abatement and further that failure to pay said costs may result in a lien for the costs of abatement being assessed against the property.
- B. The Notice of Violation and Abatement shall be served by any one or combination of the following methods:
  - 1. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the landowner of the property; or
  - 2. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
  - 3. By personal service upon the landowner.

(Ord. 2008-61 § 3 (part), 2008)

**8.08.090 Notice of Appeal.**

- A. Within 15 calendar days of service of a Notice of Violation and Abatement, the landowner may submit a written Notice of Appeal to the public official, along with the required appeal fee, to appeal the Notice of Violation and Abatement.
- B. The notice of appeal shall specify the grounds of appeal and be in the form required by PCC 1.22.090 C.

(Ord. 2008-61 § 3 (part), 2008)

**8.08.100 Notice of Hearing.**

- A. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, the public official shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same nuisance shall be consolidated pursuant to PCC 1.22.090 D.
- B. The Notice of Hearing shall be served by the same means as the Notice of Violation and Abatement.
- C. The Notice of Hearing shall contain the date, time, location of the hearing.

(Ord. 2008-61 § 3 (part), 2008)

**8.08.110 Hearing.**

- A. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner as a non land use matter pursuant to PCC 1.22.080 B.2.
- B. Unless otherwise provided herein, the provisions of PCC 1.22.080 C. through PCC 1.22.120 shall govern the hearing process.
- C. The Hearing Examiner shall determine if the property at issue constitutes a public nuisance as defined in this Chapter. The Hearing Examiner shall also determine if the appellant is a landowner as defined in this Chapter and is therefore personally liable for the costs of abating the nuisance.

(Ord. 2008-61 § 3 (part), 2008)

**8.08.120 Order of the Hearing Examiner.**

- A. Unless mutually agreed to by the appellant and the Hearing Examiner, the order of the Hearing Examiner shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by the designated public official.
- B. The Hearing Examiner, in affirming the public official's Notice of Violation and Abatement, may assess administrative costs and/or costs related to the abatement of the nuisance.
- C. The appellant may file a request for reconsideration of the Hearing Examiner's decision pursuant to PCC 1.22.130.
- D. If no written request for reconsideration has been received by the public official within seven working days of the date of the order of the Hearing Examiner, the order shall be considered final unless appealed to a court of competent jurisdiction pursuant to PCC 1.22.140.

(Ord. 2008-61 § 3 (part), 2008)

**8.08.130 Cooperative Abatement Agreements.**

The public official and the landowner may enter into a cooperative abatement agreement which includes a right of entry agreement and an agreement regarding the recovery of costs of the abatement. (Ord. 2008-61 § 3 (part), 2008)

**8.08.140 Cost Recovery.**

- A. In addition to the other remedies available under this Chapter, a public official may charge the costs of abatement to the landowner(s) who received the Notice of Violation and Abatement or to the landowner(s) who were found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner if an appeal was filed. The costs are due and payable 30 days from mailing of the invoice. The costs shall be paid to the Department to which the public official is assigned.
- B. If more than one landowner has been issued a Notice of Violation and Abatement or more than one appellant was found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner, each party shall be jointly and severally liable for the costs of the abatement.
- C. For purposes of this Section, "costs" shall include but are not limited to:
  - 1. Personnel costs, both direct and indirect, including all attorney's fees and costs incurred in the investigation, documentation, and abatement of the nuisance;
  - 2. Repair, demolition, hauling, clean up, storage, disposal, and environmental mitigation expenses;

3. Actual expenses and costs of the County in preparing notices, specifications, and contracts, and the costs of any required printing or mailing;
  4. Actual expenses and costs of the County in accomplishing, contracting, or inspecting the abatement work.
- D. Any salvage value proceeds resulting from the abatement of the property shall first be applied to the costs of abatement. Any remaining such monies shall be paid to the landowner as shown on the last equalized assessment roll.
- E. The County may impose a special assessment for the costs of any abatement proceedings under this Chapter and all other related costs against the real property on which the nuisance was found or any of the work of abatement was performed.
- (Ord. 2008-61 § 3 (part), 2008)

**8.08.150 Special Assessment.**

Pursuant to RCW 36.32.120(10), all costs incurred by Pierce County for the abatement of any nuisance defined by any statute or ordinance shall be a special assessment upon land or premises on which the nuisance is situated and this assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. (Ord. 2008-61 § 3 (part), 2008)

**8.08.160 Additional Remedies.**

When it appears to the public official, or Prosecuting Attorney, that the remedies provided by this Chapter are not sufficient to abate the nuisance, the Prosecuting Attorney may also pursue temporary and permanent injunctive relief, a warrant of abatement, and an order for costs and fees in Superior Court under Chapter 7.48 RCW. The provisions of this Chapter are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. (Ord. 2008-61 § 3 (part), 2008)

**8.08.170 Criminal Penalties.**

It shall be a misdemeanor, punishable as prescribed in PCC 9.02.010, for any landowner to knowingly create or maintain a public nuisance on his or her property or to knowingly omit or refuse to perform any legal duty relating to the removal of a public nuisance. Each calendar day that a public nuisance remains unlawfully upon property shall constitute a separate offense. (Ord. 2008-61 § 3 (part), 2008)

**8.08.180 Entry.**

Using any lawful means, the public official may enter upon the subject property and may remove or correct the condition that is subject to abatement. The public official may seek such judicial process as the public official deems necessary to effect the abatement. (Ord. 2008-61 § 3 (part), 2008)

**8.08.190 Severability.**

If any provision of this Chapter or its application to any person or property is held invalid, the remainder of this Chapter or the application of the provision to other persons or property is not affected. (Ord. 2008-61 § 3 (part), 2008)



*Chapter 8.10*

***PUBLIC NUISANCE VEHICLES –  
PROHIBITED ACTIVITIES–PENALTIES–REMOVAL***

**Sections**

- 8.10.010 Purpose and Intent.**
- 8.10.020 Definitions.**
- 8.10.030 Enforcement Authority.**
- 8.10.040 Declaration of Nuisance.**
- 8.10.050 Notice of Potential Violation.**
- 8.10.060 Cooperative Abatement.**
- 8.10.070 Notice of Violation and Abatement.**
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- 8.10.140 Removal and Disposal – Costs – Liens.**
- 8.10.150 Criminal Penalties.**
- 8.10.160 Entry.**
- 8.10.170 Vehicles Unfit for Use.**
- 8.10.180 Additional Remedies.**
- 8.10.190 Severability.**

**8.10.010 Purpose and Intent.**

- A. It is the purpose and intent of this Chapter to eliminate the effects of the accumulation of damaged and inoperable vehicles which create blight, depress land values, generate health hazards, damage the environment including numerous species of fish and wildlife, provide breeding areas for pests such as rodents, hornets and mosquitoes, attract illegal dumping of other solid waste and hazardous substances, and lead to criminal behavior, detrimentally affecting the health and safety of communities and neighborhoods in rural and urbanized areas of unincorporated Pierce County. It is further the purpose of the Council to declare that removal of such vehicles from private property is a governmental purpose for which public funds may be spent as determined appropriate and necessary by the Executive.
- B. It is the intent of the Council to:
  - 1. Declare that it is a public nuisance and unlawful to accumulate, dismantle, park, place, or store public nuisance vehicles;
  - 2. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, dismantling, parking, placing, or storage of public nuisance vehicles;
  - 3. Reduce the inherent public health and safety problems associated with the unlawful accumulation, dismantling, parking, placing, or storage of public nuisance vehicles;
  - 4. Minimize the likelihood of injury resulting from children playing on or around public nuisance vehicles;

5. Establish procedures for the removal and abatement of public nuisance vehicles which have been unlawfully accumulated, dismantled, parked, placed, or stored;
6. Establish procedures for the prosecution of violators of this Chapter;
7. Supplement the provisions of Chapter 8.08 and Titles 18 through 18J of the Pierce County Code.

(Ord. 2003-32s2 § 2 (part), 2003)

#### **8.10.020 Definitions.**

For purposes of this Chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings as defined in this Section. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

- A. "Apparently Inoperable" means that a vehicle does not appear to comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass or other safety equipment.
- B. "Extensively Damaged" means that a vehicle has visible damage to, or is missing, a minimum of three of the following parts or components:
  1. frame;
  2. axle;
  3. surface panels;
  4. doors;
  5. fender;
  6. window or windshield;
  7. headlight or front signal light;
  8. taillight, brake light, or rear signal light;
  9. engine;
  10. transmission;
  11. wheels or tires;
  12. steering wheel;
  13. radiator;
  14. battery;
  15. any other major mechanical or electrical equipment; or
  16. visible damage or a lack of any other similar component identified by a public official when observing the vehicle.
- C. "Landowner" means any person who legally owns private property and/or any person with possession or control of private property.
- D. "Law Enforcement Officer" means, for purposes of this Chapter, any commissioned officer in the Washington State Patrol or the Pierce County Sheriff's Department.
- E. "Public Nuisance Vehicle" is a vehicle, or the parts of a vehicle, which meets three of the following criteria: (1) is extensively damaged; (2) is apparently inoperable; (3) is three years old or older; (4) has an approximate fair market value equal to the scrap value; provided that the following shall be exempt from the foregoing definition:
  1. The vehicle, or parts thereof, is completely enclosed within a building; or
  2. The vehicle, or parts thereof, is completely and permanently screened from the street or other public or private property by structures such as fencing, rock walls, or landscaping; or



3. The vehicle, or parts thereof, is stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, licensed vehicle dealer, junk, salvage or wrecking yard, provided the business is in compliance with the provisions of the Pierce County Development Regulations, Titles 18 through 18J PCC, and the property is fenced as required by RCW 46.80.130.
  - F. "Public Official" means an official designated by the Pierce County Executive to carry out duties assigned by this Chapter or any law enforcement officer.
  - G. "Registered Tow Truck Operator" means a firm, partnership, tow operator, association or corporation licensed by the State of Washington to perform towing and storage duties which has entered into a contract with the Pierce County Sheriff's Department to tow unauthorized vehicles from rights-of-way and which has entered into a subsequent contract to perform towing and storage services under this Chapter.
  - H. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles, but shall not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks.
- (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.030 Enforcement Authority.**

The Executive or designee, and any law enforcement officer, shall enforce this Chapter.  
(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.040 Declaration of Nuisance.**

One or more public nuisance vehicles, or parts thereof, which have been accumulated, dismantled, parked, placed or stored on any property constitute a public nuisance which shall be abated pursuant to the provisions of this Chapter and through the authority given the County under the Pierce County Charter, and the Laws and Constitution of the State Washington. It is further declared to be the duty of every landowner in unincorporated Pierce County to maintain his or her property in a lawful manner and exercise reasonable diligence to ensure that it remains free of public nuisance vehicles, and every successive owner of the property or premises shall assume the duty relative to pre-existing conditions for which he or she had notice, actual or constructive. (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.050 Notice of Potential Violation.**

- A. A public official is authorized to provide a Notice of Potential Violation to a landowner whenever there is a reasonable belief that 20 or fewer public nuisance vehicles have been accumulated, dismantled, parked, placed, or stored on the landowner's property, or properties consisting of a contiguous ownership, in potential violation of this Chapter.
- B. A public official shall not issue a Notice of Potential Violation to any landowner whose property, or properties consisting of contiguous ownership, contain what appear to be more than 20 public nuisance vehicles. In such cases the public official shall issue the Notice authorized by PCC 8.10.070 and/or seek additional relief as authorized by PCC 8.10.170.
- C. The Notice of Potential Violation shall be served by mailing a copy of the notice to the landowner at his/her last known address by regular mail.

- D. The Notice of Potential Violation shall contain the following information:
1. The name and address of the landowner to whom the notice is issued;
  2. The location of the subject property by address or other description sufficient for identification of the subject property;
  3. A description of the vehicle and its location, and the reasons for which the County deems it to be potential violation of this Chapter;
  4. The process through which the landowner can schedule a formal inspection by which a public official may determine that no such nuisance exists;
  5. The process through which the landowner can legally remove the nuisance;
  6. The process through which the landowner can participate in any programs established pursuant to PCC 8.10.060; and
  7. Applicable deadlines and the range of penalties for failing to comply with the provisions of this Chapter.

(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.060 Cooperative Abatement.**

- A. The Pierce County Executive is authorized to establish a Cooperative Abatement Program to encourage and assist in the voluntary removal of public nuisance vehicles from private property following the issuance of a Notice of Potential Violation.
- B. A Cooperative Abatement Program may provide technical assistance to expedite the removal of public nuisance vehicles and financial assistance, within budgeted funds, to defray specific costs associated with the removal of public nuisance vehicles.
- C. To qualify for assistance a landowner must enter into a written agreement, the Cooperative Abatement Agreement, with the designated public official within 15 calendar days of being issued a Notice of Potential Violation. If the landowner does not respond within 15 calendar days, the public official shall immediately serve a Notice of Violation and Abatement pursuant to PCC 8.10.070.
- D. The Cooperative Abatement Agreement shall contain the landowner's name, the address of the property, a description of the public nuisance vehicles to be removed, permission to enter and inspect the property, the action to be taken and the date when it must be completed and such other conditions as the public official deems necessary and appropriate under the circumstances to effect the complete abatement of the nuisance.
- E. In the event that a landowner is not the last registered owner of the public nuisance vehicle, a public official may identify the last registered owner of the public nuisance vehicle and provide notice to the last registered owner, on behalf of the landowner, that the vehicle must be removed and disposed in a manner which complies with all applicable laws.
- F. Should the last registered owner fail to remove the vehicle as directed, Pierce County may contract with registered tow truck operators to remove the vehicle from the landowner's property. All vehicles removed in this manner shall be crushed or shredded.
- G. The Executive may establish additional requirements and procedures deemed necessary and consistent with this Chapter to limit: (1) the forms of technical assistance; (2) the amount of financial assistance to be provided to a landowner; (3) how many times a landowner may participate in a program; (4) the amount of time a landowner has to comply with a Cooperative Abatement Agreement; and (5) eligibility to specific land use zones. The Executive may also deny a landowner's participation if the landowner is in violation of, or has a pattern of past violations of, other Pierce County, State, or Federal Laws.

- H. If the extent of the nuisance exceeds any limits placed on financial assistance, the landowner shall be responsible for lawful removal and disposal of any additional vehicles, fully bearing the cost thereof, concurrent with the removal of those vehicles for which assistance is being received.
- I. If the landowner who is party to a Cooperative Abatement Agreement fails to comply with the terms and conditions thereof, the public official shall terminate the agreement and shall immediately serve a Notice of Violation and Abatement pursuant to PCC 8.10.070.
- J. The County shall maintain sufficient records to monitor and enforce this Section and any eligibility requirements or restrictions implemented by the County Executive or designee.

(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.070 Notice of Violation and Abatement.**

- A. A public official is authorized to issue and serve a Notice of Violation and Abatement upon reasonable belief that a condition prohibited by this Chapter exists; provided that if a public official had issued the Notice of Potential Violation authorized by PCC 8.10.050 on the same condition, 15 calendar days shall have passed from issuance of the Notice of Potential Violation prior to issuance of the Notice of Violation and Abatement.
- B. The Notice of Violation and Abatement shall be issued to the landowner and to the last registered owner of record of the vehicle, if that person can be determined.
- C. The Notice of Violation and Abatement shall be served by means of personal service or by mailing a copy of said notice to such person at his/her last known address by certified mail, with a 5-day return receipt requested. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.
- D. The Notice of Violation and Abatement shall contain substantially the following information if it is reasonably obtainable:
  - 1. The name and address of the person to whom the notice is issued;
  - 2. The location of the subject property by address or other description sufficient for identification of the subject property;
  - 3. A description of the vehicle and its location, and the reasons for which the County deems it to be a public nuisance in violation of this Chapter;
  - 4. A description of the corrective action necessary to eliminate the violation;
  - 5. The date by which the corrective action must be completed;
  - 6. A statement that if any of the persons to whom the Notice of Violation and Abatement is issued wish to appeal said notice, they may submit a written Notice of Appeal to the public official to request a hearing before the Hearing Examiner;
  - 7. A statement that if the persons to whom the Notice of Violation and Abatement is issued fail to submit a Notice of Appeal within 15 calendar days of service, or fail to voluntarily abate the nuisance within 45 calendar days of service, the County will abate the nuisance by removing and disposing of the vehicle, and will assess all costs of administration, removal, and disposal pursuant to PCC 8.10.140.

(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.080 Notice of Appeal**

- A. Within 15 calendar days of service of a Notice of Violation and Abatement, the landowner and/or the last registered owner of record of the vehicle, may submit a written Notice of Appeal to the public official, along with an appropriate appeal fee, to appeal the Notice of Violation and Abatement.
  - B. The recipient of a Notice of Violation and Abatement may appeal:
    1. Whether the public official appropriately identified the vehicle as a public nuisance vehicle; or
    2. Whether the landowner should not be held responsible for the nuisance because the landowner did not consent to the presence of the public nuisance vehicle and has not subsequently acquiesced in its presence; or
    3. Whether the last registered owner of record of the vehicle should not be held responsible for the nuisance because said owner, in the transfer of ownership of the vehicle, has complied with RCW 46.12.101.
  - C. The Notice of Appeal shall specify the specific ground(s) of appeal and be in the form required by PCC 1.22.090 C.
- (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.090 Notice of Hearing**

- A. Not later than the 45<sup>th</sup> calendar day after service of the Notice of Violation and Abatement, and if the public official receives one or more Notices of Appeal, the public official shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same nuisance shall be consolidated pursuant to PCC 1.22.090 D.
  - B. The Notice of Hearing shall be served by means of personal service or by mailing a copy of said notice to any party which filed a Notice of Appeal, the landowner, and the last registered owner of record of the vehicle, at his/her last known address by certified mail, with a 5-day return receipt requested. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made. For purposes of issuing and serving notice in this Section, the term landowner shall be broadly defined to include not only the owner of real property as shown on the last equalized assessment roll, but any other individual with possession or control of the property.
  - C. The Notice of Hearing shall contain the date, time, and location of the hearing and the name of the Hearing Examiner, and whether the hearing will address the assessment and allocation of costs.
  - D. In addition to the preceding, the public official may also provide general public notice of the date and time of the hearing in a newspaper of general circulation.
- (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.100 Hearing.**

- A. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner as a non land use matter pursuant to PCC 1.22.080 B.2.
- B. Unless otherwise provided for herein, the provisions of PCC 1.22.080 C. through PCC 1.22.120 govern the hearing process.
- C. The Hearing Examiner will conduct the hearing required by this Chapter no less than 15 and no more than 30 calendar days after the public official issues the Notice of Hearing.

- D. The hearing will address the grounds of appeal allowed in PCC 8.10.080 B. which were stated in the Notice of Appeal. If the Hearing Examiner determines that multiple parties share responsibility for the nuisance, the Examiner will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.
- E. An appellant may appear in person at the hearing, or present a written statement, to explain the grounds for appeal which were stated in the Notice of Appeal. The Hearing Examiner must receive the written statement in time for consideration at the hearing.

(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.110 Order of the Hearing Examiner.**

- A. Unless mutually agreed to by the appellant and the Hearing Examiner, the order of the Hearing Examiner shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by designated public official within 15 calendar days following the conclusion of testimony and hearings and the closing of the record.
- B. Proof of service shall be made by a written declaration by the person effecting the service, declaring the time and date of service and the manner by which service was made.
- C. The Hearing Examiner, in affirming the public official's Notice of Violation and Abatement, may assess administrative costs or costs related to the abatement of the violators' vehicle. The Hearing Examiner may also order the refund of hearings fees to parties deemed not responsible for the violation.
- D. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the Hearing Examiner's order 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 the cost from the landowner.

(Ord. 2003-32s2 § 2 (part), 2003)

**8.10.120 Reconsideration**

Pursuant to PCC 1.22.130, the decision of the Hearing Examiner may be reconsidered. (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.130 Appeal of Hearing Examiner's Decision**

Pursuant to PCC 1.22.140 D., the decision of the Hearing Examiner may be appealed to a court of competent jurisdiction. (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.140 Removal and Disposal – Costs – Liens.**

- A. Commencing 45 calendar days after service of the Notice of Violation and Abatement, if no appeal had been filed, or 15 calendar days after the issuance of an Order from the Hearing Examiner resulting in authority to remove, the public official shall supervise the removal and disposal of the vehicle or part thereof. The public official or law enforcement officer will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been processed in accordance with the laws of the State of Washington.
- B. Costs of removal may be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner, in the transfer of ownership of the vehicle, has complied with RCW 46.12.101, and the costs may be assessed against the person(s) responsible for the public nuisance.

- C. The County shall have a lien for the cost of any abatement proceedings under this Chapter, and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed, except no lien shall attach to the real property if the landowner was found not responsible in the Order issued by the Hearing Examiner under PCC 8.10.110. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be in parity.
1. The public official responsible for abatement shall cause a claim for lien to be filed for record within 90 calendar days from the later of the date that the work is completed or the nuisance abated.
  2. The claim of lien shall contain sufficient information regarding the notice of abatement, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.
  3. Any such claim of lien shall be verified by the public official, and may be amended to reflect changed conditions.

(Ord. 2003-32s2 § 2 (part), 2003)

#### **8.10.150 Criminal Penalties.**

It shall be a misdemeanor, punishable as prescribed in PCC 9.02.010, to violate this Chapter by knowingly causing, creating or acquiescing in the existence of a public nuisance as defined herein. Each calendar day that a public nuisance vehicle remains unlawfully upon property shall constitute a separate offense; provided however, that no person shall be prosecuted for such offense until 45 calendar days after service of the Notice of Violation and Abatement or while a valid Cooperative Abatement Agreement is still in effect. (Ord. 2003-32s2 § 2 (part), 2003)

#### **8.10.160 Entry.**

Using any lawful means, the County may enter upon the subject property and may remove or correct the condition that is subject to abatement. The County may seek such judicial process as it deems necessary to effect the removal or correction of such condition. When a law enforcement officer or public official has probable cause to believe that a nuisance created by public nuisance vehicles exists on any property in violation of PCC 8.10.150, he or she may request permission to enter the premises to inspect for evidence thereof if the landowner is present. If permissive entry cannot be obtained, the law enforcement officer or Prosecuting Attorney may apply to the District Court for a search warrant notwithstanding the inability to locate the landowner. (Ord. 2003-32s2 § 2 (part), 2003)

#### **8.10.170 Vehicles Unfit for Use.**

In the course of duties allowed or required elsewhere in law, the Director of Health for the Tacoma-Pierce County Health Department, or the employees or agents thereof, may determine that a vehicle is unfit for use due to contamination from methamphetamine or other substances which are harmful to human health or the environment. A public official may consider a vehicle that is determined to be unfit for use to be a public nuisance vehicle subject to the provisions of this Chapter. (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.180 Additional Remedies.**

When it appears to the public official that the remedies provided by this Chapter are not sufficient to abate the nuisance, the Prosecuting Attorney may also pursue temporary and permanent injunctive relief, a Warrant of Abatement, and an order for costs and fees in Superior Court under Chapter 7.48 RCW. (Ord. 2003-32s2 § 2 (part), 2003)

**8.10.190 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this Chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 2003-32s2 § 2 (part), 2003)





*Chapter 8.12*

***FOOD SERVICE SANITATION***

**Sections:**

**8.12.010 Regulations Adopted by Reference.**

**8.12.020 Authority of Health Department.**

**8.12.010 Regulations Adopted by Reference.**

The Washington Administrative Code 248-84, Rules and Regulations of the State Board of Health for Food Service Sanitation, attached to Ordinance 85-30 and identified as Exhibit "B", is adopted by reference. A copy of WAC 248-84 shall be kept on file in the Tacoma-Pierce County Health Department and the office of the Pierce County Council. (Ord. 85-30 § 2 (part), 1985)

**8.12.020 Authority of Health Department.**

The Tacoma-Pierce County Health Department is empowered and shall write rules and regulations not inconsistent herewith relative to this Chapter. (Ord. 85-30 § 2 (part), 1985)



*Chapter 8.16*

***SMOKING IN PUBLIC PLACES***

**Sections:**

- 8.16.010 Definitions.**
- 8.16.020 Prohibitions – Public Places.**
- 8.16.030 Prohibitions – Restaurants.**
- 8.16.040 Designation of Smoking Areas.**
- 8.16.050 Criteria in Determining Smoking Areas.**
- 8.16.060 Single Room Public Place.**
- 8.16.070 Duties of Proprietors, Employers, and Other Persons Having Control.**
- 8.16.090 County Workplaces and Non-County Office Workplaces to Adopt Smoking Policies.**
- 8.16.100 Unlawful to Remove Signs.**
- 8.16.110 Health Department Adoption of Rules and Regulations.**
- 8.16.120 Penalties and Enforcement.**
- 8.16.130 Private Actions.**
- 8.16.140 Severability.**
- 8.16.150 Retaliation Prohibited.**
- 8.16.160 Violation – Retaliation.**
- 8.16.170 Severability.**

**8.16.010 Definitions.**

As used in this Chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

- A. "Cocktail lounge" means that portion of an establishment holding a current and valid Class H license issued by the State of Washington Liquor Control Board which is specifically set aside for the sale and consumption of liquor by the glass and separated by a divider from that portion of the establishment principally serving meals on a regular basis to the public.
- B. "County workplace" means a workplace lawfully occupied by County employees for the conduct of the business of any of Pierce County's elected or appointed officials and under the authority of such official.
- C. "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.
- D. "Employer" means any person who pays another person direct or indirect monetary wages or profit in consideration for such other person providing services on the premises of the employer.
- E. "Office workplace" means any enclosed area of a structure or portion thereof intended for occupancy by business or governmental entities which provide primarily clerical, professional, or business services of the business entity, or which provide primarily clerical, professional or business services to other business entities or to the public, at that location. "Office workplace" includes, but is not limited to, office spaces in office buildings, medical offices, libraries, museums, hospitals, and nursing homes and all other entities included in definitions E. and F. of this Section, but excluding:

1. Private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers;
  2. A private home which may serve as an office workplace;
  3. Any property owned or leased by state or federal entities.
- F. "Public meeting" includes all meetings open to the public pursuant to RCW 42.30.010 et seq.
- G. "Public place" means any enclosed indoor area or vehicle used by and open to, the public regardless of whether such building or vehicle is owned in whole or in part by a private person or entities or by Pierce County or other public entity, and regardless of whether a fee is charged for admission to the place. It includes, but is not limited to: elevators, public conveyances, museums, concert halls, theaters, hallways, auditoriums, exhibition halls, indoor sports arenas, bowling centers, hospitals, nursing homes, medical, dental, or health care facilities, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, public meetings or hearings, public transportation facilities, ticket areas, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas.
- H. "Restaurant" means any building, structure, or area used as, maintained as, or advertised as, or held out to the public to be an enclosure where meals, for consideration of payment, are made available to be consumed on the premises.
- I. "Smoke" or "smoking" includes the carrying or smoking of a lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
- J. "Tavern" means any establishment or portion of an establishment where one can purchase and consume alcoholic beverages, but excluding any such establishment or portion of the establishment having tables and seating facilities for serving meals and where, in consideration of payment, meals are served on a regular basis to the public.
- (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.010)

#### **8.16.020 Prohibitions – Public Places.**

No person shall smoke in a public place, County workplace, or at a public meeting except in designated smoking areas. This prohibition does not apply in the following cases:

- A. Where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place;
- B. Chartered buses for private hire and taxicabs clearly designated by the operator to permit smoking.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.015(A))

#### **8.16.030 Prohibitions – Restaurants.**

Restaurants shall provide food service seating areas where smoking will not be permitted. No person shall smoke in restaurants in a "no smoking designated area." (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code 20.10.015(B))

#### **8.16.040 Designation of Smoking Areas.**

Smoking areas may be designated in public places, and County workplaces, by the proprietor or other person in charge of the place except that designated smoking areas shall not be allowed in:

- A. Elevators, public conveyances, health care clinics, public meetings or libraries that are open to the public; or
  - B. Other places already prohibited by other rule, ordinance or regulation.
- (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(A))

**8.16.050 Criteria in Determining Smoking Areas.**

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. The size of the designated smoking area shall not be more than proportionate to the preference of the users specifically requesting the smoking area, as can be demonstrated by the proprietor or other person in charge. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(B))

**8.16.060 Single Room Public Place.**

In the case of public places consisting of a single room, the provisions of this law shall be considered met if a portion of the room is reserved and posted as a designated smoking area. No public place, restaurant or County workplace, other than a cocktail lounge, tavern, or bowling center, shall be designated as a smoking area in its entirety. If a cocktail lounge, tavern, or bowling center is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(C))

**8.16.070 Duties of Proprietors, Employers, and Other Persons Having Control.**

Proprietors, employers, or other persons having control of a place regulated under this Chapter shall make every reasonable effort to prohibit smoking in public places, County workplaces, public meetings and no smoking areas in restaurants by:

- A. Posting signs prohibiting or permitting smoking as appropriate under this Chapter. Signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a regular and smoking designated area shall be clearly designated so that persons may differentiate between the two areas;
  - B. Proprietors and employees of restaurants shall make every reasonable effort to inform patrons that designated nonsmoking areas are available for their preference, including but not limited to posting signs not less than three inches by eight inches in a conspicuous place in the reception area informing patrons of dining areas available for nonsmokers;
  - C. Requesting that persons smoke only in smoking designated areas;
  - D. Asking smokers to refrain from smoking upon request of a client, patron, or employee suffering discomfort from the smoke;
  - E. Informing the public and/or employees orally that separate smoking and nonsmoking sections are available; or
  - F. Any other means which may be appropriate.
- (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.025(A))

**8.16.090 County Workplaces and Non-County Office Workplaces to Adopt Smoking Policies.**

- A. Each non-County employer who operates a workplace in unincorporated Pierce County and each of Pierce County's elected and appointed officials shall, within three months of adoption of the ordinance codified in this Chapter, adopt, implement and maintain a written smoking policy which shall be conspicuously posted in all workplaces under the employer's jurisdiction and which shall contain, at a minimum, the following provisions and requirements:
1. Any nonsmoking employee may object to his or her employer about smoke in his or her workplace. The employer shall attempt to reach reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an employer is not required by this ordinance to make any expenditures or structural changes to accommodate the preferences of nonsmoking and smoking employees.
  2. If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given office workplace, the preferences of nonsmoking employees shall prevail and the employer shall prohibit smoking in the workplace of the affected nonsmoking employees to the end that those employees may work in a smoke-free environment. Where the employer prohibits smoking in a non-County office workplace, the area in which smoking is prohibited shall be clearly marked with signs.
- B. The smoking policy shall be announced within three weeks of adoption to all employees working in non-County office workplaces in unincorporated Pierce County and County workplaces as defined in Section 8.16.010 B. of this Chapter. The policy shall be posted conspicuously in all workplaces under the employer's or official's jurisdiction.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.030)

**8.16.100 Unlawful to Remove Signs.**

It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this Chapter. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.035)

**8.16.110 Health Department Adoption of Rules and Regulations.**

The Tacoma-Pierce County Board of Health shall adopt rules and regulations necessary and reasonable to implement the provisions of this Chapter. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.040)

**8.16.120 Penalties and Enforcement.**

- A. **Warnings and Civil Fines.** When violations of this Chapter occur, a warning shall first be given to the person or persons violating this Chapter. Any subsequent violation shall subject the offender to a civil fine as provided for in this Section.

Any person violating this Chapter by smoking in a place in which smoking is prohibited herein or by removing, defacing or destroying any sign posted in compliance with this Chapter is subject to a civil fine of up to \$100.00. The Pierce County Sheriff's Department shall enforce this Section by issuing a notice of infraction to be assessed in the same manner as traffic infractions.

1. The provisions contained in RCW Chapter 46.63 for the disposition of traffic infractions apply to the disposition of infractions for violations of this subsection except as follows:
    - a. The provisions in RCW Chapter 46.63 relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this Chapter; and
    - b. The provisions in RCW Chapter 46.63 relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this Chapter;
    - c. The form for the notice of infraction for a violation of this subsection shall be prescribed by rule of the Supreme Court.
  2. Any proprietor, employer, or other person intentionally violating this act by not complying with its Section may be subject to a civil fine of up to \$500.00, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the County of Pierce in any court of competent jurisdiction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. The Tacoma-Pierce County Health Department shall enforce this Chapter by either of the following actions:
    - a. Serving notice requiring the correction of any violation;
    - b. Calling upon the County Prosecutor to maintain an action to assess and recover a civil penalty for the violation.
- B. Enforcement. The Tacoma-Pierce County Health Department shall have primary compliance and enforcement responsibility for the provisions of this Chapter and shall coordinate compliance and enforcement with the Pierce County Fire Marshal when necessary.
- C. In undertaking the enforcement of this Chapter, Pierce County is assuming and undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.
- (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.045)

#### **8.16.130 Private Actions.**

Nothing in this Chapter shall be construed as prohibiting a private person or organization from bringing an action to enjoin violations of this Chapter. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.050)

#### **8.16.140 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held unconstitutional or invalid for any reason, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 86-36 § 1 (part), 1986)

**8.16.150 Retaliation Prohibited.**

It shall be unlawful for an employer, proprietor, County or other person having control of a place regulated under this Chapter to retaliate against any member of the general public or an employee or applicant for employment of the employer, proprietor, County or other person having control because such person seeks enforcement of the provisions of this Chapter. (Ord. 86-36 § 1 (part), 1986)

**8.16.160 Violation – Retaliation.**

Violation of any of the provisions of this Chapter shall be remedied through appropriate private civil action filed in a court of competent jurisdiction against persons who commit the violations for injunctive or other appropriate relief. (Ord. 86-36 § 1 (part), 1986)

**8.16.170 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 11, 1989)



*Chapter 8.20*

***RODENT CONTROL***

**Sections:**

- 8.20.010 Compliance Required.**
- 8.20.020 Construction Requirements.**
- 8.20.030 Sanitation Requirements.**
- 8.20.040 Rat Traps.**
- 8.20.050 Poisons.**
- 8.20.060 Protection of Food Products.**
- 8.20.070 Protection of Docks.**
- 8.20.080 Watercraft to be Breasted – Rat Guard Use.**
- 8.20.090 Gangplanks to be Withdrawn – Exception.**
- 8.20.100 Responsibility of Officer in Charge of Watercraft.**
- 8.20.110 Slaughterhouses.**
- 8.20.120 Inspections.**
- 8.20.130 Violation – Penalty.**

**Cross-reference: Chapter 17.16 RCW**

**8.20.010 Compliance Required.**

It is unlawful for any person to keep, store or expose for sale any food products or other goods, or to occupy or maintain any dock, building, storeroom or warehouse or to reside in any residence without complying with the provisions of this Chapter. (Prior Code § 20.24.010)

**8.20.020 Construction Requirements.**

All basements and walls of all buildings, storerooms, warehouses and residences within the County shall be so constructed, or repaired by the use of screens, nettings, cement or other material or materials approved by the Director of Health as to prevent rats from gaining entrance to or harboring beneath the same. (Prior Code § 20.24.020)

**8.20.030 Sanitation Requirements.**

All docks, buildings, storerooms, warehouses and residences within the County shall be forthwith placed in a clean and sanitary condition and rendered free from rats. It shall be the duty of the owner, lessee or occupant thereof to take all necessary steps to that end. (Prior Code § 20.24.030)

**8.20.040 Rat Traps.**

All docks, buildings, storerooms, warehouses and residences shall be provided by the owner, lessee or occupant thereof with such number of rat traps of a pattern approved by the Director of Health as may be ordered by the Director of Health and shall be inspected by the owner, lessee or occupant daily and any rat or rats caught therein removed therefrom. (Prior Code § 20.24.040)

**8.20.050 Poisons.**

Poisons, suitable for the extermination of rats, will be placed at or in docks, buildings, storerooms, warehouses and residences when the Director of Health shall determine that a need exists for the placing of such poisons. It shall be the duty of each owner, lessee, or occupant of such dock, building, storeroom, warehouse or residence to comply with all orders and directives of the Director of Health regarding the placing of poisons and the type to be used. (Prior Code § 20.24.050)

**8.20.060 Protection of Food Products.**

All food products or other goods, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. (Prior Code § 20.24.060)

**8.20.070 Protection of Docks.**

All public and private docks in the County shall be protected by wire screens or netting, or other materials approved by the Director of Health, and so installed as to prevent rats from gaining entrance thereto, at either high or low tide, from vessels anchored or moored alongside, or from other sources, and all food products stored therein shall be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. (Prior Code § 20.24.070)

**8.20.080 Watercraft to be Breasted – Rat Guard Use.**

All watercraft while lying at any dock or wharf in the County shall, except when loading or unloading, be breasted off from such dock or wharf at least six feet and so remain; and while so remaining metal rat guards shall be placed and kept on each and every line or spar passing from such watercraft to such dock or wharf. (Prior Code § 20.24.080)

**8.20.090 Gangplanks to be Withdrawn – Exception.**

All gangplanks, slings and other appliances running from such watercraft to such dock or wharf whereby rats might pass from such watercraft to such dock or wharf, shall be withdrawn when not in actual use in loading or unloading freight or passengers, or shall be suitably guarded to prevent the passage of rats; provided, that watercraft plying between ports in the State of Washington only need not comply with the requirements of this Section when at such dock or wharf for less than one hour between the hours of 7 a.m. and 6 p.m. (Prior Code § 20.24.090)

**8.20.100 Responsibility of Officer in Charge of Watercraft.**

The captain or other officer in control of such watercraft, and the owner, lessee, manager or other person in charge of such dock or wharf, shall be responsible for the breasting of such watercraft and the placing of such rat guards and for the compliance of such watercraft with all the provisions of this Chapter. (Prior Code § 20.24.100)

**8.20.110 Slaughterhouses.**

All slaughterhouses in the County shall be so protected by wire screens or netting or cement, as to prevent rats from gaining access to the building or buildings thereof and all holes and openings in the building or basement walls shall be thoroughly stopped with cement, or other approved material, and all food products stored in slaughterhouses shall be so kept as to prevent rats from gaining access thereto or coming in contact therewith. (Prior Code § 20.24.110)

**8.20.120 Inspections.**

The Director of Health and all inspectors or employees of the Department of Public Health of the County shall at all reasonable times have and be granted access to any premises, dock, building, storeroom, warehouse or residence for the purpose of inspecting same and of ascertaining whether the provisions of this Chapter have been complied with. (Prior Code § 20.24.180)

**8.20.130 Violation – Penalty.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$300.00 or imprisoned in the County jail for a term not exceeding 90 days, or both, in the discretion of the court. (Prior Code § 20.24.200)



## *Chapter 8.24*

### **WEED CONTROL**

#### **Sections:**

- 8.24.010 Activation of Weed Control Board.**
- 8.24.020 Jurisdictional Boundaries.**
- 8.24.030 County Divided into Sections.**
- 8.24.040 Selection of Board Members.**
- 8.24.050 Official Business of Board.**
- 8.24.060 Submission of Budget.**
- 8.24.070 Collection of Real Property Lien – Interest.**

**Cross-references: Chapters 17.10, 84.64 RCW**

#### **8.24.010 Activation of Weed Control Board.**

The Pierce County Noxious Weed Control Board is activated, pursuant to RCW 17.10.040. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.010)

#### **8.24.020 Jurisdictional Boundaries.**

The jurisdictional boundaries of the Noxious Weed Control Board shall be coextensive with the boundaries of the County, pursuant to RCW 17.10.020. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.020)

#### **8.24.030 County Divided into Sections.**

Pierce County is divided into five sections pursuant to RCW 17.10.050, as shown on Exhibit "B" attached to Ordinance 84-92 and by this reference incorporated in this Chapter. A map and legal description designating the boundaries of the five sections shall be kept on file in the office of the Noxious Weed Control Board. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.030)

#### **8.24.040 Selection of Board Members.**

The Board shall consist of five voting and one nonvoting member. One voting member shall be elected from each of the five sections. The nonvoting member shall be the Chief County Extension Agent or an Extension Agent appointed by the Chief County Extension Agent. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.040)

#### **8.24.050 Official Business of Board.**

The Noxious Weed Control Board shall conduct its official business in accordance with RCW 17.10 and other applicable laws. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.050)

#### **8.24.060 Submission of Budget.**

The Board shall submit a budget for the operation of the Pierce County Noxious Weed Control Program each year in accordance with regular County budget procedures. (Ord. 84-92 § 2 (part), 1984; prior Code § 20.20.060)

**8.24.070 Collection of Real Property Lien – Interest.**

- A. Every real property lien created under RCW 17.10.170(3) shall be collected by the Assessor-Treasurer in the same manner as a delinquent real property tax according to RCW Chapter 84.64, if within 30 days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180.
- B. Liens treated as delinquent taxes shall bear interest at the rate of 12 percent per annum and such interest shall accrue as of the date notice of the lien is sent to the property owner.

