

Title 8

HEALTH AND SAFETY

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Chapter 8.04**GARBAGE¹**

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1. For statutory provisions authorizing cities to provide for collection and disposal of garbage, see RCW 35.21.120; for provisions enabling cities to require all inhabitants to use the city garbage system and to set the fee, see RCW 35.21.130.

8.04.010 Intent.

For maintenance of health and sanitation, it is the intention to make the collection, removal and disposal of garbage, refuse and dead animals within the city compulsory and universal. (Ord. 489 § 1, 1972).

8.04.020 Definitions.

A. “Ashes” includes the solid waste products of coal, wood and other fuels used for heating and cooking, from all public and private establishments and from all residences.

B. “Collector of refuse” means the person or persons entering into contract with the city for the removal of refuse as provided by this chapter.

C. “Garbage” includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal, and carcasses of dead animals, but not including recognized industrial byproducts, and includes 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.

E. “Person” means every person, firm, partnership, association, institution and corporation. The term also means the occupant and/or owner of the premises for which service herein mentioned is rendered.

F. “Refuse” includes garbage, rubbish, ashes, swill and all other putrescible and non-putrescible wastes except sewage, from all public and private establishments and residences.

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

H. “Swill” means and includes 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. 489 § 2, 1972).

8.04.030 Municipal collection.

This chapter empowers the city to buy, maintain or lease and operate equipment for the removal and disposal of refuse within the

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city in the event such alternative method of disposal is deemed necessary by the city council. (Ord. 489 § 3, 1972).

8.04.040 Sanitation fund.

There is established a sanitation fund of the city of Pacific. All receipts for the collection and disposal of the garbage and refuse and all receipts for the burning of garbage or dead animals and all moneys received by the sanitation division shall be deposited with the city treasurer and become a part of the sanitation fund. The expenses of establishing, conducting, and operating the division of sanitation shall be paid therefrom, and the city council may also provide for additional revenue to be paid into the fund from time to time from any available funds of the city, and warrants may be drawn on the fund. (Ord. 489 § 4, 1972).

8.04.050 Cans to be furnished by owner.

It is the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where garbage, refuse or swill is created or accumulated, at all times to keep or cause to be kept portable appurtenances, metal or other approved cans for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the refuse therein.

It is the duty of the owner of any dwelling, flat, apartment house or trailer camp to furnish or to see that his tenants are supplied with such cans. (Ord. 489 § 5, 1972).

8.04.060 Can construction – Capacity.

The cans shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodent-proof, insect-proof, of not less than 15 and not more than 30 gallons' capacity and shall have two handles at the sides thereof and tight-fitting lids. The lids shall not be removed except when necessary to place garbage and refuse in the cans or take the same therefrom. When garbage and refuse is placed

therein or taken therefrom, the lid shall be replaced immediately. (Ord. 489 § 6, 1972).

8.04.070 Liquids in cans prohibited.

Refuse or garbage cans shall not be filled with dishwater or other liquid or semiliquid kitchen wastes which are properly disposable down the sanitary drains. The cans shall not be overloaded beyond the point where covers can be securely replaced. The cans shall be kept in a sanitary condition with the outside clean and free from accumulated grease and decomposing materials. (Ord. 489 § 7, 1972).

8.04.080 Can placement.

Each can shall be placed at curbside or adjacent to the property line in the street right-of-way or within five feet from the property line for residences only in the event that alley service is not available. If alley service is available the cans shall be set in the alley right-of-way or within five feet from the property line. (Ord. 489 § 8, 1972).

8.04.090 Can cleanliness – Notice of violation.

Each garbage can shall be kept clean inside and out, so that no odor nuisance shall exist, and the area around the cans shall be kept in a neat and sanitary condition. The garbage collector shall place tags on garbage cans found to be in violation and notify the sanitation supervisor. The tag shall have a perforated stub, with identification number and place for location and description. Two or more violations of this provision by a person shall subject the person to penalties described in PMC 1.16.010. (Ord. 489 § 9, 1972).

8.04.100 Sanitation division.

For the purpose of carrying into effect the provisions and aims of this chapter, there is created a division within the department of public works to be known as the division of sanitation. The sanitation supervisor shall be the administrative head of the division of sanitation under the direction of the city engineer. The sanitation supervisor shall have supervision of the collection and disposal of refuse and shall have full charge and control of all

work provided for by rules and regulations adopted by the city council and shall further have charge of all collection and the enforcement of all charges for services rendered and shall exercise the duties of his office under such regulations and restrictions set forth in any contracts entered into between the city and the collector of refuse. (Ord. 489 § 10, 1972).

8.04.110 Can weight – Size – Pickup.

A. No garbage can, when filled, shall weigh more than 70 pounds and shall be so packed that the contents thereof will dump out readily when the can is inverted. Special pickups shall be placed at the garbage can or as near thereto as possible. Customers must restrain vicious dogs beyond reach of the garbage cans and prevent any interference with pickup men on this account.

B. Large, suitable containers for both collection of garbage and refuse may, with the approval of the sanitation supervisor, be used by hotels, restaurants, boardinghouses, eating places, apartment houses, schools and hospitals, and in the business district.

C. It is the duty of every person to cause garbage and refuse to be removed and disposed of only by the collector of refuse or other person designated by the sanitation supervisor. (Ord. 489 § 11, 1972).

8.04.120 Dead animal disposal.

It is the duty of every person in possession, charge or control of any dead animals, or upon whose premises the same may be located, to cause them to be removed and disposed of by the collector of refuse or other person designated by the sanitation supervisor, during the hours of 8:00 a.m. to 5:00 p.m., Mondays through Saturdays. (Ord. 489 § 12, 1972).

8.04.130 Special disposal regulations.

PMC 8.04.010 through 8.04.120 are excepted as follows: In the event that the person's dwelling is over 300 feet from the place where the collector of refuse and garbage picks up the same, then, in that event, the sanitation supervisor may upon special permit allow such garbage and/or refuse to be collected, removed, and disposed in such manner that the sanitation

supervisor shall approve and direct. The garbage and swill shall not be disposed of upon private premises by incineration. (Ord. 840 § 1, 1981; Ord. 489 § 13, 1972).

8.04.140 Restrictions.

A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner dispose of garbage or swill upon any street, alley, public place or private property within the city otherwise than as provided in this chapter.

B. It is unlawful for any person to bury, burn or dump wastepaper, boxes, rubbish and debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, upon any street, alley, or public place in the city. (Ord. 489 § 14, 1972).

8.04.150 Collection.

The collector of refuse shall collect, remove and dispose of all garbage and refuse in the residential sections of the city at least once each week, and from hotels, restaurants, boardinghouses, eating places, apartment houses, schools, hospitals and the business section as designated by the sanitation supervisor, or in any of the districts as often as necessary for same and the garbage and refuse shall be removed beyond the city limits by the person using or purchasing the same. (Ord. 489 § 15, 1972).

8.04.160 Detachable containers.

Detachable containers shall be of the type and style to fit the equipment of the collector of refuse. Customers may own detachable containers only upon approval of the sanitation supervisor. (Ord. 489 § 17, 1972).

8.04.170 Separation of refuse.

The city reserves the right, and may have the option, to require the separation of paper or swill or other component parts of garbage and refuse, or any of them, to require the deposit thereof in separate cans or receptacles and to prescribe the methods of disposal thereof.

Until otherwise provided, with the approval of the garbage supervisor and subject to the rules and regulations of the city council, swill

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may be used or sold by the persons producing the same and may be removed beyond the city limits by the persons using or purchasing the same. (Ord. 489 § 18, 1972).

8.04.180 Public places.

It is unlawful for any person, firm or corporation conducting any hotel, restaurant, or any public eating place to deposit, throw or place swill or other refuse or food matter in a lane, alley, street, or other public place, or to deposit, throw or place any swill upon any private property regardless of ownership, unless the swill is enclosed in vessels or tanks of a type approved by the sanitation supervisor. The containers shall be perfectly watertight and shall have tight-fitting covers which shall not be removed except when absolutely necessary for the deposit and removal of swill. The vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the sanitation supervisor, so as to be readily accessible for collection, and shall not be kept upon the street, alley or sidewalk or public place. All tanks or vessels shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay. No person, except for purposes of collection under license, shall in any manner interfere with the vessels or tanks or their contents. (Ord. 489 §§ 16, 19, 1972).

