

HEALTH, WELFARE, AND NUISANCES

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GENERAL PROVISIONS

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8.01.010 Authority. This Title is established and adopted pursuant to:

- A. RCW 35.80.020 Definitions.
- B. RCW 7.48 Nuisances
- C. Chapter 7.48A RCW Moral Nuisances
- D. RCW 9.66.010 Public nuisance.
- E. RCW 35.22.280 Specific powers enumerated.
- F. RCW 35.23.440 Specific powers enumerated.

8.01.020 Repeal. The current TMC “Title 8 – Health and Safety” is hereby repealed in its entirety. Repeal of the existing Title 8 TMC does not affect any existing permits, land use applications or requirements, or existing enforcement actions.

8.01.025 Title. The current TMC Title 8 – “Health and Safety” shall be known as “Title 8 – Health, Welfare and Nuisances”.

8.01.030 Purpose. The purpose of this Title is exercise the police power in relation to public nuisances and the abatement of such nuisances to provide for the protection of the health, safety and welfare of the citizens of Tenino by protecting the quality of life of neighborhoods within the city from unhealthy and unsanitary conditions, public nuisances, and urban blight as described by this Title. This Title establishes standards for the condition and appearance of properties that allow for the protection of the citizens of the City to enjoy their dwellings and property without being subjected to unpleasant conditions. It is also the purpose of this Chapter to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values. It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-

harboring, and/or disease-causing places, conditions, or objects. This Title is also necessary for the public social and economic welfare to regulate, prevent, and prohibit conditions which degrade the City's scenic attractiveness and livability and its economic development.

8.01.040 Interpretation. In the interpretation and application of this Title, all provisions shall be:

- A. Considered the minimum necessary;
- B. Liberally construed to serve the purposes of this Title; and
- C. Deemed neither to limit nor repeal any other powers under State statute.

8.01.050 Applicability. This Title shall apply to all lands and waters within Tenino and the owners, residents, renters, or leasees, thereof.

8.01.060 Definitions.

- A. This Title shall rely on the definitions contained in TMC 18.20.040, Definitions.
- B. The City also adopts by reference the definitions stated in [WAC 197-11-700 through 197-11-799](#) as now or hereafter amended. In addition, the definitions 14.10.060C below shall also apply:
- C. Additional definitions that apply to this Title are:

Abate. To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable department director or designee determines is necessary in the interest of the general health, safety and welfare of the community.

Agency. The City of Tenino.

Approved. Accepted in writing by the Health Officer, the Washington State Department of Social and Health Services (DSHS), or the City of Tenino.

Abandoned hive(s). Any hive with or without bees, that evidences a lack of being properly managed in that it has not been supered in the spring, except nucs, or unsupered in the fall, or is otherwise not managed and/or left without authorization on the property of another, or on public land.

Apiary. A site where hives of bees or hives are kept or found.

Background sound level. The level of all sounds in a given environment, independent of the specific source being measured.

Board of Health. The Thurston County Board of Health established pursuant to RCW 70.05.

Camp. Erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way that allows for remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

City. City of Tenino.

City Official. The Code Enforcement Officer, designee or an authorized representative.

City property. Any City-owned real property.

Charging party. Any individual alleging on his/her own behalf to have been personally aggrieved by an unlawful discriminatory practice.

Container. Any portable device, in which materials are stored, transported, treated, disposed of, or otherwise handled.

Collection. The removal and transportation of infectious waste from the generator, transfer station, or pickup station.

Conciliation. A written settlement generally providing full relief for the charging party after a determination of reasonable cause has been accepted. Such agreement requires the signatures of the respondent and a city representative. The charging party may also be signatory to such an agreement.

Contamination. The transfer of disease organisms from one material or object to another.

Colony. A natural group of bees having a queen(s).

Court. The Tenino Municipal Court.

Court, Superior. The Thurston County Superior Court.

dB(A). The sound level measured in decibels using the "A" weighing network.

dB(A). The sound pressure level, in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of sound to a reference pressure of 20 micropascals.

Decontamination. The elimination of contamination through cleansing and disinfection of an area, object, or person soiled by contact with infectious waste.

Emergency. A situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

Facility. Any place where infectious waste activity occurs as defined by this Chapter.

Generator. Any person whose act or process produces infectious waste as defined in this Title.

Handling. Any direct physical management of infectious waste.

Health Officer. The Director of the Thurston County Health Department or authorized representative.

Health Department. The Thurston County Health Department.

Hearing Officer. The Code Enforcement Officer or the authorized representative.

Hive(s). A manufactured receptacle or container prepared for the use of bees, including movable frames, combs, and substances deposited into the hive by bees.

Honey bee(s). Any life stages of the species *Apis Mellifera*.

Housing accommodation. Any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of habitation of one or more human beings, including a mobile home or a trailer and any land for sale, lease or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park or a trailer camp.

Infectious Agent. A type of microorganism, helminth, or virus that causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings or animals.

Infectious Waste, Biomedical Waste, or Biohazardous Waste. Synonymous terms for untreated solid waste capable of causing an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host. The following types of wastes will be referred to as infectious waste:

1. Animal Waste: Waste animal carcasses, body parts, body substances, and bedding of animals that are known to be infected with, or that have been inoculated with, pathogenic microorganisms infectious to humans.
2. Biosafety Level 4 Disease Waste: Waste contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others

from highly communicable infectious diseases that are identified as pathogenic organisms assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories (current edition).

3. Cultures and Stocks of Infectious Agents: Wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from the production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Examples include, but are not limited to, culture dishes, blood specimen tubes, specimen containers, slides and cover slips, and devices used to transfer, inoculate, and mix cultures.
4. Human Blood and Blood Products: Waste human blood, blood products, blood components, and materials that contain amounts of blood capable of creating droplets or pooling in collection containers. Examples include, but are not limited, whole blood, serum, plasma, blood derived products, and saturated gauze pads.
5. Pathological Waste: Waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
6. Sharps Waste: All hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from their original sterile packages.
7. Miscellaneous Contaminated Items: Waste items not included in the above definitions that have come into contact with human or animal body substances or other sources which may contain pathogenic organisms of sufficient concentration that exposure to the waste directly or indirectly creates a significant risk of disease transmission. These items shall be determined as infectious waste by and solely at the discretion of the infectious waste generator's infection control staff/committee.

