

COPY

ORDINANCE NO. 95-7

AN ORDINANCE UPDATING AND AMENDING TITLE 8 OF THE WALLA WALLA MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Code Task Force of the City of Walla Walla has recommended a total updating and amendment of Title 8 of the Walla Walla Municipal Code, and

WHEREAS, the Walla Walla City Council conducted a public meeting on March 22, 1995, and invited public comment upon the proposed amendments to Title 8 (Exhibit "A"), and

WHEREAS, the City Council deems that the controls, standards, procedures and penalties set forth in this title are essential to the protection of the public health, safety and general welfare of the citizens of the City of Walla Walla, and the adoption of this ordinance to be in the public interest, and

WHEREAS, under the provisions of RCW 35A.12.160, the City of Walla Walla is authorized to publish a brief and succinct summary describing the main points of the ordinance in lieu of the actual text of said ordinance, and

WHEREAS, it is the desire and intent of the Walla Walla City Council to approve notice, in summary form, of this ordinance, as authorized by RCW 35A.12.160, and the City Council has approved for publication the summary of this ordinance as set forth on attached Exhibit "B,"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALLA WALLA DO ORDAIN AS FOLLOWS:

Section 1: Title 8 of the Walla Walla Municipal Code, and the underlying ordinances thereof, as amended, are amended to read as follows:

"TITLE 8

HEALTH AND SAFETY

(See attached Exhibit "A" incorporated herein by reference.)"

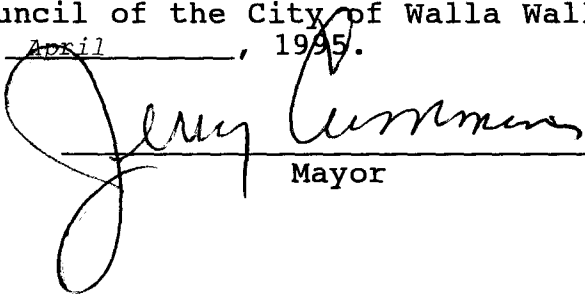
Section 2: Chapters 8.02, 8.16, 8.24, 8.28, 8.36, 8.40, 8.42, 8.44, 8.48 and 8.50, and the underlying ordinances thereof, as amended, are hereby repealed.

Section 3: Pursuant to the provisions of RCW 35A.12.160, the summary of the main points of this ordinance as set forth in attached Exhibit "B" are hereby approved, and the City elects to provide the required notice of said ordinance by publishing the summary description of the main points of this ordinance in lieu of the actual text thereof.

Section 4: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5: This ordinance, being one required by law, is declared to be a public emergency ordinance necessary for the protection of the public health, public safety and public peace of the people, is declared to be urgent, an emergency exists, and this ordinance shall take effect and be in full force upon its passage and publication in summary form as provided by law.

PASSED by the City Council of the City of Walla Walla, Washington, this 12th day of April, 1945.



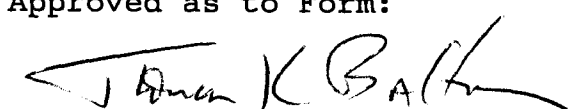
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

283.Title8

EXHIBIT "A"

TITLE 8

HEALTH AND SAFETY

CHAPTER 8.01

FOOD SERVICE SANITATION CODE

8.01.010 Statutory Provisions--Adopted by Reference--Scope. The following statutes are adopted by reference as and for a portion of the Food Service Sanitation Code of this City as if set forth in full herein, with the exception of a penalty provision thereof which are superseded by the penalty provisions of this chapter as set forth in Section 8.01.060.

RCW 69.06.010	Food and Beverage Service Workers Permit--Filing and Duration	RCW 69.06.040	Application of Chapter to Retail Food Establishments
RCW 69.06.020	Permit Exclusive and Valid Throughout State--Fee	RCW 69.06.045	Application of Chapter to Temporary Food Service Establishments
RCW 69.06.030	Diseased Persons--May Not Work--Employer May Not Hire	RCW 69.06.050	Permit to be Secured Within 30 Days from Time of Employment

8.01.020 Administrative Provisions--Adopted by Reference--Scope. The rules and regulations of the Washington State Board of Health for Food Service Sanitation (WAC 246-84) adopted March 11, 1992, are adopted by reference as and for a portion of the Food Service Sanitation Code of this City as if set forth in full herein, together with additions thereto as set forth in this chapter. All amendments and additions to the rules and regulations of the Washington State Board of Health for Food Service Sanitation, when printed and filed with the County Auditor, shall become amendments and additions to this chapter.