8.04.190 Disposal.

All disposal of refuse shall be by methods especially approved by the State Department of Health; provided, that the methods shall include the maximum practicable rodent, insect and nuisance control at the place of disposal; and provided further, that animal offal and carcasses shall be buried or cremated as directed by the health officer. (Ord. 489 § 20, 1972).

8.04.200 Contract to collect garbage.

A. The city may, in the discretion of the city council, contract every five years or less with a private operator for the collection, removal and disposal of all garbage, waste, refuse and other like substances within the city limits, except for those areas subject to municipal con-

tract for garbage collection with a private operator.

B. Selection of a private operator may be accomplished through the solicitation of bids, proposals, or such other means as the city council deems appropriate to secure a qualified operator.

C. Each selected operator shall furnish a corporate surety bond to the city in the sum of \$25,000, conditioned upon the faithful performance of the contract and compliance with all ordinances of the city and all rules, regulations and matters relating to the maintenance of any dump or sanitary fill. (Ord. 1500 § 1, 2001; Ord. 489 § 21, 1972).

8.04.210 Compliance.

Every person shall dispose of all garbage promptly according to the terms of this chapter, and no person shall perform any of the provisions of the contract referred to above except the collector for refuse. Only the collector of refuse shall use or be permitted to use the sanitary fill or fills or other places of disposal in a sanitary manner at all times and in compliance with all applicable statutes, regulations, rules and ordinances of the city council, and orders of the sanitation supervisor and city engineer. (Ord. 489 § 22, 1972).

8.04.220 Collection charges – Notices.

The city council shall fix a schedule of prices to be charged and paid for the collection of garbage and refuse by the division of sanitation, or for any other services rendered by the division. The schedule of prices shall be published in at least one issue of the official newspaper of the city, and when any changes are made by the city council, the schedule, as changed, shall be published in the official newspaper. (Ord. 489 § 23, 1972).

8.04.225 Annual increase designated.

Repealed by Ord. 1490. (Ord. 1288 § 1, 1996).

8.04.230 Collection charges – Rates.

Repealed by Ord. 1508. (Ord. 1485 § 1, 2000; Ord. 1434 § 1, 1999; Ord. 1401 § 1, 1998; Ord. 1326 § 1, 1997; Ord. 1248 § 1,

1995; Ord. 1179 § 1, 1992; Ord. 1166 § 1, 1992; Ord. 1125 § 1, 1991; Ord. 1065 § 1, 1988; Ord. 1023 § 1, 1987; Ord. 833 § 1, 1981; Ord. 614 § 2, 1976; Ord. 489 § 24, 1972).

8.04.240 Collection charges – Commercial.

Effective September 1, 1971, the monthly rates to be charged by the city for commercial garbage collections of hotels, restaurants, trailer courts and other businesses and institutions shall be fixed by the sanitation supervisor of the city, and subject to the right of appeal to the city council.

The sanitation supervisor, upon approval of the utility committee of the city council, may negotiate with the collector of refuse and certain businesses or industries where the volume of garbage would indicate that a rate other than those specified in PMC 8.04.230 would be appropriate. Subsequent to negotiation, an agreement shall be drawn subject to approval by the business or industry, the collector of refuse, and the sanitation supervisor. (Ord. 489 § 25, 1972).

8.04.250 Collection charges – Containers.

The container rentals are to be negotiated between the customer and the refuse contractor. The contractor will furnish to the city the list of container services furnished to customers each month and give the city clerk the equivalent of garbage cans that each container amounts to. The city clerk will then bill the customer for the container pickup on a garbage can basis so that if the container has two cubic yards and amounts to six garbage cans in volume, then the city clerk will bill the customer for six garbage cans at the rate specified in this chapter. (Ord. 489 § 26, 1972).

8.04.260 Delinquent accounts – Lien.

Charges for refuse collection and disposal shall be compulsory and shall be billed bimonthly to all accounts within the city limits. Charges or accounts shall be paid at the finance department by the owner or tenant, upon receipt of the billing and if not paid shall become delinquent 20 days after billing date. A delinquency charge of \$0.50 per can to cover the extra cost of collection shall be added to

any account which has been delinquent for 30 days or more. There shall be no appeal of late charges. If the utility account is billed for garbage only, it shall be the duty of the finance department to notify each delinquent user on the thirtieth day following date of billing. The notification shall include any penalty charges. If the garbage charge is billed together with the water charge, the billing procedure will follow water billing procedures pursuant to PMC 14.88.010. Charges for refuse collection and disposal shall become a lien against the property. Service may be suspended for nonpayment of such accounts. Suspension shall not relieve the person owing the account from the duty of complying with the provisions of this chapter. Suspension shall render the premises with services suspended subject to condemnation for sanitary reasons. It is the responsibility of each person furnished garbage collection service to notify the City Hall billing department of any desired suspension and/or change of the service. (Ord. 1278 § 1, 1995; Ord. 643 § 1, 1977; Ord. 547 § 1, 1974; Ord. 489 § 27, 1972).

8.04.265 Delinquent accounts – Collection agency.

The treasurer of the city is authorized to retain a collection agency, pursuant to RCW 19.16.500, to collect garbage service fees owed by any person after the debt is six months delinquent. (Res. 300 § 1, 1985).

8.04.270 Power of the city.

A. The city shall have the power, from time to time, in an appropriate manner, to set forth and determine rules, regulations and rates, duties, responsibilities and necessary salaries, and such other matters as may be necessary in the discretion of its city council for the proper execution of this chapter.

B. The city is empowered to carry out all the terms and provisions of this chapter and to collect and dispose of refuse in the manner provided. However, it shall not exercise such power if the collector of refuse is faithfully performing any valid contract with the city, or unless the city purchases the property and fran-

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chise rights of the collector of refuse. (Ord. 489 § 28, 1972).

8.04.280 Allowing garbage to accumulate.

It is unlawful for any person, firm, company or corporation to allow garbage or debris of any kind to accumulate on property which the person, company or corporation owns or leases or uses in the city, including the use of city property. (Ord. 504 § 1, 1972).

8.04.290 Notice to remove accumulated garbage.

It shall be the duty of the chief of police, upon receiving notice of any dead animal, garbage, or of any debris lying upon or accumulated upon or inside of any building located in the city, to notify the owner of the property or the person occupying the property to remove or have removed immediately the dead animal or accumulated garbage or debris. Twenty-four hours after such notice has been given and such dead animal, animals, garbage or debris, as the case may be, is not removed by the person responsible for the same, the chief of police may order the removal of the dead animal, animals, garbage or debris, as the case may be, from the premises by duly authorized persons. (Ord. 504 § 2, 1972).

8.04.300 Garbage dumpsters – Required by utility superintendent.

The city utility superintendent shall have the discretion to require the owner of any multi-family residence, as permitted in Chapter 20.44 PMC and/or Chapter 20.48 PMC, to provide a garbage dumpster(s), if in his discretion the health, security, safety, peace and/or tranquility of the citizens of the city would be better served by such a garbage dumpster in lieu of separate garbage cans. (Ord. 836 § 1, 1981).

Chapter 8.06

RECYCLING FACILITIES

Sections:

- 8.06.010 Recycling facilities for use of residents only.
- 8.06.020 Posting of signs.
- 8.06.030 Enforcement.

8.06.010 Recycling facilities for use of residents only.

All recycling facilities operated by the city of Pacific shall be for the exclusive use of the residents of Pacific. It shall be a civil infraction with a penalty of \$250.00 per violation for any person who does not reside within the city of Pacific to deposit, or attempt to deposit, any materials at a recycling facility operated by the city of Pacific. A second violation within 12 months of the first violation shall have a penalty of \$500.00. A third violation, and all subsequent violations, within 12 months of the second violation shall have a penalty of \$1,000 per violation. (Ord. 1516 § 1, 2002).

8.06.020 Posting of signs.

Staff is hereby directed to post a sign or signs at the city’s recycling facility with text as follows:

THIS RECYCLING FACILITY IS FOR
USE BY THE CITY OF PACIFIC
RESIDENTS ONLY!

VIOLATORS ARE
SUBJECT TO PENALTIES

- \$250.00 – First Violation
- \$500.00 – Second Violation
- \$1,000 – Fine for all subsequent violations

City of Pacific Ordinance No. 1516
(Ord. 1516 § 2, 2002).