(Ord. 89-164S § 3, 1989)

## *Chapter 8.26*

### ***RECYCLED PAPER AND PAPER PRODUCTS PROCUREMENT PROGRAM***

#### **Sections:**

- 8.26.010 Purpose.**
- 8.26.020 Definitions.**
- 8.26.030 Goals and Procedures to Maximize Use of Products.**
- 8.26.040 Minimum Content Standards.**
- 8.26.050 Adjustments to Bid Price for Evaluation of Individual Product Meeting Minimum Content Standards.**
- 8.26.060 Annual Report.**
- 8.26.070 Responsibilities and Reporting Requirements of County Departments.**
- 8.26.080 Responsibilities of the Solid Waste Division of the Utilities Department.**
- 8.26.090 Responsibilities of the Purchasing Agent.**
- 8.26.100 Exemptions.**
- 8.26.110 Severability.**

#### **8.26.010 Purpose.**

In order to stimulate the demand for and development of markets for recycled paper and paper products, Pierce County establishes purchasing requirements for paper and paper products by County departments and contractors, as defined in this Chapter. (Ord. 90-129S § 1 (part), 1990)

#### **8.26.020 Definitions.**

The following definitions shall apply to this Chapter:

- A. "Contractor" means any person, group of persons, association, partnership, corporation, or other type of business entity which has a contract with Pierce County or which serves in a subcontracting capacity with an entity having a contract with Pierce County for the provision of goods and/or services.
- B. "Department" shall refer to any department as defined by Pierce County ordinance or other applicable law and shall include all County agencies not associated with a department. These agencies shall similarly discharge those duties this Chapter requires of departments and shall include the Pierce County Prosecuting Attorney, the Pierce County Assessor-Treasurer, the Pierce County Auditor, and the Pierce County Council.
- C. "Director" means the director of a County department or his or her designee.
- D. "Paper and paper products" means all items manufactured from paper or paperboard.
- E. "Post-consumer paper material" means paper, paperboard and fibrous wastes, including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards, and used cordage from places such as retail stores, office buildings, and homes after the point at which they have passed through their end use as consumer items.
- F. "Purchasing contract" means any contract or bid which is awarded by the County for the purchase of tangible goods.

- G. "Recovered paper material" means paper waste generated after completion of a paper-making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous by-products of harvesting, extractive or woodcutting processes, or forest residue such as bark.
- H. "Recycled paper and paper products" means paper and paper products containing a specified minimum percentage content of recovered paper material and/or post-consumer paper material as determined by the Director of Utilities.

(Ord. 90-129S § 1 (part), 1990)

#### **8.26.030 Goals and Procedures to Maximize Use of Products.**

- A. Pierce County's goal for the procurement of recycled paper and paper products by County departments (expressed as a percentage of the total dollar volume of paper and paper products purchased by County departments) shall be: not less than 10 percent by the end of 1991, not less than 20 percent by the end of 1992, and not less than 60 percent by the end of 1995. Each County department shall be responsible for making its best effort to meet or exceed these goals.
- B. All County departments must use recycled paper when ordering printed letterhead, envelopes, and business cards.
- C. Departments shall publicize the County's use of recycled paper by printing the words, "Recycled Paper", in a highly visible place and in conjunction with the recycling logo, on all forms, reports, and other informational materials printed on recycled paper.
- D. To reduce the volume of paper purchased, departments shall use both sides of paper sheets whenever practicable.
- E. Pierce County shall encourage all contractors who have contracts with the County to use, whenever practicable, recycled paper and paper products, and shall request that all reports and documentation submitted to the County in fulfillment of contract obligations be printed on recycled paper whenever practicable.
- F. Invitations to bid issued by the County 30 days after the effective date of this Chapter, for the purchase of tangible goods, shall contain no terms, requirements, or specifications prohibiting or discouraging the use of recycled paper and paper products unless it is clearly documented that the use of such products would be unacceptable for a specific situation.

(Ord. 90-129S § 1 (part), 1990)

#### **8.26.040 Minimum Content Standards.**

The Director of Utilities or the director's designee shall adopt minimum content standards for recycled paper and paper products. (Ord. 90-129S § 1 (part), 1990)

#### **8.26.050 Adjustments to Bid Price for Evaluation of Individual Product Meeting Minimum Content Standards.**

The County Purchasing Agent or his/her designee shall use a percentage factor of 10 percent in the process of determining the lowest responsive and responsible bid using the following procedures and evaluation criteria for purchase of paper products pursuant to invitations for bids issued 30 days after the effective date of this Chapter:



- A. An item is qualified for the 10 percent price-preference if:
    - 1. The bidder requested a price preference for the item(s) on the bid; and
    - 2. The bidder has submitted a statement from the manufacturer certifying the recycled content of each product for which a preference is requested; and
    - 3. The recycled content meets the standards set forth by the Director of Utilities for minimum content of recycled paper and paper products.
  - B. Bids will be evaluated as follows:
    - 1. For each item that qualifies for price preference, subtract 10 percent to arrive at an "evaluated price" for that item; and
    - 2. Re-total the bid for that item substituting the "evaluated prices" for the bid prices; and
    - 3. Use the new total to determine the lowest price bid submitted. Ties are awarded to the recycled product.
  - C. Nothing contained in this Chapter shall preclude user departments from requiring post-consumer or recovered material content as a bid specification.
- (Ord. 90-129S § 1 (part), 1990)

#### **8.26.060 Annual Report.**

The Solid Waste Division of the Utilities Department shall submit a report to the Executive and Council on an annual basis. This report shall include, at a minimum, a description of the procurement program for recycled paper and paper products, and an analysis of the ability of the program to meet the goals set forth in Section 8.26.030. (Ord. 90-129S § 1 (part), 1990)

#### **8.26.070 Responsibilities and Reporting Requirements of County Departments.**

All departments shall report to the Solid Waste Division of the Utilities Department the amount of recycled paper and paper products acquired annually. (Ord. 90-129S § 1 (part), 1990)

#### **8.26.080 Responsibilities of the Solid Waste Division of the Utilities Department.**

In addition to its other duties and responsibilities, the Solid Waste Division of the Utilities Department shall provide the following assistance to County departments, to other government agencies, and the public:

- A. Provide information and technical assistance to local governments, schools, colleges, and other public and private organizations interested in purchasing recycled products;
- B. Assist County departments in resolving issues concerning recycled paper, paper product performance, and marketability of the paper after use.

(Ord. 90-129S § 1 (part), 1990)

#### **8.26.090 Responsibilities of the Purchasing Agent.**

The Purchasing Agent is responsible for revising and/or amending standard bid documents and contract language where necessary to implement this Chapter. (Ord. 90-129S § 1 (part), 1990)

#### **8.26.100 Exemptions.**

Nothing in this Chapter shall be construed as a requirement that a department procure recycled paper and paper products which do not meet necessary time lines, or do not perform adequately for their intended use, or are not available at a price which conforms to the requirements of this Chapter. (Ord. 90-129S § 1 (part), 1990)

**8.26.110 Severability.**

Should any Section, subsection, paragraph, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter. (Ord. 90-129S § 1 (part), 1990)

*Chapter 8.28*

***SOLID WASTE MANAGEMENT***

**Sections:**

**8.28.010 Adoption of Comprehensive Solid Waste Management Plan.**

**8.28.020 Review and Revision.**

**8.28.030 Copies Available.**

**Cross-reference: Chapter 70.95 RCW**

**8.28.010 Adoption of Comprehensive Solid Waste Management Plan.**

Pursuant to the provisions of RCW Chapter 70.95, the Year 2000 Update to the Tacoma-Pierce County Solid Waste Management Plan as amended by the 2008 Supplement is hereby adopted as the County's comprehensive solid waste management plan. (Ord. 2008-57s2 § 2, 2008; Ord. 2000-47s § 3 (part), 2000; Ord. 92-130 § 2 (part), 1992; Ord. 87-196 § 2 (part), 1989)

**8.28.020 Review and Revision.**

The Tacoma-Pierce County Solid Waste Management Plan shall be maintained, reviewed and revised as required periodically by RCW Chapter 70.95. All revisions for Pierce County shall be adopted by and through the ordinance procedure of the Pierce County Council. (Ord. 92-130 § 2 (part), 1992; Ord. 87-196 § 2 (part), 1989)

**8.28.030 Copies Available.**

The most recent version of the Tacoma-Pierce County Solid Waste Management Plan shall be available for inspection and copying at the offices of the Solid Waste Division of the Pierce County Department of Public Works & Utilities during normal business hours or shall be available for purchase for the cost of printing or as determined by the Pierce County Executive. (Ord. 2000-47s § 3 (part), 2000; Ord. 92-130 § 2 (part), 1992; Ord. 87-196 § 2 (part), 1989)



*Chapter 8.29*

***MINIMUM LEVELS OF SERVICE  
FOR RESIDENTIAL RECYCLING AND YARDWASTE COLLECTION***

**Sections:**

- 8.29.010 Purpose and Intent.**
- 8.29.020 Definitions.**
- 8.29.030 Minimum Levels of Curbside Recyclables Service for Single-family Residences.**
- 8.29.040 Minimum Levels of Yardwaste Service for Single-family Residences [Reserved].**
- 8.29.050 Minimum Levels of Service for Recyclables Collection from Multi-family Residences, Mobile Home Parks, and Condominiums [Reserved].**
- 8.29.060 Customer Service Responsibility and Coordinated Public Outreach Programs.**
- 8.29.070 Drop-off Sites for Recyclable Materials.**
- 8.29.080 Reporting Requirements for Residential Recyclables Collection.**
- 8.29.090 Processing Preferences and Disposal Limitations.**
- 8.29.100 County Notification of WUTC Tariff Filings.**
- 8.29.110 Full Program Implementation.**
- 8.29.120 Recycling Revenue Sharing.**
- 8.29.130 Cities and Towns.**
- 8.29.140 Severability.**

**8.29.010 Purpose and Intent.**

- A. The purpose of this Chapter is to define minimum levels of service for curbside recycling and yardwaste collection which shall be provided to households in areas serviced by the solid waste collection companies operating in unincorporated portions of Pierce County.
- B. It is the intent of the Council to:
  - 1. Establish residential recycling programs as an integral component of the collection of solid waste, incorporating the State's goals to make "source separation of waste a fundamental strategy" and to "make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal;"
  - 2. Increase diversion of recyclables and yardwaste from single-family and multi-family residences, mobile home parks, and condominiums in Pierce County;
  - 3. Expand the residential recycling program to collect additional types of materials;
  - 4. Make recycling easier and more convenient for residents through the use of efficient collection systems;
  - 5. Retain low-cost strategies and continue the incentive rate system to encourage participation;
  - 6. Encourage the private sector to develop and operate the recycling facilities that are needed to process and market recyclables collected in Pierce County and its cities and towns; and
  - 7. Establish model residential collection programs suitable for cities and towns to adopt or modify to suit their needs.

(Ord. 2004-64 § 2 (part), 2004)

### 8.29.020 Definitions.

For the purposes of this Chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings as defined in this Section. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

- A. "Automated recycling container or cart" means a wheeled, plastic receptacle designated for the collection of recyclables and designed to be picked up and emptied by mechanical means into the company's collection vehicle. It may also be referred to as a "toter."
- B. "Cities" means the cities and towns within Pierce County that have signed interlocal agreements with the County Executive to adopt and implement the *Tacoma-Pierce County Solid Waste Management Plan* and to use the Pierce County solid waste disposal system.
- C. "Commodity credit" means the amount of recycling revenue returned to residential customers from the sale of recyclable materials collected through curbside residential programs, as required by the Washington Utilities and Transportation Commission.
- D. "Company recycling plan" means a plan required by RCW 81.77.185 which must be submitted to the Washington Utilities and Transportation Commission (WUTC) by a certificated solid waste collection company. The Plan must be certified by Pierce County as being consistent with the *Tacoma-Pierce County Solid Waste Management Plan* and must describe the proposed recycling program, how the company proposes to measure changes in the recycling rate, and how money retained under revenue sharing will be used to increase recycling.
- E. "Dual-stream collection" is the collection of recyclables in two containers, generally with most recyclables commingled in one container, and a single item, such as glass, in the other bin.
- F. "Mobile Home Park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. The mobile home park is billed for solid waste collection service as a whole and not by individual dwelling units.
- G. "Multi-family residence" means any residential structure containing three or more dwelling units with the units joined to one another and where the structure is billed for solid waste collection service as a whole and not by individual dwelling units. This may include, but is not limited to, apartments and condominiums.
- H. "LRI" means the company with which the County contracts for disposal services – Pierce County Recycling, Composting and Disposal, LLC d/b/a LRI.
- I. "Recycling bin" means a receptacle, smaller than an automated cart, for the collection of a specific, designated recyclable material which must be lifted by the driver to be emptied into the company's collection vehicle. It may be stackable with other similar bins.
- J. "Recyclable materials" or "recyclables" means those solid wastes that are separated for recycling or reuse and thus diverted from landfill disposal.
- K. "Recycling rate" means the percentage rate achieved by dividing the total tonnage of recyclables by the sum of the total tonnage of waste disposed added to the total tonnage of recyclables.
- L. "Set-out counts" means the number of single-family residential customers that set-out their recyclables or yardwaste containers every collection day; or a monthly average of the set-outs as compared to total number of single-family customers.

- M. "Single-family residence" means any residential dwelling receiving solid waste and recycling collection service where the owner or tenant is billed for solid waste collection service to the dwelling as an individual unit. This may include, but is not limited to, duplexes, mobile homes within mobile home subdivisions, or attached single-family structures such as townhouses, row houses, or triplexes.
- N. "Single-stream collection" means the collection of designated recyclables commingled in one container, generally collected with automated or semi-automated trucks.
- O. "Solid waste collection company" means a solid waste and recycling hauling company which provides collection services in unincorporated areas of Pierce County and is regulated by the Washington Utilities and Transportation Commission (WUTC) under the provisions of Chapter 81.77 RCW. The companies may be collectively referred to as "certificated haulers" and means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation over any public highway whether as a "common carrier" or as a "contract carrier."
- P. "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.
- Q. "Washington Utilities and Transportation Commission" or "WUTC" means the State agency which regulates privately-owned solid waste collection companies who provide collection service to the unincorporated areas under a franchise G certificate.
- R. "Yardwaste or yard debris" means plant material grown on residential properties and commonly created in the course of maintaining yards and gardens through horticulture, gardening, landscaping or similar activities. Yardwaste includes, but is not limited to, grass clippings, leaves, branches or tree limbs, brush, flowers, roots, weeds, and clean holiday trees. It excludes rocks, sod, soil, plastics and synthetic fibers, treated dimensional lumber, pet wastes, and discarded pieces of metal.

(Ord. 2004-64 § 2 (part), 2004)

### **8.29.030 Minimum Levels of Curbside Recyclables Service for Single-family Residences.**

The minimum levels of service for residential curbside collection in unincorporated Pierce County shall include the following:

#### **A. Single-stream Collection Service.**

1. Collection companies shall offer every-other-week (EOW), single-stream curbside collection of recyclables to all single-family residences.
2. The collection companies shall provide the curbside recycling collection alternative with all combinations of garbage can service approved by the Washington Utilities and Transportation Commission (WUTC) for their respective franchise areas.
3. The collection services to the customers should preferably be on the same day as garbage collection, unless the collection company can demonstrate to the County that an alternative collection schedule is necessary because of geographic or development limitations, such as road width or density, that require an alternative truck system or collection schedule.
  - a. The hauler shall identify the location of the area affected; the alternative collection schedule; and the reasons supporting the alternative.
  - b. The County shall consider whether the number of customers affected is minimized; that program participation is not adversely affected; whether there is substantial cost savings due to the alternative schedule; whether an alternative collection schedule can result in higher levels of participation and recycling; and other information presented by the hauler.

**B. Recycling Collection Containers.**

1. Collection companies shall provide one wheeled container of approximately 96 gallons to each of their single-family customers signed up for curbside recycling collection.
2. Collection companies shall provide a process for customers to request and receive an alternative 65-gallon wheeled container for those customers who feel they do not generate enough recyclables to fill the standard size container or who feel its size is too unwieldy for them to move or store.
3. The containers shall be made of durable plastic materials and manufactured using a maximum percentage of recycled materials that meet specifications.
4. All containers shall contain, or have attached, information about the proper preparation of materials and with a telephone number and name of the certified hauler. The information may be stamped into the container, on a water-proof sticker, a combination of both, or some other alternative which provides the customer with sufficient permanent information to be able to contact the hauler.
5. Replacement of the containers necessitated by normal use or by container damage due to the haulers negligence shall be the responsibility of the hauler. Replacement necessitated by container damage or loss due to the customer's negligence shall be at the customer's expense.

**C. Exceptions: Collection Alternatives for Restricted Access or Storage Situations, or for Residents with Limited Mobility.**

1. Criteria: Collection companies shall have a process in place to work cooperatively with residents to tailor the single-stream recycling collection service to meet the needs of residents in situations where:
  - a. Private driveways are inaccessible or incapable of withstanding the weight of collection trucks and collection of recyclables or garbage cannot be provided under the approved drive-in rate tariff for such situations;
  - b. Because of long, steep and/or winding driveways, a resident would have difficulty in moving a large recycling container, manually or by vehicle, from their house to the public access road for collection;
  - c. A resident could not provide a storage place to keep recycling or garbage containers at the end of the driveway close to the public access road;
  - d. Truck access or container size is in any way otherwise restricted due to density and road width or where outside container storage is limited by home owner association covenants, or
  - e. Residents with special needs, such as physical infirmity or physical limitations, need reasonable accommodation.
2. Alternatives: Collection companies shall offer alternatives that suit their collection system or the particular customer's limitation. The alternatives may include:
  - a. A drive-in tariff rate for those situations where a recycling truck can negotiate the long-driveway and where the driveway can support the weight of the truck.
  - b. Allowing the customer to use a multi-bin source-separation set-out system with no additional cost above the basic tariffed recycling rate;
  - c. Providing the customer with a 32-gallon container capable of being lifted and dumped by the company's recycling collection truck in the same manner as the 96 and 65-gallon containers with no additional cost above the basic tariffed recycling rate; or
  - d. Any other solution mutually agreed to by the customer and the solid waste collection company.



3. Monitoring: Collection companies shall:
    - a. Have a written process for how customers may request an alternative and the steps the company will take to work with the customer to develop a solution.
    - b. Maintain an updated list of customers who have requested an alternative collection system, a description of the problem and of the chosen solution, or how the problem was otherwise resolved, and will provide an annual list to Pierce County.
  4. Nothing in this Section requires residential customers to participate in the recycling collection program or prevents residents from transporting recyclables to drop-off recycling sites.
  5. Nothing in this Section would prevent or require collection companies from developing a centralized drop-off site in neighborhoods where such access problems are clustered or where covenants prevent outside storage of containers.
- D. **Materials Collected.** The following recyclable materials, at a minimum, shall be collected from single-family residences when properly prepared and meeting the material description as specified:
1. Cardboard – corrugated cardboard and Kraft paper, including unbleached, unwaxed paper with a ruffled ("corrugated") inner liner.
  2. Metal cans – tin-coated steel cans and aluminum cans.
  3. Mixed-waste paper – clean and dry paper, including: glossy papers, magazines, catalogs, phone books, cards, laser-printed white ledger paper, windowed envelopes, paper with adhesive labels, paper bags, non-metallic wrapping paper, packing paper, glossy advertising paper, and chipboard, such as cereal and shoe boxes.
  4. Newspaper – printed groundwood newsprint, including glossy advertisements and supplemental magazines that are delivered with the newspaper.
  5. Plastic bottles and jars – primarily polyethylene terephthalate (PET – #1), such as soft drink, water, and salad dressing bottles; and high-density polyethylene (HDPE – #2) such as milk, shampoo, or laundry detergent bottles; but including any bottle with a neck narrower than its base.
- E. **Optional Materials.** Nothing in this Chapter shall prohibit a hauler from exceeding the minimum requirements by collecting additional materials, such as glass, foodwaste, scrap metal, or other types of plastic.
- F. Amending the list of required materials. Prior to proposing any amendments to the list of materials to be collected, the County will discuss any proposed changes with the haulers.
- G. Recycling collection rates. Collection companies shall request the Washington Utilities and Transportation Commission (WUTC) to approve a rate structure which includes the costs to implement the single-stream residential curbside recycling program contained in these minimum levels of service. The collection companies shall include the following elements in the tariffs submitted to the WUTC:
1. A rate structure designed to provide customers with adequate options and incentives to reduce their level of solid waste collection service as a result of their participation in waste reduction and recycling programs. This should include an inverted rate structure where, at any given level, the cost of providing garbage and recycling services to a residential customer must be less expensive than the provision of garbage service alone. For one 32- gallon can service, this difference should be a minimum of \$1.00; for two 32-gallon or one 65-gallon can(s) service, a minimum of \$2.00; and for three 32-gallon or one 96-gallon can(s), a minimum of \$3.00.

2. A weekly, 20-gallon mini-can garbage rate combined with every-other-week recycling collection; or a comparable alternative, such as a rate for every-other-week or monthly garbage collection with recycling. The rate for these services shall include the cost of recycling collection but shall be less than the cost of a weekly 32-gallon can garbage service or, if applicable, a weekly 65-gallon can garbage service.
3. Collection costs shall be distributed throughout the service area to all single-family rate payers and should include the collection company's administration costs.
4. The rates shall include the costs of the containers. The rates shall include the costs for any stickers to be placed on the containers.
5. Collection rates shall include a separate delivery service fee equal to or less than the replacement cost of the bins. This service replacement cost shall not apply to the first-time delivery of the standard-sized container, or for the first-time delivery of a smaller-sized container when the smaller size is requested by the customer.
6. The rates shall include the haulers' costs for the mutually-agreed-upon coordinated public outreach program, monitoring set-out participation, and any other costs for the data reporting system required by the County.
7. The haulers shall capitalize and amortize the equipment costs over a minimum of seven years.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.040 Minimum Levels of Service for Yardwaste Collection from Single-family Residences. [Reserved]**

(Ord. 2004-64 § 2 (part), 2004)

**8.29.050 Minimum Levels of Service for Recyclables Collection from Multi-family Complexes, Mobile Home Parks, and Condominiums. [Reserved]**

(Ord. 2004-64 § 2 (part), 2004)

**8.29.060 Customer Service Responsibility and Coordinated Public Outreach Programs.**

Collection companies shall work with the County to develop and implement a coordinated public outreach program.

- A. Haulers' customer service responsibilities shall include, but not be limited to:
  1. Notifications of new service availability, container delivery schedule, an explanation of the rate structure, and a schedule of collection days.
  2. Program sign-up, container delivery, bin stickers, and replacement information.
  3. Delivery of containers within 21 days of a request for service with collection service beginning within 35 days of a request.
  4. A telephone hotline for their franchise area which shall be:
    - a. Accessible to residents for the purpose of providing program information and accepting service complaints;
    - b. Capable of responding to a large volume of phone calls.
    - c. Clearly shown on the collection equipment and all recycling and yardwaste collection containers, included in all mailings, and other publicity materials.
  5. A process to resolve participation problems if access to the program is restricted due to impassable road conditions, other than those occasionally caused by severe weather situations. If the hauler deems the road conditions are regularly impassable by collection vehicles, the hauler will work with customers to determine a mutually agreed upon location for the collection of recyclables or yardwaste, preferably from the nearest roadway which is accessible by the hauler's collection vehicle.

- B. At the initiation of a new collection program to allow for coordination of promotional and educational efforts, haulers shall provide the County with container delivery schedules and collection schedules showing where implementation will begin by geographic areas. Implementation may be staged.
- C. County responsibilities shall include the development of a county-wide public outreach program. The program should include:
  - 1. Newsletters mailed to all households and hand-outs for self-haulers.
  - 2. News releases and an advertising campaign.
  - 3. Coordination of design of brochures and other materials, such as stickers, to be mailed to customers or to be distributed with new bins.
  - 4. An internet website describing the haulers' services, how to sign-up for the new program, how to resolve a service complaint, and information about drop-off alternatives.
  - 5. An email address to allow residents the opportunity to request brochures or other materials and to ask for additional information or help.
  - 6. Traveling exhibits.
  - 7. Incorporation of information about programs into youth and adult environmental education programs.
  - 8. Presentations to civic groups.
  - 9. Distribution of program information to participating cities and towns.
  - 10. Staffing sufficient to provide information to customers with inquiries.
  - 11. Automated telephone information line.

(Ord. 2004-64 § 2 (part), 2004)

#### **8.29.070 Drop-off Sites for Recyclable Materials.**

Collection companies shall maintain the existing staffed, privately-owned drop-off sites and work with the County to expand the number of drop-off sites to provide convenient access for residents and businesses to self-haul recyclable materials.

- A. The County shall provide multi-material collection sites at all transfer stations and landfills through its contract with LRI.
- B. To be eligible for consideration under the Revenue Sharing Plan described in Section 8.29.120, collection companies must meet the following minimal service levels for drop-off sites:
  - 1. Containers at drop-off sites can be designed for either separate collection of each recyclable material or for commingled collection.
  - 2. Multi-material drop-off sites must be staffed and open to the public for a minimum of three days per week, including weekends, and six hours per day. Nothing in this Section prohibits the haulers from extending operating hours past the minimum days and hours of operation required.
  - 3. Materials collected at multi-material sites shall include all colors of bottle glass in addition to all recyclable materials listed in Section 8.29.030 C.
  - 4. Collection companies shall provide expanded opportunities for residents and businesses to drop-off all colors of bottle glass. This may include glass collection containers placed at local businesses; stand-alone glass drop-off sites; or another glass collection alternative as described in the Company Recycling Plan.
  - 5. Drop-off sites must meet development regulation requirements for location, site design, fencing, and signage, and have adequate access and turn-around areas to serve the public.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.080 Reporting Requirements for Residential Recyclables Collection.**

Collection companies shall provide the County with regular and accurate reports of data on all residential recycling collection services as determined necessary by Pierce County for evaluating the effectiveness of recycling programs.

A. Single-family Curbside Recyclables Collection Program.

1. At a minimum, monthly reports shall include the following for each certificated franchise area:
  - a. The number of single-family solid waste collection customers subscribing to each level of garbage collection service.
  - b. The number of customers subscribing to each level of garbage collection service who are signed-up for recycling collection.
  - c. Weekly and monthly set-out counts for recyclable materials.
  - d. Average pounds of recyclables collected per set-out.
  - e. Monthly tonnage of each recyclable material collected from single-family customers.
  - f. Monthly average of recyclables collected per single-family customer expressed as tons recyclables per customer.
  - g. Monthly tonnage of solid waste disposed from single-family customers.
  - h. Monthly residential recycling rate.
  - i. Monthly tonnage of each recyclable material collected from drop-off sites.
2. Quarterly reports should include the following for each certificated franchise area:
  - a. Monthly log of customer complaints or comments related to service and rate changes with a summary of measures taken to resolve any problems.
  - b. Any percentage residue amounts or contamination problems reported by processing facilities.
  - c. Summaries of tons of each recyclable material sold.
3. Annual reports shall include:
  - a. Year-end summary of the monthly and quarterly reporting information.
  - b. An analysis of the effects of changes in services and areas served or problems that were encountered and any suggested changes to increase efficiency and participation in both the curbside program and drop-off collection sites.

B. Yardwaste Collection Program. [Reserved]

C. Multi-family Recycling Collection Program. [Reserved]

(Ord. 2004-64 § 2 (part), 2004)

**8.29.090 Processing Preferences and Disposal Limitations.**

- A. Solid waste collection companies shall use processing facilities that have obtained all applicable local, state, and federal permits. Whenever possible, local businesses should be used to receive recyclables or yardwaste for purposes of processing, handling, or remanufacturing the materials into new products.
- B. The haulers shall not under any circumstances dispose of marketable recyclables or yardwaste by landfilling or incineration.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.100 County Notification of WUTC Tariff Filings.**

Whenever a collection company files a proposed tariff revision for solid waste, recyclables, or yardwaste collection rates with the WUTC, the collection company shall simultaneously provide the County with copies of the proposed tariff submitted to the WUTC and all supporting materials. Any propriety information provided to the County shall be handled as confidential to the extent allowed by law.

- A. The County shall review the rates for compliance with the *Tacoma-Pierce County Solid Waste Management Plan*, implementing service level ordinances, and any previously certified Company Recycling Plan.
- B. If the rates are in compliance with a previously certified Company Recycling Plan or if a new Company Recycling Plan is proposed that is in compliance with these regulations, the County will certify compliance to the WUTC.
- C. After tariffs are approved by the WUTC, the collection company shall notify the County of the approved rates and the effective dates.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.110 Full Program Implementation.**

If it is determined that the programs specified in this Chapter are not fully implemented, the Pierce County Executive shall notify the WUTC that the County will exercise its authority under RCW 36.58.040 to contract for the collection of recyclables from residences in unincorporated Pierce County.

- A. Full implementation. The programs shall be considered fully implemented when the following conditions are met:
  1. The certificated hauler has received approval by the WUTC for its tariff filings for recyclables; and
  2. The services are available to all who want the service.
- B. Contract for collection. In the event that the County is dissatisfied with the implementation of the specified programs and, after having notified the certificated hauler, finds the hauler has failed to cure the perceived omission, the County will exercise its authority to contract for the collection of residential recyclables. The County will:
  1. Notify the haulers operating in unincorporated area of the County's intent to exercise its authority.
  2. Select a recycling contract through a request for proposal process that considers, among other factors, experience, qualification, and costs.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.120 Recycling Revenue Sharing.**

To be eligible for commodity revenue sharing as provided in RCW 81.77.185, the certificated solid waste collection companies shall work with the County to create a Company Recycling Plan.

- A. The Company Recycling Plan shall be in effect for two years after full implementation of the new program at which time it will be subject for review and evaluation to determine its success in increasing customer participation in recycling programs and in increasing diversion of recyclable materials.
- B. To have the Plan certified by the County, the Company Recycling Plan shall include, but not be limited to:

1. Description of how the collection company will implement the single-stream collection system in Section 8.29.030, including proposed rate structures and an implementation schedule.
2. A description of how the solid waste collection company will meet the customer service responsibilities of Section 8.29.060, including how it will work with the County on a coordinated public outreach program.
3. Four years of past residential recycling baseline data which includes:
  - a. Annual commodity revenues and recycling tonnage (by month and commodity); collected by franchise area.
  - b. Number of residential customers receiving recycling service.
  - c. Monthly tonnage of solid waste disposed by residential customers.
  - d. Pounds of garbage collected per household reported by the year at a minimum; but by the month if the data is still available.
  - e. A calculation of the recycling percentage rate by month.
4. A description of how the solid waste collection company will monitor set-outs and otherwise meet the reporting requirements of Section 8.29.080.
5. A description of how the solid waste collection company plans to use the revenues to increase recycling through other alternatives or to collect other types of recyclables.

(Ord. 2004-64 § 2 (part), 2004)

**8.29.130 Cities and Towns.**

Collection companies shall offer the same or similar recycling collection services as provided to unincorporated Pierce County to the cities and towns with which they contract in Pierce County. (Ord. 2004-64 § 2 (part), 2004)

**8.29.140 Severability.**

If any Section, subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. (Ord. 2004-64 § 2 (part), 2004)

## *Chapter 8.30*

### ***SOLID WASTE HANDLING SYSTEM***

#### **Sections:**

**8.30.010 Definitions.**

**8.30.020 System of Solid Waste Handling Established and Authorization to Designate Sites.**

**8.30.030 Disposal of Solid Waste.**

**8.30.040 Regulations, Consistency and Procedure.**

**8.30.050 Unlawful Disposal of Solid Waste – Misdemeanor.**

**8.30.060 Severability.**

#### **8.30.010 Definitions.**

As used in this Chapter, the following definitions shall apply:

- A. "Cities" means the cities and towns within Pierce County that have authorized the County to designate solid waste handling facilities for solid waste that originates within those cities and towns.
- B. "Comprehensive Solid Waste Management Plan" or "Plan" means the Tacoma-Pierce County Solid Waste Management Plan adopted by Pierce County by Ordinance No. 87-196, as it may be amended or superseded from time to time. The Plan is incorporated herein by this reference.
- C. "County" means Pierce County, Washington.
- D. "Director" means the Pierce County Director of Utilities or his/her successor in that position or in the position that is subsequently entrusted with substantially all of the responsibilities of the Director of Utilities. With respect to infectious waste, sludge, and septage, the term "Director" shall mean the Director of the Tacoma-Pierce County Health Department.
- E. "Disposal Site" means disposal site as defined by RCW 70.95.030 and including but not limited to landfill, composting, and energy recovery sites.
- F. "Hazardous Waste" means any waste, material, or substance that now or hereafter:
  - 1. Is required to be handled as hazardous waste under regulations promulgated by the U.S. Environmental Protection Agency at 40 CFR part 261; or
  - 2. Contains a radioactive material, the storage or disposal of which is regulated by state or federal law or regulation; or
  - 3. Is designated a "dangerous waste" through application of regulations adopted pursuant to Chapter 70.105 RCW; and is not excluded from regulation as "hazardous waste" or "dangerous waste" by application of hazardous waste or dangerous waste regulations adopted by U.S. Environmental Protection Agency or Washington State Department of Ecology. Certain solid waste which is not as of the effective date of this Chapter within one or more of subparagraphs 1.-3. above, may after that date come within the scope of one or more of those subparagraphs as determined by a governmental entity with jurisdiction; certain other solid waste which is within one of those subparagraphs similarly may cease to be recognized as a hazardous waste as defined herein. Accordingly, any waste, material, or substance shall be deemed hazardous waste only so long as and to the extent that it is included in at least one of subparagraphs 1.-3. above.

- G. "Operator" means any person with whom the County contracts for the design, construction, ownership, operation, or maintenance of any solid waste handling facility.
- H. "Person" means an individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation, cooperative, or any other entity whatsoever.
- I. "Recyclable Materials" means recyclable materials as defined by RCW 70.95.030.
- J. "Recycling" means Recycling as defined by RCW 70.95.030.
- K. "Solid Waste" means solid waste as defined by RCW 70.95.030, with the exception of hazardous waste.
- L. "Solid Waste Handling," "Handling" or "Handled" means solid waste handling as defined by RCW 70.95.030.
- M. "Solid Waste Handling Facility" or "Facility" means any facility for solid waste handling, including but not limited to Recycling drop-off and/or buy-back centers, processing facilities, composting sites, drop boxes, transfer stations, landfills, waste-to-energy facilities and other processing sites, disposal sites and facilities. This term does not include and this Chapter shall not be applicable to: (1) vehicles or other equipment used in the transportation of solid waste, or (2) transfer stations that are not open to the public and that are owned and/or operated by and utilized exclusively by a solid waste collection company for its own vehicles or operations. However, solid waste emanating from such transfer stations shall be subject to this Chapter.
- N. "System" means the system of solid waste handling established by Pierce County Code 8.30.020.
- O. "Washington Utilities and Transportation Commission" or "WUTC" means the Washington Utilities and Transportation Commission created under Chapter 81.01 RCW.

(Ord. 90-4 § 1 (part), 1990)

**8.30.020 System of Solid Waste Handling Established, and Authorization to Designate Sites.**

- A. This Chapter establishes a system of solid waste handling for all unincorporated areas of the County in accordance with RCW 36.58.040 and the Comprehensive Solid Waste Management Plan. In accordance with that Plan, the system includes the reduction, processing, recycling, and disposal of solid waste as well as solid waste handling facilities and the designation of facilities as disposal sites. The system may include the handling of some or all of the solid waste originating in cities or outside the County. The system shall not include the disposal of hazardous waste.
- B. The system includes, but is not limited to, the following solid waste facilities, strategies, and programs:
  - 1. Waste reduction, including education, legislative changes, rate policies aimed at reducing the solid waste stream, on-site yard waste composting, and other elements consistent with the Comprehensive Solid Waste Management Plan.
  - 2. Recycling, including education, curbside collection, yard waste composting, drop-off and buy-back facilities, processing systems, market development, and other elements consistent with the Comprehensive Solid Waste Management Plan.
  - 3. Solid waste collection, including municipal collection, municipally-regulated private collection, and WUTC-regulated private collection, as applicable.



