

West Richland Municipal Code



TITLE 8

HEALTH AND SAFETY

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Chapter 8.04

GARBAGE AND REFUSE*

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**Editor's Note: For statutory provisions on garbage collection, see RCW 35.21.120 et seq.; for provisions on garbage collection in code cities, see 35A.21.060.*

8.04.010 Purpose of chapter--Collection compulsory--Public utility designated. The maintenance of health, safety, and sanitation within the City requires, and it is the intent of this chapter to make, the collection, removal, and disposal of solid waste, including garbage, refuse, waste, dead animals and other materials compulsory and universal. This chapter is an exercise of municipal police power and statutory authority and establishes solid waste collection as a utility of the City. (Ord. 18-99 §1, 1999; Ord. 110 §1, 1965).

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8.04.020 Definitions. For the purposes of this chapter, the following terms have the following meanings:

A. "Ashes" includes the solid waste products of coal, wood, and other fuels used for heating and cooking at all private residences.

B. "Code enforcement officer" means the City official or employee delegated and authorized to administer the provisions of this chapter.

C. "Garbage" includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal, and the carcasses of dead animals, but not including recognized industrial byproducts, and shall include all such substances from all public and private establishments and residences.

D. "Health officer" means the City or County health officer, as defined in RCW 70.04.020, 70.04.030, and 70.06.020, or their authorized representatives.

E. "Person" means every person, firm, partnership, association, institution, and corporation. The term also means the occupant and/or the owner of the premises for which solid waste collection service is rendered.

F. "Refuse" includes garbage, rubbish, ashes, swill, and all putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences. Refuse also includes organic substances such as grass clippings, leaves, branches, other vegetation, and debris left from landscaping and cleaning of premises.

G. "Rubbish" includes all nonputrescible wastes, except ashes, from all public and private establishments and residences.

H. "Solid waste" is defined by RCW 70.95.030 and includes garbage, refuse, rubbish, and swill as defined herein.

I. "Swill" means every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables, except coffee grounds. (Ord. 18-99 §2, 1999: Ord. 31-95 §1, 1995: Ord. 110 §2, 1965).

8.04.030 Solid waste collection--Charges compulsory--Billing procedure.

A. Charges for solid waste collection and disposal as set forth in Section 8.04.040 are compulsory and shall be billed in conjunction and simultaneously with statements issued by the City for water and/or sewer service. These charges, as established by the City, shall be due and payable to the City on or before the twenty-fifth day of the month following the month in which the statement for such services has been mailed. Payments not received by the twenty-fifth day of the month following the month in which statements for services were mailed shall be considered past due and the customer shall be mailed a notice thereof and a fee of five dollars (\$5.00) shall be added to the account. If payment is not received by the fifth day of the month following the due date, the City shall post notice of termination of services and an additional

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twenty dollars (\$20.00) shall be added to the account. For failure to pay the amount due by the fifteenth day of the month (or the next working day) following the due date for such services, the City may initiate enforcement methods as described in Section 8.04.035. Past due payments shall bear interest at a rate of twelve percent (12%) per year. Failure to receive a bill or a mailed or posted notice shall not relieve the customer from obligation for payment.

B. Service may be suspended for nonpayment of the account. Such suspension shall not relieve the person owning such property from the duty of complying with the provisions of this chapter. (Ord. 15-00 §1, 2000; Ord. 18-99 §3, 1999; Ord. 110 §14, 1965).

8.04.035 Past due charges constitute liens--Enforcement methods. For failure to pay the amount past due by the fifteenth day of the month (or the next working day) following the due date for such services, a lien may be filed against the property. Notice of the City's lien specifying the amount due (including a thirty-five dollar [\$35.00] administrative fee), the period covered, and giving the legal description of the premises sought to be charged, shall be filed with the County Auditor within the time required and may be foreclosed on in the manner and within the time prescribed for liens for labor and material as authorized in RCW 35.21.140. The lien, when filed, shall be prior to all other liens and encumbrances filed subsequent to the filing of such lien, but shall be subject to all general taxes and local improvement assessments, whether filed prior or subsequent thereto. (Ord. 15-00 §2, 2000).

8.04.040 Schedule of rates.

A. The person responsible for the cost of water or sewer service to property receiving solid waste collection service is responsible for all charges and costs resulting from solid waste collection. The tenant in possession is also responsible for all such charges and costs resulting from solid waste collection if the bill is sent to that tenant. In the event no water and sewer service is provided a location receiving solid waste collection, the tenant in possession, if billed, and the person making application for the service are jointly responsible, for all charges and costs resulting from said service. In addition, and in all events, the property and the property owner are responsible for all charges and costs and the same may become a lien upon the property in the manner prescribed by law.

B. The charges for solid waste collection service are as set forth in the agreement for collection between the City and the contractor. Copies of the agreement shall be available at the City Finance Director's office for review by the public at all times during regular business hours.

C. There shall be no charge for municipal properties, including fire department, parks, water and sewer department properties and other City properties. (Ord. 18-99 §4, 1999; Ord. 10-85 §3, 1985; Ord. 1-83 §1, 1983).

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8.04.050 Refuse can--Compulsory. It shall be the duty of every person in possession, charge, ownership or control of any dwelling, residence, flat, rooming house, apartment house, mobile home park, or eating place, or in possession, charge or control of any shop, place of business, or manufacturing establishment, to keep or cause to be kept, at all times, portable cans of approved size, type, and construction, and to deposit or cause to be deposited all refuse therein. (Ord. 18-99 §5, 1999; Ord. 110 §3, 1965).

8.04.060 Refuse can--Construction, contents and maintenance requirements. Refuse cans shall be constructed in such a manner as to be strong, watertight, not less than fifteen nor more than thirty gallons in capacity, have two handles at the sides and tightly fitting lids. Lids shall not be removed except when necessary to place garbage and refuse in such cans or take the same therefrom and such lids shall be replaced by the person placing the same therein or taking the same therefrom. Refuse or garbage cans shall not be filled with dishwater or other liquid or semi-liquid kitchen wastes which are properly disposable down sanitary drains. Cans shall be kept in a sanitary condition with the out-side clean and free from accumulative grease and decomposing material. (Ord. 110 §4, 1965).

8.04.070 Refuse--Points of collection.

A. Every refuse can placed for residential service shall, on the day designated for collection, be kept in a place accessible to the collector of garbage and refuse. Where alley access is available, all cans shall be placed at the alley line. Where no alley access is available, all cans shall be placed at the curb line or, in the case of noncurbed streets, at the edge of the roadway shoulder. The placement of the refuse cans as set forth above shall be on the day designated for collection by the collector and twelve hours immediately before said day of collection and the twelve hours immediately following the day designated for collection. On all other days the refuse cans shall be removed from the street right of way. The area from which the refuse can is removed shall be maintained free and clear of refuse and garbage.

B. Points of collection in industrial and commercial areas shall be the service entrance of such establishments which are located on alleys or service roads; however, the City or refuse collector, if any, may enter into special agreement for collecting refuse at other points.

C. An additional charge over and above the regular garbage service charge may be made if the can or container is kept adjacent to or within a building, in a basement, upstairs, or is inaccessible by reason of locked doors, or if it is necessary to call or knock for the owner or occupant of the premises to gain access. Said additional charge shall be based upon the extra time consumed by the collector. (Ord. 16-87 §1, 1987; Ord. 10-85 §4, 1985; Ord. 110 §5, 1965).

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8.04.080 Refuse cans--Weight restrictions--Owner responsibility. No garbage or refuse container shall contain earth, rocks or heavy refuse. The container shall be light enough to permit one pick-up man to lift the container up to the pick-up truck; provided, however, that this provision relating to weight of the container shall not apply where residents or other establishments have been furnished with a container to facilitate automated service. The weight of the garbage or refuse placed in an automated container shall not exceed 250 pounds. (Ord. 18-99 §6, 1999: Ord. 10-85 §5, 1985: Ord. 110 §6, 1965).

8.04.090 Refuse can---Weight requirements--Violation tags. Each garbage can shall be kept clean inside and out so that no odor nuisance exists, and the area around the cans shall be kept in a neat and sanitary condition. The solid waste collector shall place tags on garbage cans found to be in violation of this section and notify the Code Enforcement Officer. (Ord. 18-99 §7, 1999: Ord. 110 §7, 1965).

8.04.100 Dead animal disposal. It shall be the duty of every person in possession, charge or control of any dead animal, or the person in possession, charge or control of the premises upon which a dead animal is located, to forthwith cause the same to be disposed of in a sanitary manner. (Ord. 18-99 §8, 1999: Ord. 110 §8, 1965).

8.04.110 Accumulation and unsanitary conditions prohibited. It is unlawful for any person to permit or suffer garbage and/or refuse to accumulate in or about any yard, lot, place or premises, or upon any street or sidewalk adjacent to or abutting upon any lot, block or premises owned or occupied by him or them, for which he or they may be the agent or agents, within the limits of the City, or to suffer such lot, yard, place or premises to be or remain in an unsanitary condition by reason of deposits of garbage or refuse. (Ord. 110 §9, 1965).