8.01.030 Permit Fees. There shall be paid by food processing establishments or food service establishments prior to their operation within the City limits, those certain permit fees established by the Walla Walla County-City Health Department as are now in effect or as are hereafter amended.

8.01.040 Mobile Food Units--Additional Requirements. As additional requirements to the provisions of WAC Chapter 246-84, potentially hazardous foods as defined in WAC Chapter 246-84 shall only be sold from a non-temporary mobile food unit under the following conditions:

A. If a mobile food unit is operating as an extension of a permanent non-mobile food service establishment already in possession of a valid food service permit issued by the Walla Walla County-City Health Officer, the mobile food unit may operate under the provisions of WAC 246-84.

B. If, however, a mobile unit is not an extension of a permanent, non-mobile service establishment in possession of a valid food service permit issued by the Walla Walla County-City Health Officer, the unit must meet all of the requirements, rules and regulations of the Washington State Board of Health including toilet, hand washing and water supply requirements.

8.01.050 Mobile Unit Refrigeration and Freezing Requirements--Additional Requirements.

A. A permanent non-delivery type mobile food unit providing potentially hazardous foods must be provided with standard mechanical refrigeration capable of maintaining food temperatures at 45° fahrenheit or below at all times and/or a standard mechanical freezer unit capable of maintaining the food in a frozen state at all times. However, certain frozen dairy products may be sold without a mechanical freezer if an adequate supply of dry ice is provided.

B. If a permanent food service establishment holding a valid permit issued by the Walla Walla County-City Health Department makes deliveries for orders already placed, the delivery vehicle may be exempt from certain requirements of this section.

8.01.060 Violation--Penalty. Anyone violating or failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to the penalty provided by state law as now existing or hereafter amended for the same violation or type (degree) of violation, but not to exceed a \$1,000.00 fine or 90 days in jail or both. If no state law provides for such penalty, then the penalty shall be a \$1,000.00 fine or 90 days in jail or both. Each day a violation of this chapter continues shall be considered a separate offense.

8.01.070 Statutory and Administrative Provisions-- Amendments or Changes Included. The amendment, addition or repeal by the Washington State Legislature or state agency having jurisdiction of any section of any of the adopted statutes or administrative provisions shall be deemed to amend this chapter and the statutes and administrative provisions contained in this chapter which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this City to take any action with respect to such addition, amendment, or repeal as provided by RCW 35A.12.140.

8.01.080 Filing of Provisions for Public Examination. Incident to the adoption of the ordinance codified in this chapter, copies of the text of the adopted statutes and administrative provisions shall be filed in the Office of the City Clerk, as required by RCW 35A.12.140 for use and examination by the public. In addition, the Office of the City Clerk is authorized to codify and number the sections and subsections of the ordinance codified in this chapter to provide for uniformity and consistency with existing codifications and ordinances.

CHAPTER 8.05

NUISANCES

8.05.010 Purpose. The purpose of this chapter is to exercise the police power in relation to public nuisances and abatement of such nuisances, to protect the public health, safety and welfare, and to promote the economic development of the City. It is also the purpose of this chapter to prevent and prohibit those conditions which reduce the value of private property, interfere with enjoyment of public and private property, create and constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values. It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-harboring, and/or disease-causing places, conditions, or objections. It is also necessary for the public social and economic welfare to regulate, prevent and prohibit conditions which degrade the City's scenic attractiveness and liveability and its economic development.

8.05.020 Definitions. The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his/her judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Disposable Package or Container" means all packages or containers defined as such by rules and regulations adopted by the State of Washington Department of Ecology.

C. "Enforcement Officer" means the City official or employee so designated by the City Manager.

D. "Junk" includes the storage of all old appliances, equipment, or parts thereof, all old iron or other scrap metal, all inoperable vehicles or parts thereof, including tires, all vehicle hulks, cardboard, all lumber, old wood and mattresses, which items are not being used for their intended purpose, and does not include orderly stacked firewood.

E. "Litter" means and includes all waste material, including but not limited to disposable packages or containers thrown or deposited on public or private property, including the depositing on public property or cars of handbills, but not including the waste of primary process of mining, logging, sawmilling, farming or manufacturing.