4. Solid waste processing technologies including, where appropriate, waste-to-energy and composting facilities located in the County.
  5. Transfer and long haul, including intra-County transfer and, when other disposal options are limited or unavailable, out-of-County long haul and disposal.
  6. Landfilling and volume reduction.
  7. Enforcement and Administration by the County to manage the system in a cost-effective and environmentally sound manner.
  8. Special waste stream management, including special facilities or other methods of handling the following special wastes:
    - a. sludge
    - b. septic tank pumpings
    - c. demolition wastes
    - d. wood wastes
    - e. industrial wastes
    - f. waste tires
    - g. litter
    - h. infectious wastes
    - i. dredge spoils
    - j. ash
    - k. gypsum
    - l. appliances
    - m. waste oil
    - n. auto batteries
    - o. dry cell household batteries
    - p. plastics
    - q. plastics
    - r. textiles
    - s. refuse derived fuel
  9. Other facilities, strategies, and programs consistent with this Chapter and the Comprehensive Solid Waste Management Plan.
- C. Each element of the system shall be implemented in accordance with the Comprehensive Solid Waste Management Plan, ordinances and resolutions enacted by the Council to further implement that Plan, applicable contracts heretofore or hereafter entered into between or among the County, cities, other governmental entities and operators, and applicable local, state, and federal law. In addition, the system and each element thereof, shall be implemented, as applicable, in accordance with the priorities set forth in RCW 70.95.010, as it may hereafter be amended, currently:
1. Waste reduction;
  2. Recycling, with source separation of recyclable materials as the preferred method;
  3. Energy recovery, incineration, or landfill of separated waste;
  4. Energy recovery, incineration, or landfilling of mixed wastes.
- D. The Director shall designate solid waste handling facilities for solid waste that:
1. Originates within the unincorporated areas of the County (except McChord Air Force Base and the Fort Lewis Military Reservation);
  2. Originates within a city that has authorized the County to designate solid waste handling facilities for that city's solid waste; or
  3. Originates outside the County and is allowed to be handled in the unincorporated area of the County by applicable ordinance, regulation, contract with an operator, or the Director's emergency authorization, as provided in Section 8.30.020 E.
- The designation by the Director of each such facility shall specify:
- a. The location of the facility and the name and address of the person operating the facility;
  - b. the type, origin, and volume of solid waste which shall or may be handled at such facility;
  - c. the persons who may deliver solid waste to each such facility; and

d. the manner of conveyance and time for delivery of solid waste to each such facility.

If the owner or operator of the facility is an operator as defined in this Chapter, the designation shall be as required by, or otherwise be consistent with, the County's contract with the operator.

The Director may designate a solid waste handling facility prior to its construction or receipt of permits necessary for its operation, except that the provisions of Section 8.30.030 shall not be effective with respect to that facility unless and until it is capable of handling solid waste. Furthermore, no such designation shall release any operator from the responsibility of complying with all applicable local, state, and federal laws and regulations.

- E. Upon a finding that it is necessary for the immediate preservation of the public health or safety, the Director shall immediately notify the Chair of the County Council of such emergency, and may, for periods no longer than 60 consecutive days, designate additional or alternative facilities that do not comply with all of the requirements of this Chapter. The authority of the Director to so designate additional or alternative facilities under this subsection, and the exercise of that authority, shall not excuse any breach of the terms or conditions of any applicable contract with an operator.
- F. Except as provided in 8.30.020 E., solid waste referred to in 8.30.020 D.1., 2. or 3., shall not be diverted from the solid waste handling facilities designated by the Director, or handled at any other location or facility, unless that diversion or handling is made by an operator, a city or other governmental entity or as otherwise approved by the Director in accordance with any contract between the County and the operator of the facility from which solid waste is being diverted.
- G. An operator may require as a condition to the delivery or disposal of solid waste that a person delivering or disposing of solid waste at that operator's facility enter into an agreement with the operator which concerns the following:
1. The nature of the solid waste to be handled;
  2. The time, means, and manner of delivery;
  3. The prohibition of delivery or disposal of hazardous waste or other solid waste or materials not permitted to be handled at that facility;
  4. The manner in which any hazardous waste or other non-permitted solid waste or materials shall be handled if delivered;
  5. The cleanup of improperly handled solid waste; the payment of fees and charges for services provided by that facility;
  6. Any financial security for payment (including but not limited to deposits, performance bonds or letters of credit) and the compliance with the operator's rules;
  7. And such other matters as may be approved by the Director or authorized by applicable contract with an operator.

Any such agreement between an operator and the user of that operator's facility shall be subject to any applicable contract between the County and that operator and, further, subject to the approval of the Director unless the terms of such agreement have been approved by the County in connection with that operator's contract with the County, in which case the approval of the Director shall not be required.

This subsection 8.30.020 G. does not limit the ability of an operator to set fees and charges for the handling of solid waste which is permitted but not required to be disposed of at such facility except as may be provided in a contract between such operator and the County.

- H. An operator may impose such rules and regulations as it deems necessary and appropriate governing the handling of solid waste at its facility and the price, terms, method, and time of payment for services and other relevant matters, including but not limited to those matters described in 8.30.020 G.
- I. All persons disposing of or otherwise delivering solid waste at a solid waste handling facility shall pay, when due to the operator of that facility, the fees or charges established under the applicable contract between that operator and the County and shall comply with the rules established by the operator under 8.30.020 H. Subject to applicable law and any contract with the County, an operator may, after giving reasonable notice to the County, take such actions as it deems necessary and appropriate to enforce those rules and collect those fees and charges, including prohibiting any person from using that facility due to nonpayment or noncompliance with the operator's rules.
- J. Facilities that handle recyclable materials shall not be subject to the designation requirements of this Chapter unless such a facility is designated as a disposal site. However, Recyclable Material that is delivered initially to such a facility and that ultimately is not recycled shall be subject to this Chapter. (Ord. 90-4 § 1 (part), 1990)

**8.30.030 Disposal of Solid Waste.**

- A. It is unlawful for any person to dispose of or otherwise handle within the County any solid waste originating in the County or elsewhere, unless such disposal or handling is
  1. consistent with and permitted by the Director's specific designation of the facility disposing of or handling such solid waste or is;
  2. expressly allowed by County ordinance or a contract between the County and an operator, a city comprehensive solid waste management plan, or an interlocal agreement or;
  3. exempt pursuant to 8.30.020 J.
- B. It is unlawful for any person to deliver any material, article or substance which is not solid waste to any facility for disposal or other handling.
- C. To the extent permitted by applicable law and in addition to the penalties and remedies provided herein, violation of the provisions of this Chapter shall also be grounds for revocation of licenses and permits, equitable relief, or such other remedies or actions necessary to carry out the purpose of this Chapter.
- D. The appropriate officers and employees of the County are authorized to take all lawful actions reasonably available to enforce in a timely manner the provisions of Sections 8.30.020 and 8.30.030 against any person violating the provisions of those Sections, including but not limited to,
  1. bringing a civil and/or criminal action against that person and providing testimony and cooperation in the prosecution of that action;
  2. barring that person from use of a solid waste handling facility;
  3. requesting that the WUTC revoke that person's certificate to collect or transport solid waste or Recyclable Material;

4. seeking equitable relief against that person; and
  5. any other legal remedy.
- E. Nothing in this Section shall prohibit an individual from disposing of solid waste originating at his or her place of residence by his or her own activities onto or under the surface of ground owned or leased by him or her so long as that disposal does not violate any local, state, or federal law, or create a nuisance.

(Ord. 90-4 § 1 (part), 1990)

**8.30.040 Regulations, Consistency and Procedure.**

- A. The Director is authorized to propose, in ordinance form, such regulations as he or she deems necessary to carry out the purposes of this Chapter.
- B. The authority to propose regulations in ordinance form and to designate facilities provided to the Director in this Chapter shall be exercised consistent with the Comprehensive Solid Waste Management Plan, ordinances and resolutions enacted by the Council, contracts heretofore or hereafter entered into between or among the County, cities, other governmental entities and operators, and applicable local, state and federal law.
- C. The Director shall use reasonable methods to inform the public and the operator of the facility and allow opportunity to comment upon proposed decisions to designate facilities. The Director shall publish notices of proposed decisions to designate facilities in a newspaper of general circulation in the County, city, or general area where the facility is located, at least once a week for two consecutive weeks. The notices shall include the information described in 8.30.020 D. and a statement that the public is invited to comment on the proposed decision for a period of 30 days following the date of the last publication of notice and that the Director's proposed decision shall become final upon the expiration of the 30 day comment period unless modified by the Director within such comment period. If, for any reason, the Director modifies the proposed decision to designate during the comment period, notice of the modified decision shall be published in the same manner described in this Section and shall allow a 30 day comment period from the date of the last publication of notice of the modified decision. Upon expiration of the 30 day comment period, the Director shall file a record of the final decision to designate facilities and proof of publication of notice with the County Auditor and with the Director of the Tacoma-Pierce County Health Department.
- D. Any person who made a written request for designation of a solid waste handling facility and who was denied designation by a final decision of the Director made under 8.30.040 C. and who feels aggrieved by the Director's final decision may appeal that final decision as provided in this subparagraph.
  1. Any appeal under this subparagraph shall be commenced by service of notice upon the Director within 15 days of the filing of the final decision. The notice must be a written, signed and notarized notice of appeal which sets forth the relevant facts. An appeal fee in the amount of \$500.00 must be paid to the County at the time of service of a notice of appeal.
  2. Any appeal under this subparagraph shall be heard by the Pierce County Hearing Examiner. The Examiner shall convene a hearing on the appeal at a time to be fixed at the Examiner's discretion, but no later than 60 days after service of the notice of appeal. The Director, or the Director's designee, shall receive documents from the

appellant and shall prepare a report of the Director's final decision under appeal, shall prepare such additional materials as are relevant, and shall provide these materials to the Examiner five days prior to the hearing date.

3. The Examiner's written decision shall be final and conclusive unless an aggrieved party files an appropriate action in Superior Court and serves all necessary parties within 30 days of the Examiner's final decision. The Examiner's decision shall not be subject to reconsideration or to appeal to the County Council.

(Ord. 90-4 § 1 (part), 1990)

**8.30.050 Unlawful Disposal of Solid Waste – Misdemeanor.**

Every person who knowingly violates or fails to comply with Pierce County Code Chapter 8.30 is guilty of a misdemeanor. (Ord. 90-4 § 1 (part), 1990)

**8.30.060 Severability.**

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 90-4 § 1 (part), 1990)



## *Chapter 8.31*

### *LITTER AND CLEAN-UP DISPOSAL CREDIT*

#### **Sections:**

**8.31.010 Purpose and Intent.**

**8.31.020 Definitions.**

**8.31.030 Implementation.**

**8.31.040 Eligibility and Uses.**

**8.31.050 Litter and Clean-Up Waste from County Departments, Cities, and Towns.**

**8.31.060 Litter Collected by Volunteer Organizations and Individuals.**

**8.31.070 Reporting.**

**8.31.080 Severability.**

#### **8.31.010 Purpose and Intent.**

It is the purpose and intent of the Pierce County Council to establish a Pierce County litter and clean-up disposal credit. This credit will supplement existing litter control efforts of the Pierce County Department of Public Works and Utilities by enabling County Departments, cities, towns, and authorized individuals and groups to deliver litter and clean-up waste to Pierce County disposal sites free of charge. This partnership among the County, volunteer organizations, individuals, municipal agencies, and the County's solid waste handling vendor is intended to reduce litter and build civic pride in attaining the goal of a litter-free Pierce County. (Ord. 99-36S § 1 (part), 1999)

#### **8.31.020 Definitions.**

- A. "Authorization Form" means a document prepared by the Solid Waste Division and completed and signed by the Solid Waste Manager and an authorized volunteer organization or individual which governs participation in the credit authorized by this Chapter.
- B. "Authorized Volunteer Organization or Individual" means an organization empowered by law to enter into contractual agreements, or an individual that has been deemed eligible by the Solid Waste Manager, pursuant to the requirements of this Chapter, to receive the credit for litter delivered to a disposal site.
- C. "Clean-Up Waste" means litter collected and disposed of per this Chapter by cities or towns or contracted solid waste haulers on behalf of cities and towns, and solid waste collected in cities and towns through special collection events which may be designated in a contract between a city or town and its contracted solid waste hauler, but excludes special materials.
- D. "Contracted Solid Waste Hauler" means a firm which collects and disposes of solid waste under contract with a city or town.
- E. "Credit" means the litter and clean-up disposal credit whereby a portion of solid waste tipping fees is dedicated to paying for the disposal of litter and Clean-up Waste.
- F. "Disposal Site" means the Hidden Valley Transfer Station or the Purdy Transfer Station.

- G. "Litter" means solid waste collected and disposed per this Chapter which includes packaging, glass, plastic, bottles, cans, and paper, and other materials commonly discarded on the roadside, but excludes waste generated by a household, business, or industry, and excludes special materials (as defined by this Chapter).
- H. "Pierce County Solid Waste Disposal Services Area" means unincorporated Pierce County and any city or town within Pierce County which has signed an Interlocal Agreement that allows Pierce County to designate waste disposal sites.
- I. "Right-of-Way" means a strip of land held in an easement or separate tract which is occupied or dedicated to be occupied by a publicly or privately dedicated street, walkway, sidewalk, bikeway, equestrian trail, and other similar uses, but for the purposes of this Chapter, excludes railroads and property reserved for utilities and transmission lines.
- J. "Solid Waste" means the same as in Chapter 70.95 RCW.
- K. "Solid Waste Division" means the Solid Waste Division of the Department of Public Works and Utilities, or successor organization, responsible for solid waste management planning pursuant to Chapter 70.95 RCW.
- L. "Solid Waste Manager" means the Manager of the Solid Waste Division, or designee.
- M. "Special Materials" means the following types of solid waste: hazardous wastes, chemicals, and paint; automobile hulks; large appliances, furniture, and other items that are too bulky or too heavy to fit into a 30-gallon garbage bag; yardwaste, brush, leaves, and limbs; asbestos; industrial wastes not covered by Pierce County's Waste Handling Agreement; similarly named or characterized waste; and other solid waste designated by the Solid Waste Manager.
- N. "Waste Handling Agreement" means a contract between Pierce County and another party that arranges for the disposal of solid waste generated within the Pierce County solid waste disposal services area.

(Ord. 99-36S § 1 (part), 1999)

**8.31.030 Implementation.**

- A. The Solid Waste Division will be the lead County Department to administer this Chapter.
- B. The Solid Waste Division, when negotiating a Waste Handling Agreement, shall provide for the dedication of a portion of tipping fees to pay for the credit.
- C. The Solid Waste Manager shall monitor the amount of available credit and authorize participation subject to the amount of available credit and the requirements of this Chapter.
- D. In authorizing use of the credit, the Solid Waste Manager may place limits on the tonnage eligible to receive the credit. The Solid Waste Manager may authorize use of the credit for all, or only part, of the disposal cost of litter or clean-up waste delivered to disposal sites.
- E. This Chapter does not authorize the Solid Waste Division to collect litter or clean-up waste, to enter into contracts for collection programs, or to fund the collection of litter or clean-up waste.

(Ord. 99-36S § 1 (part), 1999)



**8.31.040 Eligibility and Uses.**

- A. The primary use of the credit shall be to fund the disposal of litter and clean-up waste collected as part of the following programs: the Pierce County Adopt-a-Road, Adopt-a-Trail, and Adopt-a-Park Programs; Adopt-a-Stream Programs located in unincorporated Pierce County; litter removal programs conducted or coordinated by any Pierce County agency or by a city or town; Clean-Up programs conducted for a city or town by its contracted solid waste hauler; and other similar programs as designated by the Solid Waste Manager. Use of the credit to fund the disposal of litter and clean-up waste from these programs is subject to the requirements of PCC 8.31.050.
- B. The secondary use of the credit shall be to fund the disposal of litter collected by an authorized volunteer organization or individual from unincorporated Pierce County, subject to the requirements of PCC 8.31.060.

(Ord. 99-36S § 1 (part), 1999)

**8.31.050 Litter and Clean-Up Waste from County Departments, Cities, and Towns.**

- A. The Solid Waste Division shall enter into a written agreement, which may be in the form of a letter from the Solid Waste Manager, with the County agencies that coordinate the Adopt-a-Road, Adopt-a-Trail, and Adopt-a-Parks programs and with those agencies which conduct roadside and right-of-way litter removal activities. This agreement shall ensure that wastes delivered to disposal sites meet the definition of litter as provided in this Chapter and that the credit is properly applied to those wastes. This agreement shall include procedures to handle requests forwarded by the Solid Waste Division pursuant to PCC 8.31.060 D.1. and may include tonnage limits pursuant to PCC 8.31.030 D.
- B. The Solid Waste Division shall enter into a written agreement, which may be in the form of a letter from the Solid Waste Manager, with each city or town. These agreements shall ensure that wastes delivered to disposal sites meet the definition of clean-up waste as provided in this Chapter and that the credit is properly applied to those wastes. These agreements may include tonnage limits pursuant to PCC 8.31.030 D. Cities and towns shall designate a city or town agency or the contracted solid waste hauler to act as liaison with the Solid Waste Division to carry out the responsibilities outlined in this Chapter.

(Ord. 99-36S § 1 (part), 1999)

**8.31.060 Litter Collected by Volunteer Organizations and Individuals.**

- A. To implement this Chapter in unincorporated Pierce County, the Solid Waste Division shall provide standardized application forms which shall notify prospective participants of the risks and responsibilities of the County and of the volunteer groups, and shall include a copy of this Chapter.
- B. Upon receiving a request from an applicant seeking to be named as an authorized volunteer organization or individual, and before granting such authorization, the Solid Waste Manager will determine whether:
  - 1. the applicant has complied with the terms of any previous Authorization Forms (those that have not shall not be eligible for a period of three years);
  - 2. there is sufficient credit available to provide for disposal of the estimated volume of litter to be collected; and

3. the location of the proposed litter collection activity meets the priorities established in PCC 8.31.060 C.
- C. The Solid Waste Manager will authorize requests based upon the location of the litter and the priorities set in this subsection. The Solid Waste Manager will authorize Priority 2 and 3 locations only if it can be determined that sufficient resources exist to meet all estimated annual volumes for Priority 1 locations.
1. Priority 1: The Right-of-Way, as defined in this Chapter, and other County-owned or maintained properties.
  2. Priority 2: Other public properties, such those owned by schools; except those properties excluded in PCC 8.31.060 C.4.
  3. Priority 3: Private properties that are open and available for public use if the Solid Waste Manager determines there is a definable public purpose to having the credit fund disposal, such as addressing an immediate threat to human health or the environment, and there is no other legal means to fund disposal; except those properties excluded in PCC 8.31.060 C.4.
  4. Priority 2 and 3 locations exclude properties owned, managed, administered, controlled, or maintained by: public or private utilities; public and quasi-public corporations which charge rents, levy taxes, or charge fees for admission or service; any city, town, State or Federal government agency; timber resource companies; or railroads.
- D. After considering the requirements of PCC 8.31.060 A. through C., the Solid Waste Manager may identify an applicant as an authorized volunteer organization or individual.
1. If the applicant seeks to remove litter from a Priority 1 site, the request shall be forwarded to the County agency which controls or manages the property. That agency is responsible for approving or denying the request, for monitoring the activities of the authorized volunteer organization or individual, and for arranging for the delivery of the litter to disposal sites.
  2. If the applicant seeks to remove litter from a Priority 2 or 3 site, the Solid Waste Division and the authorized volunteer organization or individual shall comply with the requirements of PCC 8.31.060 E. and F.
- E. The Solid Waste Division shall:
1. Require one designated leader for each authorized volunteer organization or individual.
  2. Require all volunteers to be at least 12 years of age, require written parental consent for all participating minors, and require at least one adult supervisor for every four minors. The Solid Waste Manager may waive the minimum age requirement provided the safety of minors is assured by the level of supervision provided and the location of the proposed litter collection activity;
  3. Require proof of automobile liability insurance for any vehicle to be used to haul litter to a disposal site;
  4. Provide safety information and training aids to the designated leaders for their use in training of their participants;
  5. Annually publish a list of authorized volunteer organizations or individuals that perform a litter removal activity and comply with the terms of the Authorization Form, but excluding organizations whose names endorse or oppose a candidate for public office, advocate a position on a specific political issue, initiative, referendum, or piece of legislation, or contain the name of, or reference to, a political party.

- F. Authorized volunteer organizations and individuals shall:
1. Name a designated volunteer leader;
  2. Submit to the Solid Waste Division written parental consent for participating minors;
  3. Provide proof of automobile liability insurance for any vehicle to be used to haul litter to a disposal site;
  4. Ensure that all participants receive safety training and provide participants with tools and equipment needed for the task;
  5. Gain written permission to collect litter from the property owner or manager and release the County from any liability associated with collecting litter on that property;
  6. Deliver waste to a disposal site as directed on the Authorization Form; and
  7. Comply with all other terms and conditions of the Authorization Form.

(Ord. 99-36S § 1 (part), 1999)

**8.31.070 Reporting.**

The County Executive shall annually prepare a report to the County Council on activities relating to this Chapter. At a minimum, the report shall include: the number of tons of litter and clean-up waste removed and disposed under this Chapter by each relevant County department and city and town; the cost savings to participants; the locations of areas cleaned up; and recommendations for changes in the credit, funding, or this Chapter. This report shall coincide with the annual review of solid waste tipping fees. (Ord. 99-36S § 1 (part), 1999)

**8.31.080 Severability.**

If any provision of this Chapter or its application to any person or legal entity or circumstance is held invalid, the remainder of this Chapter or the application of its provisions to other persons or legal entities or circumstances shall not be affected. (Ord. 99-36S § 1 (part), 1999)



## *Chapter 8.32*

### *SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS*

#### **Sections:**

- 8.32.010 Purpose.**
- 8.32.020 Unlawful Dumping – Misdemeanor.**
- 8.32.030 Registration Certificate Required – Firms.**
- 8.32.040 Registration Certificate Required – Persons.**
- 8.32.050 Application for Registration Certificate.**
- 8.32.060 Registration Certificate – Issuance.**
- 8.32.070 Application for Registration Certificate – Duty to Act Upon.**
- 8.32.080 Registration and Inspection Fee.**
- 8.32.090 Effective Date – Expiration of Registration Certificates.**
- 8.32.100 Terms and Conditions of Registration Certificates – Statement Required.**
- 8.32.110 Change of Address of Registrant.**
- 8.32.120 Revocation of Registration Certificate.**
- 8.32.130 Violations Constitute Misdemeanor.**
- 8.32.140 Severability.**

**Cross-references: Chapters 36.58, 36.58A RCW**

#### **8.32.010 Purpose.**

For the purpose of protecting the life, health, safety, welfare and convenience of the inhabitants of Pierce County, it is necessary to establish rules and regulations pertaining to the collecting of garbage, and the disposal thereof; providing for a registration and inspection fee; and prescribing penalties for its violation. (Res. 1988 § 1, 1945; prior Code § 95.08.010)

#### **8.32.020 Unlawful Dumping – Misdemeanor.**

Every person who places, deposits or dumps, or who causes to be placed, deposited or dumped, any sewage, sludge, accumulation of human excrement or garbage in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a misdemeanor. (Res. 1988 § 2, 1945; prior Code § 95.08.020)

#### **8.32.030 Registration Certificate Required – Firms.**

It is unlawful for any person or firm to carry on or engage in the business of garbage collection unless he or it holds an unrevoked registration certificate issued by the Pierce County Health Officer or his duly authorized representative for the carrying on of the business. (Res. 1988 § 3, 1945; prior Code § 95.08.040)

#### **8.32.040 Registration Certificate Required – Persons.**

It is unlawful for any person to collect garbage on behalf of any person or firm engaged in the business of garbage collection unless the person or firm holds an unrevoked registration certificate as provided in this Chapter. (Res. 1988 § 4, 1945; prior Code § 95.08.050)

**8.32.050 Application for Registration Certificate.**

All applications for registration under this Chapter shall be filed with the County Health Officer. The application shall state the name in full; if a partnership, then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership. The application shall be signed by the authorized officer of a corporation, if a corporation, or by the managing partner, if a partnership. (Res. 1988 § 5, 1945; prior Code § 95.08.060)

**8.32.060 Registration Certificate – Issuance.**

Registration shall be issued only after a satisfactory examination by the County Health Officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting public health and nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may collect garbage without endangering human health or comfort; and only after examination of the place or places and manner of disposal proposed by the applicant. (Res. 1988 § 6, 1945; prior Code § 95.08.070)

**8.32.070 Application for Registration Certificate – Duty to Act Upon.**

The County Health Officer or his designee shall be required to act upon each application in a timely manner. (Ord. 84-67 § 1 (part), 1984; Res. 1988 § 7, 1945; prior Code § 95.08.080)

**8.32.080 Registration and Inspection Fee.**

There shall be a registration and inspection fee to defray expenses incurred by the Tacoma-Pierce County Health Department in issuing registration certificates, conducting inspections and otherwise administering this Chapter. (Ord. 84-67 § 1 (part), 1984; Res. 13437 § 6, 1969; Res. 8644, 1961; Res. 1988 § 8; prior Code § 95.08.090)

**8.32.090 Effective Date – Expiration of Registration Certificates.**

Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect. (Ord. 84-67 § 1 (part), 1984; Res. 1988 § 9, 1945; prior Code § 95.08.100)

**8.32.100 Terms and Conditions of Registration Certificates – Statement Required.**

Applicants may be registered under such terms, conditions, orders and directions as the County Health Officer or his duly authorized representative may deem necessary for the protection of human health and comfort. The County Health Officer and his duly authorized representatives are empowered to require any and all persons who are registered with him to collect garbage, to file with the Health Officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where garbage is collected by the registrant or his employees or by others on his behalf, and the statement shall also describe in precise terms the place where the garbage shall have been disposed of and by whom. The County Health Officer is empowered to require such statements to be sworn to before a notary public. (Res. 1988 § 10, 1945; prior Code § 95.08.110)

**8.32.110 Change of Address of Registrant.**

A change of address of any registrant, including a member of a partnership which is registered and of the place of business thereof, shall be reported in writing by registered mail by the registrant within five days after the change of address. (Res. 1988 § 11, 1945; prior Code § 95.08.120)

**8.32.120 Revocation of Registration Certificate.**

Any registration certificate issued under this Chapter may be revoked for cause by the issuing Health Officer on ten days' notice to registrant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the registrant. (Res. 1988 § 12, 1945; prior Code § 95.08.130)

**8.32.130 Violations Constitute Misdemeanor.**

Violation of any of the provisions of this Chapter or of any order or orders of the Health Officer made pursuant to this Chapter for the protection of human health and comfort shall constitute a misdemeanor. (Res. 1988 § 13, 1945; prior Code § 95.08.140)

**8.32.140 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 12, 1989)





## *Chapter 8.33*

### ***SOLID WASTE DISPOSAL – UNSECURED LOAD FEES***

#### **Sections:**

#### **8.33.010 Definition.**

#### **8.33.020 Unsecured Load Fee.**

#### **8.33.030 Exemptions.**

#### **8.33.040 Effective Date.**

#### **8.33.010 Definition.**

"Unsecured loads" means a shipment of solid waste in or on a vehicle that is not covered, protected, or otherwise secured or tied down by safety chains or other fastening devices in a manner that will prevent waste materials from spilling, escaping, falling, or being blown or deposited outside the vehicle while the vehicle is in motion. (Ord. 94-109 § 1 (part), 1994)

#### **8.33.020 Unsecured Load Fee.**

Except for vehicles that are exempted as provided in Section 8.33.030, no vehicles transporting waste materials to any landfill or transfer station located in the County shall contain Unsecured Loads. In the event the operator of any landfill or transfer station located in the County, including the Hidden Valley Landfill, the Purdy Transfer Station, the Anderson Island Transfer Station, the Key Center Transfer Station, and the Prairie Ridge Transfer Station, determines that a vehicle arriving at such facility contains an Unsecured Load and is not exempted under Section 8.33.030, the landfill or transfer station operator shall collect from the driver of the vehicles transporting the Unsecured Load the following fee:

- A. \$5.00 per yard for vehicles that are charged by the yard at the applicable landfill or transfer station; and
- B. \$10.00 per ton for all other vehicles.

Unsecured load fees collected pursuant to this Section shall be deposited each calendar quarter with the Pierce County Solid Waste Division for the purposes of solid waste reduction and recycling.

(Ord. 94-109 § 1 (part), 1994)

#### **8.33.030 Exemptions.**

Unless also transporting solid waste for disposal, the following vehicles and vehicle operators shall be exempt from the requirements and fees set forth in Section 8.33.020:

- A. Vehicles transporting sand, dirt, or gravel in accordance with the provisions of RCW 46.61.655;
- B. Vehicles transporting separated yard and garden debris to any solid waste facility located in the County that accepts such yard and garden debris;
- C. Vehicles transporting separated recyclable materials to any solid waste facility located in the County that accepts such recyclable materials.

(Ord. 94-109 § 1 (part), 1994)

**8.33.040 Effective Date.**

The requirements of this Chapter shall be effective, and the operators of landfills and transfer stations in the County shall begin collecting the Unsecured Load fee, on November 1, 1994. Prior to November 1, 1994, the drivers of all vehicles arriving at any landfill or transfer station in the County, except exempt vehicles as set forth in Section 8.33.030, shall be issued written notices informing the drivers of the requirements of this Chapter. (Ord. 94-109 § 1 (part), 1994)

## *Chapter 8.34*

### *UNDERGROUND STORAGE TANKS*

#### **Sections:**

- 8.34.010 Definitions.**
- 8.34.020 Authority.**
- 8.34.030 Permits.**
- 8.34.040 Application For a Permit.**
- 8.34.050 Underground Storage Tank Removals.**
- 8.34.060 Penalties.**
- 8.34.070 Appeals.**
- 8.34.080 Severability.**

#### **8.34.010 Definitions.**

- A. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to RCW 70.05.
- B. "Clean fill" means a fill material which contains no contaminants beyond what would normally be expected for that material and meets other federal, state, and local fill guidelines, if applicable.
- C. "Contamination" means the degradation of any component of the environmental by a release in sufficient quantity to impair its usefulness as a resource.
- D. "Department" means the Tacoma-Pierce County Health Department.
- E. "Director" means the Director of the Department or his/her authorized representative.
- F. "Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing of, or otherwise handling hazardous material. Use of the term "facility" as described herein includes underground tanks, including facilities which otherwise handle, use, dispose of, or store hazardous materials in containers or bulk. For purposes of this Chapter, an existing facility means a facility which has been constructed prior to the effective date of this ordinance.
- G. "Groundwater" means any water found beneath the surface.
- H. "Hazardous material" means any liquid, solid, gas, or sludge which, when accidentally or deliberately released or when improperly used, stored, or disposed of, creates a condition which presents or could present a potential risk to human health or the environment.
- I. "Operator" means the person who is responsible for the facility or his/her authorized representative.
- J. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any public entity.
- K. "Release" means any spilling, leaking, emitting, or discharging of a hazardous material from a facility or other operation or activity into or onto soil, air, water, groundwater, or other natural or man-made structures or materials.
- L. "Tank" means a stationary device designed to contain an accumulation of hazardous material which is constructed of non-earthen materials (steel, plastic, concrete, etc.) which provide structural support.

M. "Underground storage tank" means any one or a combination of tanks, including underground pipes connected thereto, which is used to contain or disperse an accumulation of hazardous materials, the volume of which, including the volume of underground pipes connected thereto, is 10 percent or more beneath the surface of the ground; however, the following do not fall under the definition of underground storage tank:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes.
2. Tanks of 1,100 gallons or less capacity used for storing heating oil for consumption on the premises where stored.
3. Any tank which forms an integral part of an industrial or commercial process (flow-through process tank) through which there is a steady or uninterrupted flow of materials during the operation of the process, subject to proper spill and management practices.
4. Any on-site sewage disposal system or holding tank which serves as a method of storage, conveyance, treatment, or disposal of human or animal wastes.

(Ord. 88-134 § 1 (part), 1988)

**8.34.020 Authority.**

- A. The Director shall enforce this Chapter and any standards promulgated by the Board of Health relative to this Chapter. The Board of Health is empowered to and shall write standards necessary for implementation of this Chapter, consistent herewith.
- B. The Director may, with the consent of the occupant thereof, or pursuant to a lawfully issued warrant, enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this Chapter and the Board of Health standards established in accordance herewith.

(Ord. 88-134 § 1 (part), 1988)

**8.34.030 Permits.**

- A. No person shall remove or cause to be removed any underground storage tank which has contained a hazardous material without first obtaining a valid permit issued by the Director. The Pierce County Fire Protection Bureau, or where appropriate, the local Fire Department, also specifically regulates and authorizes permits for underground storage tanks, pursuant to the Fire Code.
- B. Permits shall be valid for 180 days from the date of issuance.
- C. Notification by the permit holder shall be given to the Director at least five days prior to tank removal.

(Ord. 88-134 § 1 (part), 1988)

**8.34.040 Application For a Permit.**

- A. An application shall be made in writing on forms provided by the Department, and shall be accompanied by a fee in accordance with the fee schedule adopted by the Board of Health.
- B. The application shall contain the following information, as well as any other information the Director deems necessary:
  1. The address and parcel number of the facility;
  2. The name, address, and telephone number of the operator;

3. The name, address, and telephone number of the person performing the tank removal;
4. The estimated age, dimensions, and gallonage of the tank and a description of the tank's contents;
5. The use of the facility, past, present, and future;
6. A plot plan with the general facility layout;
7. The approximate date of tank removal.

(Ord. 88-134 § 1 (part), 1988)

#### **8.34.050 Underground Storage Tank Removals.**

- A. The Director shall be present at the facility during any or all of the tank and contamination removal process.
- B. The operator shall provide safe access in accordance with Washington State Department of Labor and Industry standards to all areas of the facility necessary for inspection of the tank's removal.
- C. The operator of the facility shall demonstrate to the satisfaction of the Director that no contamination has occurred. The Director shall inspect for signs of current or historical contaminant release, such as, but not limited to: holes, punctures, or cracks in the tank, soil staining, discoloration, or sheen. Soil samples shall be taken by the operator upon the direction of the Director, and shall be analyzed for all constituents of the previously-stored hazardous materials and their transformation or breakdown products.
- D. If the Director finds the facility to be:
  1. Free of contaminants, the operator shall backfill the tank hole with clean fill material as defined by the Department.
  2. Unacceptable, due to contamination, the operator shall be responsible for additional soil and/or water testing, the removal of contaminated soil and its proper disposal, and the treatment of contaminated groundwater, as required by the Director.

(Ord. 88-134 § 1 (part), 1988)

#### **8.34.060 Penalties.**

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine in any sum not exceeding \$5,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this Chapter. (Ord. 88-134 § 1 (part), 1988)

#### **8.34.070 Appeals.**

Procedures for appeals to the Hearings Examiner or Board of Health from any ruling or decision of the Health Department shall be taken in accordance with Sections 5.02.160 and 5.02.180 of the Official Code of the City of Tacoma. (Ord. 88-134 § 1 (part), 1988)

**8.34.080 Severability.**

The provisions of this Chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, Section, or portion of this Chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons and circumstances. (Ord. 88-134 § 1 (part), 1988)

## *Chapter 8.36*

### ***ON-SITE SEWAGE DISPOSAL SYSTEMS***

#### **Sections:**

- 8.36.010 Definitions.**
- 8.36.020 Rules and Regulations.**
- 8.36.030 Enforcement.**
- 8.36.040 Scope of the Rules and Regulations.**
- 8.36.050 General Requirements of the Rules and Regulations.**
- 8.36.060 Permits.**
- 8.36.070 Designer and Installer Certification.**
- 8.36.080 Design.**
- 8.36.090 System Construction.**
- 8.36.100 Domestic Water Source.**
- 8.36.110 Density and Minimum Lot Size.**
- 8.36.120 Septage Haulers.**
- 8.36.130 Appeals.**
- 8.36.140 Penalties.**
- 8.36.150 Severability.**

**Cross-reference: Chapter 248-96 WAC**

#### **8.36.010 Definitions.**

Certain words and phrases used in this Chapter, unless otherwise clearly indicated by their context, shall mean as follows:

- A. "Approved" means accepted in writing by the Health Officer and, where required, by the Washington State Department of Social and Health Services (DSHS).
- B. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to RCW 70.05.
- C. "Certificate of competency" means a certificate to engage in specific work indicated by the certification as granted by the Tacoma-Pierce County Health Department and to be defined in the Board of Health Rules and Regulations.
- D. "Department" means the Tacoma-Pierce County Health Department.
- E. "Health Officer" means the Director of the Tacoma-Pierce County Health Department or his/her authorized representative.
- F. "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or an adjacent or nearby property under control of the user where the system is not connected to a public sewer system.
- G. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any branch of federal, state, or local government.
- H. "Sewage" means the water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with such ground water infiltration, that may be present.

I. "WAC 248-96" means Washington Administrative Code Chapter 248-96; the Washington State Board of Health Rules and Regulations for on-site sewage disposal. (Ord. 86-125 § 1 (part), 1986)

**8.36.020 Rules and Regulations.**

The Board of Health is empowered to and may write Rules and Regulations not inconsistent herewith relative to this Chapter. (Ord. 86-125 § 1 (part), 1986)

**8.36.030 Enforcement.**

The Health Officer shall enforce this Chapter and the Rules and Regulations of the Board of Health. The Board of Health shall establish such enforcement procedures as are necessary to ensure proper enforcement of the Rules and Regulations adopted pursuant to this Chapter. The Board shall also establish an appeals procedure for persons who feel aggrieved by any final order or decision of the Health Officer. (Ord. 86-125 § 1 (part), 1986)

**8.36.040 Scope of the Rules and Regulations.**

The Board of Health Rules and Regulations shall apply to all on-site sewage disposal systems except the following:

- A. A site application for new construction that was approved prior to the Rules and Regulations and is still valid. The regulations in effect at the time of approval shall apply, except where portions of the new Rules and Regulations are less stringent;
- B. An extension, alteration, or replacement necessitated by the failure of an existing on-site sewage system. In such cases, the repair shall comply to the maximum extent possible to the Rules and Regulations as is permitted by that site; except no work or repair shall create a potential health hazard;
- C. Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Ecology or the Washington State Department of Social and Health Services.

(Ord. 86-125 § 1 (part), 1986)

**8.36.050 General Requirements of the Rules and Regulations.**

The Board of Health shall address the following areas of general concern:

- A. Establish requirements for the review and approval of on-site sewage disposal systems. These requirements shall be applicable to residences, places of business, and other buildings or places where persons congregate, reside or are employed;
- B. Prohibit the discharge of sewage, from any source, into surface water or upon the surface of the ground, and not allow any potential health hazard to exist as a result of improper wastewater management;
- C. Establish criteria whereby connection of a premises to a public sewer system, when available, would be required rather than the construction or repair of an on-site sewage disposal system.