8.04.120 Dumping prohibited where.

A. It is unlawful for any person to dump or deposit garbage and refuse upon any street, place or alley, or upon any improved or unimproved or vacant lot or property within the City.

B. It is unlawful for any person to dump or deposit any organic substance, such as grass clippings, leaves, weeds or other vegetation upon any street, place or alley, or upon any improved, unimproved or vacant lot or property within the City; provided, however, that the provisions of this section shall not apply to any area of the City zoned Agricultural in accordance with WRMC Chapter 17.21, Suburban Residential in accordance with WRMC Chapter 17.25, Light Industrial in accordance with WRMC Chapter 17.18; and provided further that the provisions of this section shall not apply to organic material grown on the property. (Ord. 31-95 §2, 1995: Ord. 110 §11, 1965).

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8.04.150 Collection agreement--Time limit. The City shall enter into an agreement with a solid waste disposal company under such terms and conditions as the City Council deems appropriate. (Ord. 18-99 §9, 1999: Ord. 499 §1, 1982: Ord. 110 §17, 1965).

8.04.155 Contractor-provided containers--Automated collection service. In the event a collection agreement between the City and its contractor makes provision for residential automated collection service and requires the contractor to provide a specified container or containers to customers to facilitate the automated collection service, such contractor-furnished containers shall be considered to have met the requirements for obtaining and keeping a garbage can/container of specific construction as set forth in Section 8.04.050 and 8.04.060 of this chapter, and shall be kept in lieu of other sufficient and satisfactory cans or containers for the deposit therein of refuse the container has the capacity to accept. (Ord. 10-85 §1, 1985).

8.04.160 Yard and garden debris--Individual may haul to licensed landfill. Nothing contained in this chapter shall prevent any person or persons, living within the corporate limits of the City, from personally hauling, or causing to be hauled, from their premises to a licensed landfill, any tree limbs, cuttings, prunings, shrub trimmings, similar garden and yard debris, and other solid waste. (Ord. 18-99 §10, 1999: Ord. 110 §16, 1965).

8.04.170 Violation--Penalty.

A. Every person, firm or corporation who violates the provisions of this chapter shall be deemed to have committed an infraction, and shall be punished by a fine of not more than two hundred fifty dollars.

B. For any violation of a continuing nature, each day's violation shall be considered a separate infraction and shall subject the offender to the above-listed fine for each separate day's infraction. (Ord. 42-95 §4, 1995: Ord. 310 §1, 1979: Ord. 110 §12, 1965).

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Chapter 8.08

UNIFORM LITTER CONTROL CODE*

Sections:

- 8.08.010 Short title.
- 8.08.020 Purpose of chapter.
- 8.08.030 Definitions and interpretation.
- 8.08.040 Litter disposal permitted where--Penalty for violation.
- 8.08.050 Litter receptacles--Placement and maintenance--Responsibility.
- 8.08.060 Litter receptacle--Permitted contents.
- 8.08.070 Litter receptacle--Damaging prohibited.
- 8.08.080 Litter--Removal responsibility.
- 8.08.090 Public place--Litter deposit prohibited.
- 8.08.100 Handbill--Distribution restrictions.
- 8.08.110 Handbill--Prohibited on uninhabited property--Exemptions.
- 8.08.120 Vehicles and watercraft--Litter bag compulsory.
- 8.08.130 Vehicles--Littering from prohibited.
- 8.08.140 Vehicles--Loading requirements--Operator responsibility.
- 8.08.150 Enforcement by Police officers--Powers--Procedures.
- 8.08.160 Conflicting terms--More stringent applicable.
- 8.08.170 Penalties for violation.

**Editor's Note: For statutory provisions on litter control, see Chapter 70.93 RCW.*

8.08.010 Short title. The ordinance codified in this chapter shall be known and may be commonly referred to as the uniform litter control code. (Ord. 233 §1, 1977).

8.08.020 Purpose of chapter. The purpose of this chapter is to accomplish litter control in the City. This chapter is intended to place upon all persons within the City the duty of contributing to the public cleanliness and appearance of the City in order to promote the public health, safety and welfare and to protect the economic interests of the people of the City against unsanitary and unsightly conditions. It is further the intent of this chapter to protect the people against the health and safety menace and the expense incident to littering. (Ord. 233 §15, 1977).

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8.08.030 Definitions and interpretation.

A. As used in this uniform litter control code, unless the context clearly indicates otherwise, the following terms have the following meanings:

1. "City" means the City of West Richland, Washington.
2. "Handbill" is any printed or written matter, excluding newspapers, which advertises for sale any commodity, or thing, or which directs attention to any business or other activity, or event of any kind.
3. "Highway" is synonymous with and includes street, road and alley.
4. "Litter" means all solid wastes including, but not limited to, containers, packages, wrappings, printed matter or other material thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, saw milling, farming or manufacturing.
5. "Litter bag" means a bag, sack, or other container, made of any material, which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person.
6. "Litter receptacle" means those containers meeting the minimum requirements of the regulations of the State Department of Ecology.
7. "Newspaper" is any newspaper of general circulation as defined by general law.
8. "Park" is a park, reservation, playground, beach, recreation center or any other area in the City, devoted to active or passive outdoor recreation.
9. "Person" is any individual, industry, public or private corporation, co-partnership, association, firm, or other entity.
10. "Private property" means any property not publicly owned or held out for use by the public.
11. "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.
12. "Solid waste" means all putrescible and nonputrescible solid and semi-solid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.
13. "State regulations" means the regulations duly promulgated and adopted by the State Department of Ecology pursuant to Chapter 34.04 RCW and codified or prepared for codification as part of the Washington Administrative Code.
14. "Vehicle" includes every device capable of being moved upon a public street and in, upon, or by which any person or property is or may be transported or drawn upon a public street, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
15. "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

B. All words used in the present tense include the future and past tense. All words in the plural number include the singular number and all words in the singular number include the plural number. The word "shall" is mandatory and not merely

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directory. (Ord. 233 §2, 1977).

8.08.040 Litter disposal permitted where--Penalty for violation.

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

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

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

3. When such person is the owner or has control or custody of the property, or has prior consent of the owner or tenant in lawful possession of such property, or unless the act is done under the personal direction of the owner or tenant and provided the litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor and in addition to or in lieu of any other penalty such person may, in the sound discretion of the court, be directed by the court to pick up and remove from any public place or any private property, with permission of the owner or the person in possession of the property upon which it is established that such person has deposited litter, any and all litter deposited thereon by anyone prior to the date of the execution of sentence. (Ord. 233 §3, 1977).

8.08.050 Litter receptacles--Placement and maintenance--Responsibility.

A. Litter receptacles shall be placed in all parks, trailer parks in respect to the service of transient habitation, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need as specified by state regulations.

B. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure, place and maintain such litter receptacles at their own expense on the premises in accordance with state regulations. (Ord. 233 §4, 1977).

8.08.060 Litter receptacles--Permitted contents. Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences

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or places of business. (Ord. 233 §5, 1977).

8.08.070 Litter receptacle--Damaging prohibited. It is unlawful for any person to willfully damage or deface any litter receptacle. (Ord. 233 §6, 1977).

8.08.080 Litter--Removal responsibility. It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same to remove litter from litter receptacles placed in parks, beaches, campgrounds, and other public places. (Ord. 233 §7, 1977).

8.08.090 Public place--Litter deposit prohibited. No person shall sweep into or deposit in any gutter, street, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter. (Ord. 233 §9, 1977)

8.08.100 Handbill--Distribution restrictions. No person shall throw or deposit any handbill upon any public place within the City; provided, however, that it shall not be unlawful for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it. (Ord. 233 §10, 1977).

8.08.110 Handbill--Prohibited on uninhabited property--Exemptions.

A. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property.

B. The provisions of this section shall not apply to the distribution of mail by the United States, or to newspapers (as defined in Section 8.08.030), except the newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or private property. (Ord. 233 §11, 1977).

8.08.120 Vehicles and watercraft--Litter bag compulsory. The owner and person in possession of all vehicles or watercraft shall keep a litter bag in said vehicle or watercraft at all times. (Ord. 233 §8, 1977).

8.08.130 Vehicles--Littering from prohibited. No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any public place or any private property. (Ord. 233 §12, 1977).

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8.08.140 Vehicle--Loading requirements--Operator responsibility.

A. No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand or gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway surface in the cleaning or maintaining of such roadway by a public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

B. Any person owning or operating a vehicle from which any glass or other object from its load has fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefor. (Ord. 233 §13, 1977).

8.08.150 Enforcement by police officers--Powers--Procedures.

Enforcement of this chapter may be by any police officer. All such enforcement officers are empowered to issue citations to, and/or arrest without warrant, persons violating the provisions of this chapter. Enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation, or other process to the last known place of residence of the offender shall be deemed as personal service upon the person charged. (Ord. 233 §14, 1977).