Infectious Waste Management Permit. The permit issued by the Health Officer for the generation, transportation, storage, and/or treatment of infectious waste under the conditions specified in the permit section of this Chapter.

Infectious Waste Management Plan. A written and implemented system for the safe handling of infectious waste throughout the entire process of generation, segregation, packaging, storage, collection, transportation, treatment, and disposal.

Irradiation. The use of ionizing radiation for the treatment of infectious waste.

Marital status. Includes being married, separated, divorced, widowed or single.

Muffler. A device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing sound resulting therefrom.

Multi-family units. Includes, but is not limited to, duplexes, triplexes, apartment houses and condominiums.

Negotiated settlement. A signed agreement between the charging party and the respondent in a particular case prior to a finding on the merits of the charge. The City may also be signatory to such an agreement. A negotiated settlement should not be taken as evidence that the respondent has or has not engaged in any unlawful discriminatory activity.

Nuisance. Nuisance consists in unlawfully doing an act, or omitting to perform a duty,

which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

Nuisance, public. A public nuisance is one which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal. More specifically, as defined by RCW 9.66, a public nuisance is a crime against the order and economy of the state. Every place wherein any fighting between people or animals or birds shall be conducted; or, wherein intoxicating liquors are kept for unlawful use, sale or distribution; or, where vagrants resort; and every act unlawfully done and every omission to perform a duty, which act or omission shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or, shall offend public decency; or, shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley, highway, or municipal transit vehicle or station; or, shall in any way render a considerable number of persons insecure in life or the use of property; shall be a public nuisance.

Noise. The intensity, duration and character of sounds, from any and all sources.

Off-highway vehicle. Any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon public highways not required to be licensed under RCW 46.16.010. "Off-highway vehicle" shall include dirt bikes and all-terrain vehicles, but shall not include special construction vehicles.

Off-site. A facility or area for the storage, treatment, and/or disposal of infectious waste which is not on the generator's site (e.g. "on-site"), or a facility or area which receives infectious waste for storage or treatment, when that waste has not been generated "on-site" at that facility.

On-site sewage disposal system. Any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or an adjacent or nearby property under control of the user where the system is not connected to a public sewer system.

Operator. A person who operates a facility or part of a facility.

Owner. Includes the owner or owners of the premises or lesser estate therein, a mortgage or vendee in possession, an assignee for rents, receiver, executor, trustee or other person, firm.

Pathogen. A biological agent that causes disease.

Permit holder. A person or authorized agent to whom a permit is issued.

Person. See TMC 18.20.040, Definitions.

Personnel. All persons who work at or oversee the operations of a facility involved in infectious waste activity.

Police. The City of Tenino Police Department.

Pool, private. Any swimming pool, wading pool or spray pool maintained by an individual, the use of which is confined to private members or invited guests. Private pools are not subject to the provisions of this Chapter.

Property boundary. The surveyed line at ground surface, which separates the real property owned, rented or leased by one or more persons, from that owned, rented or leased by

one or more other persons, and its vertical extension.

Racing event. Any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

Real property. An interest or aggregate of rights in land which is guaranteed and protected by law. "Real property" includes a leasehold interest.

Reasonable cause. That a determination has been made that the evidence produced by the City staff's investigation is adequate to support a reasonable conclusion that unlawful discrimination has occurred or is occurring. Such determination allows for the continuance of the administrative process including, but not limited to, attempts at conciliation.

Receiving property. Real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

Respondent. Includes any person or entity against whom a complaint or charge of unlawful practice is filed with the City.

Sensory, mental or physical handicapped. Should be defined as any person who:

1. Has a sensory, physical or mental impairment, which substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Sharps Waste Container. A leak-proof, rigid, puncture-resistant, red container that is taped closed or tightly lidded to prevent the loss of contents.

Storage. The containment of infectious waste, beyond the nine days allowed prior to treatment, in accordance with the standards outlined in this Chapter, in such a manner as not to constitute disposal of infectious waste.

Storage Facility. A facility authorized and permitted to store infectious waste.

Special construction vehicle. Any vehicle which is designed and used primarily for grading, paving, earth moving, and other construction work; and which is not designed or used primarily for the transportation of persons or property on a public highway, and which is only incidentally operated or moved over the highway.

Sound level meter. A device which measures sound pressure levels and conforms to Type 1, S1A, 2 or S2A as specified in the American national Standards Institute Specifications.

Sewage. The water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with such ground water infiltration, that may be present.

Transporter. A person engaged in the off-site transportation of infectious waste by air, rail, highway, or water.

Treatment. Any method, technique, or process designed to change the biological character or composition of infectious waste to render it non-infectious.

Treatment Facility. Any facility approved and permitted by the Department for the treatment of infectious waste.

Unsecured load. A shipment of solid waste in or on a vehicle that is not covered, protected, or otherwise secured or tied down by safety chains or other fastening devices in a manner that will prevent waste materials from spilling, escaping, falling, or being blown or deposited outside the vehicle while the vehicle is in motion.

Vehicle. Every device capable of being moved upon a public highway and in, upon, or by

which any person or property is or may be transported or drawn upon a public highway, including any motor vehicle, rail car, watercraft, trailer, or motorized or non-motorized cargo-carrying body used for the movement of infectious waste. Bicycles shall not be considered vehicles for purposes of this Chapter.

Vehicle, junk. A motor vehicle meeting at least three of the following requirements:

1. Is three 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 a fair market value equal only to the value of the scrap in it.

Vehicle, motor. Any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010.

Vehicle, motor racing event. Any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body licensed by Thurston County.

Vehicle, motorcycle. Any motor vehicle having a saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground; except that farm tractors and vehicles powered by engines of less than five horsepower shall not be included.

Warning device. Any device intended to provide warning of potentially hazardous, emergency or illegal activities including but not limited to an alarm system or vehicle back-up signal.

8.01.070 Reconsideration and Appeal Procedures. Decisions under this Title are Administrative Decisions for appeal purposes and are processed as set forth in TMC 18.40.090, Process II, Administrative Action.

8.01.080 Fees. Provisions of TMC 18.30.110 apply unless otherwise stated within this Title.

8.01.090 Compliance. When a violation of this Title exists, the Department shall require the property owner to bring the site into compliance. The City will attempt to encourage voluntary compliance with the provisions of this Title.