F. "Premises" means any building, lot, parcel, real estate, land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

G. "Refuse" means vegetable offal, animal offal, discarded food, cans, bottles, waste paper, large tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of weeds, twigs, grass or other material resulting from the normal tending of lawns and gardens.

H. "Responsible Person" means any agent, lessee, owner or other person occupying or having charge or control of any premises.

I. "Weed", "Vegetable Growth" and "Horticultural Growth" mean and include, but are not limited to trees, plants, shrubs, bushes, flowers, garden vegetables and grasses and further include all growths of every kind and character, whether domestic or wild, causing the obstruction or interference or detriment prohibited by this chapter.

8.05.030 Types of Nuisances. Each of the following places, conditions, or things is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any premises, the officer may require or provide for the abatement thereof pursuant to this chapter:

A. The growing, maintaining, permitting or allowing of any weed, vegetable or horticultural growth which either:

1. Overhangs, encroaches upon, obstructs or in any manner interferes with the full and free use by the public of any street, sidewalk or sidewalk area upon which such property so owned or occupied abuts; or
2. Has grown and died upon any premises owned, occupied or in control of the responsible person or persons and which constitutes the detriment to the public health, safety or welfare, including but not limited to a fire hazard; or
3. Is so overgrown upon any premises owned, occupied or in control of the responsible person or persons, as to cause the degradation of the character of the neighborhood, and for which a general rule of thumb shall be an average length of 12 inches or more.

B. The existence of any junk, litter or refuse within the City when written complaint from two or more City residents who are impacted by the present or potential effect of the condition on them or their property, has been received by the City unless such materials are kept or stored in an orderly and sightly manner and so as not to create a fire, safety, health or sanitary hazard.

C. The depositing, leaving or throwing away of any junk, litter or refuse within the City for an unreasonable length of time beyond what is necessary for proper disposal, which length of time shall be not less than 30 days, except at the City Landfill or in covered containers or receptacles acceptable to the enforcement officer of the City.

D. The causing or permitting to be discharged, placed or thrown, or the throwing into, or upon any premises or any public street or alley of any nauseous, foul or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid.

E. The erection, continuance, or use of any building, room, property, or other place in the City for the exercise of any trade, employment, or manufacturer which results in offense odors or other annoyances being released, and which annoys, injures or is offensive or detrimental to the health of the individuals there employed or residing, or to the public.

F. The burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, soot, or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health of any person or neighborhood.

G. The maintenance or use of any building, house, room or other structure or vehicle for the purpose of lewdness, assignation or prostitution.

H. Any pit, basin, hole, well or other excavation which is unguarded and dangerous to life, or has been abandoned, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law.

I. All obstructions to streets, rights of way, or other public ways in the City, and all excavations in or under the same, which are by ordinance prohibited, or which may be made without lawful permission, or which, having been made by lawful permission, are kept and maintained after the purpose thereof has been accomplished, or for an unreasonable length of time.

J. All premises, buildings and vehicles whereon or wherein intoxicating liquor is manufactured, sold, bargained, exchanged, given away, furnished, disposed of, consumed or permitted to be consumed, in violation of laws of the State and in ordinances of the City.

K. All vacant, unused or unoccupied buildings and structures within the City, which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broken, missing or open doors, windows, or other openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the City.

L. Any refrigerator, ice box or deep freeze locker having a capacity of one and one-half cubic feet or more or any other container manufactured, custom-made or homemade designed for storage which is discarded, abandoned or left in any place accessible to children and which has not had the door or latching mechanism removed to prevent the latching or locking of the door.

M. Any sign, poster or other advertising matter of any nature placed upon a telephone, utility or other poles, trees, sidewalks, streets, signs, traffic signs or other traffic control devices or other structures or places within streets, alleys or other public places or rights-of-way.

N. All buildings or parts thereof, vehicles, or other structures, wherein any gambling, as defined by RCW 9.46.020 may be found, and any gambling device, as defined by RCW 9.46.020, may be found, except as licensed and within the scope of the requirement of the license required under state law and this municipal code.

O. The depositing or allowing of irrigation or other water to run by any street, alley, or other public place, in such manner as to cause settling or damage to the street, alley, or other public place, or to cause annoyance, damage, or hazard to any user of the street, alley, or other public place.