8.08.160 Conflicting terms--More stringent applicable. In the event any other City ordinance, whether or not codified, is in conflict with any of the terms of this chapter, the more stringent shall be construed as applicable. (Ord. 233 §17, 1977).

8.08.170 Penalties for violation. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, and shall be punished by a sentence of not more than ninety days in the county jail or a fine of not more than two hundred fifty dollars, or both. (Ord. 233 §18, 1977).

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Chapter 8.12

MOBILE HOME PARKS AND TRAILER COACH CAMPS*

Sections:

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- 8.12.020 Parking restrictions in City.
- 8.12.030 Parking restrictions in City--R-1-MB district exempt.
- 8.12.040 Wheel removal prohibited--Exemptions.
- 8.12.050 Permanent additions prohibited.
- 8.12.060 Permit--Required.
- 8.12.070 Permit--Granting.
- 8.12.080 Permit--Application--Inspection--Granting.
- 8.12.090 Permits--Display requirements.
- 8.12.100 Permits--Validity--Removal--Transferability.
- 8.12.110 Site and road requirements.
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- 8.12.220 Waste disposal--Sewerage system requirements.
- 8.12.230 Units with individual plumbing facilities--Camp connection requirements.
- 8.12.240 Units with individual plumbing facilities--Camp connection requirements.
- 8.12.250 Waste line connectors--Requirements.
- 8.12.260 Plumbing alterations--Compliance required.
- 8.12.270 Garbage and refuse--Disposal--Supervision and equipment required.
- 8.12.280 Garbage and refuse containers--Construction and storage requirements.
- 8.12.290 Garbage disposal methods--Approval required.
- 8.12.300 Caretaker required--Duties--Record keeping requirements.
- 8.12.310 Caretaker--Communicable disease notification duty.
- 8.12.320 Violation--Penalty.

**Editor's Note: For statutory provisions on design and construction of mobile homes, see*

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RCW 43.22.340 et seq.; for provisions on mobile home landlord-tenant relations, see Chapter 59.20 RCW.

8.12.010 Definitions. For the purposes of this chapter, the following definitions shall apply:

A. "Lot" means a unit of reasonably level, adequately drained ground of definite size, clearly indicated by corner markers for the placing of a trailer coach or a trailer coach and tow car.

B. "Person" means person, firm, corporation, partnership, or association.

C. "Recreational Vehicle" means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. For the purposes of this chapter, the basic entities are travel trailers, park trailer, motor home, truck camper, and fifth wheel. Tents and tent campers are not within this definition.

D. "Trailer coach" or "mobile home" means any construction which might be used as a temporary dwelling or sleeping place for one or more persons, originally designed or subsequently renovated to permit movement from one place to another, either under its own power or propelled by a motor vehicle or other instrument capable of towing or propelling said trailer coach or mobile home. This definition shall not be interpreted to include equipment owned and operated by the armed services of the United States.

E. "Trailer coach camp" or "mobile home park" means any site, lot, field or tract of ground upon which two or more trailer coaches or mobile homes are placed for use or occupancy and shall be any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such camp. (Ord. 10-00 §1, 2000: Ord. 15 §1, 1956).

8.12.020 Parking restrictions in City. It is unlawful to park a trailer in the business or residential area of the City except in accordance with the following provisions:

A. Trailers located within the City limits prior to the effective date November 13, 1956, occupied by their legal owners or by a tenant of the legal owners may continue to be parked at the location at which they were parked on November 6, 1956; provided, that said trailers be registered with the City Clerk-Treasurer within thirty days of November 6, 1956.

B. Trailers located within the City limits on November 6, 1956, may not be moved to another location within the City and shall not be returned to their original location after they have once been removed therefrom and may not be replaced by another trailer even though owned by the same person.

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C. No person shall park any trailer or mobile home on any street, alley, highway, or public place for a period exceeding twenty-four hours unless an emergency permit is obtained from the City Finance Director.

D. The parking of only one trailer in an accessory private garage building or in the rear yard of a dwelling house is permitted; provided, that no living quarters shall be maintained or any business conducted from the trailer while the trailer is so parked; and provided further, that no utilities shall be connected to such trailer.

E. A trailer coach, mobile home or recreational vehicle may, by the issuance of a Temporary Use Permit, be located and used as living quarters by the property owner for a period not to exceed one year under the following conditions:

1. Shall be located on a platted or legally subdivided lot;
2. Shall be located in a district where single family residential uses are permitted;
3. There shall be adequate space on the lot to co-locate the residence under construction and the trailer coach, mobile home or recreational vehicle, while meeting all building and fire code requirements, lot coverage, set back, easement and right-of-way requirements;
4. Only one (1) trailer coach, mobile home or recreational vehicle shall be located on the lot;
5. The trailer coach, mobile home or recreational vehicle shall have appropriate permits and be connected to electricity, municipal water or well, municipal sewer or drain field;
6. No business or commercial operations shall take place on the premises; and
7. The City shall require a Temporary Use Permit, administered by the Community Development Director. This permit is issued subsequent to a current Building Permit for the construction of a residence, and is only issued when the applicant is in compliance with this section of the West Richland Municipal Code. The Temporary Use Permit shall only be renewed one time for a maximum of six (6) months by the Community Development Director, if substantial progress has been made toward the completion of the primary residence.

F. No trailer coach or mobile home shall be parked, used, or occupied on any tract of ground except as provided in this chapter. (Ord. 10-00 §2, 2000: Ord. 167 §1, 1971: Ord. 15 §2, 1956).

8.12.030 Parking restrictions in City--R-1-MB district exempt. The provisions of this chapter shall not apply to mobile homes located in the R-1-MB land use district in accordance with the provisions of Chapter 17.33. (Ord. 155 §3, 1972: Ord. 15 §2-A, 1956).

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8.12.040 Wheel removal prohibited--Exemptions. No person shall take any action toward the removal of wheels from any trailer coach or mobile home except for the temporary purposes of repair or storage. (Ord. 15 §11(A), 1956).

8.12.050 Permanent additions prohibited. No permanent additions of any kind shall be built onto or become a part of any trailer coach or mobile home. (Ord. 15 §11(B), 1956).

8.12.060 Permit--Required. It is unlawful for any person or persons to construct or operate a trailer coach camp or mobile home park without first securing a permit. (Ord. 15 §3(A), 1956).

8.12.070 Permit--Granting. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit. Any permit issued under this chapter may be suspended or revoked by the health officer for cause and the camp ordered closed. (Ord. 15 §3(B), 1956).

8.12.080 Permit--Application--Inspection--Granting. Any person desiring to obtain a trailer coach camp or mobile home park permit shall make application to the City Finance Director, which application must be accompanied by the permit fee. If, upon inspection of the premises, fixtures, equipment, facilities, and method of operation, conditions are found to comply with the provisions of this chapter and with all rules and regulations of Benton County relating to public health and sanitation which are applicable to such an operation, the permit shall be granted. (Ord. 15 §3(C), 1956).

8.12.100 Permits--Validity--Renewal--Transferability.

A. Permits for trailer coach camps or mobile home parks shall be valid for one year from the date of issuance unless suspended or revoked for cause by the health officer.

B. Applications for renewal of permits must be made within ten days prior to the expiration date.

C. Trailer coach camp permits or mobile home park permits are nontransferable with respect to location. With respect to ownership, the license may be transferred to a new owner upon payment of a transfer fee of five dollars which fee for transfer must be paid within ten days of transfer. (Ord. 15 §3(E), 1956).

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8.12.110 Site and road requirements. The camp shall:

- A. Be located on a well-drained site suitable for the purpose;
- B. Have an entrance and exit well marked, easily controlled and supervised;
- C. Have surfaced roads not less than twenty feet wide, well-drained, plainly marked in the day time, adequately lighted at night, and easily accessible to all trailer coaches or mobile homes;
- D. Have walkways to various buildings surfaced and adequately lighted. (Ord. 15 §5(A), 1956).

8.12.120 Lot requirements. The camp or park shall provide lots for each trailer coach or mobile home, boundaries to be indicated by corner markers, with an area of not less than one thousand two hundred fifty square feet. Each trailer coach or mobile home shall be located at least ten feet from any building or other trailer coach or mobile home and a least five feet from the property line. (Ord. 15 §5(B), 1956).

8.12.130 Trailer segregation required--Basis. Trailer camps serving trailer coaches or mobile homes equipped with flush toilets, showers, and/or garbage grinders shall segregate them in a separate area from those not having these facilities. (Ord. 15 §5(C), 1956).

8.12.140 Drying facilities required. Adequate facilities consisting of dryers or drying areas shall be provided for clothes drying convenient to laundry facilities. (Ord. 15 §5(D), 1956).

8.12.150 Play space requirements. A children's play space of not less than one thousand square feet in area shall be provided on the premises. (Ord. 15 §5(E), 1956).