8.01.100 Severability. If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

8.01.110 Violation – Enforcement - Civil infraction. Provisions of TMC Title 18.30.130 Enforcement shall apply to this Title.

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NUISANCES

Sections:

- 8.08.010 Nuisances - Generally.**
- 8.08.020 Nuisances - Specifically that Affect Public Health.**
- 8.08.030 Yard Maintenance.**
- 8.08.040 Vacant Lot or Building.**
- 8.08.050 Authority of Board of Health.**
- 8.08.060 Inspections.**

8.08.010 Nuisances - Generally. Nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

8.08.020 Nuisances - Specifically that Affect Public Health. The following specific acts, omissions, places, conditions and things are declared to be nuisances: the erecting, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, or other public or private place in the City, any one or more of the following places, conditions, things or acts to the prejudice, danger, or annoyance of others:

- A. Privies, vaults, cesspools, sumps, pits, wells or cisterns or like places which are not securely protected from flies or rats;
- B. Filthy, littered or trash-covered premises, including all buildings and structures thereon and areas adjacent thereto;
- C. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal, articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash or abandoned material unless the same are kept in covered bins or metal receptacles;
- D. Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin and other metal not neatly piled which provides harborage for rodents;
- E. Any unsightly and dangerous building, billboard or structure;
- F. All places used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding 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 provide harborage for rodents excluding properly zoned and licensed wrecking yards, junkyards or machinery being

- used;
- G. Garbage disposed of any manner other than provided in Chapter 8.32 Solid Waste Collection And Disposal;
 - H. Garbage cans which are not impervious to rodent gnawing or do not have tight-fitting lids;
 - I. Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish or fowl, butchers' trimmings and offal, or any animal wastes not securely protected from flies and the elements, or vegetable waste matter in any quantity that is not securely protected from flies, rodents, and other vermin, garbage, human excreta or other offensive substance;
 - J. Any noxious or toxic weed or uncultivated plant, weeds or tall grass which may be a fire hazard or provides rodent harborage, or any tree that poses a potential hazard;
 - K. Grass clippings, cut brush, cut weeds, or compost piles that create fly or rodent harborage.
 - L. Nests, colonies, hives or apiaries of bees, Africanized honey bees, yellow jacket, hornets or wasps which are not in full compliance with Chapter 8.94 TMC, Chapter 15.60 RCW, or Chapter 16-602 WAC.
 - M. Permitting horses, cattle or other domestic livestock, poultry, fowl, or birds to to run at-large or have access to any street, alley or public place, or to trespass upon privat property.
 - N. Keeping or maintaining livestock, horses, cows, sheep goats, rabbits, fowl, chickens, ducks, or geese within fifty feet of an improved lot other than that of the occupant.
 - O. Keeping or permitting to be kept upon any premises any chicken coop, rabbit hutch, corral, animal yard, kennel, cellar vault, drain-pool, sewer or sink in a foul, offensive, noxious or filthy condition.
 - P. Keeping or permitting to be kept upon any land in the City within fifty feet of an improved lot, any animal or animals, including fowl, birds, or insects, which by any sound or cry shall disturb the peace and comfort of any neighborhood, or interfere with any person in the reasonable enjoyment of life or property.
 - Q. Keeping or permitting to be kept trees on or along any street or alley of which the limbs are less than eight feet above the surface of any sidewalk, or nine feet above the surface of any street.
 - R. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;
 - S. Any building or portion thereof that is determined to be an unsafe building pursuant to Title 15 TMC, the Building Code for the City of Tenino, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced pursuant to Title 15 TMC, to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

8.08.030 Yard Maintenance. Every occupant of a dwelling unit located in close proximity to another occupied dwelling unit shall keep the yard space thereof reasonably neat and clean and free of uncut grass, blackberry vines, bushes and debris if a rodent infestation exists.

8.08.040 Vacant Lot or Building. Every owner of a vacant lot or building located in close proximity to another occupied dwelling unit shall keep the premises reasonably neat and clean and free of uncut grass, blackberry vines, bushes and debris.

8.08.050 Authority of City. Whenever any declared nuisance, source of filth or cause or probable cause of injury to health shall be found to exist on any private or public property by any City employee or upon citizen complaint, the Code Enforcement Officer shall have the power and authority to order verbally and/or in writing, or by citation, that the owner, occupant or user thereof, by appropriate action, and at the expense of such owner, occupant, or user, to correct such nuisance, source of filth or probable cause of injury within such time as the Code Enforcement Officer may order. In the event of the refusal or failure to remove such nuisance within said time, the Code Enforcement Officer may cause such nuisance to be abated at the expense of such person or persons, and that legal and administrative costs and any incurred fines may be recovered by the City from such person or persons in an action brought in the name of the City to recover the same in any Court of competent jurisdiction.

8.08.060 Inspections. Violations that are in plain view from any public access may be acted upon by the City. Upon consent of an occupant or property owner, the Code Enforcement Officer may be granted access to a premise or property at all reasonable times for the purpose of inspecting same to ascertain compliance with the provisions of this Chapter.

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FIREWORKS

Sections:

- 8.09.010 Authority.**
- 8.09.020 Definitions.**
- 8.09.030 Dates and Times Fireworks May Be Sold or Discharged.**
- 8.09.040 Dates Fireworks May be Used and Discharged.**
- 8.09.050 Permit / Liability Insurance Required.**
- 8.09.060 Sale of certain fireworks prohibited.**
- 8.09.070 Local Permits, Fees, and Periods of Validity.**
- 8.09.080 Fireworks Not Allowed.**
- 8.09.090 Unlawful discharge or use of fireworks -- Penalty.**

8.09.010 Authority. This Chapter is established pursuant to the provisions of Chapter 70.77 RCW State Fireworks Law.

8.09.020 Definitions. The following definitions apply to this Chapter:

Local fire official. The Fire District #12 Fire Marshall is designated is designated to act as a local fire official under this chapter.

Permit. The official authorization granted for the purpose of establishing and maintaining a place within the City where fireworks are manufactured, constructed, produced, packaged, stored, sold, or exchanged and the official authorization granted for a public display of fireworks.