(Ord. 86-125 § 1 (part), 1986)



**8.36.060 Permits.**

- A. No person shall install or cause to be installed a new on-site sewage disposal system, or perform any alterations, extensions or relocations or connections to an existing system without a valid permit issued by the Health Officer. Application for such a permit shall be made in writing on forms provided by the Health Officer and shall be accompanied by a fee as adopted by the Board of Health.
  - B. The Board of Health shall establish the different types of permits required (e.g., new construction, repairs, remodels, etc.) and the guidelines for review and approval of each.
- (Ord. 86-125 § 1 (part), 1986)

**8.36.070 Designer and Installer Certification.**

- A. Designers.
    - 1. The Board of Health shall establish criteria for engaging in the business of a sewage disposal system designer and it shall be unlawful to engage in that business without a valid Sewage Disposal System Designer's Certificate of Competency as to be issued by the Department.
    - 2. The Health Officer may suspend or revoke any Sewage Disposal System Designer's Certificate of Competency, after written notice to or informal conference with the designer, if the Health Officer finds incompetency, negligence, misrepresentation, or failure on the part of the designer to comply with the Rules and Regulations of the Board of Health.
  - B. Installers.
    - 1. The Board of Health shall establish criteria for engaging in the business of installing, altering or repairing any on-site sewage disposal system and it shall be unlawful to engage in that business without a valid certificate issued by the Department.
    - 2. The Health Officer may suspend or revoke any installer's certification after written notice to or informal conference with the installer, if the Health Officer finds incompetency, negligence, misrepresentation, and/or failure to comply with the Rules and Regulations of the Board of Health.
- (Ord. 86-125 § 1 (part), 1986)

**8.36.080 Design.**

- A. The Board of Health shall establish the design criteria for the submittal of all on-site sewage disposal applications.
  - B. On-site sewage disposal systems shall be designed by a sewage disposal system designer, certified as provided for in Section 8.36.070 of this Chapter and the Rules and Regulations as adopted by the Board of Health.
  - C. The Board of Health shall establish guidelines for design application renewals and application extensions.
  - D. Design for an on-site sewage disposal system shall be made to the Health Officer who must deny the application if the design is not adequate for safe and healthful operation of the system and/or does not meet the requirements of this Chapter, the Rules and Regulations of the Board of Health, and WAC 248-96.
  - E. Design of on-site sewage disposal systems shall be such as to accommodate all sewage from the building and premises to be served.
- (Ord. 86-125 § 1 (part), 1986)

**8.36.090 System Construction.**

- A. The Board of Health shall establish criteria and requirements concerning the design and installation of any on-site sewage disposal system.
- B. No disposal field shall be constructed unless there has first been actual tests conducted on the site in a manner as described by the Health Officer to determine the feasibility of an on-site system and the absorption area that would be required.

(Ord. 86-125 § 1 (part), 1986)

**8.36.100 Domestic Water Source.**

- A. The Board of Health shall establish such requirements as deemed necessary to ensure each application will be provided with potable water from an individual source of water or an approved public water supply.
- B. The Board of Health shall establish such requirements as are deemed necessary for the protection of potable water sources.

(Ord. 86-125 § 1 (part), 1986)

**8.36.110 Density and Minimum Lot Size.**

On-site sewage disposal systems shall be installed on lots, parcels, or tracts that have a sufficient amount of area with proper soils in which sewage can be retained and treated properly on-site. In this regard, the Board of Health shall establish the maximum allowable density and minimum lot sizes for future development proposals. The Board shall also establish guidelines to set such limits. (Ord. 86-125 § 1 (part), 1986)

**8.36.120 Septage Haulers.**

- A. The Board of Health shall establish guidelines and criteria for engaging in the business of septage hauling and it shall be unlawful for any person to carry on or engage in the business of cleaning of septic tanks, cesspools, grease traps, seepage pits, vault privies, chemical toilets and other receptacles of human sewage or to transport over the highways or to dispose of the cleanings therefore in Pierce County unless they hold a valid registration and license issued by the Health Officer for carrying on such business.
- B. Application for registration and license shall be filed with the Health Officer, and shall be consistent with the requirements established by the Board of Health.
- C. Any registration certificate issued under this Section may be suspended immediately when a potential health hazard exists and may be revoked for cause by the Health Officer.

(Ord. 86-125 § 1 (part), 1986)

**8.36.130 Appeals.**

Any person aggrieved by any decision or final order of the Health Officer shall have the right to appeal such decision or order. Such appeals shall follow the procedures as outlined by the Board of Health. (Ord. 86-125 § 1 (part), 1986)

**8.36.140 Penalties.**

Any person violating or failing to comply with any of the provisions of this Chapter, the Board of Health Rules and Regulations, or any lawful order of the Health Officer shall upon conviction be deemed guilty of a misdemeanor. Any person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of

any provision of this Chapter, or Board of Health Rules and Regulations, or any lawful order of the Health Officer is committed, continued, or permitted. (Ord. 86-125 § 1 (part), 1986)

**8.36.150 Severability.**

The provisions of this Chapter are hereby declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, Section or portion of this Chapter or the invalidity of the application, thereof, to any person or circumstance shall not affect the validity of the remainder of this Chapter or the validity of its application to other persons and circumstances. (Ord. 86-125 § 1 (part), 1986)



## *Chapter 8.38*

### *INFECTIOUS WASTE MANAGEMENT*

#### **Sections:**

- 8.38.010 Authority and Purpose.**
- 8.38.020 Definitions.**
- 8.38.030 Applicability.**
- 8.38.040 Types of Infectious Waste Generators.**
- 8.38.050 Requirements and Standards for Infectious Waste Generators.**
- 8.38.060 Residential Sharps Waste.**
- 8.38.070 Requirements and Standards for Transporters.**
- 8.38.080 Requirements and Standards for Storage and Treatment Facilities.**
- 8.38.090 Requirements and Standards for Treatment Methods of Infectious Waste.**
- 8.38.100 Requirements and Standards for Treatment of Specific Types of Infectious Waste.**
- 8.38.110 Requirements and Standards for Spill Management of Infectious Waste.**
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- 8.38.130 Requirements and Standards for Infectious Waste Permits.**
- 8.38.140 Permit Suspension and Revocation.**
- 8.38.150 Service of Notices.**
- 8.38.160 Hearings.**
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- 8.38.190 Appeals.**
- 8.38.200 Severability.**

#### **8.38.010 Authority and Purpose.**

This Chapter is promulgated under the authority of Chapter 70.05 of the Revised Code of Washington to protect public health and the environment, and prevent the spread of any dangerous, contagious, or infectious diseases. The purposes of this Chapter are to:

- A. Provide broad powers of regulation to the Health Department and its appointed Health Officer, relating to the management of infectious waste.
- B. Designate those infectious wastes which are dangerous to the public health and environment.
- C. Provide the rules necessary to establish an infectious waste management plan.
- D. Establish the operation and monitoring requirements for infectious waste generators, transporters, storage, and treatment facilities.
- E. Establish and administer a program for permitting infectious waste generators, transporters, storage, and treatment facilities.
- F. Provide for surveillance and monitoring of infectious wastes until they are rendered non-infectious and disposed of properly.

(Ord. 89-54S § 1 (part), 1989)

**8.38.020 Definitions.**

- A. **Board of Health:** The Tacoma-Pierce County Board of Health.
- B. **Chemical Disinfection:** An infectious waste treatment and decontamination method which utilizes appropriately formulated chemical solutions to disinfect infectious waste and contaminated areas.
- C. **Container:** Any portable device in which materials are stored, transported, treated, disposed of, or otherwise handled.
- D. **Collection:** The removal and transportation of infectious waste from the generator, transfer station, or pickup station.
- E. **Contamination:** The transfer of disease organisms from one material or object to another.
- F. **Contingency Plan:** The document setting forth an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion, equipment malfunction or breakdown, or release of infectious waste constituents which could threaten human health or the environment.
- G. **Director:** The Director of the Health Department or his/her authorized representative.
- H. **Decontamination:** The elimination of contamination through cleansing and disinfection of an area, object, or person soiled by contact with infectious waste.
- I. **Facility:** Any place where infectious waste activity occurs as defined by this Chapter.
- J. **Gas/Vapor Sterilization:** An infectious waste treatment technique, only for use under very controlled circumstances, that uses gases or vaporized chemicals as sterilizing agents.
- K. **Generator:** Any person whose act or process produces infectious waste as defined in this Chapter.
- L. **Handling:** Direct physical management of infectious waste.
- M. **Health Department or Department:** The Tacoma-Pierce County Health Department.
- N. **Health Officer:** The appointed official representative of the Tacoma-Pierce County Health Department.
- O. **Incineration:** A processing method using an engineered apparatus capable of withstanding heat and having as its purpose the efficient thermal oxidation and/or conversion of combustible material into noncombustible residues (ash) and product gases.
- P. **Infectious Agent:** A type of microorganism, helminth, or virus that causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings or animals.
- Q. **Infectious Waste, Biomedical Waste, or Biohazardous Waste** are synonymous terms for untreated solid waste capable of causing an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host. For the purposes of this Chapter, the following types of wastes will be referred to as infectious waste:
  - 1. **Animal Waste:** Waste animal carcasses, body parts, body substances, and bedding of animals that are known to be infected with, or that have been inoculated with, pathogenic microorganisms infectious to humans.

2. Biosafety Level 4 Disease Waste: Waste contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories (current edition).
  3. Cultures and Stocks of Infectious Agents: Wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from the production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Examples include, but are not limited to, culture dishes, blood specimen tubes, specimen containers, slides and cover slips, and devices used to transfer, inoculate, and mix cultures.
  4. Human Blood and Blood Products: Waste human blood, blood products, blood components, and materials that contain amounts of blood capable of creating droplets or pooling in collection containers. Examples include, but are not limited, whole blood, serum, plasma, blood derived products, and saturated gauze pads.
  5. Pathological Waste: Waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
  6. Sharps Waste: All hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from their original sterile packages.
  7. Miscellaneous Contaminated Items: Waste items not included in the above definitions that have come into contact with human or animal body substances or other sources which may contain pathogenic organisms of sufficient concentration that exposure to the waste directly or indirectly creates a significant risk of disease transmission. These items shall be determined as infectious waste by and solely at the discretion of the infectious waste generator's infection control staff/committee.
- R. **Infectious Waste Management Permit:** The permit issued by the Tacoma-Pierce County Health Department for the generation, transportation, storage, and/or treatment of infectious waste under the conditions specified in the permit section of this Chapter.
- S. **Infectious Waste Management Plan:** A written and implemented system for the safe handling of infectious waste throughout the entire process of generation, segregation, packaging, storage, collection, transportation, treatment, and disposal.
- T. **Irradiation:** The use of ionizing radiation for the treatment of infectious waste.
- U. **Off-site:** A facility or area for the storage, treatment, and/or disposal of infectious waste which is not on the generator's site (e.g., "on-site"), or a facility or area which receives infectious waste for storage or treatment, when that waste has not been generated "on-site" at that facility.
- V. **Operator:** A person who operates a facility or part of a facility.
- W. **Owner:** A person who owns a facility or part of a facility.
- X. **Pathogen:** A biological agent that causes disease.
- Y. **Person:** An individual, trust, firm, joint stock company, corporation, partnership, association, state, county, commission, political subdivision of a state, an interstate body, or the federal government or an agency of the federal government.

- Z. **Personnel:** All persons who work at or oversee the operations of a facility involved in infectious waste activity.
  - AA. **Sharps Waste Container:** A leak-proof, rigid, puncture-resistant, red container that is taped closed or tightly lidded to prevent the loss of contents.
  - BB. **Steam Sterilization:** A treatment method for infectious waste, utilizing saturated steam within a pressure vessel (known as a steam sterilizer, autoclave, or retort), at time lengths and temperatures sufficient to kill infectious agents within the waste.
  - CC. **Storage:** The containment of infectious waste, beyond the nine days allowed prior to treatment, in accordance with the standards outlined in this Chapter, in such a manner as not to constitute disposal of infectious waste.
  - DD. **Storage Facility:** A facility authorized and permitted to store infectious waste.
  - EE. **Transporter:** A person engaged in the off-site transportation of infectious waste by air, rail, highway, or water.
  - FF. **Treatment:** Any method, technique, or process designed to change the biological character or composition of infectious waste to render it non-infectious.
  - GG. **Treatment Facility:** Any facility approved and permitted by the Department for the treatment of infectious waste.
  - HH. **Vehicle:** Any motor vehicle, rail car, water craft, trailer, or motorized or non-motorized cargo-carrying body used for the movement of infectious waste.
- (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

#### **8.38.030 Applicability.**

This Chapter shall apply to all infectious waste facilities and transporters without regard to quantity of infectious waste handled per month.

Infectious waste generated and disposed of with residential wastes from a single-family residence or single-family dwelling unit shall be exempt from this Chapter, except (1) where such infectious waste is generated from commercial or professional offices, or (2) residential sharps waste as described in Section 8.38.060. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

#### **8.38.040 Types of Infectious Waste Generators.**

Designated infectious waste generators shall include, but not be limited to, the following types of facilities:

- A. General Acute Care hospitals.
- B. Skilled Nursing Care Facilities or Convalescent Hospitals.
- C. Health Maintenance Organizations.
- D. Acute Psychiatric Facilities.
- E. Intermediate Care Facilities.
- F. In-patient Medical, Surgical, or Treatment Facilities.
- G. In-patient Care Facilities for the Developmentally Disabled.
- H. Out-patient Medical, Surgical, or Treatment Care Facilities.
- I. Physicians Offices.
- J. Medical Buildings.
- K. Dental Offices.
- L. Animal Experimentation Units.
- M. Community Clinics.
- N. Employee Clinics.



- O. Dialysis Clinics.
- P. Blood Banks.
- Q. Plasma Centers.
- R. Commercial Diagnostic Laboratories.
- S. Medical, Research, Industrial, and Educational Laboratories.
- T. Home Health Agencies.
- U. Hospice Agencies.
- V. Residential Congregate Care Facilities.
- W. Funeral Homes and Mortuaries.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

### **8.38.050 Requirements and Standards for Infectious Waste Generators.**

- A. **Applicability.** The requirements of this Section shall apply to all infectious waste generators without regard to the quantity of infectious waste produced per month.
- B. **Permit Required.** Any person who owns or operates a facility that generates infectious waste shall have a valid and appropriate Class I infectious waste management permit (IWMP) issued by the Tacoma-Pierce County Health Department.
- C. **Infectious Waste Management Plan.** Each facility shall designate a responsible person or committee who shall prepare a written infectious waste management plan that includes specific policies and procedures including no less than the following:
  - 1. Facilities involved in infectious waste activity shall provide all employees, staff, housekeeping, and janitorial personnel who are involved in the generation and/or handling of infectious waste with infectious waste management training. Such training shall include, but not be limited to, the following:
    - a. A definition and identification of infectious waste being generated at the facility.
    - b. An explanation of the facility's infectious waste management plan that includes the requirements of this Chapter in relation to handling, treatment, transportation, storage, and disposal of infectious waste.
    - c. Assignment of roles and responsibilities for implementation of the plan.
    - d. Implementation of training when the infectious waste management plan is first developed and instituted; when new employees are hired; and when management procedures are changed.
    - e. Continuing education shall be provided annually or more often if needed and shall be oriented to refresh and maintain personnel awareness of potential hazards as well as reinforce policies and procedures that are detailed in the infectious waste management plan.
  - 2. Segregation and Containment of Infectious Waste.
    - a. Infectious waste shall be segregated from other waste at the point of origin in the generating facility and managed by persons trained in the safe handling of infectious waste.
    - b. Infectious waste with multiple hazards, (e.g., toxic, radioactive, or other hazardous chemicals) shall be segregated from the general infectious waste stream when additional or alternative treatment is required, or in cases where the wastes are regulated under state or federal authority.
    - c. Containment of infectious waste shall be in a manner and at a location which affords protection from unauthorized persons, animals, rain, and wind, and does not provide a breeding place or a food source for insects or rodents.

- d. Waste sharps shall be contained for storage, transportation, treatment, and disposal in sharps waste containers.
  - e. Infectious waste, except for sharps capable of puncturing or lacerating, shall be contained in red or orange colored disposable plastic bags, which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of usage and handling. The bags shall be securely tied or taped so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
  - f. All bagged infectious waste and sharps waste containers shall be placed for storage or handling in disposable or reusable pails, cartons, drums, dumpsters or portable bins. The containment system shall be leak-proof and kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the words "INFECTIOUS WASTE", "BIOMEDICAL WASTE", or "BIOHAZARDOUS WASTE", or the international biohazard symbol on the lid and sides so as to be readily visible from any lateral direction when the container is upright.
  - g. Infectious waste contained according to requirements of this Section, may share a common in-house transfer cart or portable bin with bagged non-infectious wastes during transportation within a facility to a storage or treatment area. Common transfer carts used to transport contained infectious with non-infectious wastes shall be conspicuously labeled with the words "INFECTIOUS WASTE", "BIOMEDICAL WASTE", or "BIOHAZARDOUS WASTE", or the international biohazard symbol on the sides so as to be readily visible from any lateral direction. In the event of an infectious waste spill within an in-house transfer cart or portable bin that also contains non-infectious waste, all waste items within the transfer cart shall be considered infectious waste and shall be subject to infectious waste and spill management requirements of this Chapter.
  - h. Reusable pails, drums, dumpsters, or bins used for containment of infectious waste shall not be used for the containment of waste to be disposed of as non-infectious, or for other purposes, except after being decontaminated. Approved methods of decontamination include, but are not limited to, agitation to remove visible soil combined with one of the following procedures:
    - (1) Exposure to hot water of at least 82° C (180° F) for a minimum of 15 seconds.
    - (2) Exposure to a chemical or hospital grade disinfectant effective against mycobacteria and viruses by rinsing or immersion as directed by manufacturer.
  - i. Compactors, grinders, or pulverizers shall not be used to process infectious waste until after the waste has been rendered non-infectious. Infectious waste shall not be placed for storage or transport in a portable mobile trash compactor.
  - j. Trash chutes shall not be used to transfer infectious waste.
3. Storage of Infectious Waste
- a. Designated areas for storage of infectious waste shall be segregated from other wastes.

- b. Storage areas, enclosures, or containers used for the containment of infectious waste shall be so secured as to deny access to unauthorized persons and shall be marked with prominent warning signs on, or adjacent to, the exterior of entry doors, gates or lids. Wording of warning signs shall state "CAUTION – INFECTIOUS (or BIOMEDICAL or BIOHAZARDOUS) WASTE STORAGE AREA" and shall be accompanied by the international biohazard symbol. Warning signs shall be readily legible from a distance of at least 25 feet.
  - c. Floors of storage areas shall be of impervious material to prevent saturation of liquid and semi-liquid substances, and a perimeter curb is recommended to contain spills. Storage areas shall also be well lighted and ventilated.
  - d. Storage time of infectious waste before treatment shall be kept to a minimum if not treated the same day as generated.
  - e. Filled infectious waste containers, including sharps waste containers, shall be stored for no longer than seven days prior to treatment or collection for treatment. Infectious waste being transported or stored after the seven-day storage period at the generating facility shall have 48 hours to be treated and rendered non-infectious or shall be kept at temperature between 1° C to 7° C (34 F to 45° F) for up to 7 days, or at or below 0° C (32° F) up to a maximum of 90 days. Facilities storing infectious waste after the initial nine-day storage and transportation period shall be required to obtain a permit from the Department as a Class III storage facility.
4. Contingency Plan. All generators of infectious waste shall develop a contingency plan to provide for emergency situations. Provisions shall be made for an alternate treatment plan in the event of equipment breakdown with an incinerator, autoclave, or other approved method for rendering waste non-infectious prior to disposal.
  5. Temporary Transportation Permit. If equipment breakdown occurs and transportation of infectious waste becomes a necessity, a 10-day Temporary Emergency Transportation Permit shall be required to transport infectious waste to an off-site treatment facility. The Temporary Emergency Transportation Permit shall be issued after the Health Officer has been notified and a determination has been made that vehicles utilized to transport infectious waste conform to the requirements for transporters in Section 8.38.070 of this Chapter. This subsection applies solely to I-C generators.
  6. Spill Management of Infectious Waste (see Section 8.38.110 of this Chapter).
  7. Record Keeping (see Section 8.38.120 of this Chapter).
  8. Disposal of Infectious Waste. Infectious waste shall not be disposed of prior to treatment, as described in Section 8.38.100 of this Chapter. Once infectious waste has been rendered non-infectious through an approved treatment method, it may be disposed of at any permitted solid waste disposal facility.
- (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

#### **8.38.060 Residential Sharps Waste.**

- A. **Applicability.** Residential sharps waste is sharps waste generated and prepared for disposal at a residence, apartment, dwelling, or other non-commercial habitat.
- B. **Disposal.** The following standards apply to the disposal of residentially generated sharps waste:

1. Sharps waste must be contained in sharps waste containers.
2. Sharps waste may not be disposed of in any recycling container unless the container is specifically designated for sharps waste.
3. Sharps waste may not be disposed of in refuse collection containers (e.g., trash cans, trash bags, dumpsters, etc.) if a source-separated collection service is provided for residential sharps waste by the public or private solid waste collection service provider.
4. Providers of source-separated residential sharps collection shall be in compliance with the standards of 70.95K RCW.

(Ord. 94-99 § 1 (part), 1994)

### **8.38.070 Requirements and Standards for Transporters.**

- A. **Applicability.** The requirements of this Section apply to all transportation of infectious waste over roads or highways, by railroad, or by water conveyance. No person shall transport or receive for transport any infectious waste that is not in accordance with this Chapter.
- B. **Permit Required.** Any person who transports infectious waste shall have a valid and appropriate infectious waste management permit (IWMP) Class II issued by the Tacoma-Pierce County Health Department, as well as a transportation permit from the Washington Utilities and Transportation Commission, where required.

A generator of infectious wastes holding a valid IWMP Class I-A or I-B, who transports only infectious wastes generated at the premises owned or operated by the generator, is exempt from the Class II permit fee and requirements of this Section.
- C. **Labeling and Placards of Infectious Waste Transport Vehicles.**
  1. The access doors to any area holding infectious waste in transport shall have a warning sign legible at a distance of 25 feet that indicates that the cargo is infectious waste.
  2. Vehicles transporting infectious waste shall be identified on each side of the vehicle with the name or trademark of the transporter, the Health Department permit number, city or place in which the vehicle is customarily based, and conspicuously-displayed signs or decals with the words "INFECTIOUS WASTE" or "BIOMEDICAL WASTE", or with the international biohazard symbol and the word "Biohazard". Such identifying labeling shall be on a background of contrasting color and shall be readily legible during daylight from a distance of 50 feet.
- D. **Receipt and Transfer of Infectious Waste to Off-site Facilities.**
  1. An infectious waste transporter shall not receive custody of infectious wastes from a facility not possessing a valid and appropriate infectious waste management permit.
  2. Infectious waste shall be transported to an off-site facility in a leak-proof, fully enclosed container or vehicle compartment.
  3. Infectious waste, other than that generated in and disposed with residential solid wastes from single-family dwelling units, where allowable, shall not be transported in the same container or vehicle compartment with other wastes.
  4. Infectious waste shall not be stored more than 48 hours at any off-site location or facility, except at a waste storage or treatment facility or other facility for which there is a valid and appropriate Class III infectious waste management permit. At such a facility, the infectious waste shall be kept in a secured area separate from other wastes.

5. Infectious waste shall be delivered for treatment or disposal only to a facility for which there is a valid permit to handle such wastes.
6. Persons manually loading or unloading containers of infectious waste to or from transport vehicles shall be provided by their employer, and required to wear, gloves that are impermeable to liquids, clean protective clothing, and face shields. Respirators may be required, where appropriate.
7. Surface areas of equipment used to transport infectious waste must be clean and impermeable to liquids, if those areas are involved with the management of waste. Porous floor coverings shall not be used. Vermin and insects shall be controlled. Surfaces of transport vehicles that have contacted spilled or leaked infectious waste shall be decontaminated by procedures as described in Section 8.38.050(C)(2)(h) of this Chapter. All drainage shall discharge directly to, or through a holding tank to, a permitted sanitary sewer system.

**E. Management of Infectious Waste Spills.**

1. In the event of a spill, spilled waste must be immediately removed according to procedures listed in Section 8.38.110 of this Chapter using the spill containment and cleanup equipment and materials to effect decontamination.
2. All spills must be reported by personnel to employer, and records of spills must be kept for three years. Any spill that has a volume greater than 32 gallons of solid waste or one liter of liquid waste must be reported to the Department by phone call, within 48 hours, describing the spill and cleanup.
3. The Tacoma-Pierce County Health Department shall be contacted immediately when a spill in transit occurs within Tacoma-Pierce County via the Pierce County Department of Emergency Management.

**F. Compaction of Infectious Waste.** Under no circumstances shall infectious wastes be compacted prior to or during transport unless wastes have been rendered non-infectious by methods described in this Chapter.

**G. Temperature Controlled Storage Period.**

1. Any infectious waste being transported or stored after a seven-day storage period at the generating facility shall have 48 hours to be treated and rendered non-infectious or shall be subject to the following transportation and storage temperature requirements:
  - a. Refrigeration at a temperature between 1° C to 7° C (34° F to 45° F) for up to seven days.
  - b. Refrigeration at a temperature at or below 0° C (32° F) for periods up to 90 days.
  - c. Daily temperature logs shall be maintained.

**H. Record Keeping** (see Section 8.38.120 of this Chapter).

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.080 Requirements and Standards for Storage and Treatment Facilities.**

- A. **Applicability.** The requirements of this Section shall apply to all infectious waste storage and treatment facilities.
- B. **Permit Required.** Any person who owns or operates a facility for storage or treatment of infectious waste shall have a valid and appropriate Class III infectious waste management permit issued by the Tacoma-Pierce County Health Department.

- C. **Management/Operation Plan.** The owner and/or operator of any infectious waste storage and/or treatment facility shall have and adhere to a management/operation plan which shall include but not be limited to the following requirements:
1. A method of receiving wastes which ensures that infectious wastes are handled separately from other waste until treatment is accomplished and which prevents unauthorized persons from having access to or contact with the wastes.
  2. A method of unloading and processing infectious wastes which limits the number of persons handling the wastes and minimizes the possibility of exposure of employees and public to infectious waste.
  3. A method of decontaminating, by use of procedures as described in this Chapter, emptied reusable infectious waste containers, transport vehicles, or facility equipment contaminated with infectious waste.
  4. The provision of and required use of clean gloves and uniforms, along with other protective clothing, face masks, or eye protection, as appropriate, to provide protection of employees against exposure to infectious waste. Decontamination or proper disposal of the soiled protective gear shall be done at the facility.
  5. Decontamination of any person having bodily contact with infectious waste.
  6. A spill management plan as described in Section 8.38.110 of this Chapter.
  7. A quantification of the maximum amount of infectious waste to be stored, treated, or disposed of per month.
  8. A contingency plan as described in Section 8.38.050 C.4. of this Chapter.
- D. **Temperature Controlled Storage Period.** Any infectious waste being transported or stored after a 7-day storage period at the generating facility shall have 48 hours to be treated and rendered non-infectious or shall be subject to the following transportation and storage temperature requirements:
1. Refrigeration at a temperature between 1° C to 7° C (34° F to 45° F) for up to seven days.
  2. Refrigeration at a temperature at or below 0° C (32° F) for up to 90 days.
  3. Daily temperature logs shall be maintained.
- E. **Record Keeping** (see Section 8.38.120 of this Chapter).  
(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.090 Requirements and Standards for Treatment Methods of Infectious Waste.**

All treatment methods used for infectious waste shall comply with the following:

- A. Steam sterilization/autoclave operating procedures shall include, but not be limited to, the following:
1. Adoption of standard written operating procedures for each steam sterilizer including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content, and maximum load quantity.
  2. Check of recording and/or indicating thermometers during each complete cycle to ensure the attainment of a temperature and time duration sufficient to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually.
  3. Use of heat sensitive tape or other device for each container to indicate that the container has been autoclaved.

4. Use of a biological indicator placed at the center of a representative load processed under standard operating conditions, at least monthly for Class I-A and I-B generators and at least weekly for Class I-C generators and Class III treatment facilities, to confirm the attainment of adequate sterilization conditions.
  5. Spore tests shall be verified by a third party, certified laboratory at least once per quarter.
  6. Maintenance of records of procedures specified in 1., 2., 4., and 5. above for a period of not less than one year.
- B. Incineration operating standards shall include, but not be limited to, the following:
1. Infectious waste incinerators shall maintain all necessary permits and be in compliance with the standards of the Puget Sound Air Pollution Control Agency.
  2. Infectious waste incinerators should be multi-chambered and designed to provide complete combustion for the type of waste introduced into the incinerator.
  3. Waste destruction efficiency. All non-metal and glass waste shall be converted by the incineration process into ash that is not recognizable as to its former character. Any partially combusted material shall be removed and re-burned.
  4. Unloading operations. Persons required to handle packages of infectious waste shall be provided with clean protective clothing and equipment including overalls, gloves, and eye protection.
- C. Alternative treatment methods include, but are not limited to: chemical disinfection, thermal inactivation, gas/vapor sterilization, and irradiation. Any person seeking approval of an alternative treatment method must demonstrate to the Health Officer that the proposed method is capable of rendering infectious waste non-infectious prior to disposal. Also, the proposed method must be in compliance with State and Federal regulations relative to employee safety.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.100 Requirements and Standards for Treatment of Specific Types of Infectious Waste.**

- A. Applicability. All infectious waste shall be treated or disposed of in accordance with the methods set forth in this Section.
- B. Approved treatment methods requiring an IWMP Class III shall include incineration, steam sterilization, and alternative treatment methods.
- C. Treatment of infectious waste shall include any alternate treatment methods, where reviewed and approved by the Department, in addition to the following:
  1. Sharps waste, shall be contained in sharps waste containers and treated by steam sterilization or incineration.
  2. Human blood and blood products shall be treated by steam sterilization or incineration. In addition, blood and blood products may also be discharged directly to the sanitary sewer.
  3. Cultures and stocks of infectious agents shall be treated by steam sterilization or incineration.
  4. Human pathological waste shall be treated by incineration or may be transferred to a mortician for burial or cremation.
  5. Contaminated animal carcasses, body parts, and substances shall be treated by incineration.

Substances in liquid or semi-liquid form may be discharged to the sanitary sewer. Chemical decontamination of contaminated bedding by a hospital grade disinfectant of 1:10 solution of 3-5 percent sodium hypochlorite to water is acceptable, provided that saturation of bedding material is sufficient.

6. Biosafety level 4 disease wastes shall be treated by steam sterilization or incineration.
7. Miscellaneous contaminated items shall be treated by steam sterilization or incineration.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.110 Requirements and Standards for Spill Management of Infectious Waste.**

- A. Applicability. This Chapter shall apply to all facilities and transporters handling infectious waste. Written policies and procedures for spill management of infectious waste of any quantity shall be developed by each facility and transporter.
- B. The policies and procedures for spill management of infectious waste shall include, but not be limited to, the following:
  1. Spill containment and cleanup equipment shall be kept in areas, or immediately available to areas, utilized for the collection, storage, transportation, or treatment of infectious waste. Containment and cleanup equipment shall include at least the following items:
    - a. Disposable absorbent material for spilled liquids.
    - b. Chemical or hospital grade disinfectant, effective against mycobacteria and viruses, to decontaminate area of spill.
    - c. Red or orange plastic infectious waste bags.
    - d. Disposable, moisture-resistant or moisture-proof protective clothing, gloves, boots, and caps. Minimum protective breathing devices shall be surgical masks. Protective eye wear shall be included.
    - e. Janitorial equipment, (e.g., dust pans, mops, brooms, etc.) for physical cleanup of infectious waste. This equipment must be capable of being decontaminated or shall be disposed of in accordance with this Chapter as infectious waste.
  2. Containment and cleanup procedures. Following a spill of infectious waste, or its discovery, the following minimum procedures shall be implemented:
    - a. The cleanup personnel will don the appropriate protective clothing and gear, and secure the spill area.
    - b. Apply absorbent material as necessary and apply disinfectant to contaminated items and area.
    - c. Place spilled items inside infectious waste bags and secure.
    - d. Clean and disinfect non-disposable items.
    - e. Remove cleanup clothing and gear and place disposable items inside infectious waste bags and secure.
    - f. Replenish used items.
    - g. Practice good personal hygiene by washing hands or showering after spill cleanup.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)



### **8.38.120 Requirements and Standards for Record Keeping.**

All transporters and infectious waste facilities shall maintain the following records and assure that they are accurate and current:

- A. A current list of the infection control committee and/or personnel responsible for compliance with this Chapter.
- B. The date, time, persons involved, and description of events of infectious waste spills involving more than 32 gallons of solid waste or one liter of free liquid. The date, persons involved, and description of events of all transport spills.
- C. Treatment method of infectious waste, if applicable.
- D. A log of infectious waste management training, with complete names and positions of participants.
- E. Type and amount of infectious waste produced, transported, stored, and/or treated per month.
- F. A file containing the adopted infectious waste management plan, policies, and procedures of the facility for dealing with infectious waste.
- G. Daily temperature logs for refrigerated, stored infectious waste.
- H. Records shall be maintained for a minimum period of three years. This period is automatically extended if the facility is involved in an enforcement action.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

### **8.38.130 Requirements and Standards for Infectious Waste Permits.**

This Section requires an infectious waste management permit (IWMP) for the generation, transportation, storage, or treatment of any infectious waste unless specifically excluded by this Chapter. Persons required to have infectious waste management permits shall have such permits during the active life of the facility. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities.

#### **A. Infectious Waste Management Permit (IWMP) Classifications.**

1. IWMP Class I (Generators):
  - a. IWMP Class I-A: An Infectious Waste Management Permit Class I-A shall be required for all generators of less than 50 lbs of infectious waste per month.
  - b. IWMP Class I-B: An Infectious Waste Management Permit Class I-B shall be required of generators of 50 to 100 lbs of infectious waste per month.
  - c. IWMP Class I-C: An Infectious Waste Management Permit Class I-C shall be required of generators of more than 100 lbs of infectious waste per month.
2. IWMP Class II (Transporters): An Infectious Waste Management Permit Class II shall be required of all transporters of infectious waste, (e.g., infectious waste disposal companies).
3. IWMP Class III (On/Off-site Storage and/or Treatment Facilities): An IWMP Class III shall be required for the operation of any facility that stores and/or treats infectious waste that is generated on-site (waste generated on the premises owned or operated by the generator), or off-site (waste generated off the premises owned or operated by the generator).

- B. **Exemptions.** Class I-A or I-B generators who transport only infectious wastes generated at the premises owned or operated by the generators are exempt from the Class II permit fee and regulation requirements for transporters of infectious waste. Class I-A or I-B generators that treat infectious waste at the premises owned or operated by the generators, shall be exempt from the Class III permit fee, but shall be responsible for compliance with Chapter requirements applicable to treatment methods for infectious waste.

Class III on/off-site storage and/or treatment facilities that are also Class I-C generators, and/or Class II transporters of infectious waste shall be exempt from the Class I-C and Class II permit fees, but shall be responsible for compliance with ordinance or Code requirements applicable to infectious waste generators and transporters.

C. **Effective Dates.** The effective dates are as follows:

1. The permit requirements of this Section apply to existing infectious waste facilities and transporters 90 days after the effective date of the implementing ordinance of this Chapter.
2. Between the effective date of the implementing ordinance and 90 days thereafter, existing facilities and transporters will operate under the terms and conditions of existing permits valid on the effective date of the implementing ordinance.
3. New and expanded waste handling facilities shall meet the requirements of this Section on the effective date of the implementing ordinance.

D. **Procedures for Permits.**

1. Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the Department. Filing shall not be complete until the application has been signed by the owner and operator and received by the Department.
2. Applications for a permit must contain the information set forth in subsection 3. of this Section.
3. The Department shall review every application within a reasonable period of time to determine whether the facilities meet and conform with the approved infectious waste ordinance or Code.
4. The Board of Health may establish reasonable fees for permits and renewal of permits.
5. When the Department has evaluated all pertinent information, it may issue a permit. Every completed infectious waste management permit application shall be approved or disapproved within 90 days after its receipt by the Department or the applicant shall be informed as to the status of the application.
6. All new, expanded, or altered Class III treatment facilities shall file an environmental checklist as required under the State Environmental Policy Act rules, Chapter 197-11 of the Washington Administrative Code.
7. The owner or operator of a facility shall apply for renewal of the facility's permit annually. The Department shall annually:
  - a. Review the original application for compliance with this Chapter.
  - b. Review information collected from annual inspections, complaints, or known changes in the operations.
  - c. Collect the renewal fee.
  - d. Renew the permit.
  - e. File the renewed permit no more than seven days after the date of issuance.
  - f. Inform facilities regarding permit expiration and renewal date.

E. **Permit application contents for existing, new, or expanded facilities.**

1. The permit application shall include the following information submitted on a form available from the Department for each IWMP Class:

- a. A general description of the facility or operation, including name, mailing address, and location of facility, or area served, if a transporter.
  - b. The address(es) and phone number(s) of the person(s) or committee(s) responsible for implementing infectious waste management policies and procedures.
  - c. The name, address, and telephone number of the owner/operator and/or administrator of the facility or operation, and indication of the status as federal, state, private, public, or other entity.
  - d. An indication of whether the facility is new or existing.
  - e. A listing of relevant state and local environmental permits.
  - f. The types and maximum amount of infectious waste generated, transported, stored, and/or treated monthly.
  - g. An applicable infectious waste management plan as described in 8.38.080 C.
  - h. A statement certifying that the applicant understands and will comply with the applicable requirements of this Chapter.
2. In addition to the above requirements, the following information will be required for Class II and III permits.
- a. IWMP Class II
    - (1) A list of all vehicles and reusable transport containers. The vehicles listed must be registered to the applicant pursuant to a lease or contract and included in applicant's required insurance coverage.
    - (2) Proof, via annual inspection, that all trucks, trailers, semi-trailers, vacuum tanks, cargo tanks, and containers which are used by the applicant for transportation of infectious waste on highways are in compliance with the provisions of this Chapter.
    - (3) Possession of a permit for transportation of infectious waste on highways from the Washington Utilities and Transportation Commission (WUTC), except where exempt by the WUTC.
  - b. IWMP Class III
    - (1) A description of the processes to be used for storing and/or treating infectious waste.
    - (2) A description of the containment and refrigeration systems.
- F. **Record Keeping.** Applicants shall keep records of all data used to complete permit applications, and any supplemental information submitted for a period of at least three years from the date the application is signed.
- (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

### **8.38.140 Permit Suspension and Revocation.**

- A. **Applicability.** This Section applies to all permitted infectious waste facilities and transporters.
- B. **Suspension of Permit.** For major infractions of the terms of the permit, that would be considered a public health threat, the Health Officer may suspend the permit and require the following:
  1. The operator to cease generating, transporting, storing, treating, and/or disposal of infectious waste, or;
  2. The operator to agree to a caretaker management of operations involving infectious wastes. The caretaker management shall be selected by the Health Department from the following:

- a. Operators or personnel acting under supervision of the Department, or
- b. Independent management firm operating under Department supervision.