8.05.040 Prohibited Conduct.

A. It shall be unlawful for any responsible person(s) to create, permit, maintain, suffer, carry on or allow, upon their premises, any of the acts or things declared by this chapter to be a public nuisance.

B. It shall be unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance.

8.05.050 Abatement--Order.

A. Upon the discovery of a nuisance, the enforcement officer may order the responsible person creating, keeping, maintaining or permitting the same to abate it, and in default thereof, to undertake the abatement on behalf of the City. At least ten days before he commences abatement, save in those cases of immediate necessity, the officer shall notify the person creating, keeping, maintaining or permitting the nuisance, the property owner and any person in possession of the property, if known, of his intentions. The notice shall be served personally or by first class mail and shall describe with particularity the nature of the violation, the sections of this code or other law which are being violated and specifying a reasonable time within which the abatement must be accomplished.

B. Except for actions commencing or refusing to commence a civil or criminal action, the decision or action of the enforcement officer may be reviewed by the City Manager. A request

for review must be made within ten days of the taking of the action or decision or, if written, must be made within ten days of the delivery, publication, posting or mailing, whichever is the shorter period. The City Manager will review the action or decision promptly and give notice of his determination in writing. Any person aggrieved by a final decision of the City Manager may petition the Superior Court of Walla Walla County within ten days of the date of the decision for such relief as he may be entitled.

C. In addition to such other penalties as may be imposed, a court entering a judgment of guilty to a charge of creating a public nuisance may order the abatement of the same on such terms and conditions as may be just and equitable.

8.05.060 Abatement--Failure--Penalty. Any person creating, keeping, or maintaining a nuisance, or permitting, allowing, or suffering any nuisance to be maintained, who neglects or fails to abate or remove the nuisance within 24 hours next after so creating, keeping or maintaining the nuisance, or permitting, allowing, or suffering the same to be maintained, shall, for each 24 hours thereafter during which the nuisance is continued, be guilty of a separate violation of maintaining a public nuisance.

8.05.070 Abatement--Immediate. Whenever any nuisance is within a public way or easement, or is of such a character and so situated that it can be abated without the invasion or destruction of property or the prejudice of any right, and the further continuance is likely to result in expense to the City or injury to any person or property, and the responsible person(s) cannot be contacted or refuse(s) to immediately abate the condition, the enforcement officer may abate and remove the nuisance summarily. The expenses of such abatement may become a civil debt against the owner or the responsible person and shall be collectible in the same manner as any other civil debt owing to the City or as otherwise provided in this chapter.

8.05.080 Abatement by City--Safeguards. In any case where a nuisance is to be abated by the enforcement officer, it shall be the duty of such officer to proceed with due care and without unnecessary destruction of property. He shall in all cases be authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the nuisance.

8.05.090 Abatement--Cost. Every person, firm or corporation maintaining a nuisance, or permitting, allowing or suffering a nuisance to be maintained, as prohibited by this chapter or otherwise, shall be liable for all costs and expenses for abating the same when the nuisance has been abated by any officer of the City. The costs and expenses may be assessed as

part of any prosecution against the party liable and may be recovered as other costs are recovered after they have been assessed; provided, that in such cases the City shall have been liable in the first instance to pay all costs of the abatement. In all cases where the enforcement officer abates any nuisance, he shall keep an account of all expenses attending such abatement and, in addition to other powers given in this chapter to collect such other costs and expenses, may forthwith bring suit for recovery of the costs in any court of competent jurisdiction, in the name of the City, against the person maintaining, keeping, creating or permitting, allowing, or suffering the nuisance abated, and, upon the collection of the costs by such suit, he shall pay the same to the City Treasurer. In the case that the responsible person, or one of the responsible persons, is the owner, the charge shall be a lien against the property. Notice of such lien shall be filed with the City Clerk within 30 days after completion of the abatement work and may be enforced by action in Walla Walla County Superior Court which shall be brought within four months of the time of the filing of the lien. The provisions of this chapter relative to the abatement of nuisances are not exclusive, and all other rights or remedies of the City, or any citizen thereof, relative to abatement of nuisances, are declared to remain in full force and effect.

8.05.100 Violation--Penalty. In addition to the costs of abatement, any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be deemed to have committed a misdemeanor and shall be subject to a penalty of \$1,000.00 or 90 days in jail or both.