8.09.030 Dates and Times Fireworks May Be Sold and Purchased. Fireworks may be sold and purchased from:

- A. Noon to 11 p.m. on June 28;
- B. 9 a.m. to 11 p.m. on June 29 through July 4;
- C. 9 a.m. to 9 p.m. on July 5; and
- D. Noon to 11 p.m. on December 27 through December 31.

8.09.040 Dates and Times Fireworks May be Used and Discharged. Fireworks may be used and discharged from:

- A. Noon to 11 p.m. on June 28;
- B. 9 a.m. to 11 p.m. on June 29 through July 3;
- C. 9 a.m. to midnight on July 4;
- D. 9 a.m. to 11 p.m. on July 5; and
- E. 6 p.m. on December 31 to 1 a.m. on January 1.

8.09.050 Permit / Liability Insurance Required. No retail fireworks permit may be issued to any applicant unless the retail fireworks stand is covered by a liability insurance policy with coverage of not less than fifty thousand dollars and five hundred thousand dollars for bodily

injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, each fireworks permit shall be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies.

8.09.060 Sale of certain fireworks prohibited. No fireworks may be sold or offered for sale to the public as consumer fireworks which are classified as sky rockets, or missile-type rockets, firecrackers, salutes, or chasers as defined by the United States department of transportation and the federal consumer products safety commission except as provided in RCW [70.77.311](#).

8.09.070 Local Permits, Fees, and Periods of Validity. Permits for retail fireworks stands operated in the City of Tenino are valid from January 1 through January 31 of the following year. If a retail license is purchased at any time of the year after January 31, it shall be valid until January 31 of the following year. To conduct public fireworks displays, provisions of RCW 70.77 apply. Permits are required from the following agencies to operate a retail fireworks stand or conduct a public display within the City of Tenino:

Table 8.09-1 Agency Permit Fees

Permit Agency	Stand Fee or Public Display Fee
Washington State Patrol	As established
Fire District #12	As established
City of Tenino	Adopted Business License Fee

8.09.080 Fireworks Not Allowed. Fireworks are not allowed to be used on any City property unless it is conjunction with a permitted public display.

8.09.090 Unlawful discharge or use of fireworks -- Penalty. Violations of this Chapter shall be punishable as a Class 1 Civil Infraction pursuant to enforcement and penalty provisions of TMC 18.30.130 Enforcement and may also be considered as criminal under the provisions of Chapter 9 RCW.

Chapter 8.12

FOOD SERVICE SANITATION

Sections:

8.12.010 Regulations Adopted by Reference.

8.12.020 Authority of Health Officer.

8.12.010 Regulations Adopted by Reference. The Washington Administrative Code 248-84, Rules and Regulations of the State Board of Health for Food Service Sanitation, is adopted by reference.

8.12.020 Authority of Health Officer. The Thurston County Health Officer is empowered and shall write rules and regulations consistent with this Chapter and relative to this Chapter.

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RODENT CONTROL

Sections:

- 8.20.010 Compliance Required.**
- 8.20.020 Construction Requirements.**
- 8.20.030 Sanitation Requirements.**
- 8.20.040 Rat Traps.**
- 8.20.050 Poisons.**
- 8.20.060 Protection of Food Products.**
- 8.20.070 Inspections.**

8.20.010 Compliance Required. It is unlawful for any person to keep, store or expose for sale any food products or other food goods, or to occupy or maintain any dock, building, storeroom or warehouse or to reside in any residence without complying with the provisions of this Chapter.

8.20.020 Construction Requirements. All basements and walls of all buildings, storerooms, warehouses and residences within the City shall be so constructed, or repaired by the use of screens, nettings, cement or other material or materials approved by the Building Code as to prevent rats from gaining entrance to or harboring beneath the same.

8.20.030 Sanitation Requirements. All buildings, storerooms, warehouses and residences within the City shall be maintained in a clean and sanitary condition and rendered free from rats. It shall be the duty of the owner, lessee or occupant thereof to take all necessary steps to that end.

8.20.040 Rat Traps. All buildings, storerooms, warehouses and residences shall be provided by the owner, lessee or occupant thereof, if required, with such number of rat traps of a pattern approved and ordered by the Director of Health or City and shall be inspected by the owner, lessee or occupant daily. Rat(s) caught therein shall be removed and properly disposed of.

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

8.20.060 Protection of Food Products. All food products or other goods, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith.

8.20.070 Inspections. The Department of Health and all inspectors or employees of the

Health Officer shall, at all reasonable times, have and be granted access to any premises, building, storeroom, warehouse or residence where activities defined by this Chapter take place and for the purpose of inspecting same and of ascertaining whether the provisions of this Chapter have been complied with.

Chapter 8.32

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

Sections:

- 8.32.010 Purpose.**
- 8.32.020 Unsecured Load.**
- 8.32.030 Business License Required.**
- 8.32.040 Exemptions.**
- 8.32.050 Unlawful Dumping.**
- 8.32.060 Municipal Garbage Service.**
- 8.32.070 Violations.**

Cross-references: Chapters 36.58 and 36.58A RCW

8.32.010 Purpose. For the purpose of protecting the life, health, safety, welfare and convenience of the inhabitants of Tenino, it is necessary to establish rules and regulations pertaining to storage of household garbage, the disposal thereof, and prescribing penalties for violations.

8.32.020 Unsecured Load. Except for vehicles that are exempted as provided in Section 8.32.060, no vehicles transporting waste materials from the City of Tenino to any landfill or transfer station shall contain unsecured loads.

8.32.030 Business License Required. A City of Tenino business license is also required of all solid waste handlers.

8.32.040 Exemptions. Unless also transporting solid waste for disposal, the following vehicles and vehicle operators shall be exempt from the requirements set forth in Section 8.32.030:

- A. Vehicles transporting sand, dirt, or gravel in accordance with the provisions of RCW 46.61.655;
- B. Vehicles transporting separated yard and garden debris to any solid waste facility that accepts such yard and garden debris;
- C. Vehicles transporting separated recyclable materials to any solid waste facility that accepts such recyclable materials.
- D. Privately operated vehicles transporting that individual's solid waste or recyclable materials to an authorized solid waste or recycling facility.

8.32.050 Unlawful Dumping. Every person who places, deposits or dumps, or who causes to be placed, deposited or dumped, any sewage, sludge, accumulation of human excrement, garbage, or building material refuse in or upon any street, alley, public highway or road in common use, or upon any public park or other public property, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a civil infraction.