The total cost of the caretaker management shall be borne by the operator, by revenues from operation.

3. If the operator does not voluntarily agree to the caretaker management, appropriate legal action shall be taken by the Department to institute the management operations to protect the public interest. Any person whose permit has been suspended, may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within two working days following receipt of a written request for inspection, including a statement signed by the applicant that in his/her opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is in compliance with the requirements of this Chapter, the permit shall be reinstated.

- C. **Revocation of Permit.** The Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Chapter, or for interference with the Health Officer in the performance of duty. The permit shall remain in effect, pending the hearing decision, unless it is determined by the Health Officer that continued operation activity is a danger to public health. Upon the Health Officer's determination of danger to public health, all operation activity shall cease until further notice from the Department.

Prior to revocation, the Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reasons(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the Health Officer by the holder of the permit within such ten-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

Any person whose permit has been revoked may make a written application for the purpose of obtaining a new permit after a 6-month probation period. A hearing will be provided before the Health Officer to determine if a new permit shall be issued.

(Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

### **8.38.150 Service of Notices.**

A notice provided for in this Chapter is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

### **8.38.160 Hearings.**

The hearings provided for in this Chapter shall be conducted by the Health Officer or his/her designee at a time and place designated by him/her. The Health Officer or designee shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Officer or designee. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.170 Inspection.**

The Health Officer shall have the authority to enter any infectious waste generating facility, transporter, and storage and/or treatment facility, at any reasonable time, for the purpose of evaluating the facility's written infectious waste management plan, and to determine if infectious waste is being managed in accordance with this Chapter. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.180 Penalties.**

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a gross misdemeanor and be punished by a fine in the sum not exceeding 5,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this Chapter. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.190 Appeals.**

Any person aggrieved by any decision or final order of the Health Officer shall have right to appeal such a decision or order. Such appeals shall follow the procedure outlined in Resolution 791 of the Tacoma-Pierce County Board of Health. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)

**8.38.200 Severability.**

The provisions of this Chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, Section, or portion of this Chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons and circumstances. (Ord. 94-99 § 1 (part), 1994; Ord. 89-54S § 1 (part), 1989)



## *Chapter 8.40*

### ***PUBLIC WATER SYSTEMS***

#### **Sections:**

**8.40.010 Adoption of Regulations.**

**8.40.020 Definitions.**

**8.40.030 Amendments.**

**8.40.040 Establishment of Approval Requirements for Existing Nonexpanding Class IV Water Systems.**

**8.40.050 Establishment of Approval Requirements for New and Existing Expanding Systems.**

**8.40.060 Fees.**

**8.40.070 Enforcement.**

**8.40.080 Severability.**

#### **8.40.010 Adoption of Regulations.**

The 1978 Edition of Rules and Regulations of the State Board of Health regarding public water systems as amended in this Chapter are adopted as the Pierce County Code regulating public water systems. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.010)

#### **8.40.020 Definitions.**

- A. "Compliance program" means a schedule in writing, documenting the public water systems deficiencies, recommended improvements and a schedule for completion.
- B. "Existing expanding systems" means a public water system now in existence that intends to expand or make changes in said system during the calendar year. This definition includes an existing private system that will be expanded to become a public water system.
- C. "New system" means a water system that is newly developed to serve water to the public which shall include existing wells.
- D. "Water system plan of operation" means the plan of operation between the State of Washington and the Tacoma-Pierce County Health Department delineating the respective responsibilities for each agency regarding the enforcement of the provisions of this Chapter.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.020)

#### **8.40.030 Amendments.**

The Rules and Regulations of the State Board of Health regarding public water systems are amended and changed in the following respects:

- A. WAC 248-54-740(4)(a)(v) is amended as follows:
  - (1) For Class IV systems, the number of routine samples shall be a minimum of one (1) per calendar quarter. Upon compliance with the maximum contaminant levels for four (4) consecutive sampling quarters, sampling frequency may be reduced to one (1) per annum.

B. WAC 248-54-740 (9)(a) is amended as follows:

(1) Monitoring of secondary contaminants by Class I and II systems shall be at the same frequency as required for inorganic chemicals. Class III and IV systems shall monitor the following secondary contaminants prior to system approval: color, iron, and manganese. Other secondary contaminants shall be monitored as required by the department.

C. WAC 248-54-810 is amended as follows:

(1) The department or Health Officer, as determined by the joint plan of operation developed in accordance with WAC 248-54-570, shall conduct a sanitary survey of all public water systems at intervals necessary to assure the availability of a safe and potable water supply to all consumers of the water delivered by the public water system.

A sanitary survey shall be performed at least once every five (5) years.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.030)

**8.40.040 Establishment of Approval Requirements for Existing Nonexpanding Class IV Water Systems.**

A. Any existing Class IV water system not having approval of the Health Officer, shall complete the information requested in the Class IV design requirements for existing water systems within the intent and purpose of the applicable provisions of the following Sections of the Rules and Regulations Regarding Public Water Systems:

WAC 248-54-600, 248-54-620, 248-54-630, 248-54-640 under the terms of the Water System Plan of Operation provided for in WAC 248-54-570, 248-54-660, 248-54-680, 248-54-700, 248-54-710, 248-54-740, 248-54-780 and 248-54-790.

B. Any one of the above factors found to be out of compliance shall be grounds for denying approval. If approval is denied, the Health Officer and the purveyor shall develop a compliance program to bring the system to approved standards. Approval shall not be granted until such time as the purveyor shall have developed compliance as acceptable to the Health Officer.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.040)

**8.40.050 Establishment of Approval Requirements for New and Existing Expanding Systems.**

Every purveyor, before obtaining approval to install for the purpose of operating any new or any portion of a Class IV water system, or additions, extensions, alterations of an existing Class IV water system, shall complete the information requested in the Class IV design requirements for new and expanding systems within the intent and purposes of the applicable provisions of the following Sections of Rules and Regulations Regarding Public Water Systems:

WAC 248-54-600, 248-54-620, 248-54-630, 248-54-640 (under the terms of the Water System Plan of Operation provided for in WAC 248-54-570), 248-54-660, 248-54-680, 248-54-700, 248-54-710, 248-54-740, 248-54-780 and 248-54-790.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.050)

**8.40.060 Fees.**

A fee for administration of these rules may be required in the amount established by the Board of Health in the Tacoma-Pierce County Health Department annual fee schedule. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.060)



**8.40.070 Enforcement.**

If, after investigation, the Health Officer or his designated representative finds that any public water system fails to comply with this Chapter, the Health Officer may send a compliance letter to the purveyor of the public water system, which letter shall include the following: specifications of the areas where the public system fails to meet the requirements of this Chapter; and specifications of time deadlines for submission of any steps designed to bring the public water system into compliance with this Chapter. In the event the purveyor fails to comply with the compliance letter, the Tacoma-Pierce County Health Department may take appropriate action to require such compliance. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.070)

**8.40.080 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 13, 1989)



## *Chapter 8.44*

### *SWIMMING POOLS*

#### **Sections:**

- 8.44.010 Definitions.**
- 8.44.020 Rules and Regulations.**
- 8.44.030 Enforcement.**
- 8.44.040 Retroactivity.**
- 8.44.050 Permit Required.**
- 8.44.060 Suspension of Permit.**
- 8.44.070 Reinstatement of Permit.**
- 8.44.080 Revocation of Permits.**
- 8.44.090 Hearings.**
- 8.44.100 Service of Notice.**
- 8.44.110 Appeals.**
- 8.44.120 Plans and Specifications for Construction, Alteration or Renovations.**
- 8.44.130 Responsibility for Maintenance.**
- 8.44.140 Water Quality.**
- 8.44.150 Disinfection.**
- 8.44.160 Recirculation and Filtration.**
- 8.44.170 Waste.**
- 8.44.180 Cross-Connections.**
- 8.44.190 Operating Records.**
- 8.44.200 Alternate Materials, Equipment or Procedures.**
- 8.44.210 Violation – Penalty.**
- 8.44.220 Severability.**

#### **8.44.010 Definitions.**

Certain words and phrases used in this Chapter, unless otherwise clearly indicated by their context, shall mean as follows:

- A. "Approved" means approved in writing by the Health Officer.
- B. "Board of Health" means the Tacoma-Pierce County Board of Health.
- C. "Health Officer" means the Director of the Tacoma-Pierce County Health Department or his authorized representative.
- D. "Permit holder" means a person to whom a permit is issued or his/her authorized agent.
- E. "Person" means any individual, firm, partnership, company, corporation, trustee, association or any public or private entity.
- F. "Private pool" means any swimming pool, wading pool or spray pool maintained by an individual, the use of which is confined to members of his/her family or invited guests. Private pools are not subject to the provisions of this Chapter.
- G. "Public swimming pool" means any pool together with buildings and appurtenances in connection therewith which is available to the general public with or without payment of an admission charge for the use of same; and shall include any swimming pool where the same is 1,500 square feet or more in surface area whether or not available to the general public; or any swimming pool not otherwise defined in this Section.

- H. "Semipublic swimming pool" means any swimming pool provided for and used by numbers of persons or multiple family or cooperative groups such as, but not limited to, hotels, motels, condominiums, trailer parks, apartments, subdivisions, community clubs, private clubs, institutions, or schools, the use of which is limited to such groups and their invited guests and where the same is less than 1,500 square feet in surface area.
  - I. "Spray pool" means any pool or artificially constructed depression intended for use by children, into which water is sprayed but is not allowed to pond in the bottom of the pool.
  - J. "Swimming pool" means any structure, basin, chamber, spa, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of two feet or more at any point and including all facilities incident thereto.
  - K. "Wading pool" means any artificial pool of water intended and constructed for wading purposes which is not over two feet in depth at any point.
- (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.010)

#### **8.44.020 Rules and Regulations.**

The Tacoma-Pierce County Board of Health is empowered and shall write rules and regulations necessary for implementation of this Chapter and consistent herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.020)

#### **8.44.030 Enforcement.**

The Health Officer shall enforce this Chapter and the rules and regulations of the Board of Health. The Health Officer may with the consent of the occupant thereof or pursuant to a lawfully issued warrant enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this Chapter and the Board of Health rules and regulations established in accordance herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.030)

#### **8.44.040 Retroactivity.**

The provisions of this Chapter shall apply equally to new and existing public or semipublic swimming pools, wading pools and spray pools; provided, that it shall not make unlawful an existing pool heretofore lawfully designed, constructed and equipped which is maintained and operated in compliance with this Chapter. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.040)

#### **8.44.050 Permit Required.**

It shall be unlawful for any person to open or use, or allow or cause to be used any public or semipublic swimming pool for swimming or bathing purposes without having a current, valid permit to operate issued by the Health Officer. Application for such a permit shall be accompanied by an annual fee as adopted by the Tacoma-Pierce County Board of Health. Applications shall be made in writing to the Health Officer on a form to be provided by the department; provided, that the fee for any initial permit to operate shall be prorated on the basis of one-twelfth the annual fee for each remaining month in the year. The Health Officer shall inspect the proposed public or semipublic swimming pool and upon determination that such swimming pool complies with applicable rules and regulations and the provisions of this Chapter shall issue a permit to operate to such applicant. Permits to operate shall expire on December 31 of the year for which issued and shall be renewable upon like application and payment of the annual fee. Permits shall be valid only for the swimming pool for which issued, but upon

application may be transferred without charge from person to person. Permits shall be posted conspicuously on the premises for which issued and shall be protected from the weather. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050(A))

**8.44.060 Suspension of Permit.**

- A. First Notice – Corrective Action. Any permit may be suspended temporarily whenever the Health Officer finds that a violation of this Chapter or of the rules and regulations established in accordance herewith, has created or is creating an insanitary or hazardous condition. He/she shall cause to be issued and served upon the permit holder or posted on the premises an order setting forth the violations creating such sanitary or hazardous condition, specifying the corrective action to be taken, and the period of time within which such violations shall be corrected. Any permit holder to whom such an order is issued shall, upon written petition to the Health Officer within five days after the issuance of such order, be afforded a hearing thereon within five days of the filing of such petition.
- B. Second Notice – Suspension. Upon failure of the permit holder to comply with any order issued in accordance with the provisions of this Chapter, the Health Officer shall cause to be issued and served upon the permit holder or posted on the premises a notice that such permit is suspended effective upon such service or posting, and that a hearing on such suspension will be provided if a written request therefor is filed, within five days after the issuance of such notice by the permit holder, with the Health Officer. Upon suspension of any permit in accordance with the provisions of this Chapter, all use of the swimming pool for which such permit has been issued shall cease.
- C. Immediate Closure. Notwithstanding any other provision of this Chapter, whenever the Health Officer finds an insanitary or hazardous condition constituting so serious a hazard to health or safety as to require immediate closure of the swimming pool, he/she may, without a hearing, suspend, with immediate effect, the permit to operate such swimming pool, and all use of such swimming pool shall cease immediately; provided, that any person whose permit is so suspended shall, upon written petition to the Health Officer filed within five days after such suspension, be afforded a hearing within five days of the filing of such petition.

(Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050(B))

**8.44.070 Reinstatement of Permit.**

Any person whose permit to operate has been suspended may, at any time make written application for reinstatement of such permit. Such application shall include a reinstatement fee as adopted by the Tacoma-Pierce County Board of Health and a statement, signed by the applicant that conditions causing such suspension have been corrected. Within five days after receipt of such application, the Health Officer shall inspect such swimming pool and if she/he finds that such swimming pool complies with the provisions of this Chapter and the rules and regulations established in accordance herewith, he/she shall reinstate such permit to operate.

(Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050(C))

#### **8.44.080 Revocation of Permits.**

For serious or repeated violations of any of the requirements of this Chapter or of the rules and regulations established in accordance herewith, or for interference with the Health Officer in the performance of his/her duties, or for failure to comply with any lawful order issued in accordance with the provisions of this Chapter, the Health Officer may revoke any permit to operate by issuing and causing to be served upon the permit holder a notice in writing setting forth the reasons for such revocation and advising that such permit shall be revoked effective five days after service of such notice unless a written request for hearing is filed with the Health Officer within such 5-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto. Any person whose permit is revoked shall not be eligible to obtain a swimming pool permit for two years from the date of revocation. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050(D))

#### **8.44.090 Hearings.**

Hearings provided by this Chapter on the suspension or revocation of a permit and/or regarding an order of the Health Officer shall be conducted by the Health Officer at such time and place as the Health Officer shall designate. At any such hearing, the permit holder may appear in person, or through a representative, and may testify, call witnesses and cross-examine witnesses testifying against him/her. The Health Officer shall make findings and shall sustain, modify or rescind any official notice or order considered at such hearing, and shall furnish a copy of his/her written decision to the permit holder within five working days. (Ord. 84-114 § 1 (part), 1984; prior Code 20.03.050(E))

#### **8.44.100 Service of Notice.**

Notices provided by this Chapter to be served on the permit holder shall be deemed served when delivered personally to the permit holder or his agent, or when sent by certified and regular mail to the address given on the permit or any changes thereto. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050(F))

#### **8.44.110 Appeals.**

- A. A permit holder aggrieved by the final decision of the Health Officer may appeal the decision to the Pierce County Hearing Examiner who shall review and examine available relevant information, conduct a public hearing, cause preparation of a record thereof and prepare and enter findings and conclusions.
- B. The Examiner's decision on all matters is final and conclusive, provided that appeals from the Examiner's decision may be taken to the County Council.
- C. The Examiner shall conduct the hearing in accordance with the relevant procedures contained in Pierce County Code Sections 2.36.090 through 2.36.130 except that "Health Department" shall be substituted for all references to "Planning Department." (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.060)

Code Revisor's Note: Sections 2.36.090 through 2.36.130 have been recodified and amended. See Chapter 1.22 PCC.

#### **8.44.120 Plans and Specifications for Construction, Alteration or Renovations.**

- A. No person shall construct, alter or renovate, or commence construction, alteration or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto, without first having obtained the approval of the Health Officer

of plans and specifications for any such construction, alteration or renovation. Such plans and specifications shall be submitted to the Health Officer in duplicate and in the case of new pools shall be prepared by an architect or professional engineer qualified in the proposed work and licensed to practice such profession under the laws of the State of Washington. Such plans shall be accompanied by a plan review fee as adopted by the Tacoma-Pierce County Board of Health.

- B. Plans shall be drawn to scale and accompanied by specifications containing details on all recirculation and chemical equipment, including pumps, disinfection equipment, chemical feeders, filters, meters, strainers, overflow channels and/or skimming facilities and related equipment so as to enable a comprehensive engineering review of such plans and specifications including piping and hydraulic details. If upon examination of such plans and specifications the Health Officer finds that the proposed construction, alteration or renovation will comply with the provisions of this Chapter and applicable rules and regulations established in accordance herewith, he/she shall approve the same; provided that such approval may be conditioned upon the making of such modifications in such plans and specifications as public health or safety may require.
- C. The construction, alteration or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto shall be made in accordance with approved plans and specifications therefor; provided that changes or modifications in such plans and specifications consistent with public health and safety may be made with the written approval of the Health Officer. Upon completion of any such construction, alteration or modification, the owner or operator of such pool, or the agent of either, shall notify the Health Officer of its readiness for inspection and no such pool shall be opened for use or allowed or cause to be used until inspection by the Health Officer and found to be in compliance with the provisions of this Chapter and applicable rules and regulations established in accordance herewith.

(Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.070)

#### **8.44.130 Responsibility for Maintenance.**

All public or semipublic swimming pools, spray pools, wading pools and all components thereof and appurtenances thereto and the premises thereof, shall be maintained in a clean and sanitary condition at all times such pool is open to bathers. The permit holder shall be responsible for the maintenance, operation and use of the public or semipublic swimming pool for which such permit is issued, and shall provide one or more operators or attendants at such times as shall be necessary for the maintenance and operation of such swimming pool in compliance with the provisions of this Chapter and applicable rules and regulations established in accordance herewith. All such operators and attendants shall be familiar with the equipment and appurtenances of such swimming pool and the principles of pool operation. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(A))

#### **8.44.140 Water Quality.**

The water in all public or semipublic swimming, wading, and spray pools shall meet such standards of chemical, physical and bacteriological quality as the Board of Health shall establish to ensure that persons using such pools shall not be exposed to toxic or irritating chemical conditions, or disease-producing organisms. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(B))

**8.44.150 Disinfection.**

A disinfecting process or procedure providing a minimum free chlorine residual or such other process or procedure established by the Board of Health shall be used in all public or semipublic swimming and wading pools. The disinfecting process or procedure must be capable of adequate and continuous disinfection of water throughout the pool during the period such pool is in use. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(C))

**8.44.160 Recirculation and Filtration.**

Recirculation and filtration equipment shall be adequate to recirculate and filter the entire volume of water as established by the Board of Health. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(D))

**8.44.170 Waste.**

All water from backwash, filter residues and other waste in any public or semipublic swimming pool, wading pool or spray pool shall be disposed of in a safe and sanitary manner approved by the Health Officer. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(E))

**8.44.180 Cross-Connections.**

No piping arrangement shall be installed or used in any public or semipublic swimming pool, wading pool or spray pool, which under any condition will permit sewage or waste water to enter the recirculation system or the pool, or which will permit water from the recirculation system or the pool to enter the potable water supply or make-up water supply. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(F))

**8.44.190 Operating Records.**

At all public or semipublic swimming pools and wading pools, complete daily records shall be kept of the times each filter is backwashed or cleaned, and of the results of all tests made as to water quality and disinfectant residual. Such records shall be made available at any reasonable time for examination by the Health Officer. (Ord. 84-114 § 1 (part), 1984; prior Code 20.03.080(G))

**8.44.200 Alternate Materials, Equipment or Procedures.**

For the purpose of evaluating equipment, materials or procedures, or to meet any temporary emergency condition, the Health Officer may, consistent with the public health and safety, permit the use of materials, equipment and procedures not specifically prescribed by this Chapter or rules and regulations established in accordance herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080(H))

**8.44.210 Violation – Penalty.**

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Health Officer shall upon conviction thereof be punishable by a fine of not to exceed \$300.00. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.090)



**8.44.220 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 14, 1989)



*Chapter 8.50*

***PIERCE COUNTY DETENTION AND CORRECTIONS CENTER STANDARDS***

**Section:**

**8.50.010 Standards Adopted by Reference.**

**8.50.010 Standards Adopted by Reference.**

The Custodial Care Standards and New Facility Plant Standards for the Pierce County Detention and Corrections Center, as contained in Exhibit "B" of Ordinance No. 87-187S, are hereby adopted by reference. Copies of the standards shall be kept on file and shall be made available to interested parties at the Pierce County Sheriff's Department. (Ord. 87-187S § 1, 1987)



## *Chapter 8.64*

### **ALARM SYSTEMS**

#### **Sections:**

- 8.64.010 Definitions.**
- 8.64.015 Administration; Funding; Increases in Fees; Annual Evaluation.**
- 8.64.020 Alarm User Registration Requirements and Fees.**
- 8.64.021 Alarm User Registration Application and Contents.**
- 8.64.022 Terms of Alarm User Registration; Transfer of Registration Prohibited.**
- 8.64.025 Duties of Alarm Users.**
- 8.64.030 Audible Alarms; Restrictions.**
- 8.64.035 Duties of Alarm Installation Companies and Monitoring Companies.**
- 8.64.040 Business Registration of Alarm Installation and Monitoring Companies.**
- 8.64.045 Duties and Authority of the Alarm Administrator.**
- 8.64.050 False Alarm Fees.**
- 8.64.055 Notice to Alarm Users of False Alarms and Suspension of Sheriff Response.**
- 8.64.060 Suspension of Sheriff Response to Alarm Sites.**
- 8.64.065 Appeals of Determinations Regarding Alarm Registrations and Fees.**
- 8.64.070 Reinstatement of Suspended Alarm Registrations.**
- 8.64.075 Revocation of Alarm User Registration and Business Registration.**
- 8.64.080 Confidentiality of Alarm Information.**
- 8.64.085 Scope of Sheriff Duty; Immunities Preserved.**
- 8.64.090 Service Charges.**

#### **8.64.010 Definitions.**

- A. "Alarm Administrator" means the person designated by the Sheriff to administer the provisions of this Chapter.
- B. "Alarm dispatch request" means a notification to the Sheriff that an alarm, either manual or automatic, has been activated at a particular alarm site.
- C. "Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.
- D. "Alarm registration" means registration issued by the Alarm Administrator to an alarm user which authorizes the operation of an alarm system.
- E. "Alarm Response Manager (ARM)" means a person designated by an alarm installation company or monitoring company to handle alarm issues for the company and act as the primary point of contact for the Sheriff Alarm Administrator and Alarm Coordinator.
- F. "Alarm site" means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

- G. "Alarm system" means a device or series of devices which emit or transmit an audible or remote visual or electronic alarm signal which is intended to summon law enforcement response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems. This term does not include an alarm installed in a motor vehicle, nor on one's person, or an alarm system designed solely to alert the occupants of a building or residence which will not emit a signal either audible or visible from outside the building or residence.
- H. "Alarm user" means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.
- I. "Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.
- J. "Arming station" means a device that controls an alarm system.
- K. "Automatic voice dialer" means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a patrol dispatch to an alarm site.
- L. "Business registration" means the registration issued by the Sheriff Alarm Administrator to an alarm installation company or monitoring company to sell, install, monitor, repair, or replace alarm systems. The term does not include a business license issued by Pierce County or a license issued by the State Fire Marshal for fire alarm systems.
- M. "Cancellation" means the termination of Sheriff response to an alarm site after dispatch request is made but before a deputy has arrived at the alarm site.
- N. "CASS (Coding Accuracy Support System) Certified" means that the address exists in the U.S. Postal Service Directory and that it conforms to the Directory's standardized format.
- O. "Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.
- P. "Duress alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.
- Q. "Enhanced Call Verification" means that prior to requesting law enforcement dispatch, a second telephone call is made to a different telephone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid.
- R. "False alarm" means an alarm dispatch request to the Sheriff which results in the responding deputy finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.
- S. "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- T. "Local alarm system" means an unmonitored alarm system that annunciates an alarm only at the alarm site.
- U. "Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Sheriff.

- V. "Monitoring company" means the company that contracts with the alarm user to provide monitoring services.
- W. "One plus duress alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).
- X. "Panic alarm" means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- Y. "Person" means an individual, corporation, limited liability company, partnership, association, organization or similar entity.
- Z. "Protective or reactive alarm system" means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.
- AA. "Responsible party" means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.
- BB. "Robbery alarm" means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that a person is in need of immediate law enforcement assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "holdup alarm."
- CC. "Sheriff" means Pierce County Sheriff's Office.
- DD. "SIA Control Panel Standard CP-01" means the ANSI – American National Standard Institute-approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."
- EE. "Takeover" means the transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.
- FF. "Verified Response" means that prior to the monitoring company making an alarm dispatch request they have verified that the alarm activation is likely a result of criminal activity or an emergency condition. This verification may be one of the following:
  1. The monitoring company has contacted the alarm site and spoken to a person to confirm that a criminal act has occurred or is occurring, requiring law enforcement to respond; or
  2. The alarm site is equipped with an interior live-time video or audio monitored remotely by the monitoring company or the alarm user, and it can be seen or heard that a criminal act has occurred or is occurring, requiring law enforcement to respond; or
  3. The alarm site is equipped with an approved SIA CP-01 control panel which has confirmed that at least two independent zones, (e.g., an exterior perimeter and an interior zone) had been triggered and the alarm site has an alarm system where:
    - a. All glass break sensors are dual technology type, and
    - b. All motion detectors are dual technology type, and

- c. The monitoring company has completed the "Enhanced Call Verification" to the alarm user; or
  - 4. The alarm is an older system and not in compliance with the SIA standard, therefore, the monitoring company must:
    - a. Insure that they have received two or more alarm signals during the same alarm event period (10 minutes).
  - GG. "Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user, or both, by telephone or other electronic means to determine whether an alarm signal is valid before making an alarm dispatch request.
  - HH. "Zones" means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.
- (Ord. 2007-80s § 2 (part), 2007)

**8.64.015 Administration; Funding; Increases in Fees; Annual Evaluation.**

- A. Responsibility for administration of this Chapter is vested with the Sheriff.
  - B. The Sheriff shall designate an Alarm Administrator to carry out the duties and functions described in this Chapter.
  - C. Monies generated by false alarm service fees and registration fees assessed pursuant to this Chapter shall be deposited into the appropriate Sheriff Department revenue accounts.
  - D. Based upon a review and recommendation from the Sheriff, the fees set forth in this Chapter may be modified by the County Council. The Sheriff or its contract representative shall post the fees on the Sheriff web site and notify the alarm companies and monitoring companies. These companies shall then be responsible to notify their customers of these fees. For purposes of this subsection, "fees" include any type or class of fee and include late fees and penalties.
  - E. The Sheriff shall conduct an annual evaluation and analysis of the effectiveness of this Chapter and identify and implement system improvements as warranted.
- (Ord. 2007-80s § 2 (part), 2007)

**8.64.020 Alarm User Registration Requirements and Fees.**

- A. Alarm sites must be registered.
  - 1. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm registration. A separate alarm registration is required for each alarm site having a distinct address or business name. A separate alarm registration is required for each alarm site with the same address having a distinct and separate alarm system (i.e., detached shops or garages on residential property). The initial alarm registration fee must be paid by the alarm user to the Alarm Administrator within ten days after any alarm system installation or alarm system takeover.
  - 2. **Alarm fees.** The fees for an alarm registration or an alarm registration renewal are as follows:
    - a. Registration Fee:                   \$24.00 (residential)   \$24.00 (commercial)
    - b. Annual Renewal Fee:               \$24.00 (residential)   \$24.00 (commercial)
    - c. Reduced Rates for Senior Citizens, 65 years of age or older, and individuals with a permanent disability (residential only):
      - (1) Registration Fee:               \$12.00
      - (2) Annual Renewal Fee:           \$12.00



In order to qualify for the senior rate, applicants must provide proof of age, be listed as the property owner or lessee and must have the alarm contract in their name.

In order to qualify as an individual with a permanent disability the individual must provide proof of permanent disability. Proof may be in the form of a U.S. Department of Veterans Affairs Identification Card or documentation showing at least 30 percent permanent disability, a Washington Department of Licensing parking placard issued for permanent disability under RCW 46.16.381, or any other means that the Sheriff deems an appropriate proof of permanent disability. In addition, the individual must be listed as the property owner or lessee and must have the alarm contract in their name.

- d. An alarm user who upgrades an older alarm system that does not have the ability to report (at a minimum) two or more alarm signals shall have their next registration fee or renewal fee waived if the alarm user provides proof of the upgrade (for example a copy of the receipt).
3. **Late fees.** Alarm users who fail to obtain and/or make payment for an alarm registration or renewal within 30 days after notification will be assessed a late fee in the amount of \$25.00.
4. **Refunds.** No refund of a registration or registration renewal fee will be made.
5. **Existing alarm systems.** Any alarm system which was installed before the effective date of this Chapter must be registered by the alarm user within 90 days after the effective date of this Chapter. An alarm installation company or monitoring company shall, within 30 days after being notified in writing from the Alarm Administrator, provide a list of existing alarm users in unincorporated Pierce County to the Alarm Administrator to include name, address, billing address, and telephone number. Failure to comply and provide customer lists to the Alarm Administrator, as required, will result in a fine of \$25.00 per working day (after the initial 30-day notice expires, i.e., day 31) until the alarm installation company or monitoring company complies with the requirement. Failure to comply will also result in automatic suspension of their business registration.
6. **New alarm systems.** Any alarm installation company that installs an alarm system on premises within unincorporated Pierce County after the effective date of this Chapter must notify the Alarm Administrator within ten days after the date of installation and provide the name, address, billing address, and telephone number of the alarm user and a copy of the Customer False Alarm Prevention Checklist. The failure to notify in accordance with the terms of this subsection shall result in a \$100.00 administrative penalty against the alarm installation company.
7. Upon receipt of a completed alarm registration application form and the alarm registration fee, the Alarm Administrator shall authorize response to the applicant unless:
  - a. The applicant has failed to pay a false alarm fee or fine assessed under Chapter 8.64 PCC.
  - b. An alarm registration for the alarm site has been suspended, and the violation causing the suspension has not been corrected.
8. Upon receipt of the registration application form and fee, the Alarm Administrator shall authorize response to the alarm user, which is valid for a one-year period. Renewal registrations are valid for one year.

9. Government entities, including but not necessarily limited to Pierce County and Pierce County School Districts, must obtain registrations for all alarm systems on property under their control within unincorporated Pierce County, but are exempt from payment of registration and renewal fees.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.021 Alarm User Registration Application and Contents.**

- A. An application for alarm registration must be on a form provided by the Alarm Administrator and must contain the following information:
  1. The name, complete address (CASS Certified), including apartment or suite number, and telephone numbers of the person who will be the holder of the registration and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Chapter;
  2. The physical alarm site address (CASS Certified) and classification as either residential (includes apartment, condo, mobile home, etc.) or commercial;
  3. The classification (i.e., burglary, holdup, duress, panic alarm or other) for each alarm system located at the alarm site and, for each classification, whether the alarm is audible or silent;
  4. The applicant's mailing address (CASS Certified), if different from the address of the alarm site;
  5. Any dangerous or special conditions present at the alarm site;
  6. The type of business conducted at a commercial alarm site;
  7. A written certification from the alarm user setting forth the following:
    - a. The date of installation, conversion or takeover of the alarm system, whichever is applicable;
    - b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system;
    - c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;
    - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and
    - e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
  8. An acknowledgement that the Sheriff response may be influenced by factors including, but not limited to, the availability of deputies, priority of calls, traffic conditions, emergency conditions and staffing levels;
  9. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration is sufficient cause for refusal to issue a registration, or revocation of an existing registration.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.022 Terms of Alarm User Registration; Transfer of Registration Prohibited.**

- A. An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator of any change to the information listed on the alarm registration application within five business days after such change. Exceptions may be made at the discretion of the Alarm Administrator or Alarm Coordinator when the transfer proposed is among members of the family of the original registration holder or successors in interest to the property for which the registration has been issued.
- B. An alarm registration shall expire one year after the date of issuance, and must be renewed annually by submitting a renewal application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of the registration. It is the responsibility of the alarm user to submit a renewal application prior to the expiration date. A \$25.00 late fee shall be assessed to the alarm user if the renewal application fee is received more than 30 days after the notice is sent.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.025 Duties of Alarm Users.**

- A. An alarm user shall:
  - 1. Complete the Customer False Alarm Prevention Checklist available from their alarm installation company or through the Sheriff online website, and send the checklist to the Alarm Administrator.
  - 2. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
  - 3. Make every reasonable effort to arrive at the alarm system's location within 30 minutes after being requested by the monitoring company or law enforcement agency in order to:
    - a. Deactivate an alarm system;
    - b. Provide access to the alarm site; and/or
    - c. Provide alternative security for the alarm site.
  - 4. Provide to the monitoring company the names and telephone numbers of at least two individuals who are able and have agreed to:
    - a. Receive notification of an alarm system activation at any time;
    - b. Respond to the alarm site at any time in the presence of the Pierce County Sheriff; and
    - c. Provide access to the alarm site and deactivate the alarm system, if necessary. An alarm user will notify the monitoring company when this information changes.
  - 5. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
- B. An alarm user shall not use automatic voice dialers for any type of alarm system. No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the Sheriff or transmit any prerecorded message or signal.  
Waiver: An automatic voice dialer is allowed as long as it is not connected to the Sheriff. It may be used to alert the user only or others.
- C. An alarm user shall not use any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable one's vision.

- D. Installation of a protective-reactive device can only be done with the prior written approval of the Sheriff or his/her designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device.
- E. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, all alarm users shall authorize their alarm installation company to reprogram all existing duress alarms which utilize a one plus duress code.
- F. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system with single action or non-recessed button robbery, duress, or panic devices. Within 180 days of the effective date of this Chapter, all alarm users shall authorize their alarm installation company to replace existing single-action devices with devices that have dual action at a minimum.
- G. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.
- H. All alarm users shall agree with their alarm installation company or monitoring company to go through an "acclimation period" for the first seven days after installation of an alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to, nor will it respond to, any alarm signal from the alarm site, or make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event. Exceptions to the "acclimation period" of non-response can be made by the Sheriff in special circumstances, including but not limited to, domestic violence and stalking.

(Ord. 2007-80s § 2 (part), 2007)

#### **8.64.030 Audible Alarms; Restrictions.**

- A. After the effective date of this Chapter, it is a violation of this Chapter for any person to operate an alarm system in the County of Pierce that has a siren, bell or other signal audible from any property adjacent to the alarm site that sounds for longer than ten consecutive minutes after the alarm is activated, or that repeats the ten minute alarm cycle more than three consecutive times without resetting. Violators will be fined in accordance with the penalties for false alarms.

(Ord. 2007-80s § 2 (part), 2007)

#### **8.64.035 Duties of Alarm Installation Companies and Monitoring Companies.**

- A. Each alarm installation company and monitoring company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator and Alarm Coordinator. The appointed individual must be knowledgeable of the general provisions of this Chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator and Alarm Coordinator. The name, telephone number, and email address of the designated ARM must be provided to the Alarm Administrator. Failure to comply will result in the suspension of the alarm company business registration. A reinstatement fee of at least \$100.00, or \$10.00 per registered user if letters have been sent (per subsection 8.64.055 B.) whichever is the greater amount, will be charged. This will cover the administration action costs for this Chapter.

- B. Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:
  - 1. The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm registration;
  - 2. How to prevent false alarms; and
  - 3. How to operate the alarm system; and
  - 4. The Customer False Alarm Prevention Checklist available through the Sheriff online website.
- C. After the effective date of this Chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, alarm installation companies shall reprogram all existing duress alarms which utilize a one plus duress code.
- D. Alarm installation companies shall not install single action or non-recessed button robbery, duress, or panic devices, and within 180 days of the effective date of this Chapter, replace existing single-action devices with devices that have dual action at a minimum.
- E. Ninety days after the effective date of this Chapter, an alarm installation company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA CP-01 – Control Panel Standard – Features for False Alarm Reduction.
- F. An alarm company shall not use an automatic voice dialer which calls the Sheriff or Sheriff's designee, for any alarm system.
- G. After completion of the installation of an alarm system, an employee of the alarm installation company shall review with the alarm user the customer false alarm prevention checklist or an equivalent checklist approved by the Alarm Administrator, giving the alarm user instructions to send the completed checklist to the Alarm Administrator.
- H. After completion of the installation of an alarm system, an employee of the alarm installation company shall complete the Installer False Alarm Prevention Program Checklist, and send the completed checklist to the Alarm Administrator.
- I. A monitoring company shall not make an alarm dispatch request to an alarm signal during the first seven-day "acclimation period" after an alarm system installation. Exceptions to the "acclimation period" of non-response can be made by the Sheriff in special circumstances, including but not limited to, domestic violence and stalking.
- J. A monitoring company shall employ "Verified Response" and:
  - 1. Report alarm signals by using telephone numbers designated by the Alarm Administrator, ensuring they have received two or more alarm signals during the same alarm event (10) minutes.
  - 2. Employ "Enhanced Call Verification" by attempting to verify by telephone the validity of every alarm signal, except duress or holdup alarm activation, before requesting law enforcement response to an alarm system signal. Verification before requesting law enforcement dispatch also requires that a second telephone call be made to a different phone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid. Names and telephone numbers of those persons contacted or attempted to be contacted must be provided to the Alarm Administrator, Alarm Coordinator or Sheriff upon request.
  - 3. Communicate alarm dispatch requests to the Sheriff in a manner and form determined by the Alarm Administrator.