8.06.030 Enforcement.

The city of Pacific mayor, or his appointed designee, is authorized to enforce the provisions of this chapter. (Ord. 1516 § 3, 2002).

Chapter 8.08

JUNK VEHICLES¹

Sections:

- 8.08.010 Purpose.
- 8.08.020 Definitions.
- 8.08.030 Enforcement authority.
- 8.08.040 Abatement of junk vehicles.
- 8.08.050 Determination of responsibility.
- 8.08.060 Abatement.
- 8.08.070 Costs of abatement.
- 8.08.080 Exceptions.
- 8.08.090 Severability.

8.08.010 Purpose.

It is the purpose of this chapter to:

- A. Establish procedures for the abatement and removal of junk vehicles and parts thereof as public nuisances pursuant to RCW 46.55.240;
- B. Decrease the likelihood of criminal conduct associated with junk vehicles;
- C. Enhance the aesthetic qualities of Pacific;
- D. Conserve and stabilize property values;
- E. Reduce the inherent public health and safety problems associated with junk vehicles;
- F. Prevent overcrowding of land; and
- G. Secure safety from fire and provide adequate open spaces for light and air. (Ord. 1243 § 1, 1995).

8.08.020 Definitions.

For purposes of this chapter, the following definitions shall be applicable:

- A. "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as 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; and

1. For statutory authority for the removal of vehicles or hulks abandoned on the land of another without permission, see Chapter 46.52 RCW, particularly 46.52.145. Prior legislation: Ords. 479 and 1167.

4. Has a fair market value equal only to the value of the scrap in it.

B. "Vehicle" means every device capable of being moved upon a roadway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles and tractors, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. (Ord. 1243 § 1, 1995).

8.08.030 Enforcement authority.

The Pacific police department shall enforce this chapter and shall be responsible for the abatement and removal of any junk vehicle or part thereof as a public nuisance. (Ord. 1243 § 1, 1995).

8.08.040 Abatement of junk vehicles.

A. Any Pacific police officer may inspect and certify that a vehicle meets the requirements of a junk vehicle. The officer making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the vehicle is equivalent only to the value of scrap in it.

B. If the officer determines that a vehicle is a junk vehicle, the officer shall provide notice to the last registered owner of record of the vehicle shown on the records of the Washington State Department of Licensing and the property owner of record of the property upon which the vehicle is located, by certified mail, with a five-day return receipt requested, that a hearing on the abatement of the junk vehicle as a public nuisance may be requested and that if no hearing is requested within 15 days of the date of the mailing of the notice, the vehicle will be removed.

C. If a written request for a hearing is received within 15 days, 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

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roll and the last registered and legal owner of record unless a vehicle is in such condition that identification numbers are not available to determine ownership.

D. The hearing shall be conducted at a regular scheduled city council meeting at least two weeks after the date of mailing the notice of the hearing. (Ord. 1243 § 1, 1995).

8.08.050 Determination of responsibility.

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 his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the cost of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, nor can the costs be collected from the property owner. (Ord. 1243 § 1, 1995).

8.08.060 Abatement.

After notice has been given of the city's intent to abate, remove, or 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 Pacific police officer and disposed of by a licensed vehicle wrecker, hulk hauler, or scrap processor with notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been wrecked. (Ord. 1243 § 1, 1995).

8.08.070 Costs of abatement.

Subject to the provisions of PMC 8.08.050, the cost of abatement and removal of the vehicle or part thereof under this chapter including the costs of administration and hearing shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle had complied with RCW 46.12.101, or the cost may be assessed

against the owner of the property on which the vehicle is stored. (Ord. 1243 § 1, 1995).

8.08.080 Exceptions.

This chapter shall not apply to:

A. Any vehicle or hulk or part thereof which is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or

B. Any vehicle or hulk or part thereof stored or parked in the lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, junk salvage/wrecking yard or licensed vehicle dealer, located on appropriately zoned property and fenced in accordance with the provisions of RCW 46.80.130. (Ord. 1243 § 1, 1995).

8.08.090 Severability.

If any provisions of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other person or circumstances is not affected. (Ord. 1243 § 1, 1995).

Chapter 8.12

DANGEROUS BUILDINGS¹

Sections:

8.12.130 Administrative liability.

8.12.130 Administrative liability.

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (Ord. 358 § 13, 1963).

1. For statutory provisions regarding unfit buildings, see Chapter 35.80 RCW. For provisions on the Uniform Code for the Abatement of Dangerous Buildings, see Chapter 17.28 PMC.

Chapter 8.16

FIRE CODE

Sections:

8.16.010 Adoption of Uniform Fire Code.

8.16.020 Definitions.

8.16.030 Establishment and duties of bureau of fire prevention.

8.16.040 Adoption of Puget Sound Air Pollution Control Agency regulations.

8.16.050 New materials, processes and occupancies which may require permits.

8.16.060 Appeals.

8.16.070 Violation – Penalties.

8.16.010 Adoption of Uniform Fire Code.

The 1997 Edition of the Uniform Fire Code, including the Appendix, and the 1997 Edition of the Uniform Fire Code Standards, as published by the Western Fire Chiefs Association and the International Conference of Building Officials, and as amended by the State Building Code Council in Chapters 51-34 and 51-35 WAC, are adopted and by this reference made a part of this chapter, subject to the amendments in this chapter. (Ord. 1430 § 6, 1999; Ord. 1369 § 16, 1998; Ord. 1184 § 2, 1992).

8.16.020 Definitions.

A. Wherever the words “chief of the bureau of fire prevention” are used in the Uniform Fire Code, they mean the fire marshal.

B. Wherever the word “jurisdiction” is used in the Uniform Fire Code, it means the city. (Ord. 1184 § 2, 1992).

8.16.030 Establishment and duties of bureau of fire prevention.

A. The Uniform Fire Code shall be enforced by the fire marshal under the supervision of the chief of fire department and/or by an independent consultant approved by the city council.

B. The fire marshal shall be appointed by the chief of the fire department on the basis of training and qualifications.

C. The chief of the fire department may detail such members of the fire department as

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inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors. (Ord. 1184 § 2, 1992).

8.16.040 Adoption of Puget Sound Air Pollution Control Agency regulations.

Article 8 (Outdoor Fires) and Section 1.07 (Definitions) of Regulation I of the Puget Sound Air Pollution Control Agency are adopted by reference. (Ord. 1184 § 2, 1992).

8.16.050 New materials, processes and occupancies which may require permits.

The mayor, the chief, and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Uniform Fire Code. The fire marshal shall post such list in a conspicuous place in the fire marshal's office and distribute copies thereof to interested persons. (Ord. 1184 § 2, 1992).

8.16.060 Appeals.

Whenever the chief disapproves an application or refuses to grant a permit, or when it is claimed that the provisions of the Uniform Fire Code do not apply or that the true intent and meaning of the Uniform Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal the chief's decision to the city council. The public safety committee of the city council shall conduct a hearing on the appeal and return a recommendation to the city council. The fire marshal shall designate a member of the fire department to attend and participate in the hearing. (Ord. 1184 § 2, 1992).

8.16.070 Violation – Penalties.

A. Any person who violates any of the provisions of the code or standards adopted in this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans

submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$250.00 nor more than \$1,500, or by imprisonment for not less than one day nor more than 360 days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not execute the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the penalty in subsection A of this section shall not prevent the removal of prohibited conditions. (Ord. 1184 § 2, 1992).

Chapter 8.20

**OBSTRUCTING OR HAZARDOUS
VEGETATION¹**

Sections:

- 8.20.010 Enforcing authority.
- 8.20.020 Permission to plant trees.
- 8.20.030 Public nuisance on streets – Prohibited.
- 8.20.040 Prohibited trees.
- 8.20.050 Removal or abatement of nuisance.
- 8.20.060 Notice of resolution to abate nuisance.
- 8.20.070 Abuse or mutilation of trees.
- 8.20.080 Abatement of nuisance and lien therefor.

8.20.010 Enforcing authority.

The street superintendent or his authorized representative shall be charged with the enforcement of this chapter. (Ord. 314 § 1, 1960).