8.32.060 Municipal Garbage Service. The City of Tenino shall provide contract garbage services to residents and property owners. Occupants shall have the option of utilizing the contracted garbage service, or shall be responsible for the legal disposal of their solid waste. The charges for said service shall be paid by the property owner or occupant as agreed.

8.32.070 Violations. Violations of any provisions of this Chapter are punishable pursuant to provisions of TMC 18.30.130 Enforcement.

ON-SITE SEWAGE DISPOSAL SYSTEMS

Sections:

- 8.36.010 Program Administration.**
- 8.36.020 Permits.**
- 8.36.030 Design.**
- 8.36.040 System Construction.**
- 8.36.050 Domestic Water Source.**
- 8.36.060 Density and Minimum Lot Size.**
- 8.36.070 Sewage Haulers.**
- 8.36.080 Enforcement.**
- 8.36.090 Appeals.**
- 8.36.100 Penalties.**

Cross-reference: Chapter 248-96 WAC

8.36.010 Program Administration. Management of on-site sewage disposal systems within the City of Tenino is a function of the Thurston County Health Department, therefore this program is administered pursuant to the requirements of the Thurston County Health Department.

8.36.020 Permits.

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

8.36.030 Design.

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

from the building and premises to be served.

8.36.040 System Construction.

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

8.36.050 Domestic Water Source.

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

8.36.060 Density and Minimum Lot Size. On-site sewage disposal systems shall be installed on lots, parcels, or tracts that have a sufficient amount of area with proper soils in which sewage can be retained and treated properly on-site. In this regard, the Health Department shall establish the maximum allowable density and minimum lot sizes for future development proposals. The Board shall also establish guidelines to set such limits.

8.36.070 Sewage Haulers.

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

8.36.080 Enforcement. The City shall investigate and enforce possible violations of this Chapter. Violations of this Chapter are punishable pursuant to provisions of TMC 18.30.130 Enforcement. Thurston County Health Department is authorized to enforce this Chapter under the Rules and Regulations of the Board of Health. The Board of Health shall establish such enforcement procedures as are necessary to ensure proper enforcement of the Rules and Regulations adopted pursuant to this Chapter. The Board shall also establish an appeals procedure for persons who feel aggrieved by any final order or decision of the Health Officer.

8.36.090 Appeals. Any person aggrieved by any decision or final order of the Health Officer shall have the right to appeal such decision or order. Such appeals shall follow the procedures as outlined by the Board of Health.

8.36.100 Penalties. In addition to any penalties for violations of the provision of this Chapter that may be imposed pursuant to TMC 8.01.130, the Health Department is also empowered to impose penalties pursuant to any provision necessary for the protection of human health and comfort.

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INFECTIOUS WASTE MANAGEMENT

Sections:

8.38.010 Administration, Authority and Purpose.

8.38.020 Applicability.

8.38.030 Requirements and Standards for Infectious Waste Generators.

8.38.040 Residential Sharps Waste.

8.38.010 Administration, Authority and Purpose. Management of all non-residential infectious sharps wastes within the City of Tenino is a function of the Health Department and this program is administered pursuant to the requirements of the Thurston County Health Department.

8.38.020 Applicability. This Chapter shall apply to all infectious waste facilities and transporters without regard to quantity of infectious waste handled per month. Infectious waste generated and disposed of with residential wastes from a single family residence or single family dwelling unit shall be exempt from this Chapter, except:

- A. Where such infectious waste is generated from commercial or professional offices, or
- B. Residential sharps waste as described in Section 8.38.040.

8.38.030 Requirements and Standards for Infectious Waste Generators.

- A. **Applicability.** The requirements of this Section shall apply to all infectious waste generators without regard to the quantity of infectious waste produced per month.
- B. **Permit Required.** Any person who owns or operates a facility that generates infectious waste shall have a valid and appropriate Class I infectious waste management permit (IWMP) issued by the Health Officer as provided under Article V - Rules And Regulations Of The Thurston County Board Of Health Governing Solid Waste Handling.

8.38.040 Residential Sharps Waste.

- A. **Applicability.** Residential sharps waste is sharps waste generated and prepared for disposal at a residence, apartment, dwelling, or other non-commercial habitat.
- B. **Disposal.** The following standards apply to the disposal of residentially generated sharps waste:
 - 1. Sharps waste must be contained in sharps waste containers.
 - 2. Sharps waste may not be disposed of in any recycling container unless the container is specifically designated for sharps waste.
 - 3. Sharps waste may not be disposed of in refuse collection containers (e.g. trash cans, trash bags, dumpsters, etc.) if a source-separated collection service is provided for residential sharps waste by the public or private solid waste collection service provider.
 - 4. Providers of source-separated residential sharps collection shall be in compliance with the standards of 70.95K RCW.

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Chapter 8.40

**WASTE REDUCTION, RECYCLING, AND
MODEL LITTER CONTROL ACT**

Sections:

8.40.010 Findings

8.40.020 Waste Reduction, Recycling, and Model Litter Control Act - Adopted

8.40.030 Purpose

8.40.040 Definitions

8.40.050 Littering Prohibited

8.40.060 Notice to Public

8.40.070 Removal of Litter

8.40.080 Violations

8.40.010 Findings. The City Council finds that:

- A. There is a fundamental need for a healthful, clean, and beautiful environment.
- B. The proliferation and accumulation of litter discarded throughout this City impairs this need and constitutes a public health hazard.
- C. There is a need to conserve energy and natural resources, and the effective litter control and recovery and recycling of litter materials will serve to accomplish such conservation.
- D. In addition to effective litter control, there must be effective programs to accomplish waste reduction, the state's highest waste management priority.
- E. There must also be effective systems to accomplish all components of recycling, including collection and processing.

8.40.020 Waste Reduction, Recycling, and Model Litter Control Act - Adopted

- A. In 1971, the State enacted the "Model Litter Control and Recycling Act", which has been since renamed as the "Waste Reduction, Recycling, and Model Litter Control Act."
- B. The City adopts by reference the State Waste Reduction, Recycling, and Model Litter Control Act., which is codified in 70.93.