4. Communicate cancellations to the Sheriff in a manner and form determined by the Alarm Administrator.
  5. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm.
  6. Communicate any available information (north, south, front, back, floor, etc.) about the location of an alarm signal as part of an alarm dispatch request.
  7. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.
  8. Installation of a protective-reactive device can only be done with the prior written approval of the Sheriff or his/her designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device. In all cases where a protective-reactive device is present at an alarm site, the patrol dispatch request shall include a warning for deputies not to enter the alarm site until the responsible party is present and has disarmed the device. Failure to provide this warning to deputies shall result in a \$200.00 fee to the monitoring company.
  9. Prior to making an alarm dispatch request, attempt to notify the alarm user to send a responsible party to the alarm site, in order to:
    - a. Deactivate an alarm system;
    - b. Provide access to the alarm site; and/or
    - c. Provide alternative security for the alarm site.
  10. After an alarm dispatch request, promptly advise the Sheriff if the alarm company knows that the alarm user or a responsible party is on the way to the alarm site;
  11. Each monitoring company must maintain, for a period of at least one year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The Alarm Administrator or Alarm Coordinator may request copies of such records for any individual alarm user. If the request is made within 60 days after an alarm dispatch request, the monitoring company shall furnish requested records within three business days after receiving the request. If the records are requested between 60 days and 1 year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days after receiving the request. Failure to comply will result in an immediate suspension of response and \$1.00 per day per customer service fee.
  12. Each monitoring company shall, upon request, immediately provide the Sheriff with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.
- K. Existing Accounts.
1. Ninety days prior to the effective date of this Chapter, an alarm installation company or monitoring company shall provide the Alarm Administrator with a complete list of active customers, to assist the Alarm Administrator with creating and maintaining tracking data. The customer information must be provided as outlined in subsection 2. below.
  2. On or before the first day of January of each year, an alarm installation company or monitoring company shall provide the Alarm Administrator with a complete list of active customers in unincorporated Pierce County, to assist the Alarm Administrator

with creating and maintaining tracking data. The customer information must be provided in a format the alarm company is capable of producing and must include the following:

- a. Customer name;
  - b. Customer billing address (must be CASS Certified);
  - c. Customer telephone number;
  - d. Alarm site address (must be CASS Certified); and
  - e. Alarm company license number.
- L. Purchased Accounts. An alarm installation company or monitoring company that purchases any alarm system account from another company shall notify the Alarm Administrator of such purchase and shall provide to the Alarm Administrator, within 30 days from the date of acquisition, a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:
1. Customer name;
  2. Customer billing address (must be CASS Certified);
  3. Customer telephone number;
  4. Alarm site address (must be CASS Certified); and
  5. Alarm company license number.
- M. The customer lists described in subsections K. and L. above are proprietary and confidential information and will not be released to anyone absent a court order.
- N. Failure to provide customer lists to the Alarm Administrator, as required in subsections K. and L. above, will result in a fine of \$25.00 per working day until the alarm installation company or monitoring company complies with the requirement. Failure to pay this fine will result in the immediate suspension of their business registration.

(Ord. 2007-80s § 2 (part), 2007)

#### **8.64.040 Business Registration of Alarm Installation and Monitoring Companies.**

- A. Every alarm installation company and every monitoring company shall obtain a business registration from the Sheriff Alarm Administrator and pay an annual fee of \$100.00 to Pierce County. Failure to pay the annual fee within 30 days after notice requires the payment of a late fee of \$25.00.
  - B. The Sheriff will not respond to any alarm dispatch request from any alarm installation company or monitoring company that does not possess a current, valid business registration issued pursuant to this Chapter.
  - C. The Alarm Administrator shall notify all known alarm users subscribing to an unregistered alarm installation company or an unregistered monitoring company that the company is unregistered and that the Sheriff will no longer respond to the user's alarms. A reinstatement fee of at least \$100.00 or \$10.00 per alarm user, if letters have been sent by the Alarm Administrator, whichever is the greater amount, will be charged to the alarm installation company or monitoring company. This will cover the administration action costs for this Chapter.
  - D. The fee imposed by this Chapter is in addition to all other fees levied by Pierce County.
- (Ord. 2007-80s § 2 (part), 2007)

#### **8.64.045 Duties and Authority of the Alarm Administrator.**

- A. The Alarm Administrator shall:
  1. Designate the manner and form of alarm dispatch requests and the telephone numbers to be used for such requests; and

2. Establish a procedure to accept cancellation of alarm dispatch requests.
- B. The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests including the following information:
  1. Identification of the alarm site;
  2. The date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name or number;
  3. Date and time of a deputy's arrival at the alarm site;
  4. The alarm zone and zone description, if available;
  5. Name of alarm user's personal representative present at the alarm site, if any;
  6. Whether a deputy was unable to locate the address of the alarm site; and
  7. The cause of the alarm signal, if known.
- C. The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:
  1. The date and time of a deputy's response to the false alarm; and
  2. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting false alarm fees.
  3. The false alarm fees incurred.
- D. The Alarm Administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate by any of the notified parties will result in suspension of their alarm user registration or the alarm company business registration after a written notice has been sent.
- E. The Alarm Administrator may establish an alarm user awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid creating false alarms.
- F. If a false holdup alarm has occurred and the alarm was triggered using a single action, non-recessed button, the Alarm Administrator may consider a waiver of the false alarm fee if action is taken by the alarm user to remove or replace the single action, non-recessed button.
- G. The Alarm Administrator will make a copy of this Chapter and/or a summary sheet available to each alarm user.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.050 False Alarm Fees.**

- A. An alarm user shall pay the following fees to the Alarm Administrator for Sheriff response to any false alarm or robbery alarm:
  1. General False Alarm Fee: \$100.00 for each false alarm;
  2. Robbery False Alarm Fee: \$200.00 for each false alarm;
  3. If a false alarm fee is not paid within 30 days after the invoice is mailed, a late fee to the alarm user in the amount of \$25.00 shall be imposed.
- B. Fees for False Alarms by Unregistered Alarm Systems. In addition to the fees set forth in subsection A. above, a supplemental fee is hereby imposed upon any person operating an unregistered alarm system in the amount of \$100.00 for each false alarm. The Alarm



Administrator may waive this additional fee for an unregistered system if the alarm user submits an application for alarm registration within ten business days after receiving notice of such violation.

- C. If cancellation of Sheriff response occurs prior to a deputy arriving at the alarm site, the response is not considered a false alarm for the purpose of fees, and no penalty will be assessed.
- D. The Alarm Administrator may waive a false alarm fee due to a history of false alarms that is identified as chronic equipment failure.
- E. The alarm installation company shall be assessed a fee of \$100.00 if the deputy responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.
- F. A fee of \$100.00 is hereby imposed against any monitoring company that fails to verify alarm system signals as required in PCC 8.64.035.
- G. A fee in the amount of \$200.00 is hereby imposed on an alarm installation company if the Alarm Administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.
- H. Notice of the right of appeal under this Chapter will be included with notice of any penalty.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.055 Notice to Alarm Users of False Alarms and Suspension of Sheriff Response.**

- A. The Alarm Administrator shall notify the alarm user in writing after each false alarm. The notice shall include the amount of the fee for the false alarm, the fact that response will be suspended after the third false alarm in a one-year registration period (excluding duress, holdup and panic alarms), and a description of the appeals procedure available to the alarm user.
- B. The Alarm Administrator shall notify the alarm user and the alarm installation company or monitoring company in writing thirty days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the fee for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.060 Suspension of Sheriff Response to Alarm Sites.**

- A. It is a violation of this Chapter to make an alarm dispatch request for a suspended alarm site.
- B. The Alarm Administrator shall notify the Sheriff and alarm installation company and/or monitoring company of each alarm user whose alarm registration qualifies for suspension under this Chapter. The Alarm Administrator shall suspend an alarm registration if it is determined that:
  - 1. The alarm user has had three or more false alarms within one year after the date of issuance of their annual registration, except that the Alarm Administrator may waive a suspension of a registration upon receipt of documented work orders showing numerous attempts to repair the alarm system;

2. There is a false statement of a material fact in the application for a registration; or
  3. The alarm user fails or refuses to pay a false alarm fee or late fee assessed under this Chapter.
- C. It is unlawful for a monitoring company to make an alarm dispatch request to an alarm site after the company has been notified by the Alarm Administrator that the registration for that alarm site has been suspended. The monitoring company must pay a \$200.00 fee to the Alarm Administrator for each such dispatch to an alarm site. If the penalty is not paid to the Alarm Administrator within 30 days, a late fee of \$25.00 is hereby imposed on the alarm company.
- D. Unless there is a separate indication that there is a crime in progress, Emergency Communications (Dispatch) shall not dispatch a deputy to an alarm site for which an alarm registration is suspended.
- E. If an alarm registration is reinstated, the Sheriff may again suspend the alarm registration if it is determined that two false alarms have occurred within 180 days after the reinstatement date. The exception set forth in subsection B.1. applies to any such suspension.
- F. This subsection applies to alarm systems, except holdup alarms, robbery alarms and panic alarms, which are subject to suspension at the discretion of the Alarm Administrator.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.065 Appeals of Determinations Regarding Alarm Registrations and Fees.**

- A. If the Alarm Administrator assesses a fee, suspends an alarm registration or denies the issuance, renewal or reinstatement of an alarm registration, the Alarm Administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant or alarm user and the alarm installation company or monitoring company.
- B. The alarm user, alarm installation company or monitoring company may appeal any action described in A. above to the designated administrator of the Sheriff by setting forth in writing the reasons for the appeal and delivering the appeal to the Sheriff within 20 business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.
- C. The procedure for an appeal to the Sheriff is as follows:
1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee of \$50.00 to the Sheriff and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." Appeal fees will be returned to the appealing party if the appeal is successful. Upon good cause shown, the designated administrator of the Sheriff may, in the exercise of discretion, waive the appeal fee for residential alarm users.
  2. The designated administrator of the Sheriff shall conduct a recorded hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The designated administrator of the Sheriff must base his/her decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing.

The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

3. Any person aggrieved by the decision of the Sheriff or the designated administrator may appeal in accordance with the procedure set forth in Chapter 1.22 PCC.
  4. Filing of an appeal stays any action by the Alarm Administrator to suspend an alarm registration or require the payment of a fee or penalty until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this Chapter that occur thereafter.
- D. The Alarm Administrator or the Sheriff or their respective designees, may adjust the count of false alarms based on:
1. Evidence that a false alarm was caused by action of the telephone company;
  2. Evidence that a false alarm was caused by a power outage;
  3. Evidence that an alarm dispatch request was not a false alarm; or
  4. The occurrence of multiple alarms within in a 24-hour period, which may be considered as one false alarm to allow the alarm user time to take corrective action, unless the false alarms are directly caused by the alarm user; or
  5. On review of fees or penalties assessed to an alarm installation company or monitoring company, the Alarm Administrator, or, if appealed, the Sheriff, or designee, or the administrative hearing officer, may consider whether the alarm company had engaged in a consistent pattern of violations.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.070 Reinstatement of Suspended Alarm Registrations.**

- A. On the first suspension of a registration, a person whose alarm registration has been suspended may obtain reinstatement of the registration by the Alarm Administrator if the person:
1. Submits a new application and pays a \$50.00 reinstatement fee; and
  2. Pays, or otherwise resolves, all outstanding fees and penalties; and
  3. Submits a certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and
  4. The alarm user successfully completes an on-line alarm awareness class and test.
- B. On the second and every subsequent suspension of a registration, reinstatement may be obtained by compliance with subsection A. above and compliance with any of the following conditions that the Alarm Administrator may require:
1. Proof that an employee of the alarm installation company or monitoring company caused the false alarm.
  2. Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.
  3. A written statement from an independent inspector designated by the Sheriff that the alarm system has been inspected and is in good working order.
  4. Confirmation that all motion detectors are "dual technology" type.
  5. Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company.
  6. Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company.
  7. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by voice verification.
  8. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by a camera device. This condition does not apply to residential property.

9. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.
  10. The alarm user successfully completes an on-line alarm awareness class and test.
- C. The Sheriff shall reinstate its response to an alarm site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.075 Revocation of Alarm User Registration and Business Registration.**

- A. The Sheriff or designee may revoke an alarm user registration, alarm installation company registration or monitoring company registration if he determines that:
1. There is a violation of this Chapter by the alarm user, alarm installation company or monitoring company;
  2. There is a false statement of a material fact in the application for a registration;
  3. The registered alarm system has generated more than 12 false alarms during any 12-month period; or
  4. The alarm user, alarm installation company or monitoring company has failed to pay an alarm registration fee or late fee, a late renewal fee or any fee or penalty assessed under this Chapter, more than 30 days after the fee is due.
- B. The Sheriff or designee may, for good cause shown, reinstate a registration that has been revoked pursuant to this Chapter.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.080 Confidentiality of Alarm Information.**

- A. All information contained in documents gathered through alarm registrations, the submission of customer lists and in the alarm appeal process must be held in confidence by all employees of the Alarm Administrator and the County of Pierce. Such information is proprietary and is hereby declared confidential. A disclosure of such information would violate the customer's right to privacy and could endanger that person's right to safety. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency or the applicable alarm user, alarm installation company or monitoring company, except pursuant to court order.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.085 Scope of Sheriff Duty; Immunities Preserved.**

- A. The issuance of alarm registrations does not create a contract between the Sheriff and/or the County of Pierce and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the Sheriff to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Sheriff to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Sheriff response is influenced by the availability of deputies, priority of calls, traffic conditions, emergency condition and staffing levels.

(Ord. 2007-80s § 2 (part), 2007)

**8.64.090 Service Charges.**

- A. Service charges for monitored alarm sites will be assessed to the alarm user, alarm installation company or monitoring company as specified in the provisions of this Chapter. Service charges for unmonitored alarm sites will be assessed to the alarm user. (Ord. 2007-80s § 2 (part), 2007)



## *Chapter 8.68*

### ***FAIR HOUSING REGULATIONS***

#### **Sections:**

**8.68.010 Short Title.**

**8.68.020 Declaration of Policy.**

**8.68.030 Definitions.**

**8.68.040 Unlawful Discriminatory Practices.**

**8.68.050 Practices Not Prohibited.**

**8.68.060 Adjustment and Settlement of Complaints.**

**8.68.070 Community Development Agency to Adopt Rules and Procedures.**

#### **8.68.010 Short Title.**

This Chapter may be cited as the "Pierce County fair housing ordinance." (Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.010)

#### **8.68.020 Declaration of Policy.**

It is the policy of Pierce County, through fair, orderly and lawful procedures, to promote the opportunity for each person to obtain decent, safe and affordable housing without regard to race, color, religion, sex, marital status, national origin, or the presence of sensory, mental or physical handicap. This policy is founded upon a recognition of the right of each person to have access to adequate housing of the person's choice. It is recognized that the denial of this right because of race, color, religion, sex, marital status, age, national origin, or the presence of any sensory, mental or physical handicap is detrimental to the health, safety and welfare of the residents of the County and constitutes an unjust deprivation of rights. It is further recognized that such an unjust deprivation of rights is within the power and proper responsibility of government to protect. (Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.020)

#### **8.68.030 Definitions.**

- A. "Age" refers to persons 18 years of age and older and otherwise legally able to contract.
- B. "Agency" means the Community Development Agency of Pierce County.
- C. "City" means the Executive Director of the Human Rights Department of the City of Tacoma and the Tacoma Human Rights Department staff.
- D. "Charging party" includes any individual alleging on his/her own behalf to have been personally aggrieved by an unlawful discriminatory practice.
- E. "Conciliation" means a written settlement generally providing full relief for the charging party after a determination of reasonable cause has been accepted. Such agreement requires the signatures of the respondent and a city representative. The charging party may also be signatory to such an agreement.
- F. "Housing accommodation" means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of habitation of one or more human beings, including a mobile home or a trailer and any land for sale, lease or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park or a trailer camp.

- G. "Marital status" includes being married, separated, divorced, widowed or single.
  - H. "Negotiated settlement" means a signed agreement between the charging party and the respondent in a particular case prior to a finding on the merits of the charge. The city may also be signatory to such an agreement. A negotiated settlement should not be taken as evidence that the respondent has or has not engaged in any unlawful discriminatory activity.
  - I. "Person" includes one or more individuals, partnerships, associations, corporations, organizations, cooperatives, legal representatives, trustees, and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes Pierce County and any political or civil subdivisions thereof and any agency or instrumentality of Pierce County or any political or civil subdivision thereof.
  - J. "Reasonable cause" means that a determination has been made that the evidence produced by the city staff's investigation is adequate to support a reasonable conclusion that unlawful discrimination has occurred or is occurring. Such determination allows for the continuance of the administrative process including, but not limited to, attempts at conciliation.
  - K. "Religion" includes all aspects of religious observance and practice, including belief.
  - L. "Respondent" includes any person or entity against whom a complaint or charge of unlawful practice is filed with the city.
  - M. "Sensory, mental or physical handicap" means any condition or characteristic that renders a person a "handicapped person." A "handicapped person" should be defined as any person who:
    - 1. Has a sensory, physical or mental impairment which substantially limits one or more major life activities;
    - 2. Has a record of such an impairment; or
    - 3. Is regarded as having such an impairment.
- (Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.030)

**8.68.040 Unlawful Discriminatory Practices.**

- A. Discrimination in Housing Accommodations. It shall be an unlawful discriminatory practice for an owner, lessee, sublessee, managing agent of, real estate broker, real estate salesperson, or any other person having the right to sell, rent or lease any property, or any agent or employee of any of these:
  - 1. To refuse to sell, rent or lease, to offer for sale, rental or lease, or otherwise deny or withhold any housing accommodation to or from any person, or to refuse to negotiate for the sale, rental or lease of any housing accommodation to any person because of race, color, religion, sex, marital status, national origin, age or presence of sensory, mental or physical handicap;
  - 2. To represent that housing accommodations are not available for inspection, sale, rental or lease when in fact they are so available or otherwise deny or withhold any housing accommodations or any facilities of housing accommodations to or from any person because of race, color, religion, sex, marital status, national origin, age or presence of sensory, mental or physical handicap;
  - 3. To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of housing accommodations or in furnishing of facilities or services in connection therewith because of the person's race, color, religion, sex, marital status, national origin, age or presence of sensory, mental or physical handicap; or



4. To print, circulate or post or cause to be printed, circulated or posted, any advertisement or sign, or use any form of application for the purchase, rental or lease of any housing accommodation, or make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, which expresses directly or indirectly any limitation, specification or discrimination as to race, color, religion, sex, marital status, national origin, age or presence of sensory, mental or physical handicap.
- B. Discriminatory Representation by Real Estate Brokers or Real Estate Salespersons. It shall be an unlawful discriminatory practice for any real estate broker or real estate salesperson, or any agent or employee thereof, for the purpose of inducing a real property transaction from which such person, that person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, sex, marital status, national origin, age or presence of sensory, mental or physical handicap of the owners or occupants in the block, neighborhood or area in which the real property is located. It shall also be an unlawful discriminatory practice to represent directly or indirectly that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to, the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.
- C. Retaliation. It is an unlawful practice for any property owner, real estate broker or agent thereof or financial institution to expel, penalize, or otherwise discriminate against any person because that person has opposed any practice forbidden by this Chapter, whether or not such practice in fact exists, or because that person has filed a charge, testified or assisted in any proceeding under this Chapter.

(Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.040)

**8.68.050 Practices Not Prohibited.**

- A. Nothing in this Chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- B. This Chapter does not require that an owner make accessible any housing accommodation which is not otherwise physically accessible to the physically or sensorially handicapped unless so required by a federal, state, city or county statute, ordinance or regulation.
- C. This Chapter shall not prohibit the owner, lessee, sublessee, managing agent, real estate broker, real estate salesperson, or any other person having the right to sell, rent or lease property or any agent or employee thereof of housing accommodations from requiring the same financial obligations of all prospective tenants regardless of their race, color,

religion, sex, marital status, national origin, age or the presence of any sensory, mental or physical handicap. Discrimination in the amount or manner of payment of said financial obligations shall be an unlawful discriminatory practice.

- D. Housing accommodations in which there are common lavatory or sleeping facilities, shared by any number of persons, may give preference on the basis of sex in offering and providing those accommodations to the public.

(Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.050)

### **8.68.060 Adjustment and Settlement of Complaints.**

- A. **Initiation of Review of Violation.** Review of alleged violations of this Chapter shall be initiated by filing a written, notarized complaint alleging that an unlawful discriminatory practice has occurred or is occurring. Such complaint shall be filed with the city, which has entered into an interlocal agreement with the County to act as its agent in reviewing the complaints, and shall be filed no later than six months after the occurrence of the alleged prohibited activity. The city shall conduct a prompt investigation of the complaint. During the course of the investigation, the city may attempt to resolve the dispute between the charging party and the respondent by means of a negotiated settlement. If, upon the completion of such investigation, it is determined that insufficient evidence exists to support a reasonable finding that an unlawful discriminatory practice has occurred or is occurring, such determination shall be filed in writing with the Agency and the case shall be administratively closed. If a determination of reasonable cause is found, however, the city shall attempt to mediate and resolve the dispute between the charging party and the alleged violator by means of conciliation.
- B. **Administrative Closure.** The charging party may file a request with the Agency for reconsideration of the city's decision to administratively close its case. Upon receipt of such a request, the Agency shall independently review the record compiled by the city to determine if reasonable cause exists. If the Agency finds such reasonable cause to exist or that this record is substantially incomplete or inadequate, it shall return the case to the city for further action.
- C. **Conciliation Failure.** If the complained-of prohibited activity cannot be eliminated through conciliation, the city's finding of reasonable cause shall be reported to the Agency, accompanied by a recommendation by the city either to take or not to take the unresolved case to a public hearing before the County Hearing Examiner, based upon the city's evaluation as to which course of action will best effectuate the purposes of this Chapter. Cases not recommended for hearing before the County Hearing Examiner may be administratively closed by the Agency. Cases recommended for hearing shall be forwarded by the Agency to the office of the County Hearing Examiner after review by the Prosecuting Attorney's Office.
1. The case in support of the Agency's finding of reasonable cause shall be presented at hearing by a County representative; provided, however, that the charging party may retain independent counsel and submit testimony and be fully heard.
  2. The respondent shall have the right to file a written answer to the charge and to appear at the hearing with or without counsel, submit testimony and be fully heard, and to examine and cross-examine witnesses.
  3. The Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath, and shall be recorded.

4. If, upon all the evidence presented, the Hearing Examiner finds that the respondent has not engaged in an unlawful discriminatory practice, the Hearing Examiner shall issue an order dismissing the complaint.
  5. If, upon all the evidence presented, the Hearing Examiner finds that the respondent has engaged or is engaging in an unlawful discriminatory practice, the Examiner shall issue an order which shall effectuate the purposes of this Chapter. Such order shall require the respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action as is necessary to effectuate the purposes of this Chapter. An order may include the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with equal facilities, services and privileges; and any other order which, in the judgment of the Hearing Examiner, will effectuate the purposes of this Chapter and is warranted by the facts presented at the hearing, including a requirement for report of the manner of compliance. The Hearing Examiner may, in addition to other relief authorized under this Chapter, award the complainant up to \$1,000.00 for loss of the right or rights secured by this Chapter. Such orders shall also include terms requiring performance of such action within 30 days after receipt of notice by the respondent of the entry of such order.
- D. **Civil Violation.** A respondent who has not complied with the terms of an order mandating relief as described above within 30 days of receiving notice of the entry of such order shall be deemed guilty of a civil violation against Pierce County and shall be liable to the County in an amount not to exceed \$100.00 to be levied by the district Court of Pierce County for each day in excess of the 30 days provided for in this Chapter on which such respondent has failed to comply with an order rendered by the Hearing Examiner or to seek Superior Court review of such order.
- E. **Appeal from Orders of Hearing Examiner.** Any respondent or charging party aggrieved by a final order of the Hearing Examiner may obtain a review of such order on the record by the County Council by filing with the Clerk of the Council, within 30 days from the date of receipt of such order, a written petition praying that such order be modified or set aside. The Hearing Examiner shall then cause to be filed with the Council a tape recording and summary of the entire record of the proceedings, including the pleadings, testimony and order. The County Council shall have jurisdiction to grant to any party such relief as it deems just and equitable. Council review of an order of the Hearing Examiner shall be recorded on tape and in accordance with the Permanent Rules of the County Council. Filing of a petition seeking Council review of an order of the Hearing Examiner shall operate as a stay of such order.
- F. **Council Decision is Final.** The decision of the County approving, amending or rejecting a decision of the Examiner is final and conclusive unless within 30 days from the date of the resolution setting forth the Council's decision an aggrieved party files an appropriate action in Superior Court for purpose of review of the Council decision, and serves all necessary parties.
- G. **Court Enforcement of Orders.** The Agency may petition the Superior Court of Washington for Pierce County for enforcement of any order of the Hearing Examiner or of the Council which has not been complied with during the 30-day period of performance prescribed in such order. The Agency, through the Prosecuting Attorney or his Deputy, shall certify and file in Superior Court a transcript of the entire record of the

proceedings, including the pleadings and testimony upon which such order was made and the findings and orders of the Hearing Examiner or Council. Within five days after filing such petition in Court, the Agency shall cause a notice of the petition to be personally served upon all parties or their representatives. Such review shall be in accordance with the provisions set forth at RCW 49.60.260.

(Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.060)

**8.68.070 Community Development Agency to Adopt Rules and Procedures.**

The Community Development Agency shall prescribe such additional rules and procedures not inconsistent with the provisions of this Chapter as may be necessary to implement the enforcement procedures contained in this Chapter. (Ord. 84-102 § 1 (part), 1985; Ord. 81-120 § 1 (part), 1982; prior Code § 10.34.070)

## *Chapter 8.72*

### ***MOTOR VEHICLE, PUBLIC DISTURBANCE, AND PUBLIC NUISANCE NOISE***

#### **Sections:**

- 8.72.010 Purpose and Findings of Special Conditions.**
- 8.72.020 Definitions.**
- 8.72.030 Sounds Created by Operation of Motor Vehicles.**
- 8.72.040 Mufflers.**
- 8.72.050 Modification of Motor Vehicles.**
- 8.72.060 Tire Noise.**
- 8.72.070 Exhaust System.**
- 8.72.080 Sale of New Motor Vehicles Which Exceed Limits.**
- 8.72.090 Public Disturbance Noises.**
- 8.72.100 Public Nuisance Noises.**
- 8.72.110 Exemptions.**
- 8.72.120 Enforcement.**
- 8.72.130 Violation – Penalty.**
- 8.72.140 Severability.**

#### **8.72.010 Purpose and Findings of Special Conditions.**

- A. The purpose of this Chapter is to regulate excessive intermittent noises that interfere with the use, value and enjoyment of property and which pose a hazard to the public health, safety and welfare.
- B. This Chapter is not intended to regulate the content of any form of speech or expression.
- C. Findings of Special Conditions. The problem of noise in Pierce County has been observed by the Pierce County Council and County staff and is documented by the complaints received and logged in the Sheriff's Department. On the basis of these observations and complaints, the Pierce County Council finds that special conditions exist within the County which make necessary any and all differences between this Chapter and the regulations adopted by the Washington State Department of Ecology.  
(Ord. 93-89S § 1 (part), 1994; Ord. 82-69 (part), 1982; prior Code § 35.14.010)

#### **8.72.020 Definitions.**

- A. "dB(A)" means the sound level measured in decibels using the "A" weighing network.
- B. "Motorcycle" means any motor vehicle having a saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground; except that farm tractors and vehicles powered by engines of less than five horsepower shall not be included.
- C. "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010.
- D. "Motor vehicle racing event" means any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body licensed by Pierce County.

- E. "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing sound resulting therefrom.
- F. "Off-highway vehicle" means any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon public highways not required to be licensed under RCW 46.16.010. "Off-highway vehicle" shall include dirt bikes and all-terrain vehicles, but shall not include special construction vehicles.
- G. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.
- H. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented or leased by one or more persons, from that owned, rented or leased by one or more other persons, and its vertical extension.
- I. "Real property" means an interest or aggregate of rights in land which is guaranteed and protected by law. "Real property" includes a leasehold interest.
- J. "Receiving property" means any real property within which sound originating from sources outside the property is received.
- K. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, S1A, 2 or S2A, as specified in the American National Standards Institute Specifications.
- L. "Special construction vehicle" means any vehicle which is designed and used primarily for grading, paving, earth moving, and other construction work; and which is not designed or used primarily for the transportation of persons or property on a public highway, and which is only incidentally operated or moved over the highway.
- M. "Warning device" means any device intended to provide warning of potentially hazardous, emergency or illegal activities including but not limited to an alarm system or vehicle back-up signal.

(Ord. 82-69 (part), 1982; prior Code § 35.14.020)

**8.72.030 Sounds Created by Operation of Motor Vehicles.**

It is unlawful for any person to operate upon any public road any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the following maximum permissible sound levels for the category of vehicle, as measured at a distance of 50 feet from the center of the land of travel within the speed limits specified by measurement procedures established by the State Commission on Equipment.

<b>TABLE A</b>		
<b>Vehicle Category</b>	<b>35 MPH or Less</b>	<b>Over 35 MPH</b>
Motor vehicles over 10,000 pounds GVWR or (GCWR)	86 dB(A)	90 dB(A)
Motorcycles	80 dB(A)	84 dB(A)
All other motor vehicles	76 dB(A)	80 dB(A)

(Ord. 82-69 (part), 1982; prior Code § 35.14.030(A) (part))

**8.72.040 Mufflers.**

It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle or motorcycle upon the public highways which is not equipped with a muffler in good working order and in constant operation. (Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(1))

**8.72.050 Modification of Motor Vehicles.**

It is unlawful for any person to modify or change any part of a motor vehicle or motorcycle, or install any device thereon in any manner that permits sound to be emitted by the motor vehicle or motorcycle in excess of the limits prescribed by this Chapter. It is unlawful for any person to remove or render inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipated device on a motor vehicle or motorcycle. (Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(2))

**8.72.060 Tire Noise.**

It is unlawful for any person to operate a motor vehicle or motorcycle in such manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this Chapter. (Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(3))

**8.72.070 Exhaust System.**

It shall be unlawful for any person to operate any motor vehicle upon any public highway if the vehicle exhaust system exceeds the maximum permissible sound levels set forth below for the category of vehicle, as measured at a distance of twenty inches (0.5 meter) from the exhaust outlet under procedures established by the State of Washington in Washington Administrative Code Chapter 173-58-080, "Close Proximity Exhaust System Sound Level Measurement Procedure."

<b>TABLE B</b>	
<b>IN USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS MEASURED AT 20 INCHES (0.5 METER)</b>	
<b>Vehicle Category</b>	<b>Maximum Sound Level</b>
Motorcycles	99 dB(A)
Automobiles, light trucks, and all other motor vehicles 10,000 pounds or less	95 dB(A)

(Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(4))

**8.72.080 Sale of New Motor Vehicles Which Exceed Limits.**

It is unlawful for any person to sell or offer for sale a new motor vehicle, which produces a maximum sound level exceeding the following maximum permissible sound levels at a distance of 50 feet, by acceleration test procedures established by the State Commission on Equipment and set forth in Washington Administrative Code Chapter 204-56, "Procedures for Measuring Motor Vehicle Sound Levels."

<b>TABLE C</b>	
<b>Vehicle Category</b>	<b>Maximum Sound Level</b>
Motorcycles manufactured after 1975	83 dB(A)
Any motor vehicle over 10,000 pounds GVWR manufactured after 1975 and prior to 1978	83 dB(A)
Any motor vehicle over 10,000 pounds GVWR manufactured after 1978	83 dB(A)
All other motor vehicles	80 dB(A)

(Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(5))

**8.72.090 Public Disturbance Noises.**

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, a public disturbance noise. The following sounds are public disturbance noises:

- A. Frequent, repetitive, or continuous sounds made by any animal which unreasonably disturb or interfere with the peace, comfort, and repose of property owners or possessors, except that such animal sounds which are made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels, licensed under Title 5 PCC are exempt from this subsection. Notwithstanding any other provision of this Chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded subject to redemption in the manner provided by Sections 6.02.070 and/or 6.02.080;
- B. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- C. Frequent, repetitive, or continuous sounds from starting, operating, repairing, rebuilding, or testing of any motor vehicle, motorcycle, dirt bike, or other off-highway vehicle, or any internal combustion engine, within a rural or residential district, including vacant property adjacent thereto, so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;
- D. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;
- E. Any loud and raucous sound made within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility;
- F. Any loud and raucous sound made by use of a musical instrument, whistle, sound amplifier, or other device capable of producing or reproducing sound which emanates frequently, repetitively, or continuously from any building, structure or property, such as sound originating from a band session, tavern operation, or social gathering and which unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property in the area affected by such noise;



- G. Yelling, shouting, hooting, whistling, or singing so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of property in the area affected by such noise;
- H. Public disturbance noise from portable or motor vehicle audio equipment: While in park areas, residential or commercial zones, or any area where residences, schools, human service facilities, or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to negligently cause, make, or allow to be made from audio equipment under such person's control or ownership the following:
  - 1. Sound from a motor vehicle or vessel sound system, such as a tape player, radio, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the vehicle or vessel itself;
  - 2. Sound from audio equipment such as a tape player, radio, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the source of the sound;
  - 3. This Section shall not apply to persons operating portable audio equipment within a public park pursuant to an event sanctioned by a responsible authority under valid permit or license.

(Ord. 2005-35s § 1 (part), 2005; Ord. 93-89S § 1 (part), 1994; Ord. 82-69 (part), 1982; prior Code § 35.14.040)

#### **8.72.100 Public Nuisance Noises.**

It is unlawful for any person to cause or allow to be emitted a public nuisance noise. A public nuisance noise is any noise which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of the damage may be unequal. (Ord. 93-89S § 1 (part), 1994)

#### **8.72.110 Exemptions.**

- A. Between the hours of 7 a.m. and 10 p.m., the following shall be exempt from this Chapter; however, other state and local restrictions may apply:
  - 1. Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
  - 2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
  - 3. Sounds created by blasting;
  - 4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
  - 5. Sounds created by the installation or repair of essential utility services;
  - 6. Sounds created by the discharge of legal fireworks are exempt from this Chapter only during the specific days, times, and in the locations where discharge is allowable pursuant to existing state and local law (e.g., Chapter 5.08 PCC);
  - 7. Sounds originating from temporary, non-residential construction sites as a result of construction activity are exempt from this Chapter (although they are not similarly exempted from Chapter 8.76);
  - 8. Sounds originating from forestry activities (although they are not similarly exempted from Chapter 8.76)

B. The following shall be exempt from this Chapter:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
  2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the Tacoma-Pierce County Health Department.
  3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;
  4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby non-conforming;
  5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
  6. Sounds created by surface carriers engaged in interstate commerce by railroad;
  7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);
  8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;
  9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community;
  10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under valid permit or license;
  11. Sounds originating from officially-sanctioned parades and other public events under valid permit or license;
  12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
  13. Sounds created by the discharge of firearms in the course of hunting.
- (Ord. 93-89S § 1 (part), 1994; Ord. 82-69 (part), 1982; prior Code § 35.14.050)

**8.72.120 Enforcement.**

A. The County Sheriff's Office shall enforce the provisions of this Chapter.

B. Enforcement On Complaint Only.

1. For public disturbance noise that is not related to motor vehicles and noise emanating from vehicles, enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns or rents property, or is employed in the area affected by the public disturbance noise, except as provided in Section 8.72.090 H.
2. For public nuisance noise, enforcement shall be undertaken only upon receipt of complaint or complaints of three or more persons residing within separate residences in the same community or neighborhood.

- C. The Sections of this Chapter relating to motor vehicles and vessels and noise emanating from vehicles and vessels, shall be subject to enforcement proceedings with or without a citizen's complaint.
- D. With the exception of motor vehicle noise, noise created by industrial areas is to be regulated by the State of Washington.
- E. In addition to other enforcement provided in Section 8.72.120 A., Animal Control Officers appointed pursuant to RCW 16.52.025 shall enforce the provisions of this Chapter related to animal noises.

(Ord. 2005-35s § 1 (part), 2005; Ord. 98-5 § 1, 1998; Ord. 93-89S § 1 (part), 1994; Ord. 82-69 (part), 1982; prior Code § 35.14.060)

**8.72.130 Violation – Penalty.**

- A. Any person violating any motor vehicle performance standard of this Chapter, or who shall create, keep, maintain, or allow to occur any noise related to motor vehicle performance standards, as defined herein, shall be guilty of a misdemeanor.
- B. Any person violating any of the provisions of this Chapter other than motor vehicle performance standards, or who shall create, keep, maintain, or allow to occur any public disturbance noise or public nuisance noise as defined herein, shall be subject to a civil infraction citation as provided for in Chapter 1.16 PCC.
  - 1. A first violation shall be a Class 3 civil infraction.
  - 2. A second violation shall be a Class 2 civil infraction.
  - 3. Any subsequent violations shall be Class 1 civil infractions.
- C. Each act herein prohibited of continuing nature shall be considered a separate offense.

(Ord. 93-89S § 1 (part), 1994; Ord. 82-69 (part), 1982; prior Code § 35.14.070)

**8.72.140 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 93-89S § 1 (part), 1994; Ord. 89-155 § 16, 1989)



*Chapter 8.76*

***NOISE POLLUTION CONTROL***

**Sections:**

- 8.76.010 Scope and Authority.**
- 8.76.020 Definitions.**
- 8.76.030 Noise Control Officer – Creation.**
- 8.76.040 Noise Control Officer – Powers and Duties.**
- 8.76.050 Identification of Environments.**
- 8.76.060 Maximum Permissible Environmental Noise Levels.**
- 8.76.070 Exemptions.**
- 8.76.080 Noise Control Hearings Board.**
- 8.76.090 Variances and Implementation Schedules.**
- 8.76.100 Enforcement Policy.**
- 8.76.110 Appeals.**
- 8.76.120 Violation – Penalty.**
- 8.76.130 Other Rights, Remedies, Powers, Duties and Functions.**

**8.76.010 Scope and Authority.**

This Chapter shall apply to the control of all sound originating within the unincorporated areas of Pierce County and is adopted pursuant to RCW Chapter 70.107, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and to provide use standards relating to the reception of noise within such environments. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.010)

**8.76.020 Definitions.**

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- 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" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of sound to a reference pressure of 20 micropascals.
- C. "EDNA" means the environmental designation for noise abatement, being an area of zone (environment) within which maximum permissible noise levels are established.
- D. "Health Department" means the Tacoma-Pierce County Health Department.
- E. "Health Officer" means the Director of the Tacoma-Pierce County Health Department, or his authorized representative.
- F. "Multi-family units" includes, but is not limited to, duplexes, triplexes, apartment houses and condominiums. The property lines of such units shall include the wall, ceilings and floors of each unit.
- G. "Noise" means the intensity, duration and character of sounds, from any and all sources.