8.12.160 Map requirements. The camp shall provide a legal description and map clearly setting out the following information:

- A. The extent and area to be used for camp purposes;
- B. Driveways at entrances and exits, roadways and walkways;
- C. Designation of a specific area within the camp for those trailers having their own water-flush toilets, shower and/or garbage grinders;
- D. Location and number of trailer space units;
- E. Location and number of proposed sanitary conveniences including proposed toilets, washrooms, laundries, laundry drying facilities and utility rooms;

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- F. Method and plan of sewage disposal;
- G. Method and plan of garbage removal;
- H. Plan of water supply;
- I. Plan of electric lighting;
- J. Children's play area, not less than one thousand square feet in area;
- K. Method and plans of heating shower, laundry and toilet rooms. (Ord. 15 §5(F), 1956).

8.12.170 Water supply--Requirements.

A. In each trailer coach camp or mobile home park a sufficient supply of water adequate in quantity and of a safe, sanitary quality, shall be provided in convenient locations and not more than two hundred feet from any trailer coach or mobile home. No common drinking vessel shall be provided. Waste from this supply shall be emptied into a drain connected to an approved disposal system.

B. A supply of hot water shall be provided at all times sufficient for bathing, washing and laundry facilities.

C. All drinking fountains, if provided, shall be of the approved inclined jet type. (Ord. 15 §6, 1956).

8.12.180 Bathing and laundry facilities--Requirements.

A. Separate bathing facilities for each sex shall be provided not more than two hundred feet from each trailer coach or mobile home. Each section shall contain at least one shower for every twenty persons or major fraction thereof. Each shower stall shall be at least three square feet in size and a dressing compartment of at least twelve square feet shall be provided in each shower room.

B. Laundry facilities shall be provided in the ratio of one facility (automatic washing machines or double tray) and one ironing board for each fifteen trailer coaches or mobile homes. (Ord. 15 §8(part), 1956).

8.12.190 Bathing and laundry facilities--Construction requirements.

The type of construction of the shower, laundry and utility buildings shall be of the same or similar to that designated for the buildings in Section 8.12.210. Adequate heat and ventilation for such buildings shall be provided. (Ord. 15 §8(part), 1956).

8.12.200 Bathing and laundry facilities--Exemptions from requirements. The requirements in Section 8.12.180 and 8.12.190 regarding the number of shower facilities necessary will not apply for those trailer coaches or mobile

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homes equipped with shower facilities. Such units shall be in a segregated area and shall be provided with at least one common shower for each sex. (Ord. 15 §8(part), 1956).

8.12.210 Toilet rooms--Requirements.

A. The camp or park shall provide flush toilets in conveniently located buildings. The buildings shall be:

1. No more than two hundred feet from each trailer coach or mobile home;
2. Well-lighted at all times;
3. Ventilated with screen openings;
4. Constructed of moisture-proof material; and
5. Well pitched to a floor drain.

B. Toilets shall be:

1. Enclosed in separate compartments, each compartment having a minimum width of two feet eight inches;
2. Provided for each sex in the ratio of one toilet for every fifteen females and one toilet for every twenty males.

C. Toilet rooms shall contain one lavatory with hot and cold or tempered running water for each three toilets but in every case not less than one lavatory with hot and cold running water in every toilet room.

D. These accommodations shall be based on the total camp capacity according to the accepted plans and shall be computed on the basis of a minimum of three persons to each trailer coach or mobile home, with the sexes being assumed equal in number.

E. Adequate heat for such buildings shall be provided.

The above requirements regarding number of toilets and hand washing facilities necessary will not apply for those trailer coaches or mobile homes equipped with toilets and hand washing facilities. Such trailer coaches or mobile homes shall be in a segregated area which shall be provided with at least one common toilet for each sex. (Ord. 15 §7, 1956).

8.12.220 Waste disposal--Sewerage system requirements.

A. Waste from sinks, showers, toilets, wash basins, laundry and other plumbing fixtures shall be discharged into a public sewer system in a manner approved by the health officer, or, if no public sewer is available, into a private system of waste disposal approved by the health officer. All sewer lines must be properly trapped and vented.

B. If a private system of waste disposal is employed, all waste water shall be properly disposed of in such a manner as not to constitute a nuisance or public health menace in accordance with the rules and regulations of the State Board of Health and/or Benton County resolutions governing these matters. (Ord. 15 §9(part), (A), 1956).

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8.12.230 Units with individual plumbing facilities--Camp connection requirements. All kitchen sinks, wash basins, lavatories, toilets, bathtubs and shower tubs in any trailer coach or mobile home located in any trailer camp or park shall empty into a disposal system approved by the health officer. If such fixtures are not to be used by the occupant, they shall be sealed off in a manner approved by the health officer. (Ord. 15 §9(B), 1956).

8.12.240 Units with individual plumbing facilities--Camp connection requirements. In camps accommodating trailer coaches or mobile homes having garbage grinders or disposals, showers and/or individual water-flush toilets, approved facilities shall be provided to prevent the possibilities of cross-connection between the water supply and sources of contamination within such coaches, and it shall be the camp operator's responsibility to inspect each trailer coach and assure himself that no cross-connections exist before permitting connection of such trailer coach or mobile home to the water supply. (Ord. 15 §9(C), 1956).

8.12.250 Waste line connectors--Requirements. All connections between the trailer and waste lines must be by means of watertight and fly-tight connectors. (Ord. 15 §9(D), 1956).

8.12.260 Plumbing alterations--Compliance required. All plumbing installations, alterations, or repair in the camp shall be done in compliance with the Benton County resolution pertaining to plumbing. (Ord. 15 §11(D), 1956).

8.12.270 Garbage and refuse--Disposal--Supervision and equipment required. The trailer coach camp or mobile home park shall provide supervision and equipment sufficient to prevent the grounds from being littered with garbage and refuse. (Ord. 15 §10(part), 1956).

8.12.280 Garbage and refuse containers--Construction and storage requirements. Garbage and refuse containers of fly-tight and watertight construction, made of nonabsorbent materials and provided with handles and close-fitting covers shall be conveniently located and sufficient in number to provide at least one twenty-gallon

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garbage and refuse container for every two trailer coaches; provided, however, that other means for garbage and refuse storage may be used if specifically approved in writing by the health officer. Storage of garbage and refuse cans shall be such that they cannot be upset by dogs, children, etc. Specific arrangements shall be provided to prevent garbage and refuse from creating a rodent harborage or nuisance. (Ord. 15 §10(part), 1956).

8.12.290 Garbage disposal methods--Approval required. No burning of garbage shall be permitted and disposal must be of a method approved by the health officer. (Ord. 15 §10(part), 1956).

8.12.300 Caretaker required--Duties--Record keeping requirements.

A. At least one competent caretaker shall be employed for each trailer coach camp or mobile home park every day for a sufficient length of time to maintain the trailer coach camp or mobile home park and its equipment in a clean and satisfactory condition.

B. The caretaker shall keep a record of all parties and such record shall show:

1. The date of arrival of each trailer coach or mobile home party;
2. The number in the party;
3. The name and permanent address of the owner of the automobile in

which the party is traveling, together with the make, type, and year of manufacture of the automobile, the state in which it is registered, and the license number and year of issuance.

C. This registry shall be available for inspection at any reasonable time by the health officer or any other authorized person and shall not be destroyed until the expiration of twelve months following the date of registrations. (Ord. 15 §4, 1956).

8.12.310 Caretaker--Communicable disease notification duty. It is the duty of the person operating any trailer coach camp or mobile home park to notify immediately the health officer of any communicable disease in the camp. (Ord. 15 §11(C), 1956).

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8.12.320 Violation--Penalty. Every trailer coach owner or mobile home park operator who refuses or fails to comply with, or violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not exceeding three hundred dollars, or by imprisonment in the county jail for a term not exceeding ninety days. Each and every violation of the provisions of this chapter shall constitute a separate offense. (Ord. 15 §12, 1956).

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Chapter 8.16

NUISANCES*

Sections:

- 8.16.005 Purpose and findings.
- 8.16.010 Person defined.
- 8.16.020 Nuisance defined.
- 8.16.030 Specific nuisances--Vegetation and debris.
- 8.16.035 Specific nuisances.
- 8.16.040 Causing or maintaining nuisance.
- 8.16.050 Secure closing of unoccupied buildings.
- 8.16.060 Entering unoccupied building.
- 8.16.070 Failure to abate continuing nuisance.
- 8.16.080 Penalty for violation.
- 8.16.090 Vegetation and debris abatement.
- 8.16.100 Abatement of nuisances.
- 8.16.110 Immediate danger--Summary abatement.
- 8.16.120 Enforcement authority.
- 8.16.130 Provisions of chapter cumulative.
- 8.16.140 Each day as a separate offense.
- 8.16.150 Severability.