8.40.030 Purpose. The purpose of this Chapter is to accomplish litter control, increase waste reduction, and stimulate all components of recycling throughout the City by:

- A. Conducting a permanent and continuous program to control and remove litter from the City to the maximum practical extent possible;
- B. Recovering and recycling waste materials related to litter and littering;
- C. Fostering public and private recycling of recyclable materials;
- D. Increasing public awareness of the need for waste reduction, recycling, and litter control; and
- E. Coordinating the litter collection efforts and expenditure of funds for litter collection by other agencies identified in this chapter.
- F. It is further the intent and purpose of this Chapter to create jobs for employment of youth

in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable.

8.40.040 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- A. Conveyance - A boat, airplane, or vehicle.
- B. Disposable Package or Container - All packages or containers defined as such by rules adopted by the department of ecology.
- C. Junk Vehicle - Has the same meaning as defined in RCW 46.55.010.
- D. Litter - All waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing. "Litter" includes the material described in subsection (10) of this section as "potentially dangerous litter."
- E. Litter Bag - 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. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity.
- F. Litter Receptacle - Those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.
- G. Potentially Dangerous Litter - Litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:
 - 1. Cigarettes, cigars, or other tobacco products that are capable of starting a fire;
 - 2. Glass;
 - 3. A container or other product made predominantly or entirely of glass;
 - 4. A hypodermic needle or other medical instrument designed to cut or pierce;
 - 5. Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and
 - 6. Nails or tacks.
- H. Public Place - Any area that is used or held out for use by the public whether owned or operated by public or private interests.
- I. Recycling - Transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration.
- J. Recycling Center - A central collection point for recyclable materials.
- K. To Litter - A single or cumulative act of disposing of litter.
- L. Vehicle - Includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- M. Waste Reduction - Reducing the amount or toxicity of waste generated or reusing materials.

8.40.050 Littering Prohibited.

- A. It is a violation of this Section to abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property not owned by same, in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, campground, recreational area, trailer park, highway, road, street, or alley except:
 - 1. When the property is designated by the City for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;
 - 2. Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.
- B. Except as provided in Section E below, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.
- C. It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The Court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The Court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, City park property. The Court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.
- D. It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The Court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the City. The Court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, City park property. The Court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.
- E. If a junk vehicle is abandoned in violation of this Section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.
- F. It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this Section, potentially dangerous litter in any amount.
- G. A vehicle transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to ordinances adopted under this section.

8.40.060 Notice to Public. Pertinent portions of this chapter shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this chapter and the penalties for violating its provisions.

8.40.070 Removal of Litter. Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

8.40.080 Violations. Every person convicted of a violation of this Chapter for which no penalty is specially provided for shall be punished by a fine of not more than fifty dollars for each such violation.

ALARM SYSTEM PROGRAM

Sections:

8.64.010 Definitions.

8.64.020 Notice of Installation.

8.64.030 False Alarms - Failure.

8.64.010 Definitions.

Alarm. Any electrical or electronic security system including but not limited to fire, intrusion, burglary and hold-up alarms.

False Alarm. The activation of any alarm other than by illegal entry or attempted illegal entry or activation because of a robbery or other emergency relating to a breach of the peace, and are not limited to malfunctions and human error.

Monitored Alarm. Any alarm monitored by the City or County department of communications or by any company or business or private party who then notifies the responsible responder.

8.64.020 Notice of Installation. Permits are required for all monitored alarm systems installed and operated within the City of Tenino. The police department shall be notified in writing of such intent at least 48-hours prior to such installation. The notice shall include the name, address and telephone number of the agency installing the system and the person(s) in possession and control of the premises where the alarm system is to be installed.

8.64.030 False Alarms - Failure.

- A. The police department may, at any time, order the disconnection of any alarm system within the City due to repeated failure of equipment, multiple false alarms, or failure to comply with the provisions of both the installing agency and to the person in control of the premises of the system.
- B. In the event of temporary failure of alarm equipment, the police department may order all police responses and actions discontinued until repairs can be made to the system.
- C. In each instance involving more than two false alarms from any one location within one-calendar month constitute a Class 2 Civil Infraction imposed by the City upon the person in control of the premises containing the alarm.

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FAIR HOUSING REGULATIONS

Sections:

8.68.010 Short Title.

8.68.020 Declaration of Policy.

8.68.030 Unlawful Discriminatory Practices.

8.68.010 Short Title. This Chapter may be cited as the “Tenino fair housing ordinance.”

8.68.020 Declaration of Policy. It is the policy of Tenino, through fair, orderly and lawful procedures, to promote the opportunity for each person to obtain decent, safe and affordable housing without regard to race, color, religion, sex, marital status, national origin, or the presence of sensory, mental or physical handicap. This policy is founded upon a recognition of the right of each person to have access to adequate housing of the person's choice. It is recognized that the denial of this right because of race, color, religion, sex, marital status, age, national origin, or the presence of any sensory, mental or physical handicap is detrimental to the health, safety and welfare of the residents of the City and constitutes an unjust deprivation of rights. It is further recognized that such an unjust deprivation of rights is within the power and proper responsibility of government to protect.

8.68.030 Unlawful Discriminatory Practices. All matters concerning discriminatory practices shall be referred to the Washington State Human Rights Commission for review and consideration of appropriate action. The Washington State Human Rights Commission shall provide the City with information and findings regarding the outcome of all such complaints.

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Chapter 8.72

MOTOR VEHICLE PUBLIC DISTURBANCE AND PUBLIC NUISANCE NOISE

Sections:

- 8.72.010 Purpose and Findings of Special Conditions.**
- 8.72.020 Sounds Created by Operation of Motor Vehicles.**
- 8.72.030 Mufflers.**
- 8.72.040 Modification of Motor Vehicles.**
- 8.72.050 Tire Noise.**
- 8.72.060 Exhaust System.**
- 8.72.070 Sale of New Motor Vehicles Which Exceed Limits.**
- 8.72.080 Public Disturbance Noises.**
- 8.72.090 Public Nuisance Noises.**
- 8.72.100 Exemptions.**
- 8.72.110 Enforcement.**
- 8.72.120 Violations.**
- 8.72.130 Other Rights, Remedies, Powers, Duties and Functions.**
- 8.72.140 Severability.**

8.72.010 Purpose and Findings of Special Conditions.

- A. The purpose of this Chapter is to regulate excessive intermittent noises that interfere with the use, value and enjoyment of property and which pose a hazard to the public health, safety and welfare.
- B. This Chapter is not intended to regulate the content of any form of speech or expression.
- C. Findings of Special Conditions. The problem of noise in Tenino has been observed by the City Council and city staff as documented through complaints. On the basis of these complaints, the City Council finds that special conditions exist within the City which necessitates regulation of certain noises as public disturbances and public nuisances.