CHAPTER 8.09

FIREWORKS

8.09.005 Statutory Provisions--Adoption by Reference--
Scope.

A. RCW Chapter 70.77, as amended, is adopted by reference as and for the ordinances of the City regulating the sale, possession and use of common and special fireworks as if set forth in full, in this section, except as provided in Subsection B of this section or as otherwise provided or limited by the provisions of this chapter.

B. Sections Not Adopted. None.

8.09.010 Statutory Authority Implemented. This chapter is intended to implement Chapter 228 of Laws of 1961 of the State

of Washington and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto.

8.09.020 Applicability of Provisions. The provisions of this chapter shall apply to the sale of all fireworks as defined herein and in RCW Chapter 70.77, except as to the sale of toy caps and sparklers.

8.09.030 Fireworks--Prohibited. No person may sell, use or possess in the City any of the following fireworks:

A. Sky rocket--tube not exceeding one-half inch (12.5mm) inside diameter that may contain up to twenty grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of the flight;

B. Missile-type rocket--device similar to a sky rocket in size, composition and effect, that uses fins rather than a stick for guidance and stability;

C. Firecracker or salute--small paper-wrapped or cardboard tube, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter containing not more than fifty milligrams of pyrotechnic composition. Upon ignition, noise and a flash of light are produced;

D. Chaser--small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty milligrams;

E. Jumping Jacks;

F. "Special fireworks" as defined in RCW 70.77.131 and WAC 212-17.040;

G. "Agricultural and wildlife fireworks" as defined in RCW 70.77.141 and WAC 212-17-045;

H. "Special effects" as defined in RCW 70.77.146;

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

J. Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in this section.

8.09.040 Permit--Required for all Sales. It is unlawful for any person, firm or corporation to engage in the retail sale of or to sell any fireworks within the City without first having obtained a permit pursuant to the provisions of this chapter.

8.09.050 Permit--Fee. The annual permit fee for the sale of fireworks and/or the public display of fireworks as may be authorized hereunder shall be twenty dollars per year, per stand, outlet or public display, payable in advance.

8.09.060 Permit--Limit. No person, firm or corporation shall receive more than one permit for the sale of fireworks during any one calendar year.

8.09.070 Permit--Valid for One Outlet Only and Not Transferable. A permit granted pursuant to this chapter shall entitle the permittee to maintain only one retail outlet. All permits issued pursuant hereto shall be used only by the designated permittees and shall be nontransferable. Any transfer or purported transfer of such a permit shall be deemed a violation of this title.

8.09.080 Permit--Issuance Prerequisites, Terms and Conditions. A permit for the sale of fireworks shall be issued only upon the following terms and conditions:

A. State Permit or License. The applicant shall have a valid and subsisting license or permit issued by the State of Washington authorizing the holder thereof to engage in the fireworks business;

B. Stand Ownership. The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards hereinafter set forth for temporary fireworks stands;

C. Liability Insurance. The applicant shall procure and maintain a policy or policies of public liability insurance in a company or companies rated A or better by A.M. Best Company in the amount of One Million Dollars combined single limit for bodily injury and/or property damage.

D. Location and Business. The permittee's location or place of business shall be only in those areas or zones within the City wherein commercial activities are authorized under the applicable city zoning laws; provided, that the sale of fireworks shall not be deemed an enlargement of an existing nonconforming use, and; provided further, that no fireworks shall be sold in any residential area where a commercial enterprise does not exist.

E. Bond. The applicant shall post with the City a performance bond or cash deposit in an amount not less than fifty dollars, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand, which deposit shall be returned to the applicant only in the event that he removes the temporary stand and cleans up all debris to the satisfaction of the proper city officials. In the event of his failure so to do, the performance bond or cash deposit shall be forfeited to the City. In no event shall the applicant be entitled to a return of the performance bond or cash deposit if he has failed to remove the temporary stand and clean up all debris by July 10th of each year.

8.09.090 Permit--Application Requirements--Issuance.

The applications are to be filed with the fire department. All applications for permits shall be made in person by the individual or authorized representative of the firm or corporation applying for the permit, and all requirements, including liability insurance, bond, permit fee and a diagram of the stand location shall be furnished by the applicant. The fire chief shall investigate qualifications of the applicant and shall make a recommendation to the City Manager. Upon approval by the City Manager, the City Clerk shall cause a permit to be issued upon the payment of the stipulated fee. The making of an application for permit by any wholesale or retail distributor of fireworks in the name of another person, firm or corporation named as the retail seller may be grounds for denial of a permit.