- H. "Noise Control Hearing Board" means a Board which is designated by the Health Department to hear and decide noise variance cases.
- I. "Noise Control Office" means that division of the Health Department which has the duties and powers established by this Chapter.
- J. "Owner" includes the owner or owners of the premises or lesser estate therein, a mortgage or vendee in possession, an assignee for rents, receiver, executor, trustee or other person, firm or corporation in control of a building or property.
- K. "Person" means any individual, corporation, partnership or association and the agents, employees, servants and legal successors thereof; or agency of state, county or municipal government; or agency of the federal government which is subject to the jurisdiction of the State of Washington.
- L. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.
- M. "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.
- N. "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.
- O. "Shoreline" means the existing intersection of water with the ground surface or with any permanent shore connected facility.
- P. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, S1A, 2 or S2A as specified in the American national Standards Institute Specifications.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.020)

**8.76.030 Noise Control Officer – Creation.**

There is created a position of Noise Control Officer within the Health Department. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.030)

**8.76.040 Noise Control Officer – Powers and Duties.**

In order to implement this Chapter, the Noise Control Officer or his designee shall:

- A. Conduct, or cause to be conducted, research, monitoring and other studies related to sound;
- B. Conduct programs or public education related to causes, effects and methods to abate and control noise;
- C. Encourage the participation of public interest groups in such public information efforts;
- D. Coordinate with the noise control activities of all County departments;
- E. Cooperate with all appropriate state and federal agencies;
- F. Draft needed noise control regulations;
- G. Enter into contracts with the approval of the Health Officer and the County Executive for providing technical and enforcement services;
- H. Review public and private projects and advise whether such projects are likely to cause violations of this Chapter;
- I. Require the owner or operator of any commercial or industrial activity to establish and maintain records regarding noise emissions and make such reports as the Noise Control Officer may reasonably prescribe;

- J. Require the owner or operator of any commercial or industrial activity to measure the sound level from any source in accordance with the methods and procedures and at such locations and times as the Noise Control Officer may reasonably prescribe and to furnish reports of the results of such measurements to the Noise Control Officer. The Noise Control Officer may require the measurements to be conducted in the presence of his enforcement officials;
- K. Delegate functions, where appropriate under this Chapter, to personnel within the Health Department and to other agencies or departments, subject to approval of the Health Officer;
- L. Administer noise program grants and other funds and gifts from public and private sources;
- M. Evaluate and report to the Health Officer every year following the effective date of this Chapter on the effectiveness of the County Noise Control Program and make recommendations for any legislative or budgetary changes necessary to improve the program.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.040)

**8.76.050 Identification of Environments.**

- A. The EDNA of any property shall be based on the following typical uses:
  - 1. Class A EDNA. Lands where human beings reside and sleep. Typically, Class EDNA will be the following types of property used for human habitation:
    - a. Residential;
    - b. Multiple-family living accommodations;
    - c. Recreational and entertainment (e.g., camps, parks, camping facilities and resorts);
    - d. Community service (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities);
  - 2. Class B EDNA. Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:
    - a. Commercial living accommodations;
    - b. Commercial dining establishments;
    - c. Motor vehicle services;
    - d. Retail services;
    - e. Banks and office buildings;
    - f. Miscellaneous commercial services;
    - g. Recreation and entertainment; property not used for human habitation (e.g., theaters, stadiums, fairgrounds and amusement parks);
    - h. Community services; property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).
  - 3. Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are to be anticipated. Persons working in these areas are normally covered by noise control regulations or the Department of Labor and Industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:
    - a. Storage, warehouse and distribution facilities;
    - b. Industrial property used for the production and fabrication of durable and nondurable manmade goods;

- c. Agricultural and silvicultural property used for the production of crops, wood products or livestock.
  - B. Subject to subsection D. of this Section, EDNA land classification shall conform with the County zoning codes as follows:
    - 1. Zones primarily utilized for residential purposes in the County include: RE, SR, ST, RR, RML, RM, RMH, RMP and SA – Class A EDNA. Any future zoning change will also control the EDNA classification, i.e., if zoned R-2 is changed to M-1, the M-1 EDNA would apply.
    - 2. Zones primarily utilized for commercial purposes in the County include: C-1, C-2, C-3, PS-1, PS-2, PSC, FS, HAS and PE – Class B EDNA.
    - 3. Zones primarily utilized or potentially utilized for industrial purposes in the County include: M-1, M-2, MP, A – Class C EDNA. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.
    - 4. The general use zone in the County shall be governed on the basis of current use; therefore, if a residential area abuts an industrial or commercial use, it will be considered a Class A EDNA.
  - C. Subject to subsection D. of this Section, in areas not covered by a local zoning ordinance but within the coverage of an adopted Pierce County comprehensive plan, EDNA's shall conform with the comprehensive plan as follows:
    - 1. Primarily residential areas – Class A EDNA;
    - 2. Primarily commercial areas – Class B EDNA;
    - 3. Primarily industrial areas – Class C EDNA. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.
  - D. Where in the County there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the Health Department shall designate EDNA's which conform to the criteria in subsections A.1., 2. and 3. of this Section.
  - E. Where no specific prior designation of EDNA's has been made, the appropriate EDNA for properties involved in any enforcement activity will be made by the Noise Control Officer on the basis of the criteria of subsections A.1., 2. and 3. of this Section.
  - F. The Health Department may make special designations of lands where serenity, tranquility or quiet are essential to the quality of the environment and serves an important public need. If so approved, such designation will not be effective until approved by the County Executive and the Washington State Department of Ecology and until maps of such designations are available for public inspection in the Health Department.
- (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.050)

**8.76.060 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 in subsection B. of this Section.
- B. 1. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this Chapter 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 dBA	60 dBA	65 dBA
Class C	60 dBA	65 dBA	70 dBA

2. Between the hours of 10 p.m. and 7 a.m., the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNA's.
  3. At any hour of the day or night the applicable noise limitations in subsections B.1. and 2. of this Section may be exceeded for any receiving property by no more than:
    - a. 5 dBA for a total of 15 minutes in any 1-hour period; or
    - b. 10 dBA for a total of 5 minutes in any 1-hour period; or
    - c. 15 dBA for a total of 1.5 minutes in any 1-hour period.
- (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.060)

**8.76.070 Exemptions.**

- A. The following shall be exempt from Section 8.76.060 between the hours of 7 a.m. and 10 p.m.:
  1. Sounds originating from residential property relating to temporary projects for the construction, maintenance or repair of homes, grounds and appurtenances;
  2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
  3. Sounds created by blasting;
  4. Sounds created by aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
  5. Sounds created by the installation or repair of essential utility services.
- B. The following shall be exempt from subsection B.2. of Section 8.76.060:
  1. Noise from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
  2. Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the Noise Control Officer.
- C. The following shall be exempt from Section 8.76.060, except insofar as such provisions relate to the reception of noise within Class A EDNA's between the hours of 10 p.m. and 7 a.m.:
  1. Sounds originating from temporary construction sites as a result of construction activity;
  2. Sounds originating from forest harvesting and silvicultural activity.
- D. The following shall be exempt from Section 8.76.060:
  1. Sounds created by motor vehicles when regulated by WAC Chapter 173-62;
  2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;

3. Sounds created by surface carriers engaged in interstate commerce by railroad;
4. Sounds created by warning devices not operated continuously for more than five minutes or bells, chimes and carillons;
5. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device, or is not economically feasible;
6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community;
7. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority;
8. Sounds originating from officially sanctioned parades and other public events;
9. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
10. Sounds created by the discharge of firearms in the course of hunting;
11. Sounds caused by natural phenomena and unamplified human voices;
12. Animal noises which are already regulated;
13. Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in Class A EDNA's;
14. Sounds created by watercraft are excluded from this Chapter when regulated by Chapter 8.88 of this Code.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.070)

#### **8.76.080 Noise Control Hearings Board.**

The Board of Health shall designate an Appeal Board which shall hear and decide requests for noise variance cases. The Appeal Board may also hear appeals from rulings of the Noise Control Officer. Subject to approval of the Health Officer, the Board shall adopt such rules and regulations as may be necessary to administer its responsibility. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.100)

#### **8.76.090 Variances and Implementation Schedules.**

- A. Variances may be granted to any person from any other particular requirement of this Chapter if findings are made by the Appeal Board that immediate compliance with such requirements 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 nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the 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 variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment.
- D. Sources of noise, subject to this Chapter, upon which construction begins after the effective date of the ordinance codified in this Chapter, 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. 81-52 § 1 (part), 1981; prior Code § 66.10.110)

**8.76.100 Enforcement Policy.**

Noise measurement for the purposes of enforcing the provisions of Section 8.76.060 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. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.120)

**8.76.110 Appeals.**

Any person aggrieved by any decision of the Noise Control Officer in relation to the enforcement of the maximum permissible noise levels provided for in this Chapter or the granting or denial of a variance may appeal to the Appeals Board. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.130)

**8.76.120 Violation – Penalty.**

For enforcement purposes, each day is defined as the 24-hour period beginning at 12:01 a.m., in which violation of this Chapter occurs, and shall constitute a separate violation. Any violation of this Chapter shall be punishable by a fine not to exceed \$500.00 for each violation. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.140)

**8.76.130 Other Rights, Remedies, Powers, Duties and Functions.**

- A. Nothing in this Chapter shall be construed to deny, abridge or alter alternative right of action or remedies in equity or under common law or statutory law, criminal or civil.
- B. Nothing in this Chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any State agency, nor shall this Chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places, as now or hereafter vested in the Department of Labor and industries.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.150)



*Chapter 8.78*

**SHOOTING RANGES**

**Sections:**

**8.78.010 Definitions.**

**8.78.020 Protection from Noise and Nuisance Actions.**

**8.78.030 Acceptance of Certain Risks.**

**8.78.040 Exception.**

**8.78.010 Definitions.**

"Shooting Range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, flash bangs, or any other similar shooting or training activities. (Ord. 2013-35 § 1 (part), 2013)

**8.78.020 Protection from Noise and Nuisance Actions.**

- A. 1. Notwithstanding any other provision of law, a person who operates or uses a shooting range in unincorporated Pierce County shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control law or ordinance that applied to the range and its operation at the date of construction or initial operation of the range and is in compliance with PCC 8.72.110 A.2. and 8.76.070 A.2.
2. A person who operates or uses a shooting range is not subject to an action for nuisance, and shall not be enjoined from using or operating a shooting range on the basis of noise or noise pollution, if the range is in compliance with any noise control law or ordinance that applied to the range and its operation at the date of construction or initial operation of the range and is in compliance with PCC 8.72.110 A.2. and 8.76.070 A.2.
- B. A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved shooting range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin or impede the use of the range. This subsection does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.
- C. A shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance must be permitted to continue in operation even if the operation of the shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(Ord. 2014-25 § 1, 2014; Ord. 2013-35 § 1 (part), 2013)

**8.78.030 Acceptance of Certain Risks.**

A person who participates in shooting at a shooting range accepts the risks associated with the sport to the extent the risks are obvious and inherent. Those risks include, but are not limited to, injuries that may result from the noise, discharge of a projectile or shot, malfunction of shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris. (Ord. 2013-35 § 1 (part), 2013)

**8.78.040 Exception.**

Except as otherwise provided in this Chapter, this Chapter does not affect the authority of the County to regulate the location and construction of shooting ranges after the effective date of this Chapter. (Ord. 2013-35 § 1 (part), 2013)

## Chapter 8.80

### *SWIMMING, JUMPING, AND/OR FISHING PROHIBITED IN CERTAIN AREAS*

#### Sections:

- 8.80.005 Definition.**
- 8.80.010 Bridge Over Sumner-Tapps Highway East.**
- 8.80.015 Bridge Over 218<sup>th</sup> Avenue East.**
- 8.80.020 Bridge Over Spanaway Lake to Enchanted Island.**
- 8.80.030 Bridge Over Lake Tapps to Bankers Island.**
- 8.80.040 Fox Island Bridge.**
- 8.80.050 Rosedale Bay Bridge.**
- 8.80.060 Home Bridge.**
- 8.80.070 Steilacoom Ferry Landing Bridge and Waiting Facility.**
- 8.80.080 Anderson Island Ferry Bridge and Waiting Facility.**
- 8.80.090 Ketron Island Ferry Landing Bridge.**
- 8.80.100 Violation – Civil Infraction.**

#### **8.80.005 Definition.**

"Fishing" or "To Fish" and their derivatives means an effort to kill, injure, harass or catch fish or shellfish. (Ord. 99-27 § 1 (part), 1999; Ord. 89-214S § 1 (part), 1990)

#### **8.80.010 Bridge Over Sumner-Tapps Highway East.**

It shall be unlawful for anyone to jump, fish or swim from Bridge No. 8205-A which spans a canal on Sumner-Tapps Highway East in Section 8, Township 20 North, Range 5 East, W.M. (Ord. 2012-57s § 1 (part), 2012; Ord. 99-27 § 1 (part), 1999; Ord. 82-123 § 2 (part), 1982; Ord. 82-122 § 2 (part), 1982; prior Code § 35.02.040(a))

#### **8.80.015 Bridge Over 218<sup>th</sup> Avenue East.**

It shall be unlawful for anyone to swim, jump or fish from Bridge No. 26205-B which spans a canal from Printz Basin on 218<sup>th</sup> Avenue East in Section 26, Township 20 North, Range 5 East, W.M. (Ord. 2012-57s § 1 (part), 2012)

#### **8.80.020 Bridge Over Spanaway Lake to Enchanted Island.**

It shall be unlawful for anyone to swim, jump or fish from Bridge No. 20193-B which spans Spanaway Lake to Enchanted Island in Section 20, Township 19 North, Range 3 East, W.M. (Ord. 2011-52 § 1, 2011; Ord. 99-27 § 1 (part), 1999; Ord. 89-214S § 1 (part), 1990; Ord. 82-123 § 2 (part), 1982; Ord. 82-122 § 2 (part), 1982; prior Code § 35.02.040(c))

#### **8.80.030 Bridge Over Lake Tapps to Bankers Island.**

It shall be unlawful for anyone to swim or jump from Bridge No. 16205-A which spans Lake Tapps to Bankers Island in Section 16, Township 20 North, Range 5 East, W.M. (Ord. 99-27 § 1 (part), 1999; Ord. 89-214S § 1 (part), 1990)

#### **8.80.040 Fox Island Bridge.**

It shall be unlawful to swim, jump or fish from Bridge No. 26211-A, the Fox Island Bridge, in Section 26, Township 21 North, Range 1 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.050 Rosedale Bay Bridge.**

It shall be unlawful to swim, jump or fish from Bridge No. 10211-A, the Rosedale Bay Bridge, in Section 10, Township 21 North, Range 1 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.060 Home Bridge.**

It shall be unlawful to swim or jump from Bridge No. 35210-A, the Home Bridge, in Section 35, Township 21 North, Range 1 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.070 Steilacoom Ferry Landing Bridge and Waiting Facility.**

It shall be unlawful to swim, jump or fish from Bridge No. 31202-A, the Steilacoom Ferry Landing Bridge, and the ancillary Steilacoom Ferry Landing Waiting Facility located in Section 31, Township 20 North, Range 2 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.080 Anderson Island Ferry Bridge and Waiting Facility.**

It shall be unlawful to swim, jump or fish from Bridge No. 33201-A, the Anderson Island Ferry Landing Bridge, and the Anderson Island Ferry Landing Waiting Facility located in Section 33, Township 20 North, Range 1 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.090 Ketron Island Ferry Landing Bridge.**

It shall be unlawful to swim, jump or fish from Bridge No. 1191-A, the Ketron Island Ferry Landing Bridge, located in Section 1, Township 19 North, Range 1 East, W.M. (Ord. 99-27 § 1 (part), 1999)

**8.80.100 Violation – Civil Infraction.**

A violation of this Chapter constitutes a Class 3 civil infraction under Chapter 1.16 PCC. (Ord. 99-27 § 1 (part), 1999; Ord. 89-214S § 1 (part), 1990)



*Chapter 8.88*

**WATERCRAFT REGULATIONS**

**Sections:**

**ARTICLE I. GENERAL REGULATIONS**

- 8.88.010 Authorization.**
- 8.88.020 Applicability.**
- 8.88.030 Responsibility.**
- 8.88.040 Definitions.**
- 8.88.050 Rules of the Road.**
- 8.88.060 Lights and Shapes.**
- 8.88.070 Prohibited Sound and Light Signals.**
- 8.88.080 Distinctive Blue Light Authorized for Use by Law Enforcement Vessels.**
- 8.88.090 Exemptions for Racing Motor-Powered Vessels.**
- 8.88.100 Fire Extinguishers.**
- 8.88.110 Personal Flotation Devices.**
- 8.88.120 Equipment and Numbering.**

**ARTICLE II. OPERATION REGULATIONS**

- 8.88.130 Applicability.**
- 8.88.150 Speed Limits – Fresh Water.**
- 8.88.151 Speed Limits – Salt Water.**
- 8.88.160 For Vessels Engaged in Taking Off and Landing – With or Without Water-Skiers.**
- 8.88.165 Negligent Operation.**
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- 8.88.180 Hazardous Conditions.**
- 8.88.190 Designated Areas.**
- 8.88.200 Direction of Travel.**
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- 8.88.230 Testing.**
- 8.88.240 Legal Age of Operation.**
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- 8.88.254 Impound Procedures.**
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- 8.88.270 Boating Accident Reports.**
- 8.88.310 Skin/Scuba Diving.**
- 8.88.320 Posting of Regulations.**
- 8.88.330 Swimming and Flotation Devices.**
- 8.88.340 Unlawful Dumping.**
- 8.88.350 Unsafe Piers – Fresh Water Only.**

### ARTICLE III. VESSEL REGULATIONS

- 8.88.360 Personal Watercraft.
- 8.88.370 Safety Devices.
- 8.88.380 Vessel Rental Period.
- 8.88.400 Emergency Vessels.
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### ARTICLE IV. SPECIFIC RULES FOR LAKES AND OTHER AREAS

- 8.88.460 Class "A" Lakes.
- 8.88.470 Class "B" Lakes.
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- 8.88.500 Saltwater Areas.
- 8.88.510 Rivers, Launching and Fishing.
- 8.88.520 Testing Areas and Times.

### ARTICLE V. PENALTIES

- 8.88.600 Penalties Designated.

### ARTICLE I. GENERAL REGULATIONS

#### 8.88.010 Authorization.

The County of Pierce, in the exercise of its police powers, assumes control and jurisdiction over all lakes, rivers and all other waters within unincorporated areas inside its geographical boundaries. (Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.010)

#### 8.88.020 Applicability.

- A. Except as noted, the provisions of this Chapter shall be applicable to all vessels which are operated within the geographical jurisdiction of the County.
- B. Titles 33 and 46 CFR, Chapter 79A.60 RCW, Chapter 352-60 WAC and any amendments thereto, are hereby adopted by reference as PCC 8.88.020 B.

(Ord. 2001-68 § 1 (part), 2001; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.020)

**8.88.030 Responsibility.**

- A. Nothing in this Chapter shall exonerate the owner, master, or crew of any vessel from the consequences of any failure to comply with these rules or of the failure of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
- B. In construing and complying with this Chapter, due regard shall be given to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these rules necessary to avoid immediate danger.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.030)

**8.88.040 Definitions.**

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- A. "Abandoned vessel" means the vessel's owner is not known or cannot be located, or the vessel is not currently registered or is in danger of sinking and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than 30 consecutive days or for more than a total of 90 days in any 365-day period. For the purposes of this definition "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.
- B. "Anchor" means the act of making a vessel or obstruction secure to the bed of any body of water through use of a direct connection between the vessel or obstruction and the bed.
- C. "Aquatic event" means any organized water event of limited duration.
- D. "Authorized emergency vessel" means any designated and/or marked patrol vessel.
- E. "Department" means the Pierce County Sheriff's Department.
- F. "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:
  - 1. Has been left on private property without authorization of the owner; or
  - 2. Has been left for a period of seven consecutive days, and:
    - a. Is sunk or in danger of sinking;
    - b. Is obstructing a waterway; or
    - c. Is endangering life or property.
- G. "Diver's flag" means a red flag, not less than 10 inches on the hoist by 12 inches on the fly, with a white stripe of one inch crossing the red diagonally and a stiffener to make it stand out from the pole or mast, or a rigid replica of the International Code flag "A" (Alpha pennant) not less than one meter in height.
- H. "Moor" means the act of securing a vessel or obstruction either to a pier or anchored buoy or float.
- I. "Obstruction" means any vessel or any matter which may in any way impede navigation, blockade or endanger any vessel. A mooring buoy shall not be considered an obstruction where the mooring buoy does not unreasonably restrict the navigability of adjacent waters or pose a danger to persons or property.
- J. "Owner" means the person who has lawful possession of a vessel or obstruction by virtue of legal title or equitable interest therein which entitles that person to such possession, and includes any agent or employee of such person.

- K. "Person" means an individual, firm, partnership, corporation, company, association, or other legal entity.
- L. "Personal watercraft" means a vessel of less than 16 feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- M. "Pier, dock, or gangway" means any permanent wharf, dock, float, gridiron, or other structure to promote the convenient loading or unloading of a vessel.
- N. "Raft or Rafting" means to tie, connect, fasten, hold, or secure two or more vessels together, to a common anchor, or to an object other than a dock that is secured to the shoreline, while on the water.
- O. "Restricted or designated areas" means an area that has been marked to be used for, or closed to, certain designated purposes.
- P. "Restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar causes.
- Q. "Scuba diver" means any free-swimming person who uses an artificial or mechanical means to replace air.
- R. "Sheriff" means the Pierce County Sheriff or deputy sheriffs.
- S. "Skin diver" means any free-swimming person who does not use an artificial or mechanical means to replace air.
- T. "Sunrise" means the time when the sun appears above the sensible horizon as a result of the earth's rotation which may be shown by a sunrise chart for Tacoma or an area of Pierce County, Washington.
- U. "Sunset" means the time when the sun disappears below the sensible horizon as a result of the earth's rotation which may be shown by a sunrise chart for Tacoma or an area of Pierce County, Washington.
- V. "Towboat" means any vessel engaged in towing or pushing another vessel or anything other than a vessel.
- W. "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.
- X. "Waters of Pierce County" means all unincorporated water within the geographical boundaries of the County.

(Ord. 2009-60s § 1 (part), 2009; Ord. 2005-36s § 1 (part), 2005; Ord. 2003-134s2 § 1 (part), 2004; Ord. 96-89S § 2 (part), 1997; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.040)

#### **8.88.050 Rules of the Road.**

Except as otherwise specified in this Chapter, the 72 COLREGS shall apply on all waters of Pierce County, as such rules are now or may hereafter from time to time be amended or adopted; and it is further provided that sailing vessels or other vessels, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules.

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.100)

**8.88.060 Lights and Shapes.**

72 COLREGS, WAC 352-60-060 and any future amendments thereto are adopted by reference as PCC 8.88.060, "Lights and Shapes".

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.110)

**8.88.070 Prohibited Sound and Light Signals.**

It is unlawful for the master, owner, or any person in charge of any vessel, while lying at any pier or while navigating in the waters of Pierce County, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel under way for any purpose other than those authorized by law.

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.120)

**8.88.080 Distinctive Blue Light Authorized For Use by Law Enforcement Vessels.**

- A. The use of a distinctive blue light is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light, when used, would be in addition to prescribed lights and all signals required by law or regulations in this part.
- B. The distinctive blue light may be displayed by law enforcement vessels of the County Sheriff's Department or other enforcement vessels authorized by the County Sheriff's Department.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.130)

**8.88.090 Exemptions for Racing Motor-Powered Vessels.**

The provisions of this Chapter shall not apply to motor-powered vessels while competing in any race previously arranged, approved and announced, or if such boats are designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race. (Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.140)

**8.88.100 Fire Extinguishers.**

Fire extinguishing equipment shall be required as provided in 46 CFR Subchapter C, Subpart 25.30 and WAC 352-60-080.

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.200)

**8.88.110 Personal Flotation Devices.**

- A. Every child 12 years of age or younger shall wear a Coast Guard approved personal flotation device that is in serviceable condition and the appropriate size while on board any vessel, except while in a cabin.

- B. All vessels of all classes shall carry on board, one Coast Guard-approved personal flotation device in good and serviceable condition for each person on board, provided that racing shells, when competing in a sanctioned race and accompanied by a chase boat, shall be exempt from this requirement, provided that one approved personal flotation device, Class I, II, III, or IV shall be carried on board the chase boat for every person in the racing shell.
- C. 33 CFR Part 175, Subpart B, 46 CFR Subchapter C, Subpart 25.25 and WAC 352-60-030 and any future amendments thereto are adopted by reference as subsection C. of Pierce County Code 8.88.110, "Personal Flotation Devices."
- D. A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-89S § 2 (part), 1997; Ord. 87-226 § 1 (part), 1987; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.210)

### **8.88.120 Equipment and Numbering.**

All vessels shall carry the equipment and be numbered or designated as required by Chapter 88.02 RCW, Chapter 308-93 WAC, and applicable laws of the United States and any future amendments thereto. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.02.220)

## **ARTICLE II. OPERATION REGULATIONS**

### **8.88.130 Applicability.**

The provisions of this Chapter shall be applicable to all vessels operated on lakes, rivers, and all other water within the geographical jurisdiction of Pierce County. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.010)

### **8.88.150 Speed Limits – Fresh Water.**

It shall be unlawful to operate a vessel at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead; provided, however, it shall be unlawful to operate vessels in excess of five miles per hour, or at a speed which produces a damaging wake, within 200 feet of any shore, dock, bridge or public swimming area, or within 100 feet of swimmers or of any vessel, or within 300 feet of any public boat launch; provided further, that it shall be unlawful to operate vessels in excess of eight miles per hour after legal sunset in waters not regulated by the five miles per hour law.

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 96-89S § 2 (part), 1997; Ord. 90-105 § 2, 1990; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.014)

### **8.88.151 Speed Limits – Salt Water.**

It shall be unlawful to operate a vessel at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead; provided, however, it shall be unlawful to operate vessels in excess of five miles per hour, or at a speed which produces a damaging wake, within 200 feet of any shore, dock or public swim area, or within 100 feet of swimmers or of any vessel, or within 300 feet of any public boat launch.

A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-89S § 3, 1997)

**8.88.160 For Vessels Engaged in Taking Off and Landing – With or Without Water-Skiers.**

- A. Taking off shall be done perpendicular or as near to perpendicular to shore, dock or other launching facilities, whichever shall permit the vessel and skier, if any, safe passage to open water; provided, that at no time shall the taking off angle be less than a 45 degree angle to shore, dock, or other launching facility.
- B. Landing of vessels and skiers shall be done not less than at a 45 degree angle to the shore, dock, or other landing facilities.
- C. At no time shall taking off or landing of water-skier give the towing vessel special privileges over any other vessels, under the rules of the road, and at no time shall such acts of skiing cause undue risk to persons or property.
- D. A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.016)

**8.88.165 Negligent Operation.**

It shall be unlawful to operate any vessel in a negligent manner upon the waters of Pierce County. Negligent operation is the failure to operate in a careful and prudent manner or at a speed that is reasonable and proper under the conditions at the time and place of operation, taking into account the amount and character of traffic, size of waters and freedom from obstruction of view ahead, or the failure to exercise reasonable care necessary to prevent the endangerment of life, limb or property of any other person when operating a vessel. Actions that constitute evidence of negligent operation include but are not limited to:

- A. Causing a wake that is likely to, or in fact does, create a hazardous situation or damage property, which property is reasonably constructed and/or reinforced to withstand normal wakes and washes and the natural movements of wind, waves and tidal fluctuations under non-storm conditions.
  - B. Causing a wake that is likely to, or in fact does, create a hazardous situation to other persons whether engaged in shore side activities or in nearby vessels.
  - C. Swerving at the last possible moment to avoid collision.
  - D. Loading or permitting to be loaded a vessel with passengers or cargo beyond its safe carrying ability or carrying passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.
  - E. Bow, seat back, gunwale or transom riding, when operating in excess of five miles per hour unless seating is specifically designed for that location.
  - F. The operator of any vessel shall be responsible for any damage or injuries caused by the wake from the vessel.
  - G. A violation of this Section constitutes a Class 2 civil infraction under Chapter 1.16 PCC.
  - H. Operating without navigation lights at night.
- (Ord. 2003-127s2 § 2 (part), 2004)

**8.88.170 Reckless Operation.**

It shall be unlawful to operate any vessel in a reckless manner upon the waters of Pierce County. For the purpose of this Chapter, to operate in a reckless manner means the careless or heedless operation of a vessel with a willful or wanton disregard for the safety of, or endangerment to, persons and/or property. Actions that constitute reckless operation include but are not limited to:

- A. Operating within 100 feet of shore unless taking off or landing as provided in Section 8.88.160, or in designated swimming areas;
- B. Operating while under the influence of alcohol or drugs;
- C. Excessive speed in violation of Sections 8.88.150, 8.88.151, or 8.88.165;
- D. Operating in clearly dangerous areas;
- E. Continued use or refusal to terminate use of vessel after being ordered to correct an especially hazardous condition by a law enforcement officer;
- F. When operating on saltwater, non-destination-bound repetitive maneuvers including, but not limited to, erratic speed and course changes, tight turns, and race course ovals and figure eights can only be done when in an area that is at least 500 yards from any shoreline.

(Ord. 2003-127s2 § 2 (part), 2004; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.018)

#### **8.88.180 Hazardous Conditions.**

If a law enforcement officer observes any unsafe condition and determines that an "especially hazardous condition" exists, he may direct the operator to take immediate steps to correct the condition, including returning and mooring. Unsafe conditions or hazardous conditions shall include, but not be limited to, the following:

- A. Insufficient personal floatation devices (PFD);
- B. Insufficient firefighting devices;
- C. Overload conditions;
- D. Improper navigation light display;
- E. Fuel leakage;
- F. Fuel in bilges;
- G. Improper ventilation;
- H. Improper backfire flame control.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.020)

#### **8.88.190 Designated Areas.**

It shall be unlawful to operate any vessel within 100 feet of a public or private bathing or swimming area, which is marked by buoys or some other distinguishing device.

A violation of this Section constitutes a Class 4 infraction under Chapter 1.16 PCC.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.022)

#### **8.88.200 Direction of Travel.**

Except as provided for in Section 8.88.160, all vessels shall keep the closest shore on the operator's starboard or right-hand side at all times except on Puget Sound.

A violation of this Section constitutes a Class 4 infraction under Chapter 1.16 PCC.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.024)

#### **8.88.210 Water-Skiers.**

It shall be unlawful to operate a vessel towing a person on water skis, aquaplane, or surfboard, inner tube, or other similar device unless the following conditions are strictly followed:

- A. The vessel shall be operated by a competent person who must be attentive to the duties of operating a vessel.



- B. Vessels shall carry a competent skier-observer who must be facing the skier at all times, and at such time as a skier(s) is down in the water, an orange flag, not less than one foot square, visible 360 degrees, shall be displayed on the towing boat.
- C. The provisions of subsection B. of this Section shall not apply in the case of a vessel that is so constructed as to be unable to carry the operator or any other person in or on the same, and is actually operated by the person or persons being towed and is equipped with an automatic engine throttle return device which will cause the engine to slow instantly when the skier is disengaged from the control handles of the vessel.
- D. No vessel shall follow behind a vessel towing a person on water skis closer than 300 feet, or cross the bow of a towing boat closer than 200 feet, or pass alongside a towing boat closer than 100 feet. A vessel towing a skier is not a privileged boat, and must conform to the rules of the road.
- E. It shall be unlawful to water ski from sunset to sunrise. A violation of this subsection constitutes a misdemeanor.
- F. It shall be unlawful to waterski within 300 feet of any public boat launching area, or within 300 feet of any dock used for fueling any vessel, or within 300 feet of any dock or designated swimming area at a public park, or a private designated swimming area. This provision shall apply to the taking off and landing of a water-skier in any of the described areas.
- G. A violation of subsections A., D. and F. of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.

(Ord. 96-89S § 2 (part), 1997; Ord. 96-90 § 1 (part), 1996; Ord. 87-226 § 1 (part), 1987; Ord. 86-80 § 2, 1986; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.028)

#### **8.88.230 Testing.**

- A. When testing, as authorized in this Chapter, the provisions of RCW 88.12.089(4) shall apply to vessels designed for racing that are properly registered with the American Power Boat Association or an affiliate group, and when their registration numbers are plainly visible on the vessel. A helmet and American Power Boat Association approved jacket must be worn by the driver and mechanic if the craft is designed to carry a mechanic. Testing may be done on specific waters at specific times only. (See Section 8.88.590 for areas open and the times allowed.)
- B. Vessels testing under the provisions specified in this Chapter shall maintain a distance of 400 feet from the shore or another vessel while speed is in excess of five miles per hour. A vessel testing for a race must follow the rules of the road and the general rules herein.
- C. No unauthorized person shall operate a vessel or swim, or skin dive, within a testing course during permitted testing operations while an authorized vessel is in the testing course.
- D. While testing, there must be an accompanying safety vessel in the water, with rescue personnel on board, to warn unauthorized vessels of the test. The safety vessel shall have on board fire fighting and rescue equipment.

(Ord. 96-89S § 2 (part), 1997; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.030)

**8.88.240 Legal Age of Operation.**

It shall be unlawful for any person under the age of 16 to operate any vessel powered by a motor or motors generating a total horsepower in excess of 10 horsepower; except, it shall be lawful for a person under the age of 16 to operate a vessel powered by a motor or motors generating a total horsepower of more than 10 horsepower as long as they are under the direct supervision of a parent or legal guardian in the vessel. (Ord. 86-80 § 3, 1986; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.032)

**8.88.250 Obstructions.**

When any sunken, drifting, anchored or moored vessel(s), obstruction or object(s) that is/are unattended obstruct, create a hazard to, impeded or endanger the operation of vessels on the waters of the County, the County Sheriff shall order the owner or person in charge thereof to remove or restrain the vessel or object. Upon failure of such person to do so, or inability of the Sheriff to determine the ownership of the vessel or object, the Sheriff may take custody of the vessel or object and may take such reasonable steps as are needed to clear the waters of the obstruction or hazard. Expenses reasonably incurred by the Sheriff in removing, relocating, storing or impounding a vessel or other object shall be recovered from the owner thereof, as a condition precedent to restoring the vessel or object to the owner. (Ord. 2003-134s2 § 1 (part), 2004; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.034)

**8.88.252 Impoundment Authority.**

The Sheriff may take immediate possession of and/or impound and remove any vessel or obstruction, when:

- A. The vessel or obstruction appears unsafe for water transportation; or
- B. The vessel or obstruction appears abandoned for 30 days and it has been posted for 30 days with an order to remove the vessel or obstruction, and the 30 days after posting have elapsed, the Sheriff may remove, relocate, store, or impound the vessel as provided in PCC 8.88.254 A.; or
- C. The vessel is in danger of sinking, breaking up, or blocking navigation channels.  
(Ord. 2003-134s2 § 2 (part), 2004)

**8.88.254 Impound Procedures.**

The Sheriff shall implement the following procedures to impound any vessel or obstruction under the authority provided in this Chapter:

- A. Where immediate removal of the vessel or obstruction is not required, the Sheriff shall attach a readily visible written notification to the vessel or obstruction. The written notification shall contain the following information:
  - 1. The date and time the written notification was attached;
  - 2. A statement that if the vessel or obstruction is not removed within 30 days once declared abandoned and posted for 30 days, it will be taken into custody, moored and stored at the owner's expense;
  - 3. The address and telephone number where additional information may be obtained.
- B. The Sheriff shall check the records to learn the identity of the last owner of record. The Sheriff shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the written notification.

- C. If the vessel or obstruction is not removed within 30 days after being declared abandoned and posted for 30 days, or in those cases where immediate removal is appropriate (as described in this Chapter), the Sheriff may take custody of the vessel or obstruction and provide for its removal, mooring, storage, or selling at auction.
- D. All personal belongings and contents in the vessel or obstruction shall be kept in the vessel or obstruction, and shall be returned to the owner of the vessel or obstruction during normal business hours and upon request and presentation of a driver's license or other sufficient identification.
- E. All personal belongings not claimed before the auction shall be disposed of pursuant to Chapter 63.32 or 63.40 RCW.
- F. Any person who shows proof of ownership or written authorization from the impounded vessel's legal owner or the vessel's insurer may view the vessel without charge during normal business hours after first setting up an appointment with the Sheriff to do so.
- G. The owner of the vessel or obstruction is liable for costs incurred in removing, storing and disposing of the vessel or obstruction, less amounts realized at auction.
- H. When the vessel or obstruction is impounded, the Sheriff shall notify the legal and registered owners of the vessel or obstruction if known, of the impoundment and proposed sale of the vessel or obstruction. The owners of any personal property on or in the vessel shall be notified of disposition of such property pursuant to Chapter 63.32 or 63.40 RCW, of the impoundment and proposed sale of the personal property. The notification shall be sent by first class mail within 24 hours after the impoundment to the last known registered and legal owners of the vessel, and the owners of any other items of personal property on the vessel. The notice shall include the location, time of the impoundment, and by whose authority the vessel was impounded. The notice shall also include the written notice of the right of redemption and opportunity to contest the validity of the impoundment pursuant to the procedures described below.
- I. Right to Hearing.
  - 1. The legal or registered owner of an impounded vessel or obstruction seeking to redeem their impounded vessel or obstruction under this Section has a right to a hearing in District Court to contest the validity of the impoundment or the amount of removal and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the District Court within 10 days of the date the opportunity was provided for in subsection I. of this Section. If the hearing request is not received by the District Court within the 10-day period, the right to a hearing is waived and the registered owner is liable for any removal, storage or other impoundment charges permitted under this Chapter. Care should be exercised so that all vessels or obstructions are returned in substantially the same condition as they existed before being impounded.
  - 2. The procedures to be followed by the district court for notification to parties, jurisdiction, and determinations to be made by the court shall be the same as set forth in state law for vehicles (RCW 46.55.120(2)(b) through 46.55.120(4), as it currently exists or may hereafter be amended). In the event that the county has incurred costs relating to the removal, storage and impoundment of the vessel or obstruction, the procedures for entry of a judgment in RCW 46.55.120 (as it currently exists or may hereafter be amended) shall apply to the County.

J. Public Auction.

1. If, after the expiration of 30 days from the date of mailing of notice of impoundment and proposed sale required in subsection I. of this Section to the registered and legal owners, the vessel or obstruction remains unclaimed and has not been listed as stolen, then the Sheriff shall sell the vessel or obstruction at public auction. The proceeds from the sale of the vessel or obstruction or any related personal property shall be deposited in the fund that incurred the expense of removal, storage and impounded.
2. If the Sheriff receives no bid, the Sheriff shall sell the vessel or obstruction to a licensed bulk hauler or scrap processor. If the Sheriff is the successful bidder at auction, the Sheriff shall apply for title to the vessel.

K. The County shall have a lien upon the impounded vessel or obstruction for services provided in the removal, storage and impoundment, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vessel or obstruction that is not permanently attached to or is not an integral part of the vessel or obstruction. The cost of the auction or a buyer's fee may not be added to the amount charged for the vessel or obstruction at auction, or added to the lien imposed or any overage due.

(Ord. 2003-127s2 § 2, 2004)

**8.88.260 Prohibited Operations.**

- A. It shall be unlawful for any person who is under the influence, or affected by intoxicating liquor, narcotic or other drugs, to operate or be in actual physical control of any vessel.
- B. It shall be unlawful for the owner of any vessel or any person having such, in charge or in control, to authorize or knowingly permit the same to be operated by any person who is under the influence or affected by intoxicating liquor, narcotic, or other drugs.
- C. It shall be unlawful for the owner of any vessel, or any person having such, in charge or in control, to authorize or knowingly permit the same to be operated by any person who, by reason of physical or mental disability, is incapable of operating such vessel under the prevailing circumstances.
- D. It shall be unlawful for the owner of any vessel, or any person having such, in charge or in control, to authorize or knowingly permit the same to be operated by any person who is under the legal age of operation, as specified in Section 8.88.240.

(Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.036)

**8.88.270 Boating Accident Reports.**

- A. The operator of any vessel involved in an accident resulting in an injury or death to any person, or in damage to property, shall immediately stop such vessel at the scene of such accident and shall give his name, address, and the name and/or number of his vessel, the name and address of the owner, to the person struck or the operator or occupants of the vessel collided with or property damaged, and shall render to any person injured in such an accident, reasonable assistance.
- B. The master, owner, or operator of any vessel involved in an accident within the County, and where death or personal injury requiring medical treatment or property damage in excess of \$500.00 occurs, shall file a written accident report within 48 hours of said accident with the County Sheriff's Department.

- C. All required accident reports and supplemental reports or copies thereof shall be without prejudice to the individual so reporting, shall be for the confidential use of the Sheriff's Department, Prosecuting Attorney, or other peace and enforcement officers as provided in this Chapter, except that any such officer may disclose the identity of a person reported as being involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in trial, civil, or criminal, arising out of an accident, except that any officer above-named for receiving such accident reports shall furnish upon demand of any person who has or who claims to have made such a report or demand of any court, a certificate showing that a specified accident report has or has not been made to the Sheriff, solely to prove a compliance or failure to comply with the requirements that such a report be made in the manner required by law.

(Ord. 96-90 § 1 (part), 1996; Ord. 87-226 § 1 (part), 1987; 86-80 § 4, 1986; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.038)

#### **8.88.310 Skin/Scuba Diving.**

- A. Skin/scuba diving shall be prohibited within 300 feet of an active ferry slip, public boat ramp, public fishing pier, or an area generally used and recognized as the entry or exit to any regularly established marina, yacht club, or boathouse; provided, that in the event skin or scuba divers are engaged in an aquatic event, then the restriction shall not apply for the duration of the aquatic event. Skin/scuba diving shall be prohibited unless the diver shall be accompanied by a vessel displaying an appropriate diver's flag, or the diving area is marked by an adequately displayed diver's flag.
- B. Subsection A. shall not apply to skin/scuba diving that directly involves the repair, maintenance, survey, or other authorized activity related to an active ferry slip, public boat ramp, public fishing pier, or that area generally used and recognized as the entry or exit to any regularly established marina, yacht club, or boathouse.
- C. It shall be illegal for vessels to approach closer than 300 feet of any diver's flag raised from a vessel or float. If there is not 300 feet clearance to pass the diver's flag, vessels shall reduce their speed to 5 miles per hour when within 300 feet of the diver's flag and shall stay as far away from the diver's flag as practical.
- D. A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.

(Ord. 2001-68 § 1 (part), 2001; Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.046)

#### **8.88.320 Posting of Regulations.**

- A. The Director of the Pierce County Parks and Recreation Services Department shall cause to be posted at all public boat accesses within County parks, the specific rules for each body of water as set forth in this Chapter.
- B. Owners and proprietors of private boat access to waters in the County shall cause to be posted within 25 feet of the ramp, a copy of the specific rules as given above.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.048)

#### **8.88.330 Swimming and Flotation Devices.**

- A. Swimming shall be confined to:
1. Restricted swimming areas; or
  2. Within a distance of 100 feet from shore, unless the swimmer is accompanied by a vessel.

- B. All bathers and swimmers shall confine air mattresses, inner tubes, and other similar devices to within 100 feet of shore unless they are accompanied by a vessel.
- C. All vessels accompanying swimmers beyond 100 feet from shore shall have a personal flotation device on board for each swimmer in addition to one for each person on board.
- D. A violation of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.050)

**8.88.340 Unlawful Dumping.**

It shall be unlawful for any person while on any vessel on the waters of the County, to throw or discard into the waters any waste, debris, refuse, oil, garbage, or other fluid or solid material which may pollute the water, or which may create or aggravate any conditions deleterious to the public health. (Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.052)

**8.88.350 Unsafe Piers – Fresh Water Only.**

Any pedestrian pier, gangway, dock, or portion thereof leading to or on fresh water which, by reason of inadequate maintenance, dilapidation, obsolescence, or damage, poses a risk of injury to person or damage to property is for the purpose of this Section deemed unsafe. All such unsafe piers, gangways, and docks are declared to be public nuisances and shall be abated by repair, demolition, or removed or barricaded with proper fencing until such time as all repairing thereto is made. Upon notification of this condition, the Building Official shall take corrective action under the provisions of Uniform Building Code Section 203. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.04.054)

**ARTICLE III. VESSEL REGULATIONS**

**8.88.360 Personal Watercraft.**

- A. A person shall not operate a personal watercraft unless each person aboard that personal watercraft is wearing a personal flotation device approved by the State of Washington.
- B. A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.
- C. A person shall not operate a personal watercraft during darkness.
- D. A person under the age of 16 shall not operate a personal watercraft on the waters of Pierce County unless they are under direct supervision of a parent or legal guardian who is on board that vessel.
- E. A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel within 100 yards of the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.
- F. When operating on saltwater, non-destination-bound repetitive maneuvers including, but not limited to, erratic speed and course changes, tight turns, and race course ovals and figure eights can only be done when in an area that is at least 500 yards from any shoreline.
- G. A person shall not lease, hire, or rent a personal watercraft to a person under the age of 16.

- H. A personal watercraft operator shall obey Sections 8.88.150 and 8.88.151, Speed Limits, which includes:
  - 1. 5 mph speed within 200 feet of shoreline.
  - 2. 5 mph speed limit within 100 feet of any vessel moored or underway.
  - 3. 5 mph speed limit within 100 feet of swimmers.
  - 4. 5 mph speed limit within 200 feet of a dock.
  - 5. A personal watercraft operator shall not exceed 5 mph, do donuts, or create any wake within 300 feet of any boat launch.
- I. Subsections A. through H. of this Section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.
- J. Violations of subsections A. and H. of this Section constitute a Class 4 civil infraction under Chapter 1.16 PCC.

(Ord. 2003-128s § 1, 2004; Ord. 2001-68 § 1 (part), 2001; Ord. 99-30 § 1, 1999; Ord. 96-89S § 3, 1997)

#### **8.88.370 Safety Devices.**

Every owner, agent, or lessee having charge of any commercial or public pier shall furnish and keep for use on such pier, at least one serviceable 30-inch ring life buoy for every 300 lineal feet of mooring/docking space. Attached to said life buoy shall be at least 200 feet of suitable line. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident. The box shall be labeled and be at all times kept clear of obstructions. It shall be unlawful to take away, damage, disturb, or destroy said buoy or box except for use in saving life and property. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.012)

#### **8.88.380 Vessel Rental Period.**

- A. The owner or proprietor of a vessel rental or charter operation shall cause to be kept a record of the names and addresses of person or persons hiring any vessel, the identification number of such vessel, the departure date and the time, and the date and time of the return of such vessel. Such record shall be preserved for not less than six months after the departure date of such vessel and shall be kept available for inspection by any duly authorized agency or authority.
- B. It shall be unlawful for the owner or proprietor of a vessel rental or charter operation to allow any vessel under his charge to depart from the premises without all the equipment required by this Chapter.
- C. The owner or proprietor of a vessel rental or charter operation shall make known to all persons hiring a vessel the rules and regulations of this Chapter pertaining to the operation of a vessel on the waters of Pierce County.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.014)

#### **8.88.400 Emergency Vessels.**

The provisions of this Chapter shall be applicable to the operation of any and all vessels in the waters of the County, except that they shall not apply in the following cases: To any authorized emergency vessel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel has been authorized. The provisions of this Section shall not relieve the operator of an authorized emergency vessel of the duty to operate with due regard for the safety

of all persons, nor shall it protect the operator of any such emergency vessel from the consequences of a reckless disregard for the safety of others. The provisions of this Section shall in no event extend any special privilege or immunity in the operation of an authorized emergency vessel for any purpose other than that authorized.

(Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.018)

**8.88.410 Directing Traffic Emergency Powers.**

The Sheriff is authorized to direct all waterborne traffic, either in person or by means of visible or audible signal. Where necessary to expedite waterborne traffic, to prevent or eliminate congestion, or to safeguard persons or property, authorized officers of appropriate governmental agencies may direct waterborne traffic as conditions may require. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.020)

**8.88.420 Restricted Areas.**

In the interest of life, safety, and the protection of property, the Sheriff shall designate restricted areas. No person shall operate a vessel within a restricted area except the patrol of rescue craft or authorized emergency vessel, or when engaged in the activity to which the area is restricted or in the case of an emergency. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.022)

**8.88.430 Marker and Regulatory Buoys.**

- A. Marker buoys, approved by the County Sheriff, may be placed as authorized indicating the area of waters of the County within which it shall be unlawful to operate a vessel in excess of the speed limit. The County Sheriff or authorized persons may place, move, remove, or replace marker buoys when deemed necessary by the Sheriff.
  - B. It shall be unlawful for any unauthorized person to deliberately damage, place, move, or remove any marker or regulatory buoy or distinguishing device.
  - C. It shall be unlawful to moor any vessel or tie any object up to any regulatory buoy.
- (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.024)

**8.88.440 Boating Advisory Commission.**

- A. There is established a Boating Advisory Commission composed of 9 members selected by the County Executive for the purpose of advising the Sheriff, the Executive, and the Council on matters relating to boating conditions and safety. The Boating Advisory Commission shall:
  - 1. Serve as a continuing advisory board;
  - 2. Review County watercraft regulations to determine adequacy and consistency with Coast Guard and other federal regulations;
  - 3. Recommend amendments to County watercraft laws; and
  - 4. Hold meetings and receive public input as necessary and appropriate on matters coming before them.
- B. Members appointed after September 1, 2004, shall serve 4-year terms or until their successors are appointed and confirmed. No member of the BAC shall serve more than two consecutive full terms. Vacancies shall be filled for expired terms as soon as possible in the manner in which members of the Commission are regularly chosen. Commission members shall not receive a salary or other compensation for their services. The Sheriff or designated appointee, a member of the Sheriff's Office, shall be the Chair of the Commission and shall furnish from regular staff the necessary staff support and



materials required by the Commission. The Chair shall have the power of one vote only in such cases where the vote of the Commission is tied.  
(Ord. 2014-14 § 1, 2014; Ord. 2004-65 § 1, 2004; Ord. 96-90 § 1 (part), 1996; Ord. 87-50 § 1, 1987; 84-62 § 1 (part), 1984; prior Code § 43.06.026)

**8.88.450 Aiding and Abetting Violation.**

It is unlawful to counsel, aid, or abet the violation of, or failure to comply with, any of the provisions of this Chapter. (Ord. 96-90 § 1 (part), 1996; Ord. 84-62 § 1 (part), 1984; prior Code § 43.06.028)

<b>ARTICLE IV. SPECIFIC RULES FOR LAKES AND OTHER AREAS</b>
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**8.88.460 Class "A" Lakes.**

All lakes which are 500 acres or more are Class "A" lakes. The Class "A" lakes are: Lake Tapps, Alder Lake, and Lake Kapowsin.

**A. Special Restrictions for Class "A" Lakes.**

1. It shall be unlawful to operate a motor-powered vessel in excess of five miles per hour between sunset and sunrise on any Class "A" lake.
2. It shall be unlawful to operate any vessel in excess of 60 miles per hour on any Class "A" lake.

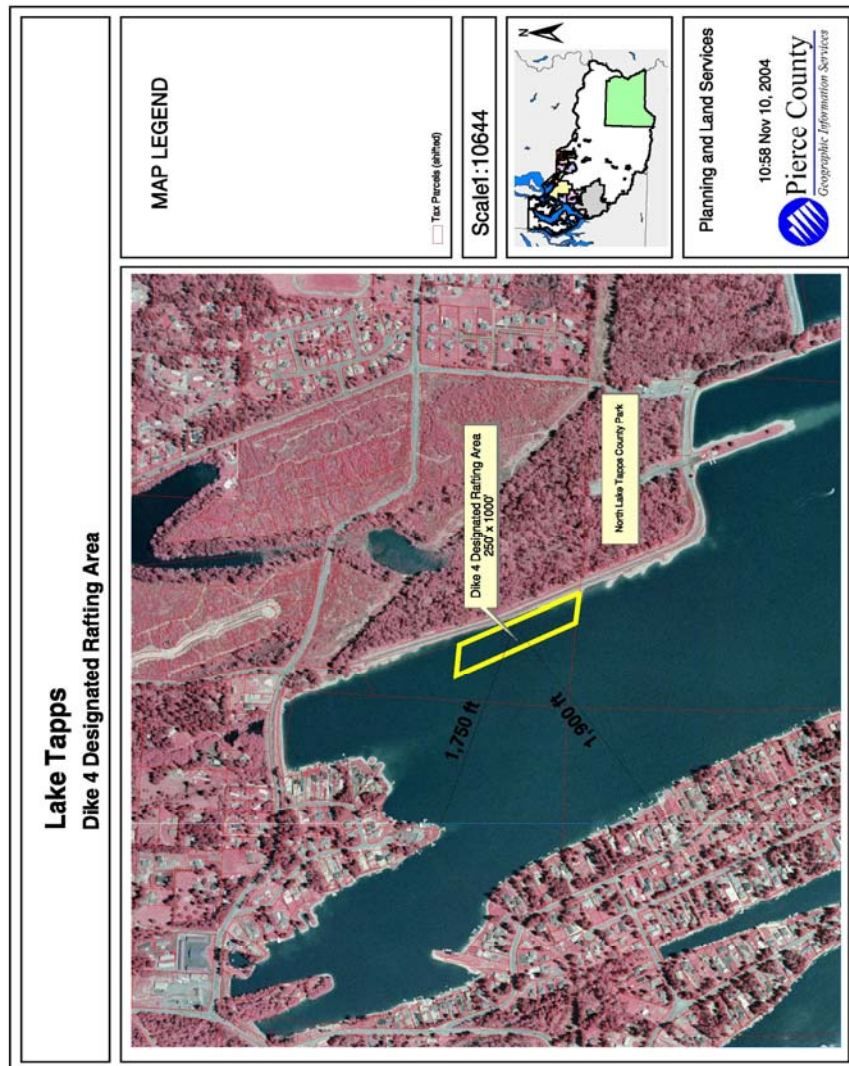
**B. Regulations for Specific Lakes.**

**1. Lake Tapps.**

- a. It shall be unlawful to operate a motor-powered vessel in excess of five miles per hour within the area known as the Lake Ridge Cove except for the purpose of taking off and landing water-skiers (or other pulled or propelled water device) from the property along the cove, provided that:
  - (1) The vessels enter the cove only if they approach the entrance to the cove at a right angle for a distance of not less than 200 feet from the cove entrance on either side;
  - (2) Vessels coming out of the cove have priority over vessels coming into the cove;
  - (3) A clear water area shall exist prior to any entry into the cove;
  - (4) The vessels shall be kept on the right half of the cove;
  - (5) The skiers shall stay directly behind the vessel when entering or exiting the cove;
  - (6) A distance of 200 feet shall be kept behind all other vessels traveling in the same direction;
  - (7) In the event the channel is obstructed, unsafe, or unlawful to proceed, the vessels shall come to a full stop and bring the skier aboard.
- b. It shall be unlawful to wade, swim, take off, or land water-skiers from the beaches at the entrance to the Lake Ridge Cove, for a distance of 100 feet in either direction from the narrowest point of the entrance to Lake Ridge Cove.
- c. It shall be unlawful to operate a vessel in excess of five miles per hour within the channels between Lake Ridge Addition and Deer Island, or Deer Island and Island 21, except for the purpose of taking off and landing water-skiers from the property along the channels or the adjacent coves, provided the vessels shall:
  - (1) Keep the vessel on the right half of the channel;
  - (2) Keep the skier directly behind the vessel;

- (3) Keep a distance of 200 feet behind all other vessels traveling in the same direction;
  - (4) Not to pass another vessel in the channel traveling in the same direction;
  - (5) Come to a full stop and bring the skier aboard in the event that the channel is obstructed or unsafe or unlawful to proceed.
- d. It shall be unlawful for motorized vessels to anchor, drift, or raft boats together in Deer Island/Lakedridge Cove within 1,000 feet of the fire district emergency rescue boat launch, except at a private dock.
  - e. It shall be unlawful for any person to willfully cause the channels to become obstructed or cause a hazard to safety.
  - f. It shall be unlawful to raft two or more vessels together in any cove or channel or within 500 feet of shore on Lake Tapps, except in a designated area along Dike 4 near the Pierce County Park. The designated area is generally rectangular in shape, starts 200 feet north of the southwest corner of Dike 4 and extends northerly along the shoreline 1,000 feet and from shore 250 feet west (see Figure 8.88.460-1).
  - g. It shall be unlawful for motorized vessels to anchor, drift, or raft boats together within the cove commonly known as Fairweather Cove which is between Driftwood Point and Tacoma Point, extending 2,500 feet from the bridge.

Figure 8.88.460



2. **Alder Lake.**

- a. It shall be unlawful to operate any vessel or swim within 200 feet of any log boom located at or on Alder Lake.
- b. It shall be unlawful to operate a vessel in excess of 5 mph, or at any slower speed that creates an appreciable wake, in the area on Alder Lake from the eastern border of Rocky Point Park east to State Route 7 at Elbe.
- c. It shall be unlawful to operate any motorized vessel, except electric trolling motors, in the cove on Alder Lake in the southeast section of Alder Lake Park, which is nearest the intersection of Cemetery and Lillie Dale Rd.

3. **Lake Kapowsin.**

- a. **Restricted Activities and Vessels.** Except for coaching and safety launches, operating under the auspices of the Kapowsin Rowing Center Authority, it shall be unlawful to operate any vessel at a speed in excess of five miles per hour, or to create a wake greater than three inches in height, or to water ski, operate a personal watercraft or similar vessel, or take off or land an airplane on Lake Kapowsin.

- b. **Restricted Areas.** Training lanes, designated by lines of buoys, shall be set aside for the exclusive use of rowing shells and/or flat water racing canoes or kayaks, and accompanying launches. Other vessels shall confine their activities to the other areas of the lake.
- c. **Regattas, Races, and Other Aquatic Events.** Events on the Lake will be approved and regulated by the Board of Directors of the Kapowsin Rowing Center Authority. The Kapowsin Rowing Center Authority Board of Directors is hereby granted the authority to close only those portions of the lake and public areas maintained by the Kapowsin Rowing Center Authority for events if, in the sole opinion of the Kapowsin Rowing Center Authority Board, the safety of participants, spectators, or others or the well being of the facilities warrants such a closure; PROVIDED, that any such proposed closure shall be acted upon by the Kapowsin Rowing Center Authority Board of Directors at one of its regular or special meetings. For purposes of this Section, "event" shall mean rowing races and regattas that require the use of four or more racing lanes.

B. A violation of any provision of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.

(Ord. 2012-8 § 1, 2012; Ord. 2010-64 § 1, 2010; Ord. 2009-60s § 1 (part), 2009; Ord. 2005-36s § 1 (part), 2005; Ord. 2002-124s § 1, 2002; Ord. 2002-84 § 1, 2002; Ord. 96-89S § 3, 1997)

#### **8.88.470 Class "B" Lakes.**

All lakes which are 100 acres or greater but less than 500 acres are Class "B" lakes. The Class "B" lakes are: Spanaway Lake, Ohop Lake, Lake Tanwax, Clear Lake, Bay Lake, Harts Lake, and Silver Lake.

##### **A. Special Restrictions for Class "B" Lakes.**

- 1. It shall be unlawful to operate any vessel in excess of five miles per hour between sunset and sunrise on any Class "B" lake.
- 2. It shall be unlawful to operate any vessel in excess of 40 miles per hour on any Class "B" lake.

##### **B. Regulations for Specific Lakes.**

###### **1. Spanaway Lake.**

- a. It shall be unlawful to operate a vessel in excess of five miles per hour or at any other speed less than five miles per hour which produces a damaging wake within the area formed by drawing an imaginary line from the northernmost part of the Spanaway park boathouse to the nearest point of land on Enchanted Island and then extending said line north to the Enchanted Island Bridge. Waterskiing in this area is prohibited.
- b. It shall be unlawful to operate a vessel in excess of five miles per hour within 200 feet of the Enchanted Island Bridge.
- c. It shall be unlawful to operate a vessel in excess of five miles per hour within the Northwest Cove, from the southernmost point of Enchanted Island as described in paragraph a., and extending southwesterly to the shoreline of Spanaway Lake unless the operator of the vessel is dropping off or picking up a skier from property within the cove.
- d. It shall be unlawful for any boat longer than 22 feet or one 22 feet or less which can cause a damaging wake to launch at the Spanaway Park boat launch without a permit issued by the Sheriff's Department.

- e. There is a maximum of two major racing events per year. A major racing event is one that will have a significant impact on the lake and severely restrict usage of the lake. The event will not occur on a weekend involving a major holiday. Each event can only be of a one day duration. The event sponsor shall pay for the cost of the law enforcement needed for the event. The event sponsors shall provide prior notice of each event to the Spanaway Lake Improvement Club.
  2. **Clear Lake.** It shall be unlawful to operate any boat that is greater than 22 feet in length or 22 feet or less which can cause a damaging wake on Clear Lake without a permit issued by the Sheriff's Department.
  3. **Ohop Lake.** It shall be unlawful to operate a vessel on the waters of Ohop Lake at a rate of speed in excess of eight miles per hour, or at a slower speed that produces a damaging wake, except between the hours of 11:00 a.m. and 3:30 p.m., or legal sunset, whichever comes first, each day.
- C. A violation of any provision of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.  
(Ord. 96-89S § 3, 1997)

#### **8.88.480 Class "C" Lakes.**

All lakes which are 25 acres or greater but less than 100 acres are Class "C" lakes. The Class "C" lakes are: Lake Florence, Lake Rapjohn, Crescent Lake, Lake Louise, Lake Whitman, Twin Lakes, Jackson Lake, Palmer Lake, Lake Josephine, and Lake Holiday.

- A. **Special Restrictions for Class "C" Lakes.**
    1. It shall be unlawful to operate any vessel in excess of five miles per hour between sunset and sunrise on any Class "C" lake.
    2. It shall be unlawful to operate any vessel in excess of 35 miles per hour on any Class "C" lake.
  - B. **Regulations for Specific Class "C" Lakes.**
    1. **Jackson Lake.** It shall be unlawful to operate a motor-powered vessel on the waters of Jackson Lake.
    2. **Lake Holiday.** It shall be unlawful to operate a motor-powered vessel on the waters of Lake Holiday.
    3. **Lake Josephine.** It shall be unlawful to operate a vessel powered by an internal combustion engine on the waters of Lake Josephine.
    4. **Crescent Lake.** It shall be unlawful to operate a vessel on the waters of Crescent Lake at a speed in excess of five miles per hour, or at such a slower speed that produces a damaging wake, except between the hours of 11 a.m. and 7 p.m. or legal sunset, whichever comes first, each day.
- C. A violation of any provision of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.  
(Ord. 2005-32 § 1, 2005; Ord. 96-89S § 3, 1997)

#### **8.88.490 Class "D" Lakes.**

All lakes which are smaller than 25 acres are Class "D" lakes.

- A. **Special Restrictions for Class "D" Lakes.** It shall be unlawful to operate any vessel in excess of five miles per hour on any Class "D" lake.
- B. A violation of any provision of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.  
(Ord. 96-89S § 3, 1997)

**8.88.500 Saltwater Areas.**

- A. **Special Restrictions for Saltwater areas.** [Reserved]
- B. **Regulations for Specific Saltwater areas.**
  - 1. **Amsterdam Bay.** It shall be unlawful to operate a vessel on the waters within Amsterdam Bay and its Cove at a rate of speed in excess of five miles per hour, or at such a slower speed that produces a damaging wake.
  - 2. **Day Island Lagoon.** It shall be unlawful to operate a vessel on the waters of Day Island Lagoon or within 200 feet of the entrance to Day Island Lagoon at a rate of speed in excess of five miles per hour or at such a slower speed that produces a damaging wake.
  - 3. **Gig Harbor.** It shall be unlawful to operate a vessel on the waters of Gig Harbor or within 200 feet of the entrance to Gig Harbor at a rate of speed in excess of five miles per hour or at such a slower speed that produces a damaging wake.
  - 4. **Lay Inlet.** It shall be unlawful to operate a vessel on the inner waters of Lay Inlet at a rate of speed in excess of five miles per hour or at such a slower speed that produces a damaging wake.
- C. A violation of any provision of this Section constitutes a Class 4 civil infraction under Chapter 1.16 PCC.

(Ord. 96-89S § 3, 1997)

**8.88.510 Rivers, Launching and Fishing.**

- A. **Puyallup and Carbon Rivers.** Members of the public may fish and launch boats from those portions of the banks and beds of the Puyallup and Carbon Rivers which are owned by Pierce County for flood control purposes, insofar as such activities do not interfere with flood control facilities and activities.
- B. **Facilities – Interference with Flood Control.** The Washington State Department of Fish and Wildlife may establish and maintain vehicle parking and boat launching facilities along and upon those portions of the banks and beds of the Puyallup and Carbon Rivers which are owned by the County for flood control purposes, insofar as the establishment and maintenance of such facilities do not interfere with flood control facilities and activities.
- C. **Puyallup and White Rivers.** Members of the public may fish and launch boats from these portions of the banks and beds of the Puyallup and White Rivers which are owned by King County and Pierce County for intercounty river improvement purposes, insofar as such activities do not interfere with river improvement facilities and activities.
- D. **Facilities – Interference with Improvements.** The Washington State Department of Fish and Wildlife may establish and maintain vehicle parking and boat-launching facilities along and upon those portions of the banks and beds of the Puyallup and White Rivers which are owned by King County and Pierce County for intercounty river improvement purposes, insofar as the establishment and maintenance of such facilities do not interfere with river improvement facilities and activities.

(Ord. 96-89S § 2 (part), 1997; Ord. 84-62 § 1 (part), 1984; prior Code § 43.08.034)

**8.88.520 Testing Areas and Times.**

Testing areas and allowed times for registered race boats as mentioned in Section 8.88.230 are as follows:

A. **Lake Tapps.** Saturday from 10 a.m. to 1 p.m.; Wednesday from 4 p.m. to 7 p.m. Testing course is located on the north side of an imaginary line drawn from the northernmost part of the Pierce County Park boat launching ramp and extending due west to Tacoma Point.

B. **Closures.** Lake Tapps is closed for testing from December 1 to the last day in February. (Ord. 2001-68 § 1 (part), 2001; Ord. 96-89S § 2 (part), 1997; Ord. 84-62 § 1 (part), 1984; prior Code § 43.08.036)

**ARTICLE V. PENALTIES**

**8.88.600 Penalties Designated.**

It shall be unlawful for any person to violate any provision of this Chapter and unless specifically designated as a civil infraction, any violation shall constitute a misdemeanor. (Ord. 96-90 § 1 (part), 1996; Ord. 90-22S § 1, 1990; Ord. 84-62 § 1 (part), 1984; prior Code § 43.10.010)





## *Chapter 8.92*

### ***DISPOSITION OF THE REMAINS OF INDIGENT DECEDENTS***

#### **Sections:**

**8.92.010 Purpose and Intent.**

**8.92.020 Definitions.**

**8.92.030 Payment Authorized.**

**8.92.040 Administration.**

#### **8.92.010 Purpose and Intent.**

- A. The purpose and intent of this Chapter is to comply with RCW 36.39.030 in providing for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the county and whose body is unclaimed.
- B. It shall be the responsibility of the Pierce County Department of the Medical Examiner to develop and administer a program to accomplish the purpose and intent of this Chapter.

(Ord. 2004-104 § 1 (part), 2004; Ord. 2002-92 § 1 (part), 2002; Ord. 93-112 § 1 (part), 1993)

#### **8.92.020 Definitions.**

- A. "Department" means the Pierce County Department of the Medical Examiner.
- B. "Disposition" means the minimum services necessary to legally bury or cremate human remains.
- C. "Indigent" means the decedent was on public assistance at the time of death, or the decedent's estate is valued at less than \$2,500.00.
- D. "Unclaimed" means there is no relative who can be located within the state and who is liable for disposition costs pursuant to RCW 68.50.160, nor is there any other person or entity, excepting funeral homes and/or cemeteries/crematories, or the Medical Examiner, who makes any claim to the remains, or who exerts or attempts to exert any influence over the disposition of the remains.

(Ord. 2004-104 § 1 (part), 2004; Ord. 2002-92 § 1 (part), 2002; Ord. 93-112 § 1 (part), 1993)

#### **8.92.030 Payment Authorized.**

- A. The Department is authorized to reimburse a licensed funeral home and/or cemetery/crematory for the minimum services set by the Department when such funeral home and/or cemetery/crematory has made a proper showing, according to rules devised by the Department, that:
  - 1. it has, or will lawfully bury or cremate an indigent decedent, and
  - 2. it made a diligent effort to locate relatives who may choose or are required to provide for the disposition, and
  - 3. it made a diligent effort to ascertain the extent of the decedent's estate, and
  - 4. the decedent was at the time of death located in Pierce County, and
  - 5. the decedent was indigent and the body is unclaimed; PROVIDED, that each such reimbursement shall be conditioned upon a promise by the funeral home and/or cemetery/crematory to reimburse the County dollar for dollar from any funds it may subsequently acquire from any other source for the disposition services performed by it.

B. The Department shall provide reimbursement for disposition at the uniform rates established by the Department; PROVIDED that reimbursement for cremation shall be provided only upon a proper showing that legal authorization has been obtained. The Director or Director's designee may authorize cremation of indigent remains.  
(Ord. 2004-104 § 1 (part), 2004; Ord. 2002-92 § 1 (part), 2002; Ord. 93-112 § 1 (part), 1993)

**8.92.040 Administration.**

A. The Department shall develop rules and procedures for the implementation of this Chapter. The rules and procedures shall at a minimum include:

1. process for obtaining cremation authorization from the Medical Examiner when there is no other person authorized to do so;
2. procedures for tracing and recovering from decedents' estates after reimbursement has been made, if and when it is cost-effective for the County to do so;
3. guidelines for the showing required in Section 8.92.030 A., including due diligence in locating persons required or willing to provide for disposition;
4. procedures for verifying decedents' indigency; and all other rules and procedures which may be necessary and prudent to effectively implement this Chapter;
5. establishment of uniform rates for services.

(Ord. 2002-92 § 1 (part), 2002; Ord. 93-112 § 1 (part), 1993)

## *Chapter 8.94*

### ***BEEKEEPING/APIARIES***

#### **Sections:**

- 8.94.010 Policy and Purpose.**
- 8.94.020 Definitions.**
- 8.94.030 Beekeeping – Maintenance of Colonies.**
- 8.94.040 Hive Placement.**
- 8.94.050 Nuisance Declared.**
- 8.94.060 Enforcement and Entry – Right of Entry for Inspection.**
- 8.94.070 Violation – Penalty.**
- 8.94.080 Severability.**

**Cross references: Chapter 15.60 RCW, Chapter 8.08 PCC**

#### **8.94.010 Policy and Purpose.**

- A. It is the declared policy of this County to enhance and encourage beekeeping and agricultural pollination operations within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support, through this Chapter, of those persons' and/or entities' rights to keep bees, and to set forth concomitant responsibilities in beekeeping.
- B. Where non-agricultural land uses extend into agricultural areas or exist side by side, beekeeping occasionally becomes the subject of nuisance complaints. It is an intent of this Chapter to clarify the circumstances under which beekeeping shall be considered a nuisance.
- C. Further it is intended that this Chapter is supplemental to, and not in conflict with, the provisions of Chapter 15.60 RCW.

(Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

#### **8.94.020 Definitions.**

As used in this Chapter, the following definitions shall apply.

- A. "Abandoned hive(s)" means any hive with or without bees, that evidences a lack of being properly managed in that it has not been supered in the spring, except nucs, or unsupered in the fall, or is otherwise not managed and/or left without authorization on the property of another, or on public land.
- B. "Apiary" means a site where hives of bees or hives are kept or found.
- C. "Colony" means a natural group of bees having a queen(s).
- D. "Fence" means any obstruction through which bees will not readily fly.
- E. "Health Department" means the Tacoma-Pierce County Health Department.
- F. "Hive(s)" means a manufactured receptacle or container prepared for the use of bees, including movable frames, combs, and substances deposited into the hive by bees.
- G. "Honey bee(s)" means any life stages of the species *Apis Mellifera*.
- H. "Sheriff" means the Pierce County Sheriff's Department.

(Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.030 Beekeeping – Maintenance of Colonies.**

- A. Honey bee colonies shall be maintained in the following condition:
  - 1. All honey bee hives shall be registered with the Washington State Department of Agriculture and comply with Chapter 15.60 RCW and Rules adopted thereunder.
  - 2. Colonies shall be maintained in movable-frame hives, unless exempted by the Washington State Department of Agriculture as an educational exhibit.
  - 3. Adequate handling techniques, such as requeening, should be employed, and adequate space in the hive should be maintained to minimize swarming.
  - 4. Apiaries shall be managed and kept in a clean and orderly condition.
  - 5. An apiary(s) shall be marked in full compliance with WAC 16-602-040.
- B. It shall be the duty of any person having honey bees on his or her property to prevent diseased hives as defined in RCW 15.60.005(13) and (16).
- C.
  - 1. The Tacoma-Pierce County Health Department shall refer complaints of possible violations of Chapter 15.60 RCW to the State Department of Agriculture.
  - 2. The Tacoma-Pierce County Health Department shall consult with the State Department of Agriculture on concerns regarding the maintenance of honey bee colonies.

(Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.040 Hive Placement Requirements.**

Hives in all areas of Pierce County shall adhere to the following:

- A. Hives shall be at least 25 feet from a property line, with the hive(s) entrance(s) facing away from or parallel to the nearest property line.
- B. Hives may be less than 25 feet from a property line if placed behind a 6-foot high fence, which shall extend at least 25 feet beyond the hive(s) in both directions. The fence shall direct bee flight into the air at least six feet before the bees cross the property line. The fence or obstruction may occur on the adjoining property, provided that bee flight is not directed in the vicinity of recreational decks or entrances to housing or buildings on adjoining properties. In lieu of a fence, the hive(s) may be placed at least eight feet above adjacent ground level, provided that all other requirements of this Section are met.
- C. A hive(s) adjacent to public roads shall comply with A. and B. so as to direct bee flight at least 20 feet into the air over the road surface. In lieu of this requirement, a hive(s) shall be placed at least 100 feet from the road rights-of-way, with the entrance(s) parallel thereto.
- D. The number of hives within urban residential areas shall be limited as follows:

<u>Parcel Size (Square footage)</u>	<u># Hives</u>
6,000 to 10,000 .....	2
10,001 to 20,000 .....	4
20,001 to 43,560 (.46 to 1 acre) .....	10

Exception: Residential limitations shall not apply when a parcel is contiguous to an open area, such as, but not limited to, wetlands, fish and game preserves and/or hatcheries, and military reservations. Such open areas shall be at least two acres in size.

- E. The number of hives may not be restricted on parcels of land over one acre in size;
    - 1. During times of the year when there is minimal bee flight or activity (October – March); or
    - 2. The parcel is in a rural or agricultural area; or
    - 3. The hives with bees are being used for agricultural crop pollination; and
    - 4. A public nuisance is not created; and
    - 5. All other requirements of this Chapter are met.
  - F. In addition to the above production hives, a person may maintain a minimum of one, or up to 10 percent of their production hives, of single-story Langstrogh deep hives with colonies, in each apiary, for requeening purposes. Such hives shall conform to all placement and management requirements and restrictions.
  - G. A consistent source of water shall be provided as appropriate at the apiary. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths, or where people congregate.
- (Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.050 Nuisance Declared.**

It shall be the duty of all persons keeping hives of honey bees or having other stinging insects as described below, in or upon their property or premises, to prevent the following:

- A. Colonies of bees which are defensive or exhibit objectionable behavior, or which interfere with the normal use of property, or the enjoyment of persons, animals, or adjacent property.
- B. Hives of bees which do not conform to PCC 8.94.040.
- C. An abandoned hive(s).
- D. All other nests (colonies) of stinging insects such as yellow jackets, hornets, and wasps which exhibit objectionable behavior or interfere with normal use of property, or the enjoyment of persons, animals, or adjacent property.
- E. All nests, hives, or colonies of Africanized honey bees (*Apis mellifera Scutellata*), except those which are permitted under RCW 15.60.140.

Each of the above described conditions shall constitute a nuisance pursuant to PCC 8.08.010, and shall be abated by the Health Department, pursuant to PCC 8.08.040, et seq.  
(Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.060 Enforcement and Entry – Right of Entry for Inspection.**

The Health Department and the Sheriff shall enforce this Chapter. (Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.070 Violation – Penalty.**

- A. Any person, firm, or corporation in violation of any provision of this Chapter, shall, upon conviction thereof, be guilty of a misdemeanor, and be punished by imprisonment in the County jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000.00, or by both such imprisonment and fine.

- B. Any violation of any provision of this Chapter shall constitute a class 1 civil infraction pursuant to PCC 1.16.120. Authorized officials of the Health Department shall issue notices of civil infraction to enforce the provisions of this Chapter, effective upon the date of amendment of the Health Department interlocal agreement granting such authority.

(Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

**8.94.080 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 95-11 § 1 (part), 1995; Ord. 94-108 § 1 (part), 1994)

*Chapter 8.96*

***PARKING AND CAMPING PROHIBITED***

**Sections:**

**8.96.010 Definitions.**

**8.96.020 Parking and Camping Prohibited.**

**8.96.030 Enforcement.**

**8.96.040 Violation – Civil Infraction.**

**8.96.010 Definitions.**

For purposes of this Chapter, the following definitions apply:

- A. "Camp" means erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way that permits, remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.
- B. "County property" means any County-owned real property excluding County parks.
- C. "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway. Bicycles shall not be considered vehicles for purposes of this Chapter.

(Ord. 99-29 § 1 (part), 1999)

**8.96.020 Parking and Camping Prohibited.**

It shall be unlawful for any person to park or camp on any County property except in areas specifically designated and posted for those purposes. (Ord. 99-29 § 1 (part), 1999)

**8.96.030 Enforcement.**

The Pierce County Sheriff's Department shall enforce the provisions of this Chapter. (Ord. 99-29 § 1 (part), 1999)

**8.96.040 Violation – Civil Infraction.**

Any violation of this Chapter constitutes a Class 3 civil infraction under Chapter 1.16 PCC. (Ord. 99-29 § 1 (part), 1999)