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

Table 8.72-1 Maximum Allowable Noise Level at 50-Feet

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

8.72.030 Mufflers. It is unlawful for any person to operate, or for any owner to permit any

person to operate, any motor vehicle or motorcycle upon the public highways which is not equipped with a muffler in good working order and in constant operation.

8.72.040 Modification of Motor Vehicles. It is unlawful for any person to modify or change any part of a motor vehicle or motorcycle, or install any device thereon in any manner that permits sound to be emitted by the motor vehicle or motorcycle in excess of the limits prescribed by this Chapter. It is unlawful for any person to remove or render inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipated device on a motor vehicle or motorcycle.

8.72.050 Tire Noise. It is unlawful for any person to operate a motor vehicle or motorcycle in such manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this Chapter.

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

Table 8.72-2 Exhaust System Maximum Sound Level

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

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

Table 8.72-3 Vehicle Maximum Sound Levels

Vehicle Category	Maximum Sound Level
Motorcycles manufactured after 1975	78 dB(A)
Any motor vehicle over 10,000 pounds GVWR manufactured after 1975	86 dB(A)
All other motor vehicles	72 dB(A)

8.72.080 Public Disturbance Noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, a public disturbance

noise. The following sounds are public disturbance noises:

- A. Frequent, repetitive, or continuous sounds made by any animal, which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such animal sounds which are made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels, licensed under TMC Title 5 Business, Taxes, Licenses and Regulations, are exempt from this subsection. Notwithstanding any other provision of this Chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection, the animal shall be impounded subject to redemption in the manner provided by TMC Title 6 Animals; or
- B. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law; or
- C. Frequent, repetitive, or continuous sounds from starting, operating, repairing, rebuilding, or testing of any motor vehicle, motorcycle, dirt bike, or other off-highway vehicle, or any internal combustion engine, within a rural or residential district, including vacant property adjacent thereto, so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property; or
- D. Amplifier or other devices capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection; or
- E. Any loud and unruly noises so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of property in the area affected by such noise; or
- F. Public disturbance noise from portable or motor vehicle audio equipment: While in park areas, residential or commercial zones, or any area where residences, schools, human service facilities, or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to negligently cause, make, or allow to be made from audio equipment under such person's control or ownership the following:
 - 1. Sound from a motor vehicle or vessel sound system, such as a tape player, radio, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the vehicle or vessel itself;
 - 2. Sound from audio equipment such as a tape player, radio, or compact disc player, which is operated at such a volume that it could be clearly heard by a person of normal hearing at a distance of 50 feet or more from the source of the sound;
 - 3. This Section shall not apply to persons operating portable audio equipment within a public park pursuant to an event sanctioned by a responsible authority under valid permit or license.

8.72.090 Public Nuisance Noises. It is unlawful for any person to cause or allow to be emitted a Public Nuisance Noise. A Public Nuisance Noise is any noise, which unreasonably annoys, injures, interferes with, or endangers the comfort, repose, health or safety of three or more persons residing or working within separate residences or offices in the same community, neighborhood, or vicinity although the extent of the damage may be unequal.

8.72.100 Exemptions.

- A. Between the hours of 7 a.m. and 8 p.m., the following shall be exempt from this Chapter; however, other jurisdictional restrictions may apply:
 - 1. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
 - 2. Sounds created by blasting;
 - 3. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
 - 4. Sounds created by the installation or repair of essential utility services;
 - 5. Sounds created by the discharge of legal fireworks are exempt from this Chapter only during the specific days and times where discharge is allowable pursuant to Chapter 8.09 Fireworks;
 - 6. Sounds originating from forestry activities.
- B. Between the hours of 7 a.m. and 8 p.m., Monday through Friday and 9 a.m. and 5 p.m. Saturday, the following shall be exempt from this Chapter; however, other jurisdictional restrictions may apply:
 - 1. Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
 - 2. Sounds originating from temporary, non-residential construction sites as a result of construction activity
- C. The following shall be exempt from this Chapter:
 - 1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
 - 2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the City.
 - 3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;
 - 4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby non-conforming;
 - 5. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
 - 6. Sounds created by surface carriers or warning equipment engaged in rail commerce;
 - 7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);
 - 8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;
 - 9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community;
 - 10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under valid permit or license;

11. Sounds originating from officially-sanctioned parades and other public events under valid permit or license;
12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
13. Sounds created by motor vehicles when regulated by WAC Chapter 173-62;
14. Sounds caused by natural phenomena and un-amplified human voices;
15. Animal noises not already regulated; and
16. Sounds originating from farming activities.

8.72.110 Enforcement.

- A. Either the City Code Enforcement Officer or Police department may enforce the provisions of this Chapter with or without a citizen's complaint.
- B. Enforcement by complaint:
 1. **Public Disturbance Noise.** Investigation for enforcement shall be undertaken upon receipt of a complaint made by a person who resides, owns or rents property, or is employed in the immediate vicinity of the public disturbance noise.
 2. **Public Nuisance Noise.** Investigation for enforcement shall be undertaken only upon receipt of three or more complaints.
- C. Noises created by industrial area uses are regulated by the State of Washington.
- D. In addition to other enforcement as provided in Section 8.72.120 A., Animal Control Officers appointed pursuant to RCW 16.52.025 shall be entitled to enforce provisions of this Chapter related to animal noises (also see TMC Title 6 - Animals).

8.72.120 Violations.

- A. Any person violating any motor vehicle performance standard of this Chapter, or who shall create, keep, maintain, or allow to occur any noise related to motor vehicle performance standards, as defined herein, shall be guilty of a misdemeanor.
- B. Any person violating any of the provisions of this Chapter other than motor vehicle performance standards, or who shall create, keep, maintain, or allow to occur any public disturbance noise or public nuisance noise as defined herein, shall be subject to a Class 1 civil infraction citation as provided for in Chapter 18.30.130 TMC.
- C. Each act herein prohibited of a continuing nature shall be considered a separate offense.