8.20.020 Permission to plant trees.

No trees or shrubs shall hereafter be planted in or removed from any public parking strip or other public place in the city without permission from the street superintendent. (Ord. 314 § 2, 1960).

8.20.030 Public nuisance on streets – Prohibited.

Trees, shrubs, or vegetation or parts thereof which so overhang any sidewalk or street, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public, are public nuisances. Grass, weeds, shrubs, bushes, trees, or vegetation growing or which has grown and died and which may still be growing upon any property and are a fire hazard or a refuge and haven for rodents and similar disease-carrying animals or in any manner a menace to public health, safety, or welfare are likewise public nuisances. It is the duty of the owner of the

1. For statutory provisions authorizing cities to remove, at the owner's expense, any vegetation posing a threat to public health or safety, see RCW 35.21.310.

property therein or whereon any such nuisances exist to abate the nuisances by destroying, removing, or trimming the growth. (Ord. 314 § 3, 1960).

8.20.040 Prohibited trees.

It is unlawful to plant in any public parking strip the following trees: poplar, willow, cottonwood, fruit trees (except ornamental types), nut trees, ailanthus, mountain ash, and Oregon or big-leafed maple, or any other tree the roots of which cause injury to the sewers, sidewalks or pavements, or which breed disease dangerous to other trees or to the public health. No tree shall be planted within two feet of any sidewalk or pavement, and poplar, willow, American elm, or cottonwood trees hereafter planted anywhere in the city must be placed at least 100 feet away from public sewers. (Ord. 314 § 4, 1960).

8.20.050 Removal or abatement of nuisance.

The street superintendent shall enforce this chapter and if any property owner fails or refuses to abate any such nuisance as contemplated by PMC 8.20.030, the city council may, after report filed by the street superintendent, by resolution require such property owner, in addition or alternative to the penalties prescribed by PMC 1.16.010, to abate the nuisance by removal or destruction, at his cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the street superintendent may abate the same as provided in PMC 8.20.080. (Ord. 314 § 5, 1960).

8.20.060 Notice of resolution to abate nuisance.

The resolution mentioned in PMC 8.20.050 shall not be passed until the property owner is given at least 10 days' notice of the pendency of the proposed resolution; such notice shall be given by the street superintendent mailing a copy of the notice to the owner as shown upon the records of the county treasurer and at the address shown thereon; and if no owner and

8.20.070

address is shown on such reports, a copy of the notice shall be posted upon the property, and shall also be published in one issue of the official newspaper. The mailing, posting, and publication shall be made at least five days before the resolution is adopted and proof shall be made by the affidavit of the street superintendent filed with the city clerk. The notice shall include the resolution number and both shall describe the property involved and the nature of the hazardous condition constituting the nuisance. (Ord. 314 § 6, 1960).

within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material. (Ord. 314 § 8, 1960).

8.20.070 Abuse or mutilation of trees.

Except to abate a nuisance as defined herein, it is a violation of this chapter to damage, destroy, or mutilate any tree, shrub, or plant in any public parking strip or any other public place, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill, or other thing to or on any tree growing in a public place or to cause or to permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with their roots or leaves. Provided, however, that nothing contained herein shall preclude either the owner or occupant of real property from trimming or removing trees, shrubs, and plants in the parking strip of such real property. (Ord. 314 § 7, 1960).

8.20.080 Abatement of nuisance and lien therefor.

If the nuisance is not abated by removal or destruction by the property owner within the time fixed in the resolution, the street superintendent may abate the same and he shall render a bill covering the cost of such abatement, including the street superintendent's expense, and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because he cannot be found, the street superintendent, in the name of the city, may file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and

Chapter 8.24

OUTDOOR MUSICAL ENTERTAINMENTS¹

Sections:

- 8.24.010 Basic clause – License required.
- 8.24.020 Application – Permit.
- 8.24.030 Outdoor musical entertainments – Fee.
- 8.24.040 Submission of plans for approval – Approving agencies.
- 8.24.050 Location.
- 8.24.060 Sanitary facilities.
- 8.24.070 Fire prevention standards.
- 8.24.080 Cash bond and indemnification.
- 8.24.090 Public safety.
- 8.24.100 Parking facilities.
- 8.24.110 Hours of operation.
- 8.24.120 Failure to comply.

8.24.010 Basic clause – License required.

It is unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which the person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 250 or more persons and where a charge or contribution is required for admission unless a valid city permit has been obtained for operation of the assembly; provided, however, that the assembly may be advertised by the sponsors and/or organizers thereof after application for such permit has been made. (Ord. 450 § 1, 1969).

8.24.020 Application – Permit.

Written application for outdoor musical amusement, entertainment or assembly permits shall be made to the city council 40 or more days prior to the date upon which such assembly is scheduled to be held. Written notice of approval or disapproval of the appli-

1. For statutory provisions governing outdoor musical festivals, see Chapter 70.108 RCW.

cation shall be given to the applicant no later than 15 days after the application has been filed. Permits shall not be denied providing the conditions enumerated in PMC 8.24.050 through 8.24.100 are met by the applicant; provided that no permit may be granted to anyone who has been convicted of a felony or a crime involving moral turpitude and that each application shall be accompanied by the fingerprints and a three-inch by five-inch photograph of each and every person having any proprietary interest in the licensed activity. The city council and/or planning commission shall be empowered to obtain adequate photographs of all persons having any proprietary interest. (Ord. 450 § 2, 1969).

8.24.030 Outdoor musical entertainments – Fee.

There shall be a fee for outdoor musical entertainment permits as established by city resolution. No permit shall be granted for a period of more than one day expiring at midnight of that day and no permit shall be granted for consecutive days at the same location. The basic permit fee shall be retained by the city whether a permit is granted, denied or withdrawn. (Ord. 1375 § 15, 1998; Ord. 450 § 3, 1969).

8.24.040 Submission of plans for approval – Approving agencies.

Whenever approval by a governmental agency other than the city council and/or planning commission is required under this chapter, the applicant for such approval shall be required to cooperate fully with such agencies to insure that full review of the proposals may be accomplished by the agencies within the 15-day time limit set out in PMC 8.24.020. When any type of physical facility is required, or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments. Should the actual facility or construction fail to meet the standards approved in

8.24.050

the proposed plans such preliminary approval may be withdrawn and any and all permits granted subject to such approval may be withdrawn. (Ord. 450 § 4, 1969).

8.24.050 Location.

No permit for an outdoor musical assembly shall be granted unless the assembly is to be held in those areas which have been zoned for parks and recreation; provided, however, that a permit may be granted for other areas if a zoning variance has been granted in advance by the city for such location. (Ord. 450 § 5, 1969).

8.24.060 Sanitary facilities.

No permit shall be granted unless the applicants obtain the written approval of the Seattle-King County health department and the city of Pacific indicating that the applicants for the permit have complied with the health requirements of the department and city of Pacific for like or similar facilities. The approval shall indicate the type and adequacy of water supply to be provided, the type and adequacy of toilet, waste collection, and washing facilities to be provided, and, if there is to be food served on the premises, the type and adequacy of food preparation and food service facilities to be provided. (Ord. 450 § 5, 1969).

8.24.070 Fire prevention standards.

No permit shall be granted under this chapter unless the applicant has shown that the fire department has approved fire protection devices and equipment available at such assembly. Fire prevention standards shall be as set forth by the fire department of the city. (Ord. 450 § 5, 1969).

8.24.080 Cash bond and indemnification.

No permit shall be issued under this chapter unless the applicant has on deposit with the city clerk and/or city treasurer a cash bond in the amount as set out below to save and protect the streets, pavements, bridges, road signs and other property in the city from any and all damage that may be caused by vehicles, employees, or participants in such outdoor musical assembly and to be used, if necessary, to restore the ground where such assembly is

held to a sanitary condition and pay all charges and losses of the city for damages to streets, pavements, bridges and other property. Further, any extraordinary law enforcement costs incurred by the city which are the result of such activity shall be met by the cash bond. The amount of the cash bond shall be determined as follows:

A. For gatherings of zero to 10,000 persons, a \$5,000 bond;

B. For gatherings of 10,000 to 20,000 persons, a cash bond of \$7,500;

C. For gatherings of 20,000 to 30,000 persons, a cash bond of \$10,000;

D. And a cash bond shall be raised in increments of \$2,500 for each additional 10,000 persons expected.

The deposit or its balance shall be returned when the city certifies to the city treasurer that no damage has been done, or that the cost of making the abovementioned repairs was less than the cash bond amount, and that the balance thereof should be returned. Further, the sponsors shall be required to furnish evidence of a liability insurance policy providing for a minimum of \$100,000 bodily injury coverage per person; \$300,000 bodily injury coverage per occurrence; and \$100,000 property damage coverage, naming the city of Pacific as an additional insured. (Ord. 450 § 5, 1969).