**Editor's Note: For statutory provisions on private nuisance actions, see Chapter 7.48 RCW; for provisions on public nuisances, see Chapter 9.66 RCW.*

8.16.005 Purpose and findings. The City Council of the City finds that unkempt, unsafe, unsanitary and otherwise improperly maintained properties within the City limits of West Richland, pose hazards to the public health, safety and welfare of the citizens, and also adversely affect the value, utility and habitability of property within the City as a whole, and cause substantial damage to nearby property, and adversely affect the economic well-being of the City. This chapter is an exercise of the City's police powers and conveys to the City administration all proper powers to abate nuisances as they are described herein or are found to exist, and to charge the cost of their abatement to those responsible, and the owners and occupants of this property upon which the nuisance exists, and to those properties themselves. This chapter is to be liberally construed to effect that purpose. (Ord. 12-87 §1(part), 1987).

8.16.010 Person defined. For the purposes of this chapter, the word "person" wherever used in this chapter, means and includes natural persons of either sex, firms, co-partnerships and corporations, and all associations of natural persons, whether acting by themselves or by a servant or employee. (Ord. 12-87 §1(part), 1987).

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8.16.020 Nuisance defined. A nuisance consists of doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Annoys, injures or endangers the comfort, repose, health or safety of others;
or

B. Offends public decency; or

C. Is offensive to the senses; or

D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, highway, sidewalk or other public area in the City; or

E. In any way renders other persons insecure in life or the use of property; or

F. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property; or

G. Is certified to be a nuisance vehicle by meeting at least three (3) of the following requirements:

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

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

3. Is apparently inoperable;

4. Has an approximate fair market value equal only to the approximate value of the scrap in it;

5. No license plates and/or expired vehicle registration. (Ord. 3-00 §1, 2000: Ord. 12-87 §1(part), 1987).

8.16.030 Specific nuisances--Vegetation and debris. The following specific acts, omissions, places, conditions and things are declared to be "debris" and public nuisances:

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any public or private yard, lot, building, structure or premises, or in or upon any sidewalk, street, avenue, alley, park, parkway or other public or private place in the City, and/or any one or more of the following disordered, disturbing, unsanitary, fly and/or mosquito producing, rat-harboring, disease-causing, fire hazard places, conditions or things, specifically:

A. Trees, plants, grasses, weeds, shrubs, bushes or vegetation or part thereof:

1. Which overhang any sidewalk, alley or street; or

2. Which are growing in such a manner as to obstruct or impair the free, safe or full use of a sidewalk, alley or street by the public; or

3. Which includes poison oak, poison ivy, poison sumac, Russian Thistle, Canadian Thistle, Rush Skeletonweed, Dalmatian Toadflax, Diffuse Knapweed, Scotch

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Thistle, Yellow Starthistle, Jointed Goatgrass and Kochia, or other noxious weeds, whether alive, growing or otherwise, provided nothing herein shall prevent the temporary retention of such weeds in approved, covered receptacles; or

4. Which is growing or which has died and which has become a fire hazard, or which is potentially injurious or detrimental to the public health or safety or welfare, or where such vegetation reaches a height in excess of twelve inches within an area of one hundred feet of any existing building; provided, however, that vegetation on a single parcel of property of 2.4 acres or more is not a public nuisance if the parcel is surrounded by a twenty-foot fire break where the parcel adjoins developed property (five feet where it adjoins an improved public right-of-way) or where the vegetation is on an unimproved public right-of-way.

B. Debris:

1. Any putrid, unsound or unwholesome bones, meat, hides, skin or the whole or any part of any dead animal, fish or fowl, other than in receptacles or areas as designated in Chapter 8.04 of this code;

2. Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings, alleyways or premises; or placing, dropping, disposing, throwing away or otherwise discarding litter, garbage, refuse, cans, bottles, paper or paper material, metal, organic or inorganic material upon property other than in receptacles or areas as designated in Chapter 8.04 of this code;

3. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner approved by the health officer of the City, nor the dumping of nonputrifying waste in a place and manner approved by the health officer;

4. Tin cans, bottles, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, automobile bodies and/or parts and all such trash or abandoned material, unless the same be kept in covered bins, or galvanized iron receptacles;

5. Trash, litter, rags, accumulations of empty barrels, boxes, cans, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, and lumber, scrap iron, tin and other metal not neatly piled. (Ord. 12-87 §1(part), 1987).

8.16.035 Specific nuisances. The following specific acts, omissions, places, conditions and things are declared to be public nuisances:

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any public or private yard, lot, building, structure or premises, or in or upon any sidewalk, street, avenue, alley, park, parkway or other public or private place in the City, and/or any one or more of the following disordered, disturbing, unsanitary, fly and/or mosquito producing, rat-harboring, disease-causing, fire hazard

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places, conditions or things, specifically:

A. The keeping of rabbits, chickens, pigeons, ducks, geese, peacocks, goats, pigs, bees, mules, horses, mink, dogs, cats, ferrets, or any other animal or fowl within the City limits of the City which are such in nature to create offensive smells, noises or other conditions offensive to the public, or which are kept contrary to City zoning laws;

B. The unnecessary tooting or honking of automobile horns; unnecessarily loud playing of audio devices, including but not limited to radios or tape decks in automobiles, radios, phonographs, televisions, tape recorders or other sound-producing equipment or machinery in places so as to obstruct the reasonable and comfortable use of the adjoining property;

C. Pits, basins, holes, privies, vaults, cesspools, dumps or like places or excavations, which are not securely protected from flies or rats, or which are foul or malodorous, or which are unguarded and dangerous to life, or which have been abandoned, or which is no longer used for the purpose for which it was constructed or which is maintained contrary to law;

D. Any building, billboard, fence, excavation, or other structure, or any abandoned or partially destroyed building, fence, excavation or structure, or any building, fence, excavation or structure commenced and left unfinished which is damaged or decayed or which is sagging, leaning, falling down or is otherwise dilapidated and creates an unsafe condition;

E. All places used or maintained as junkyards or dumping grounds or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property of others;

F. The act of slaughtering or butchering of any animal or fowl unless such act is performed outside the view of the general public;

G. Erecting, maintaining, using, placing or permitting to be used any electric fence within the City limits, except in accordance with the provisions of West Richland Municipal Code Section 17.54.045;

H. The pollution of any public well or cistern, stream, lake, canal, river or body of water, by untreated sewage, creamery or industrial waste or any other substance;

I. All use or display of fireworks, except in accordance with the provisions of the Uniform Fire Code as adopted by the City;

J. Erecting, maintaining, using, placing, leaving or permitting to be used or remain in place within three feet of any public sidewalk, a barbed wire fence;

K. Storing a nuisance vehicle, or nuisance vehicles, or any part thereof, on private property unless:

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1. The nuisance vehicle(s) or part thereof is (are) completely enclosed within a building in a lawful manner, where it is not visible from a public street or private property; or

2. The nuisance vehicle(s) or part thereof is (are) stored or parked within an area enclosed by a sight-obscuring barrier or fence. (Ord. 3-00 §2, 2000: Ord. 4-91 §2, 1991: Ord. 12-87 §1(part), 1987).

8.16.040 Causing or maintaining nuisance. It is unlawful for any person to erect, contrive, cause, continue or maintain or permit to continue a nuisance as herein defined or prohibited, or to willfully omit or refuse to perform any legal duty relating to the removal of such nuisance. (Ord. 12-87 §1(part), 1987).

8.16.050 Secure closing of unoccupied buildings. Every agent or owner of any unoccupied building in the City shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein. (Ord. 12-87 §1(part), 1987).

8.16.060 Entering unoccupied building. It is unlawful for any person to enter any unoccupied building and commit a nuisance therein. (Ord. 12-87 §1(part), 1987).

8.16.070 Failure to abate continuing nuisance. Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property caused by a former owner is liable therefor in the same manner as the owner who created it. (Ord. 12-87 §1(part), 1987).

8.16.080 Penalty for violation.

A. Every person who violates any of the provisions of this chapter has committed a misdemeanor, and upon conviction thereof may be sentenced to up to six months in jail and/or fined up to one thousand dollars.

B. Any person not being the owner or occupant of such property, who places, or causes to be placed, rubbish or debris or other material upon any real property in the City in violation of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof may be sentenced to up to six months in jail and/or fined up to one thousand dollars. The placing or causing to be placed of each article of rubbish or debris or material shall constitute a separate crime under this chapter. (Ord. 12-87 §1(part), 1987).

8.16.090 Vegetation and debris abatement.

A. It is the duty of every owner, agent, lessee or other person occupying or having charge of or control over any property within the City to remove and eliminate

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those nuisances described in Section 8.16.030.