8.09.100 Permit--Application Deadline and Granting Determination Authority. No permits shall be issued for a given calendar year prior to April 1st of each year. All applications for permits must be received by the fire department prior to June 1st of each year.

8.09.110 Sales and Use--Days and Hours Permitted. No Permittee shall sell at retail or offer for sale any fireworks authorized to be sold in this chapter, nor shall any such fireworks be discharged, within the City except from twelve noon on the twenty-eighth day of June to twelve noon on the sixth day of July of any year.

8.09.120 Sales--Limited to Temporary Stands. All fireworks except toy caps and sparklers shall be sold only from temporary stands.

8.09.0130 Temporary Stands--Conditions and Standards--Compliance Required. The temporary stands of all permittees shall conform to the following minimum standards and conditions:

A. Construction. Temporary fireworks stands need not comply with all provisions of the building code of the City; provided, however, that all such stands shall be erected under the supervision of the fire chief or his duly authorized representative, who shall require all stands to be constructed in a safe manner insuring the safety of the attendants and patrons. In the event any temporary stand is wired for electricity, then the wiring shall conform to the National Electrical Code.

B. Location. No temporary fireworks stand shall be located within twenty feet of any other building or structure nor within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

C. Exits. Each temporary fireworks stand must have at least two exits which shall be unobstructed at all times.

D. Fire Extinguishers. Each temporary fireworks stand shall have in a readily accessible place not less than two fire extinguishers duly approved in advance by the fire chief or his duly authorized representative.

E. Clearing Area. All weeds, grass and combustible materials shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than twenty feet measured from the exterior walls on each side of said temporary fireworks stand.

F. No Smoking. No smoking shall be permitted in or near a temporary fireworks stand and the same shall be posted with proper "no smoking" signs.

G. Adult Attendant. Each temporary fireworks stand shall have an adult in attendance at all times. No child or children under the age of eighteen years shall be allowed inside any temporary fireworks stand.

H. Removal of Unsold Stock. All unsold stock and accompanying litter shall be removed from said temporary fireworks stand by twelve noon on the sixth day of July of each year.

I. Vehicles. No vehicles shall be allowed within twenty feet of a fireworks stand.

J. Open Flame. No open flame shall be allowed within fifty feet of any fireworks stand.

K. Discharge. It shall be the responsibility of the attendant to not allow the discharge of fireworks within fifty feet of any fireworks stand.

L. Purchase Age. It is unlawful for any person or corporation to knowingly sell or give fireworks to anyone under the age of sixteen unless that person is under the direct supervision of an adult, eighteen years of age or older.

8.09.140 Enforcement--Fire Chief License Revocation Authority. The fire chief, or his duly authorized representative, is designated as the enforcing officer of this chapter. In addition to all the grounds for revocation of permits set forth in the general provisions of this title, any failure or refusal on the part of the permittee to obey any rule, regulation or request of the fire chief concerning the sale of fireworks shall be grounds for revocation of a fireworks permit.

8.09.150 Pioneer Park--Restriction on Use of Fireworks. The use or discharge of fireworks by any person in Pioneer Park is prohibited. A violation of this section is an infraction. A person found to have committed an infraction hereunder shall be assessed a monetary penalty which shall not exceed two hundred fifty dollars for each separate infraction.

8.09.160 Pioneer Park--Public Displays of Fireworks. Notwithstanding the provisions of Section 8.09.150 of this chapter, a public display of fireworks in, on or above Pioneer Park on July 4th of each year may occur provided that a permit is applied for and issued in accordance with the provisions of RCW 70.77.260 through 70.77.295.

8.09.170 Debris Removal--Public Requirement. Any individual who leaves the remains of fireworks which he/she has discharged on public property shall be in violation of RCW 70.93.060 and shall be prosecuted accordingly.

8.09.180 Statutory and Administrative Provisions--Amendments or Changes Included. The amendment, addition or repeal by the Washington State Legislature or state agency having jurisdiction of any section of any of the adopted statutes or administrative provisions shall be deemed to amend this chapter and the statutes and administrative provisions contained in this chapter which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this City to take any action with respect to such addition, amendment, or repeal as provided by RCW 35A.12.140.