8.24.090 Public safety.

No permit shall be granted hereunder unless the applicant obtained the written approval of the city council and/or planning commission indicating that the following conditions have been complied with by the applicant:

A. That adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant;

B. That traffic control and crowd control personnel shall be licensed merchant patrolman or named persons meeting the city council's requirements for becoming merchant patrolman;

C. That there shall be provided one traffic control person for each 400 persons expected or reasonably to be expected to be in attendance at any time during the event;

D. Further, that there shall be provided one crowd control person for each 400 persons expected or reasonably expected to be in attendance at any time during the event.

Provided, that if at any time during the event the size of the crowd exceeds by 20 percent the number of persons represented by the sponsors to be expected to be in attendance the city council shall have the discretion to require the sponsor to limit further admissions. Any person with more than a 10 percent proprietary interest in the event shall be required to be in attendance at the activity and shall be responsible for insuring that no person shall be allowed to remain on the premises if that person is violating state, county or city laws. Any such person having a duty to remove law violators who wilfully fails to do so shall be deemed to be an aider or abettor of such violation. (Ord. 450 § 5, 1969).

8.24.100 Parking facilities.

Application for a permit under this chapter shall be accompanied by a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking spaces for one vehicle for every four persons expected or reasonably to be expected. Adequate ingress and egress shall be provided to or from such parking area to facilitate the movement of any vehicle at any time to or from the parking area; provided, that if any nonadjacent parking facilities are approved, shuttle buses shall be used to transport the public to the event on a no-charge basis. (Ord. 450 § 5, 1969).

8.24.110 Hours of operation.

No outdoor musical assembly shall be conducted in the city during the hours of 12:01 a.m. and 9:00 a.m.; provided that no license shall be issued for more than one 24-hour period ending at midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than 1:00 a.m. of the day following the licensed event. (Ord. 450 § 6, 1969).

8.24.120 Failure to comply.

Compliance with the terms and conditions of this chapter shall constitute the minimum health, sanitation and safety provisions and failure to comply with the terms and conditions shall constitute a public nuisance and the sponsors of the event shall be subject to all criminal and civil remedies as such. (Ord. 450 § 8, 1969).

Chapter 8.28

NUISANCES¹

Sections:

- 8.28.010 Nuisance defined.
- 8.28.020 Nuisance prohibited – Enforcement authority.
- 8.28.030 Nuisances affecting peace and safety.
- 8.28.040 Deposit of unwholesome substance.
- 8.28.050 Outdoor privy.
- 8.28.060 Abatement of nuisance.
- 8.28.070 Violation – Penalty – Enforcement.
- 8.28.080 Voluntary correction agreement.

8.28.010 Nuisance defined.

As used in this chapter, a “nuisance” is any act, omission, or condition:

- A. That annoys, injures, or endangers the safety, health, comfort, or repose of the public;
- B. Offends the public decency;
- C. Unlawfully interferes with, obstructs, or renders dangerous for passage a public park, square, street, alley or highway;
- D. Renders the public insecure in life or in use of property in any way; or
- E. That is prohibited by this chapter. (Ord. 1474 § 1, 2000; Ord. 568 § 5(a), 1975).

8.28.020 Nuisance prohibited – Enforcement authority.

It is unlawful to cause, create, perpetuate or allow a nuisance to exist within the city of Pacific. The mayor or designee is hereby authorized to enforce the provisions of this chapter. (Ord. 1474 § 1, 2000).

8.28.030 Nuisances affecting peace and safety.

The following are declared to be nuisances affecting public peace and safety:

- A. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an inter-

section from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

- B. All limbs of trees which are less than eight feet above the surface of any public sidewalks, or nine feet above the surface of any street;

- C. All wires which are strung less than 15 feet above the surface of any street, roadway or alley, or eight feet above any sidewalk, except electric power wires which must not be less than 10 feet above any sidewalk;

- D. All annoying noises and annoying vibrations which destroy the peace and quiet of the residents of the city, except those noises and vibrations which are permitted under the ordinances of the city;

- E. All flashing signs and lights and oscillating signs and lights that annoy or disturb the peaceful occupation and use of private property within the city limits;

- F. The allowing of runoff rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

- G. All barbed wire fences which are located within three feet of any public sidewalk, and any fence charged with electricity in any amount whatsoever;

- H. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

- I. The keeping or harboring of any dog or other animal which by frequent or habitual howling, yelping, barking or making of other noises, or the keeping or harboring of any fowl which by frequent or habitual crowing or the making of other noises, shall annoy or disturb a neighborhood or any considerable number of persons; provided that a violation of this subdivision shall not be established except upon the testimony of not less than three witnesses as to the facts constituting the nuisance;

- J. Allowing hunting hounds and dogs of the hunting breeds, such as setters, pointers, and beagles, to run at large, not under leash, and not attended by the owner of such animal within the city limits;

1. For statutory provisions regarding the abatement of public nuisances, see Chapter 9.66 RCW; for the statutory provisions authorizing third class cities to declare nuisances by ordinance, see RCW 35.24.330.

K. Riding or leading horses upon the sidewalks or parking strips anywhere in the city;

L. Any unguarded or abandoned excavation, pit, well, or hole dangerous to life;

M. The repairing of automobiles or vehicles of any kind upon the public streets or in the alleys of the city;

N. The dumping or placing of grass clippings, yard trimmings, shrub trimmings, and plants, and shrubbery of any kind upon the streets and alleys or any ditches in the city;

O. Any condition which, due to lack of maintenance or cleanliness, could potentially attract, harbor, or cause the infestation of vermin or insects, including but not limited to stored refuse, unburied carcasses, pooled or stagnant water, improperly functioning or maintained temporary or permanent toilets, or abandoned structures or debris, is prohibited. (Ord. 1474 § 1, 2000; Ord. 1412 § 1, 1999; Ord. 568 § 5(b), 1975. Formerly 8.28.020).

8.28.040 Deposit of unwholesome substance.

A person is guilty of depositing an unwholesome substance if he deposits, leaves, or keeps, on or near a highway or route of public travel, on land or water, any unwholesome substance; or if he establishes, maintains or carries on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is noisome or detrimental to the public health; or if he deposits or dashes into the lakes or rivers of the city, the offal from or the dead body of any animal. (Ord. 1474 § 1, 2000; Ord. 568 § 5(c), 1975. Formerly 8.28.030).

8.28.050 Outdoor privy.

A person is guilty of maintaining an outdoor privy if he keeps or maintains any water closet, privy, vault, or other outhouse in such a manner that the same shall become foul and nauseous, or offensive to any neighborhood, family, or person. (Ord. 1474 § 1, 2000; Ord. 568 § 5(d), 1975. Formerly 8.28.040).

8.28.060 Abatement of nuisance.

A. The city may abate a violation of this chapter when:

1. The terms of voluntary correction agreement pursuant to PMC 8.28.080 have not been met;

2. A citation has been issued pursuant to PMC 8.28.070; or

3. The condition is subject to summary abatement as provided for in subsection B of this section.

B. Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety, or welfare, or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the city be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.

C. Authorized Action by the City. Using any lawful means, the city, or its agent, may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant, or other person entitled to control, use, and/or control of the property, and shall become due and payable to the city within 10 calendar days. The term "incidental expenses" includes, but is not limited to personnel costs, both direct and indirect, and including attorney fees; costs incurred in documenting the violation; hauling, storage, and disposal expenses; and actual expenses and costs of the city in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing. All such costs and expenses shall consti-

8.28.070

tute a lien against the affected property, as set forth in subsection F of this section.

E. Interference. Any person who knowingly obstructs, impedes, or interferes with the city or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding \$1,000.

F. Lien – Authorized. The city of Pacific shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all the related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

1. The city shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due or the date the work is completed or the nuisance abated.