B. Whenever a nuisance exists as defined in Section 8.16.030, the chief of police or his designee shall cause written notice to be delivered to the owner of said property. The notice shall:

1. Describe the property involved;
2. Describe the condition which exists which must be abated;
3. State that the City Council will consider adopting a resolution requiring the property owner, in addition to the penalties described by Section 8.16.080, to abate the nuisance at his cost and expense and within a time specified in the resolution, and if the abatement of the nuisance is not made by the owner within the time specified, the City may abate the same as provided in this chapter and charge the costs of abatement against the owner of the property and file a lien against the property for such costs if the owner fails to pay the same;
4. State the date, time and place the City Council is to consider the resolution;
5. Be served on the owner at least five days prior to the date the City Council is to consider the resolution, and serve by mailing a copy thereof by regular first-class mail, postage prepaid and by certified mail, return receipt requested to the owner of record at his last known address as shown by the records in the office of the Benton County treasurer, and by posting an additional copy thereof on the bulletin board at the West Richland City Hall. As an alternative to mailing, the owner may be personally served with the notice.

C. The City Council, after notice as provided in subsection B of this section, may initiate by resolution, abatement proceedings requiring the owner to abate the nuisance. The resolution shall:

1. Describe the property involved;
2. Describe the condition which exists which must be abated;
3. Require the owner to abate or remove such condition and provide that if such removal or abatement of the condition is not made by the owner to the satisfaction of the chief of police or his designee on a date specified in the resolution, which shall not be less than twenty days from the date the resolution is adopted, the City will cause the removal or abatement of the nuisance and the cost of removal or abatement to the City shall become a charge against the owner of the property and a lien against the property;
4. Provide that in the event the removal or abatement of the nuisance condition is not made by the owner or occupant before the time specified therein, the City shall, under the direction of the chief of police, provide for and remove or abate such nuisance with the work done by City force or under contract;
5. Provide that the City shall maintain accurate records of all costs associated with said removal and abatement and that if City personnel and equipment

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are used in the abatement and removal work, the work shall be charged to the owner at the rate of fifty dollars per hour for the use of City equipment and one equipment operator, and at the rate of twenty dollars per hour for each City employee working without equipment;

6. Provide that the costs to the City for such work shall be and become a charge to the owner of the property and a lien against the property.

D. Notice of the lien herein authorized shall, as nearly as practical, be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed on as provided for liens for labor and materials. (Ord. 12-87 §1(part), 1987).

8.16.100 Abatement of nuisances. Whenever any nuisance exists as defined in this chapter, the City may in addition to procedures herein above set forth pursue in the superior court of Benton County a suit in equity to enjoin and abate the same in the manner provided by law. (Ord. 12-87 1(part), 1987).

8.16.110 Immediate danger--Summary abatement. Whenever any condition or use of the property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice, abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible person and shall be collected as provided in Section 8.16.090. (Ord. 12-87 §1(part), 1987).

8.16.120 Enforcement authority. It is the duty of the chief of police or his designee to enforce the provisions of this chapter, and it is his duty to make the proper citations for the prosecution of any person or persons violating this chapter. The chief of police is further authorized and directed to bill the property owner or occupant for the cost to the City for removal of any material as provided in this chapter. (Ord. 12-87 §1(part), 1987).

8.16.130 Provisions of chapter cumulative. The provisions of this chapter shall be cumulative and in addition to the provisions of any now existing or hereafter enacted ordinances of this City. (Ord. 12-87 §1(part), 1987).

8.16.140 Each day as a separate offense. Each day or part of a day's continuance of anything prohibited by this chapter shall be a separate offense hereunder. (Ord. 12-87 §1(part), 1987).

8.16.150 Severability. The provisions of this chapter are declared to be severable and if any section, sentence, clause, or phrase of this chapter shall for any

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reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, and they shall remain in effect, it being a legislative intent that this chapter shall stand notwithstanding the invalidity of any part thereof. (Ord. 12-87 §1(part), 1987).

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Chapter 8.18

PUBLIC NUISANCE OF ALLOWING BLOWING DUST AND DIRT PROHIBITED

Sections:

- 8.18.005 Purpose and findings.**
- 8.18.010 Nuisance declared.**
- 8.18.020 Causing or maintaining a nuisance.**
- 8.18.030 Each day as a separate offense.**
- 8.18.040 Abatement.**
- 8.18.050 Abatement--Emergency.**
- 8.18.060 Abatement--Nonemergency.**
- 8.18.070 Cost of abatement imposed on property owner.**
- 8.18.080 Cost of abatement--Lien.**
- 8.18.090 Cost of abatement--Liability of person creating nuisance.**
- 8.18.100 Building permit--Plan of control.**
- 8.18.110 Severability.**

8.18.005 Purpose and findings. The City Council of the City of West Richland finds that blowing and scattering of dust within the City poses a hazard to the public health, safety and welfare of the citizens of the City and also has adverse effects upon the value, utility and habitability of property within the City as a whole. This chapter is an exercise of the City's police power and conveys to the City all proper powers to abate the nuisances caused by the blowing or scattering of dust as described herein or found to exist, and to charge the cost of its abatement to those responsible. This chapter is to be liberally construed to effect that purpose. (Ord. 32-93 §1, 1993).

8.18.010 Nuisance declared. Excavating, grading, plowing or disturbing the top soil of any land area within the City of West Richland, or permitting the same, by any person, firm or corporation, without taking affirmative measures to suppress and minimize the blowing and scattering of dust whereby it affects the health, peace, comfort, or repose of two or more separately residing persons is hereby declared to be a nuisance, and within the police power of the City of West Richland to regulate. Examples of actions constituting reasonable affirmative measures to suppress and minimize the blowing and scattering of dust include, but are not limited to: periodic application of water or other suitable fluid to areas of disturbed soil; application of a chemical or physical soil binder or any other means of forming a crust on the surface of the soil; effective corrugation of the surface; or any other means that effectively suppress the creation of blowing dust. (Ord. 2-00 §1, 2000; Ord. 32-93 §1, 1993).

8.18.020 Causing or maintaining a nuisance. Any person, firm or corporation who shall disturb, excavate, grade, plow, or remove the top soil of any land

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area, or permit or direct the same, within the City of West Richland, for any purpose, without taking reasonable, affirmative measures to suppress and minimize the blowing and scattering of dust, shall be determined to have committed a misdemeanor. Enforcement of violations of this chapter (i.e., Chapter 8.18) may commence upon either: (a) the complaint of two or more separately residing persons, or (b) in the event the Community Development/Planning Director, or his/her designee, has reason to believe that a violation of this chapter (i.e., Chapter 8.18) has been committed in his/her presence. (Ord. 2-00 §2, 2000: Ord. 32-93 §1, 1993).

8.18.030 Each day as a separate offense. Each day that said violation continues shall be deemed a distinct and separate offense, punishable as provided herein. (Ord. 32-93 §1, 1993).

8.18.040 Abatement. In addition to the civil sanctions herein provided, the City of West Richland may, without being obligated to do so, abate said nuisance by going upon said premises where the soil has been disturbed and take whatever steps are reasonably necessary to suppress the blowing and scattering of dust. (Ord. 32-93 §1, 1993).

8.18.050 Abatement--Emergency. In the event an aggravated dust-blowing condition exists, the City, under the direction of the Mayor or the City Administrator, may, without notice to the owner or person in possession of said premises, suspend work on said premises, or if no work is in progress, cause the blowing dust to be suppressed by employees of the City of West Richland or by engaging a private contractor to take reasonable measures to suppress the blowing dust. (Ord. 38-05 §5, 2005: Ord. 11-02 §5, 2002: Ord. 32-93 §1, 1993).

8.18.060 Abatement--Nonemergency. If no emergency exists, the Mayor or the City Administrator shall direct that notice be given to the person, firm, or corporation to suppress the blowing dust, and if adequate measures are not taken within five days from the date of said notice to suppress said dust, the City may cause said dust nuisance to be abated by City employees or by contract labor aforesaid. (Ord. 38-05 §6, 2005: Ord. 11-02 §6, 2002: Ord. 32-93 §1, 1993).

8.18.070 Cost of abatement imposed on property owner. If the City elects to cause said dust problem to be abated by City employees or by contract labor, the reasonable expense thereof, together with materials used, and reasonable rental value of any equipment used shall become a lien on said premises, or if the soil is disturbed in a street, alley, walk, or easement, or right-of-way, said reasonable expense

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of dust abatement shall be imposed as lien upon the abutting or appurtenant property. (Ord. 32-93 §1, 1993).

8.18.080 Cost of abatement--Lien. Said lien shall be filed with the Benton County Auditor in the manner and form of a sewage lien and foreclosed in the manner provided by statute for the foreclosure thereof. (Ord. 32-93 §1, 1993).

8.18.090 Cost of abatement--Liability of person creating nuisance. As an alternative remedy, the City may collect said cost of abating said nuisance by action against the person creating said nuisance or against the owner of the offending property if the work is being performed under his direction or for and in his behalf. (Ord. 32-93 §1, 1993).