8.09.190 Filing of Provisions for Public Examination.

Incident to the adoption of the ordinance codified in this chapter, copies of the text of the adopted statutes and administrative provisions shall be filed in the Office of the City Clerk, as required by RCW 35A.12.140 for use and examination by the public. In addition, the Office of the City Clerk is authorized to codify and number the sections and subsections of the ordinance codified in this chapter to provide for uniformity and consistency with existing codifications and ordinances.

CHAPTER 8.13

NOISE CONTROL

8.13.010 Definitions. As used in this chapter:

A. "Construction" means any site preparation, assembly, erection, demolition, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.

B. "dB" means the sound level measured in decibels, using the "A" weighting network.

C. "EDNA" means the Environmental Designation for Noise Abatement, as defined and described by the State Department of Ecology Regulations on Environmental Noise Levels, WAC Chapter 173-60.

D. "Equipment" means any stationary or portable device or any part thereof capable of generating sound.

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

F. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

G. "Public Disturbance Noise" means any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of any entire community or neighborhood, although the extent of damage may be unequal.

H. "Real property" means an interest or aggregate of rights in land which is guaranteed and protected by law; for purposes of this chapter, "real property" includes a leasehold interest.

I. "Receiving property" means real property within which sound originating from outside the property is received.

J. "Sound level" means the weighted sound pressure level measured by the use of the metering characteristics and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971. The sound pressure level of a sound expressed in decibels is twenty times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure of twenty micropascals. In the absence of any specific modifier, the level is understood to be that of a mean-square pressure.

K. "Sound level meter" means a sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.

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

M. "Warning device" means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm.

N. "Weekday" means any day Monday through Friday which is not a legal holiday.

O. "Weekend" means Saturday and Sunday or any legal holiday.

8.13.020 Prohibited Acts. It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the maximum permissible sound levels established by this chapter.

8.13.030 Maximum Permissible Sound Levels.

A. For sound sources located within the City of Walla Walla, the maximum permissible sound levels are as follows:

DISTRICT OF
SOUND SOURCE

DISTRICT OF RECEIVING PROPERTY
WITHIN THE CITY OF WALLA WALLA

	Rural	Residential	Commercial	Industrial
Rural	49 dB (A)	52 dB (A)	55 dB (A)	57 dB (A)
Residential	52 dB (A)	55 dB (A)	57 dB (A)	60 dB (A)
Commercial	55 dB (A)	57 dB (A)	60 dB (A)	65 dB (A)
Industrial	57 dB (A)	60 dB (A)	65 dB (A)	70 dB (A)

B. For sound resources located outside the City, the maximum permissible sound levels are as follows:

EDNA OF
SOUND SOURCE

DISTRICT OF RECEIVING PROPERTY
WITHIN THE CITY OF WALLA WALLA

	Rural	Residential	Commercial	Industrial
Class A	52 dB (A)	55 dB (A)	57 dB (A)	60 dB (A)
Class B	55 dB (A)	57 dB (A)	60 dB (A)	65 dB (A)
Class C	57 dB (A)	60 dB (A)	65 dB (A)	70 dB (A)

8.13.040 Modification to Maximum Permissible Sound Levels. The maximum permissible sound levels established by this chapter shall be reduced or increased by the sum of the following:

A. Between the hours of ten p.m. and seven a.m. during weekdays, and between the hours of ten p.m. and nine a.m. on weekends, the levels established by Section 8.50.030 of this chapter are reduced by ten dB (A) where the receiving property lies within a residential district of the City.

B. For any source of sound which is periodic, which has a pure tone component, or which is impulsive and is not measured with an impulse sound level meter, the levels established by this chapter will be reduced by five dB (A).

C. For any source of sound which is of short duration, the levels established by this chapter are increased by:

1. Five dB (A) for a total of fifteen minutes in any one-hour period; or
2. Ten dB (A) for a total of five minutes in any one-hour period; or
3. Fifteen dB (A) for a total of 1.5 minutes in any one-hour period.

8.13.050 Public Disturbance Noises. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

A. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

B. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of property owners or possessors of real property;

C. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except as permitted by law;

D. The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility;

E. The creation by use of a musical instrument, whistle, sound amplifier or other device capable of producing or reproducing sound, of loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within a residential district, such as sounds originating from a band session or social gathering;

F. The frequent, repetitive or continuous sounds caused by the vocal emanations of any animal kept on the property of the sound source which continue for periods in excess of ten minutes between the hours of ten p.m. and seven a.m., or which continue for periods in excess of twenty minutes between the hours of seven a.m. and ten p.m.