2. The claim of lien shall contain sufficient information regarding the notice of civil violation, as determined by the mayor or designee, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

3. Any such claim of lien shall be verified by the mayor or designee, and may be amended from time to time to reflect changed conditions.

4. No such liens shall bind the affected property for a period longer than five years, without foreclosure or extension agreed to by the property owner. (Ord. 1474 § 1, 2000; Ord. 568 § 5(e), 1975. Formerly 8.28.050).

8.28.070 Violation – Penalty – Enforcement.

A. In addition to any other judicial or administrative remedy, the mayor or designee may assess a civil penalty of \$250.00 for each violation of this chapter. Each day a violation

is allowed to continue or exist, or is not corrected, shall constitute a separate offense.

B. A continued offense, re-offense, or subsequent violation of the same or like provision of this chapter committed within a 24-month period shall be a misdemeanor and is punishable by a fine of up to \$1,000, 90 days in jail, or both. (Ord. 1474 § 1, 2000).

8.28.080 Voluntary correction agreement.

A. The city may, at its discretion, enter into a voluntary correction agreement with the person responsible for a violation of this chapter. Such an agreement shall be in the form of a written contract under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the violation;

2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the regulation which has been violated;

4. The necessary corrective action to be taken, and a date or time by which correction must be completed;

5. An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and

6. An agreement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied.

B. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to an administrative hearing, under

this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.

C. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the city if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions and the responsible person provides the request in writing clearly establishing the need for such an extension.

D. Abatement by the City. The city may abate the violation in accordance with PMC 8.28.060 if the terms of the voluntary correction agreement are not met.

E. Collection of Costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with PMC 8.28.070, plus all costs and expenses of abatement, as set forth in PMC 8.28.060. (Ord. 1474 § 1, 2000).

Chapter 8.38

RODENTS

Sections:

- 8.38.010 Written complaint required.
- 8.38.020 Rodent-free premises – Required – Right of entry for inspection.
- 8.38.030 Adequate protection required.
- 8.38.040 Provisions of King County Code – Adopted.

8.38.010 Written complaint required.

In order to initiate any action by the Seattle-King County Health Department, a complaining party shall file a written complaint with the city police department stating the name and address of the complaining party and the location containing the rodent population. (Ord. 775 § 1, 1980).

8.38.020 Rodent-free premises – Required – Right of entry for inspection.

All premises shall at all times be free from rodents. The director of the Seattle-King County Health Department and/or his appointed representative (as the city's contractor) shall be permitted access to such premises in accordance with the procedures established in Chapter 23.04 of the King County Code, for the purpose of ascertaining the presence of rodents. (Ord. 775 § 2, 1980).

8.38.030 Adequate protection required.

It is unlawful for the owner or occupant of any premises to fail to reconstruct or repair such premises, including residences for the purpose of preventing rats, mice or other rodents from gaining entrance thereto. It is unlawful for the owner of any food or food products, goods, wares, or merchandise in such premises to fail to adequately protect the same to prevent rodents from gaining access to or coming in contact therewith. If rodents are found to be present, the owner or occupant of the premises shall apply such reasonable measures for the eradication as approved by the director. (Ord. 775 § 3, 1980).

8.38.040 Provisions of King County Code – Adopted.

The director of the Seattle-King County Department of Public Health is authorized to enforce the provisions of this chapter, the resolutions and ordinances codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23 of the King County Code, the same being adopted by reference and incorporated herein as if fully set forth. (Ord. 775 § 4, 1980).

Chapter 8.42

FOREIGN MATTER

Sections:

8.42.010 Purpose.

8.42.020 Definitions.

8.42.010 Purpose.

The purpose of this chapter is to declare unlawful and attach a criminal penalty to the dumping of any foreign matter in any of the city's catchbasins and/or surface water drain system. (Ord. 902 § 1, 1983).

8.42.020 Definitions.

A. "Catchbasins and/or surface water drain system" includes any and all receptacles in the city intended for the receipt and removal of surface drain water.

B. "Foreign matter" includes any petroleum products, brush, metal products, and any other artificial, manmade, or natural solid, liquid or gas other than surface water. (Ord. 902 § 2, 1983).

Chapter 8.44**FIREWORKS****(Effective June 15, 1996)**

Sections:

- 8.44.010 Limitation on discharge of fireworks.
- 8.44.020 Definition.
- 8.44.030 Violation – Penalty.

8.44.010 Limitation on discharge of fireworks.

No fireworks shall be discharged within the city except between 9:00 a.m. and 11:00 p.m. on the 2nd, 3rd and 4th of July and except from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st of the subsequent year. (Ord. 1250 § 1, 1995).

8.44.020 Definition.

For purposes of this chapter, “fireworks” shall have the same meaning as “common fireworks” as defined in RCW 70.77.136. (Ord. 1250 § 2, 1995).

8.44.030 Violation – Penalty.

Any violation of any provisions of this chapter is a misdemeanor. (Ord. 1250 § 3, 1995).

Chapter 8.48**ALARM SYSTEMS**

Sections:

- 8.48.010 Purpose.
- 8.48.020 Definitions.
- 8.48.030 Registration of alarm user.
- 8.48.040 Service charges for excessive false alarms.
- 8.48.050 No response to excessive false alarms.
- 8.48.060 Additional duties of alarm user.
- 8.48.070 Duties of alarm business.
- 8.48.080 Nonpermitted systems and uses.
- 8.48.090 Special registrations.
- 8.48.100 Administrative hearing.
- 8.48.110 Violations and penalties.

8.48.010 Purpose.

The purpose of this chapter is to encourage security alarm users and security alarm monitoring companies to maintain the operational reliability and the proper use of alarm systems in order to reduce unnecessary police, fire and emergency responses to false alarms and to require in-person or other independent verification before responding to emergency calls at premises where an automatic property, robbery, panic, fire, or burglary alarm system has a record of unreliability.

The express purpose of this chapter is to provide for and promote the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially affected by the terms of this chapter. This chapter imposes or creates no duties on the part of the city or any of its departments, and the obligation of complying with the requirements of this chapter, and any liability for failing to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining automatic alarm systems.

Nothing in this chapter shall prohibit or prevent any individual from making reports to the Pacific police and fire departments. (Ord. 1485 § 1, 2000; Ord. 1432 § 1, 1999).

8.48.020 Definitions.

Unless the context or subject matter otherwise requires, terms defined herein shall have the following meanings when used in this chapter:

A. "Alarm business" means any individual, partnership, corporation, or other entity that engages in the business of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system on real property.

B. "Alarm system monitoring company" means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, robbery, fire or panic alarms, and reporting any activation of such alarm systems to the Pacific police department, or the Pacific fire department through dispatch services.

C. "Alarm system" means any system, device or mechanism which, when activated, transmits a telephone message to a private monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device or mechanism primarily protecting a motor vehicle, or a medical alarm.

D. "Alarm user" means the person, firm, partnership, association, corporation, company, organization, or entity having or maintaining a property, burglary, robbery, fire, or panic alarm. It means only the subscriber when the system is connected to an alarm system monitoring company.

E. "Automatic dialing device" means a device that is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response. Such a device is an alarm system.

F. "Burglary alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property

protected by the system which may be activated by sensors or other techniques, and, when activated, automatically transmits a telephone message, emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

G. "Chief of police" means the chief of the city of Pacific police department.

H. "City clerk" means the clerk of the city of Pacific.

I. "Department" means the city of Pacific police department.

J. "Dispatch" or "immediate dispatch" means a discretionary decision whether to direct police or emergency units to a location where there has been a report made, by whatever means, that police assistance, or investigation, or emergency assistance is needed. There is no duty to dispatch or immediately dispatch under any circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are made subject to competing priorities and available police and emergency response resources.

K. "Economically disadvantaged person" means a person receiving public assistance.

L. "False alarm" means the activation of a property, burglary, or other alarm when:

1. There is no evidence of a crime or other activity on the premises that would warrant a call for immediate police assistance or police investigation, or immediate assistance from fire or emergency response personnel; and

2. No individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for an immediate police or emergency response.

An alarm shall be presumed to be false if the police officers responding do not locate any evidence of an intrusion or commission of an unlawful act or emergency on the premises which might have caused the alarm to sound.