8.18.100 Building permit--Plan of control. The City Building Inspector shall, as a condition for issuing a permit or according permission to proceed with a project, obtain adequate written assurances from the applicant that the conditions of this chapter shall be complied with. This shall be done by filing a written plan providing for an acceptable program to control dust on the project which disturbs the soil and potentially provides a source of dust. While the plan may be determined by the ingenuity of the contractor, possible alternatives which may be acceptable include placement of water sprinklers in such a manner as to apply moisture to all disturbed soil, the application of chemical or physical soil binders or other means of forming a crust on the soil which shall control soil movement by wind, or by means of a physical cover, adequate fencing or by corrugation of the surface or any other means that will effectively suppress the blowing of dust from sites where the soil has been disturbed by human activity. In all cases, approval of the proposed plan by the City and implementation of the plan by the permittee does not relieve the permittee from the obligation to control the dust. (Ord. 32-93 §1, 1993).

8.18.110 Severability. If any provision of this ordinance shall be deemed unconstitutional, it shall not effect any other provision of this ordinance, the parts being separate. (Ord. 32-93 §1, 1993).

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Chapter 8.20

ABANDONED REFRIGERATORS AND COLD STORAGE LOCKERS*

Sections:

8.20.010 Abandoned refrigerators--Safety regulations.

8.20.020 Cold storage lockers--Equipment required.

**Editor's Note: For statutory provisions on abandoned refrigeration equipment, see Chapter 9.03 RCW.*

8.20.010 Abandoned refrigerators--Safety regulations. It is unlawful for any person to place, maintain, leave or possess, or to knowingly permit to be placed, maintained, left or possessed, in any place accessible to children, any abandoned, unused or discarded icebox, refrigerator or other like container or receptacle, unless all doors thereon may be readily opened by children from the inside thereof and all locks and locking devices have been removed. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 251 §1.12.060, 1977).

8.20.020 Cold storage lockers--Equipment required.

A. It is unlawful for any person, either as owner or operator, or as agent for the owner or operator, to maintain or operate any cold storage locker or cold storage room unless the same is equipped with the following:

1. An emergency bell clearly audible to persons on the outside of the cold storage enclosure and operable from the inside of the locker or room; the operating mechanism on the inside of the locker or room shall be clearly posted with the words "emergency bell";

2. Two or more separate electric lights of at least ten watts each, located on the inside of the locker or room immediately adjacent to the operating mechanism of the emergency bell required in subsection 1 above.

B. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 251 §1.12.070, 1977).

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Chapter 8.22

FIREWORKS

Sections:

- 8.22.010 **Applicability.**
- 8.22.020 **Fireworks--Dates and times allowed.**
- 8.22.030 **Fireworks--Discharge--Rules and regulations.**
- 8.22.040 **Retail sales--Permit application--Permit nontransferable.**
- 8.22.050 **Retail sales--Permit fee.**
- 8.22.060 **Retail sales--Rules and regulations.**
- 8.22.070 **Retail sales--Fireworks list to be posted.**
- 8.22.080 **Public display--Permit application--Permit nontransferable.**
- 8.22.090 **Public display--Permit fee.**
- 8.22.100 **Public display--Rules and regulations.**
- 8.22.110 **Appeal of Fire Marshal's decision.**
- 8.22.120 **Special permitted uses--Permit required.**
- 8.22.130 **Prohibited use.**
- 8.22.140 **Fireworks prohibited.**
- 8.22.150 **Minimum age.**
- 8.22.160 **Penalty and violation.**
- 8.22.170 **Severability.**

8.22.010 Applicability. This chapter shall apply to the manufacture, sale, possession, and discharge of fireworks within the incorporated areas of West Richland. Except as provided herein, it shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, use, possess or discharge any fireworks within the incorporated areas of the City of West Richland. (Ord. 2-90 §1(part), 1990).

8.22.020 Fireworks--Dates and times allowed. Fireworks may be issued, fired or discharged in the incorporated areas of the City of West Richland during the period commencing at 12:00 noon on the 28th day of June of each year and ending at 12:00 noon on the 6th day of July of each year. (Ord. 2-90 §1(part), 1990).

8.22.030 Fireworks--Discharge--Rules and regulations.

A. It is unlawful to use, fire or discharge any fireworks along the route of or during any parade, or at any place of public assembly or in any commercial use district.

B. It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.

C. It is unlawful to smoke or discharge fireworks within 25 feet of any building or stand in which fireworks are sold at retail or are stored after hours.

D. All other rules and regulations of the State Fire Marshal relating to fireworks,

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Chapter 70.77 RCW, State Fireworks Law, including, but not limited to, rules and regulations adopted pursuant to Chapter 70.77 RCW, shall be followed. (Ord. 2-90 §1(part), 1990).

8.22.040 Retail sales--Permit application--Permit nontransferable. The City Finance Director each year may issue permits for the sale of fireworks to persons, corporations or organizations after investigation and approval by the City Fire Marshal and after determining that the location where the fireworks are to be sold is not hazardous to property or endangers any person, and that the persons in charge of selling the fireworks are competent and trained to handle such fireworks.

The application for a permit for retail sale of fireworks shall be accompanied by a letter from the person legally responsible for the property on which such sale is to take place. Such letter shall grant permission to the applicant for the use of said property. Any permit granted hereunder shall be nontransferable. (Ord. 2-90 §1(part), 1990).

8.22.050 Retail Sales--Permit Fee. The fee for a permit for retail sale of fireworks shall be \$25.00, provided that bona fide charitable and nonprofit enterprises organized for charitable, benevolent, educational, civic, patriotic, political, social, fraternal, athletic or religious purposes, and operating four or more stands for the retail sale of fireworks, shall pay a single maximum fee of \$100.00. (Ord. 2-90 §1(part), 1990).

8.22.060 Retail sales--Rules and regulations. The sale of fireworks within the incorporated areas of the City of West Richland shall be in accordance with the Washington State Fireworks Law, Chapter 70.77 RCW and the Washington State Administrative Code, Chapter 212-17 unless otherwise provided in this section.

A. No person under the age of 18 shall be employed by the permittee in connection with the retail sale of fireworks.

B. Fireworks sold at retail shall be sold only in roadside stands or in buildings used for no other purpose. Such stands or buildings shall be permitted only if in compliance with Title 17 of the West Richland Municipal Code.

C. Fireworks stands shall provide approved "no smoking" signs in red letters, not less than two inches in height, on a white background. All signs shall be maintained in a legible condition and shall be placed and displayed so as to be clearly visible and readable a minimum of twenty-five (25) feet from the building or stand in which fireworks are sold at retail or stored after hours.

D. Smoking and the discharge of fireworks shall be prohibited within 25 feet of any building or stand in which fireworks are sold at retail or are stored after hours.

E. Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or the equivalent.

F. There shall be at least two exits from all booths or buildings from which

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fireworks are sold. The two exits shall be unobstructed and open from the ground level to at least six (6) feet in height.

G. There shall be no accumulations of dry grass, paper, cardboard, trash, lumber or other combustibles within 100 feet of any retail fireworks outlet.

H. Fireworks are not be sold within 100 feet of any flammable or combustible liquid or liquid petroleum gas dispenser.

I. Retail fireworks licenses are for the retail sale of fireworks from 12:00 noon on the 28th day of June to 12:00 noon on the 6th day of July, except that no fireworks may be sold to the public between the hours of 11:00 p.m. and 9:00 a.m.

J. The temporary structure or stand(s) used for the retail sale of fireworks shall be removed from the premises within one week after July 6 of each year. Any stand or structure remaining beyond one week may be removed by order of the West Richland Chief of Police at the expense of the permittee or owner.

K. All other rules and regulations of the State Fire Marshal relating to fireworks, Chapter 70.77 RCW, shall be followed. (Ord. 2-90 §1(part), 1990).

8.22.070 Retail sales--Fireworks list to be posted. Notwithstanding RCW 70.77.575 and RCW 70.77.580, every retailer in the incorporated areas of the City of West Richland is required to post prominently at each retail outlet, a list of the fireworks that may be sold to the public under this chapter. The list is subject to approval by the West Richland Fire Marshal and shall be submitted to the Fire Marshal no later than May 31 of each year. (Ord. 2-90 §1(part), 1990).

8.22.080 Public display--Permit application--Permit nontransferable. The West Richland Fire Marshal shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks within the incorporated areas of the City of West Richland.

The application for permit for a public display of fireworks shall be made in writing to the City Finance Director at least 10 days in advance of the display. The application shall be accompanied by a letter from the person legally responsible for the property on which such display is to take place. Such letter shall grant permission to the applicant for the use of said property. Any permit granted hereunder shall not be transferable. (Ord. 2-90 §1(part), 1990).

8.22.090 Public display--Permit fee. The fee for a public display permit shall be \$25.00. (Ord. 2-90 §1(part), 1990).

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8.22.100 Public display--Rules and regulations. A public display shall be of such character, and so located, discharged or fired that in the opinion of the West Richland Fire Marshal, the display shall be deemed not hazardous to property or injurious to any person. Every such display shall be handled by a competent operator who has been approved by the West Richland Chief of Police and the West Richland Fire Marshal. Every approved operator shall have first obtained a state license pursuant to RCW 70.77.305. (Ord. 2-90 §1(part), 1990).