8.72.130 Other Rights, Remedies, Powers, Duties and Functions. Nothing in this Chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any State agency, nor shall this Chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places, as now or hereafter vested in the Department of Labor and industries.

8.72.140 Severability. If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.

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JUNK VEHICLES

Sections:

[8.74.010 Junk Vehicles - Public Nuisance](#)

[8.74.020 Abatement Action](#)

[8.74.030 Disposal Costs](#)

[8.74.040 Vehicle Hauler](#)

[8.74.050 Appeal Hearing](#)

8.74.060 Notice Before Removal

[8.74.070 Violation-Penalty](#)

Cross reference: RCW 46.55

8.74.010 Junk Vehicles - Public Nuisance. It is a physical and public nuisance to store a junk vehicle or vehicles, or part(s) thereof, on private property unless:

- A. The vehicle(s) or part(s) thereof that is/are completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle(s) or part(s) thereof that is/are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, which property is screened pursuant to RCW 46.80.130 and Section 18B.30.100G(4) and/or the additional screening requirements of Table 18B.30-4, as applicable.

8.74.020 Abatement Action.

- A. The Code Enforcement Officer shall inspect and may authorize the disposal of an abandoned or junk vehicle.
- B. Upon determination that a vehicle is a junk vehicle on private property, the Code Enforcement Officer shall issue an abatement order to the property owner as shown on the last equalized assessment roll.
- C. The Code Enforcement Officer shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the parts.
- D. Such abatement order shall identify the property by street address and by legal parcel number description, and shall describe the vehicle or parts thereof which violate this Chapter.
- E. The Code Enforcement Officer shall provide information on the vehicle's registered and legal owner to the landowner.
- F. Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owner(s) shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

- G. If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document. The abatement order shall be mailed to the property owner shown by the records of the County Assessor and the last registered owner of record of the vehicle, if it can be determined, by certified mail with a return receipt requested.
- H. If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.
- I. For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a City Official having jurisdiction over public property.
- J. A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.
- K. Upon failure of the property owner or last registered owner of the vehicle of record to remove said vehicle within the 30 days, the Code Enforcement Officer may issue a civil infraction citation as specified in Section 8.74.060B clearly citing this Section as authority to impound, and shall proceed with disposal action of the vehicle or part(s) thereof, also after clearly citing this Section as authority to impound and after notice to the Washington State Patrol and the Department of Licensing that the vehicle meets requirements of this Title as a "junk vehicle" and the vehicle shall only be disposed of as scrap.

8.74.030 Disposal Costs. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. Provided City funds are available, the City can reimburse tow truck or wrecker operators as neighborhood revitalization.

8.74.040 Vehicle Hauler. A registered disposer under contract to the City for the impounding vehicles shall comply with administrative regulations adopted by the City on the handling and disposing of vehicles.

8.74.050 Appeal Hearing.

- A. The property owner or registered owner of the vehicle shall be granted a hearing by the Court, if so requested, on the question of the abatement and removal of the vehicle or part thereof as a public nuisance. Upon receipt of a written request for an appeal hearing, the Code Enforcement Officer shall notify the appellant, in writing, of the time, date and place of the hearing. The notice shall be mailed by certified mail. If no hearing is requested, the vehicle shall be removed.
- B. If a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

- C. The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with the reasons for denial. If it is determined that the vehicle was placed on the land without the consent of the landowner, who has not subsequently agreed to its presence, then the costs of administration or removal of the vehicle shall not be assessed against or otherwise collected from the landowner.
- D. After notice has been given of the intent of the City to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked.

8.74.060 Notice Before Removal. Not less than twenty days prior to the removal of the junk vehicle or automobile, notice by registered mail shall be given to the last registered owner of the vehicle of record and the property owner of record that a public hearing may be requested before the City Council.

8.74.070 Violation-Penalty.

- A. It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The Court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.
- B. Violations of Section 8.74.010 shall be punishable as a Class 1 Civil Infraction pursuant to enforcement and penalty provisions of TMC 18.30.130 Enforcement.

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Chapter 8.94

BEEKEEPING/APIARIES

Sections:

- 8.94.010 Policy and Purpose.**
- 8.94.020 Beekeeping - Maintenance of Colonies.**
- 8.94.030 Hive Placement Requirements.**
- 8.94.040 Nuisance Declared.**
- 8.94.050 Enforcement.**

Cross references: Chapter 15.60 RCW, Chapter 8.08 TMC

8.94.010 Policy and Purpose.

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

8.94.020 Beekeeping - Maintenance of Colonies.

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

8.94.030 Hive Placement Requirements. Hives in all areas of Tenino shall adhere to the following:

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

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

Exception: Residential limitations shall not apply when a parcel is contiguous to an open area, such as, but not limited to wetlands. Such open areas shall be at least two acres in size.

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

8.94.040 Nuisance Declared. It shall be the duty of all persons keeping hives of honey bees or having other stinging insects as described below, in or upon their property or premises, to prevent the following:

- A. Colonies of bees which are defensive or exhibit objectionable behavior, or which interfere with the normal use of property, or the enjoyment of persons, animals, or adjacent property.
- B. An abandoned hive(s).
- C. All other nests (colonies) of stinging insects such as yellow jackets, hornets, and wasps

which exhibit objectionable behavior or interfere with normal use of property, or the enjoyment of persons, animals, or adjacent property.

- D. All nests, hives, or colonies of Africanized honeybees (*Apis mellifera Scutellata*), except those which are permitted under RCW 15.60.140.
- E. Hives of bees which do not conform to Section 8.94.040 TMC.

Each of the above described conditions shall constitute a nuisance pursuant to TMC 8.08.010, and shall be abated.

8.94.050 Enforcement. The City and the Thurston County Health Department are empowered to enforce known violations of this Chapter.

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PARKING AND CAMPING PROHIBITED

Sections:

8.96.010 Parking and Camping Prohibited.

8.96.010 Parking and Camping Prohibited.

- A. It shall be unlawful for any person to park or camp on any City property except in areas specifically designated and posted for those purposes.
- B. It shall be unlawful for any person to park or camp on any privately owned property where such stay exceeds 15 or more consecutive days without a break of that stay of more than 15 consecutive days.
- C. Recreational vehicles, tents or other camping facilities shall not be used for living, sleeping, or other occupancy when parked or stored on a residential lot, or in any other location not approved for such use, except as specified above.

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