False alarms do not include those alarms caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

M. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

N. "Registration year" means January 1st to and including December 31st.

O. "Premises" means any area and any portion of any area protected by an alarm system.

P. "Robbery alarm system" means an alarm system designed or used for alerting others of a robbery or other crime in progress which involves potential serious bodily injury or death.

It shall also include any device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the "protected premises");

2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;

3. It transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside the protected premises; and

4. It is intended to summon police or emergency assistance to the premises.

Q. "System subscriber" means a person, corporation, firm, partnership, association, company, organization or other business entity who purchased or contracted for any alarm system.

R. "Panic/trouble alarm" means an alarm system designed or used for alerting police of the need for immediate assistance or aid in order to avoid injury or serious bodily harm.

S. "Verification" means an independent method of determining that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. (Ord. 1485 § 1, 2000; Ord. 1432 § 2, 1999).

8.48.030 Registration of alarm user.

A. After January 1, 2000, no person shall operate or use an alarm system on any premises within the city of Pacific, under that person's control, without first having obtained from the city clerk's office, a separate registration for each premises protected by an alarm system.

B. The police department and/or fire department may not respond to any alarm system for which a registration has not first been obtained.

C. For the purposes of this section, a person shall be deemed to be an operator or user of an alarm system if:

1. The person controls both the alarm system and the premises upon which it is installed; or

2. The person controls the premises and is the subscriber, client or tenant of the system subscriber; or

3. The person is the system subscriber or alarm user.

D. All persons required to obtain a registration must complete a registration application form which is provided by the city clerk's office. Information required to be provided on the registration application form includes, but is not limited to:

1. Subscriber's and/or alarm user's name, address and telephone number(s);

2. Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the alarm user and who have authority to enter and provide access to the premise and to deactivate the alarm;

3. The electrical inspection permit number;

4. Name of the alarm business responsible for regular maintenance and that company's electrical contractor's license number;

5. The information required in subsections (D)(3) and (4) of this section shall not apply to alarms which are installed by the homeowner/tenant;

6. The information required in subsection (D)(3) of this subsection shall not apply to:

- a. Existing alarms; or

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b. Alarms which are installed in multiple-tenant buildings.

7. Identification of the property to be serviced by the alarm system by street address, including any building or unit numbers.

8. A section that contains the following language, to be initialed by alarm user:

I agree at all times to protect and save harmless the city from all claims, actions, suits, liability, loss, costs, expenses or damages of every kind or description which may accrue to, or be suffered by, any person or persons or property by reason of the response, or lack of response, to my alarm by the city fire and/or police department(s), due to the malfunction or error of the alarm system, the alarm business, or my noncompliance with rules and regulations contained herein, or due to my negligence, or negligence of the alarm business, or parties other than the city.

9. Give such other information as reasonably may be required by the chief of the fire department, or the chief of the police department.

E. Failure to complete the required information will result in automatic denial of the registration.

F. Each registration shall be given a number which shall not be transferable or assignable. Moreover, if the alarm user decides to change, alter, reconnect, or modify the alarm system in any way, other than by disconnection, he or she must complete a new registration form, as provided for, and in accordance with this chapter.

G. Completed applications for an alarm user's registration and fee as set forth in the fee resolution shall be filed with the city clerk's office, except that no fee shall be charged for alarms installed prior to enactment of this chapter if a registration application for such existing alarm system is filed within 90 days after enactment of this chapter.

H. A penalty fee as set forth in the fee resolution will be charged, in addition to the fee provided in subsection G of this section, to a

user who fails to obtain registration approval within 30 days after the system becomes operative, or to a current user who fails to obtain registration approval as set forth in this chapter.

I. Registration fees shall be payable to the city of Pacific and deposited into the city's general fund to be used exclusively for the direct or indirect support of law enforcement activities.

J. Any person who owns, operates, or possesses any alarm system within the city of Pacific, which does not conform to the requirements of this chapter, shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than March 31, 2000.

K. The following persons or entities shall be required to obtain a registration under this chapter, but shall not be required to pay a registration fee:

1. A business which is a nonprofit organization, including but not limited to religious, civic, charitable, benevolent, nonprofit, cultural, governmental or youth organizations.

L. Alarm users shall notify the police department within 10 days, of any change of information from that contained on the registration application.

M. The city expressly reserves the right to revoke or refuse renewal of any permit issued under this chapter by the chief of the fire department or by the chief of the police department upon written notice to the alarm user for failure to comply with the terms and conditions of the registration, or the provisions of this chapter, or any lawful order or direction of the chief of the fire department, or the chief of the police department. (Ord. 1485 § 1, 2000; Ord. 1432 § 3, 1999).

8.48.040 Service charges for excessive false alarms.

A. Service charges will be assessed by the city clerk for excessive false alarms during the registration year as follows:

Third and fourth false alarms: fee set forth in fee resolution.

Fifth and additional false alarms: fee set forth in fee resolution.

B. The city clerk shall notify the alarm user and the alarm business by regular mail of the false alarm, any fine associated with the false alarm and the consequences of the failure to pay the fine, and the consequences of repeated false alarms. The city clerk shall also inform the alarm user of the right to appeal the validity of the false alarm determination, as provided in PMC 8.48.100. If the service charge has been assessed and has not been received by the city clerk's office within 60 days from the day the notice of service charge was mailed by the city clerk's office, and there is no appeal pending on the validity of the false alarm, the city clerk shall send the notice of service charge by certified mail along with a notice of late fee as set forth in fee resolution. If payment is not received within 10 days of the day the notice of late fee was mailed, the police chief may initiate the "no response process," as spelled out in PMC 8.48.050, and enforce any penalties so imposed. (Ord. 1485 § 1, 2000; Ord. 1432 § 4, 1999).

8.48.050 No response to excessive false alarms.

A. In exercising his or her discretion to make an immediate dispatch in response to an automatic property, burglary, robbery, panic or fire alarm, the chief of police (or the chief of the fire department), or his or her officers, shall disregard a call for emergency assistance when:

1. The premises are not a residence; and
2. The call comes from or is prompted by an automatic alarm system that has a record of sending five false alarms within a period of 12 months; and
3. The call is the only basis for making such a dispatch.

The chief of police or the chief of the fire department, or any of their officers may consider such a call as an additional factor in making his or her decision to order an immediate dispatch when an in-person call, verification from an individual at or near the premises, or other independent evidence shows a need for immediate police, fire, or emergency assistance at the premises.

B. To discourage false alarms, the city clerk may adopt a process of sending a letter or delivering a notice informing the alarm system user of record of the consequences of a false alarm, the need to take corrective action, and the prospect that five false alarms within a 12-month period shall result in the alarm being disregarded and an in-person call or verification being required or other independent information showing a need for such a dispatch before an immediate dispatch will be made to the premises.

C. After the fifth false alarm in a registration year, the city clerk shall send a notification to the alarms user by mail, which will contain the following:

1. That five false alarms have been received within a 12-month period;
2. That the remedy authorized in subsection A of this section may be taken;
3. That if any additional false alarms occur within the remainder of the registration year, the police and/or fire department may not respond to any subsequent alarms without the approval of the police chief and/or the fire chief, and the alarm user registration can be revoked;
4. That the alarm user may request a hearing before the police chief or his or her designee to explain why the proposed action should not be taken. If no hearing is requested, the police and/or fire department, after 10 days, will disregard the sounding of any alarm system from the premises without a call or verification from an individual or other independent information showing a need for such dispatch. Such requirement of an in-person communication or verification may remain in effect for a period of 365 days;
5. That the approval of the police chief and/or the fire chief can only be obtained by applying in writing for reinstatement. The alarm user's registration may be reinstated upon a finding that reasonable effort has been made to correct the false alarms. Consideration may be given to a letter from user's alarm company, duly registered to do business in the city of Pacific which states the alarm system is operating properly and the alarm user(s)' agents are properly trained in the alarm system

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operation. The city of Pacific shall not be responsible for any costs incurred by the user to qualify for reinstatement. All costs of inspection and/or corrective actions shall be the responsibility of the individual having or maintaining the alarm on the premises or of the operator of the alarm service;

6. That reinstated users will be billed for any false alarm responses after reinstatement. Moreover, reinstated users will be subject to further revocation after any more false alarm responses after reinstatement during the remainder of the registration year. Registrations will not be reinstated if there are any outstanding fees or service charges due;

7. That the alarm user has the right to contest the validity of a false alarm determination through an administrative hearing as set forth in PMC 8.48.100.