8.22.110 Appeal of Fire Marshal's decision. Any applicant who has been refused a permit for public display or a permit for retail sale of fireworks by the West Richland Fire Marshal shall have the right to appeal the Fire Marshal's decision to the West Richland City Council. (Ord. 2-90 §1(part), 1990).

8.22.120 Special permitted uses--Permit required. No person may sell, use or possess in the incorporated areas of the City of West Richland any of the following, except with a permit and in the manner provided by law:

- A. "Special Fireworks" as defined in RCW 70.77.131 and WAC 212-17-040.
- B. "Agricultural and Wildlife Fireworks" as defined in RCW 70.77.141 and WAC 212-17-045.
- C. "Special Effects" as defined in RCW 70.77.146. (Ord. 2-90 §1(part), 1990).

8.22.130 Prohibited use. The manufacture of fireworks is prohibited within incorporated areas of the City of West Richland except as provided in Title 17 of the West Richland Municipal Code. (Ord. 2-90 §1(part), 1990).

8.22.140 Fireworks prohibited. No person may sell, use or possess in the incorporated areas of the City of West Richland any of the following:

A. "Helicopter or Aerial Spinner" - Tube not more than ½ inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

B. "Mine or Shell" - Heavy cardboard or paper tube up to 2-1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars", firecrackers or other devices are propelled into the air. The tube remains on the ground.

C. "Sky Rocket" - Tube not exceeding ½ inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

D. "Missile-type Rocket" - Device similar to a sky rocket in size, composition and effect that uses fins rather than a stick for guidance and stability.

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E. "Firecracker or Salute" - Small paper-wrapped or cardboard tube, the external dimensions of which do not exceed 1-1/2 inch in length or 1/4 inch in diameter containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

F. "Chaser" - Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

G. "Ground spinner" - Small device similar to a wheel in design and effect, and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

H. "Roman Candle" - Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

I. "Smoke Device" - Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

J. "Jumping Jacks" - A small tube containing pyrotechnic composition that, upon ignition, will bounce around and produce a flash.

K. "Combination Items" - Any fireworks devices containing combinations of two or more of the effects described in WAC 212-17-198.

L. Any fireworks devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.

M. Any fireworks devices larger, in terms of size and amount of pyrotechnic composition, than specified in this section. (Ord. 2-90 §1(part), 1990).

8.22.150 Minimum age.

A. It shall be unlawful for any person or corporation to sell or give fireworks to anyone under the age of 16 years unless that person is under the immediate supervision of an adult (18 years old or older).

B. It shall be unlawful for a parent, guardian or other person responsible for a child under the age of 16 years to allow that child to possess, use, discharge or transport any fireworks unless that child is under the immediate supervision of an adult (18 years old or older).

C. It shall be unlawful for any person under the age of 16 years to possess, use, discharge or transport any fireworks unless that person is under the immediate supervision of an adult (18 years old or older). (Ord. 2-90 §1(part), 1990).

8.22.160 Penalty and violation.

A. Except as otherwise provided in Chapter 70.77 RCW, the State Fireworks Law, any person violating the provisions of this chapter is guilty of a misdemeanor and shall be punished by a fine in an amount fixed by the Court of not more than \$1,000.00. A person violating the provisions of 8.22.140 WRMC is guilty of a gross misdemeanor if

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the possession, use or sale involves one pound or more of fireworks, exclusive of packaging, that is not an integral part of the operative unit of fireworks.

B. A person is guilty of a separate offense for each day during which he commits, continues or permits a violation of any provision of this chapter. (Ord. 2-90 §1(part), 1990).

8.22.170 Severability. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby. (Ord. 2-90 §1(part), 1990).

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Chapter 8.24

WEED AND NUISANCE GROWTH CONTROL*

Sections:

- 8.24.010 Public nuisance when--Declaration.**
- 8.24.020 Notification procedure.**
- 8.24.030 Failure to abate--Remedial action.**
- 8.24.040 Remedy--Nonexclusive.**

8.24.010 Public nuisance when--Declaration. Weeds, waste, shrubs and other nuisance growth higher than twelve inches are a public nuisance and are further a hazard and menace to the public health, safety and welfare. (Ord. 251 §1.18.010, 1977).

8.24.020 Notification procedure. If such a nuisance is found to exist, the City shall forthwith notify the owner, in writing, to immediately cut down the growth as close to the ground as can practicably be done to keep the growth controlled in a like manner. In the event the owner of the lot or parcel is a nonresident of the City, or cannot be found in the City, then notice shall be given by certified mail to the last known address of the owner, and if that address is not known or cannot be obtained, then by posting the notice on the property itself. The notice shall extend to the owner ten days from the date of the notice to vacate the nuisance. (Ord. 251 §1.18.020, 1977).

8.24.030 Failure to abate--Remedial action. If the owner fails to abate the nuisance within the allotted period of time, the City may abate the same and the owner shall be responsible for the cost of the abatement including an administrative charge of twenty-five dollars. If the owner fails to pay the charge immediately, or if no charge is tendered because the owner cannot be found, the City may file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by the laws of the state for liens filed for labor and materials. (Ord. 251 §1.18.030, 1977).

8.24.040 Remedy--Nonexclusive. Nothing contained in this chapter shall prevent the City from proceeding against the owner of such premises under criminal provisions which prohibit maintaining or permitting a public nuisance, the provisions of this chapter being supplemental and not an exclusive remedy. (Ord. 251 §1.18.040, 1977).

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Chapter 8.28

HEALTH DEPARTMENT

Sections:

8.28.010 Purpose.

8.28.030 Cooperation of City's officers and employees.

8.28.010 Purpose. The City desires to be included within the Benton-Franklin District Health Department, pursuant to the provisions of Chapter 70.46 RCW. It is the City's intent that all powers vested in it or its officers and all duties imposed upon it or its officers by general law for the protection of the life and health of the people within its jurisdiction shall be exercised and performed by the Benton-Franklin District Health Department and its district health officer. (Ord. 430 §1(part), 1981).

8.28.030 Cooperation of City's officers and employees. The officers and employees of the City are directed to assist the Benton-Franklin District Health Department and its district health officer in the enforcement of general laws, the regulations of the health department, and City ordinances for the protection of the life and health of the people within the City. (Ord. 430 §1(part), 1981).

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Chapter 8.32

FOOD SERVICE ESTABLISHMENT

Sections:

- 8.32.010 Purpose of chapter.**
- 8.32.020 Adoption of State administrative rules and regulations relating to food service sanitation.**
- 8.32.030 Definitions.**
- 8.32.040 Permit required.**
- 8.32.050 New establishments--Permit and fee.**
- 8.32.060 Compliance with other laws.**

8.32.010 Purpose of chapter. The maintenance of public health and sanitation require the regular inspection of food service establishments. It is the purpose of this chapter to require such inspections and to require permit fees for the operation of food service establishments. (Ord. 410 §1(part), 1980).

8.32.020 Adoption of State administrative rules and regulations relating to food service sanitation. Pursuant to the provisions of RCW 35A.69.010, Chapter 248-84 of the Washington Administrative Code, entitled Food Service Sanitation, is adopted by reference, together with amendments and additions thereto, except as provided for in this chapter. (Ord. 410 §1(part), 1980).

8.32.030 Definitions. When used in this chapter, the following definitions shall apply:

A. "Health Officer" means the Benton-Franklin District Health officer or his authorized representative;

B. "Person" means a person, firm, corporation, partnership, association or organization. (Ord. 410 §1(part), 1980).

8.32.040 Permit required. It shall be unlawful for any person to operate a food service establishment without having in his possession an unrevoked food service permit issued by the Benton-Franklin District Health Department. (Ord. 5-96 §2 1996: Ord. 8-89 §1, 1989: Ord. 410 §1(part), 1980).

8.32.050 New establishments--Permit and fee.

A. Every person constructing or extensively remodeling an existing food service establishment or converting an existing structure for use as a food service establishment

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shall, prior to work beginning on such construction, remodeling or conversion, submit the plans for such construction, remodeling or conversion, to the Benton-Franklin District Health Department, who shall then conduct a plan review, and who shall conduct an inspection of the structure following completion of the construction, remodeling or conversion.

B. The Benton-Franklin District Health Department may establish and require the applicant to pay a fee for the plan review.

C. No occupation permit shall be issued until the plan review and inspection, as provided herein, has been completed. (Ord. 5-96 §3, 1996: Ord. 8-89 §2, 1989: Ord. 410 §1(part), 1980).

8.32.060 Compliance with other laws. The permit and fees required by this chapter are in addition to all other permits and fees required by the laws of the state and the City, and no permit for a food service establishment as provided for herein shall be issued to any person who has not first obtained and paid for all other required permits. (Ord. 410 §1(part), 1980).