B. After the fifth false alarm within a registration year, there may be no police and/or response to subsequent alarms without approval of the police chief and/or fire chief. If police and/or fire response is suspended, the city clerk shall send a notification of the suspension to:

1. The department's communications center;
2. The department;
3. The alarm user by certified mail; and
4. The persons listed on the alarm user's registration who are to be contacted in case of any emergency, by certified mail.

C. The suspension of police and/or fire response to an alarm shall begin 10 days after the date of mailing of the notice of suspension of service to the alarm user unless a written request for an administrative hearing has been made in the required time period as set forth in PMC 8.48.100. (Ord. 1485 § 1, 2000; Ord. 1432 § 5, 1999).

8.48.060 Additional duties of alarm user.

A. The premises shall display the registration decal at or near the main entrance, which shall be clearly visible and readable from the exterior of the premises.

B. The premises shall display the street address at or near the front of the premises and at other places where access is available, such as from an alley or parking lot. The street

address shall be clearly visible and readable from the exterior of the premises.

C. If requested to do so by the department, the alarm user or his or her designee shall respond to a premises following activation of an alarm system within a reasonable time, and in any event, within one hour after said notification.

D. No person shall activate any robbery, burglary, panic, property, or fire alarm for the purpose of summoning police or fire personnel except in the event of an unauthorized entry, robbery, or other crime being committed or attempted on the premises, or the user needs immediate assistance in order to avoid injury or serious bodily harm, or property destruction.

E. If an alarm user has knowledge that an alarm has been activated due to an electrical or other malfunction of the alarm system, they shall immediately notify the police and/or fire department of the malfunction. (Ord. 1485 § 1, 2000; Ord. 1432 § 6, 1999).

8.48.070 Duties of alarm business.

A. Every alarm system monitoring company engaging in business activities in the city of Pacific shall:

1. Be registered to do business in the city of Pacific;

2. Submit a standard user form instruction sheet to the police chief. If the police chief finds the instructions are incomplete, unclear, or inadequate, the police chief may require the alarm business to revise the instructions to comply with subsection (A)(4) of this section and then to distribute the revised instruction to its alarm users;

3. Provide the police chief information about the nature of its property alarms, burglary alarms, robbery alarms, fire alarms and panic alarms; its method of monitoring; its program for preventing false alarms, and its method of disconnecting audible alarms;

4. Furnish the user with instructions that provide information to enable the user to operate the alarm system properly and information on how to obtain service for the alarm system at any time. The alarm business shall also

inform each alarm user of the requirement to obtain a city registration;

5. Establish a process for alarm verification. The verification process shall take no more than five minutes, calculated from the time that the alarm signal has been accepted by the alarm business monitoring the system, until a decision is made whether to call for a police dispatch. The means of verification may include one or more of the following:

a. The establishment of voice communication with an authorized person at or near the premises who may indicate whether or not need for immediate police assistance or investigation exists;

b. A feature that permits the alarm system user or a person authorized by the user to send a special signal to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police, fire or emergency dispatch;

c. The installation of a video system that provides the alarm system monitoring company with the ability to ascertain that activity is occurring which warrants immediate police assistance or investigation;

d. A confirmation, either by the alarm system user, or a person at or near the premises, that a signal reflects a need for immediate police assistance or investigation before dispatching police; or

e. An alternate system that the police chief determines has, or is likely to have, a high degree of reliability;

6. Coordinate with the department's communication center to develop a process to cancel an alarm dispatch that is consistent with the communication center's standard operating procedures;

7. Provide the department's communication center with the registration number for that premises requesting an alarm response. The department need not respond if the registration number is not provided;

8. Maintain a current list of all subscribers' names and the associated protected premises that are located within the city of Pacific, which list shall be accessible to the chief of police at all times;

9. When the chief of police reports that there appears to have been a false alarm at a subscriber's premises, work cooperatively with the subscriber and the chief of police in order to determine the cause thereof and prevent recurrences. (Ord. 1485 § 1, 2000; Ord. 1432 § 7, 1999).

8.48.080 Nonpermitted systems and uses.

A. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within 15 minutes. Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona fide emergency when the sound may assist in saving life or avoiding injury.

B. No person shall use an alarm system to protect more than one business and/or private residence without receiving a separate registration for each business and/or private residence to be protected.

C. No person shall operate or use any alarm system for which the registration has been revoked.

D. No person shall operate or use any alarm system which automatically dials the department directly and delivers a pre-recorded message.

E. Violation of any of this section constitutes a Class 2 civil infraction, which shall be charged to the alarm user. (Ord. 1485 § 1, 2000; Ord. 1432 § 8, 1999).

8.48.090 Special registrations.

A. An alarm user required by federal, state, county or municipal law, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to the alarm system regulations, provided:

1. A registration shall be designated a special alarm user's registration.

2. A special alarm user's registration for a system that has five false alarms in a registration year shall not be subject to the no response procedure and shall pay the penalty fees and service charges.

B. An alarm user that is a governmental unit shall be subject to this chapter; but a registration shall be issued without payment of a

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fee and shall not be subject to service charges or the imposition of any penalty provided herein. (Ord. 1485 § 1, 2000; Ord. 1432 § 9, 1999).

8.48.100 Administrative hearing.

A. An alarm user may appeal the validity of a false alarm determination to the police chief. The appeal shall be in writing on a form provided by the city clerk, and shall be requested within 10 days of the notice of penalty received from the city clerk's office. Failure to contest the false alarm determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

B. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the police chief, by certified mail, at least 10 days prior to the date set for the hearing, which shall not be more than 21 nor less than 10 days after the filing of the request for hearing. The notice shall also notify the person or business requesting the hearing that if they desire to have the officer responsible for the issuance of the civil infraction present to testify at the hearing, they must make a written request for his appearance no later than 10 days prior to the hearing date, and that in the absence of such a request, the officer's notice of violation and any accompanying report shall be received in evidence.

C. The hearing shall be before the police chief as administrative hearing officer. The police chief may appoint another person to be an administrative hearing officer to hear the appeal and to render judgment. The alarm user and the city representative shall have the right to present written and oral evidence. If the administrative hearing officer determines that the false alarms alleged have occurred in a registration year, the administrative hearing officer may issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record. If false alarm designations are entered on the alarm user's record, the city clerk shall pursue the collection of the penalty fines. If the civil penalty is not found to be proper, then the alarm user shall bear no costs.

D. A person or business shall have until 10 days after the date of the request for a hearing to cancel the hearing by making payment to the city clerk in the amount of the civil infraction. If a hearing is canceled more than 10 days after its request, then a cancellation fee as set forth in the fee resolution must be paid in addition to the amount of the civil infraction.

E. In accordance with RCW 46.55.240 (1)(d), a decision made by an administrative hearing officer may be appealed to the King County district court for final judgment.

F. For the purposes of this chapter, there is a rebuttable presumption that the following determinations made by the chief of police, or made on behalf of the chief by a police officer dispatched to the-premises, are correct:

1. There is no evidence of a crime or other activity that would warrant a call for immediate police assistance or police investigation at the premises; and

2. No individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch or verified a need for an immediate police response.

G. At the conclusion of the hearing, the administrative hearing officer shall determine whether the imposition of the civil penalty was proper and provide both parties with a copy of his or her decision setting forth in writing the reasons for the determination reached. Should the administrative hearing officer determine that the amount of the penalty was not proper, then he or she shall determine the proper amount and provide a copy of the final decision to the person or business requesting the hearing and the city clerk.

H. If the civil penalty is found proper, then the civil penalty together with court costs and the expenses of the hearing shall be assessed as a civil penalty against the owner of the premises. If the civil penalty is not found to be proper, then the owner of the premises shall bear no costs.

I. Nothing in this chapter shall be construed to prevent the administrative hearing officer from exercising discretion in assessing penalties, costs or arranging time payments if justice

so requires. (Ord. 1485 § 1, 2000; Ord. 1432 § 10, 1999).

8.48.110 Violations and penalties.

Unless otherwise provided herein, whoever violates any provisions of this chapter shall be found to have committed a Class I civil infraction. (Ord. 1485 § 1, 2000; Ord. 1432 § 11, 1999).