8.13.060 Sounds Exempt at All Times. The following sounds are exempt from the provisions of this chapter at all times:

A. Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;

B. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;

C. Sounds created by fire alarms;

D. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;

E. Sounds caused by natural phenomena and unamplified human voices;

F. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;

G. Sounds created by warning devices not operated continuously for more than thirty minutes per incident.

8.13.070 Sounds Exempt During Daytime Hours. The following sounds are exempt from the provisions of this chapter between the hours of seven a.m. and ten p.m. on weekdays and between the hours of nine a.m. and eleven p.m. on weekends.

A. Sounds created by bells, chimes, or carillons not operating for more than five minutes in any one hour;

B. Sounds originating from officially sanctioned parades and other public events;

C. Sounds created by the discharge of firearms on legally established shooting ranges;

D. Sounds created by blasting;

E. Sounds created by aircraft testing and maintenance; provided, that such exemption shall begin at six a.m. daily;

F. Sounds created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a residential district of the City;

G. Sounds created by the installation or repair of essential utility services;

H. Sounds created by maintenance operations on public facilities;

I. Sounds created by powered equipment used in temporary or periodic maintenance or repair of residential property, including grounds and appurtenances, such as lawnmowers, powered hand tools, snow removal equipment and composters.

8.13.080 Measurement of Sound. If the measurement of sound are made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirements for a Type I or Type II instrument, as described in American National Standards Institute Specifications, Section 1.4-1971. If the measurements are made with other instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in Section 1.4-1971 for Type II instructions.

8.13.090 Compression Brakes Prohibited--Exception.

A. Except as provided in this section, no person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of person and/or property.

B. This section shall not apply to any member of the Walla Walla Fire Department operating a Walla Walla Fire Department vehicle.

8.13.100 Enforcement. The Chief of Police is authorized and directed to enforce the provisions of this chapter. Upon request of the Chief of Police, all other City Departments and divisions are authorized to assist them in the enforcement of this chapter.

8.13.110 Penalty. Anyone violating or failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to the penalty provided by state law as now existing or hereafter amended for the same violation or type (degree) of violation, but not to exceed a \$1,000.00 fine or 90 days in jail or both. If no state law provides for such penalty, then the penalty shall be a \$1,000.00 fine or 90 days in jail or both. Each day a violation of this chapter continues shall be considered a separate offense.

8.13.120 Provisions Additional to Other Law. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy, nor shall proof of a violation of this chapter constitute prima facie

proof of any private cause of action. Unless specifically provided, this chapter shall not be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise.

EXHIBIT "B"

SUMMARY NOTIFICATION OF ORDINANCE NO. 95-7

AN ORDINANCE UPDATING AND AMENDING TITLE 8 OF THE WALLA WALLA MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Municipal Code Task Force of the City of Walla Walla has recommended a total updating and amendment of Title 8 of the Walla Walla Municipal Code, and

WHEREAS, the City Council on March 22, 1995, held a public meeting and considered the proposed amendments to Title 8 of the Walla Walla Municipal Code and found the controls, standards, procedures and penalties set forth therein to be essential to the protection of the public health, safety and general welfare of the citizens of the City of Walla Walla, and further that the adoption thereof would be in the public interest, and

WHEREAS, on April 12, 1995, the City Council of the City of Walla Walla approved Ordinance No. 95-7, an ordinance amending Title 8 of the Walla Walla Municipal Code, and the underlying ordinances thereof, adopting the revised Title 8 as recommended by the Municipal Code Task Force, with certain revisions, and as set forth on Exhibit "A" attached to said ordinance,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALLA WALLA DO HEREBY PUBLISH THE FOLLOWING SUMMARY OF THE CONTENT OF ORDINANCE NO. 95-7 PASSED BY THE WALLA WALLA CITY COUNCIL ON THE 12th DAY OF April, 1995:

Chapter 8.01: Provides for the food service sanitation code of the City, adopting, in part, by reference, certain provisions of the Revised Code of Washington and the Washington Administrative Code.

Chapter 8.05: Provides for the definition, abatement and prevention of public nuisances.

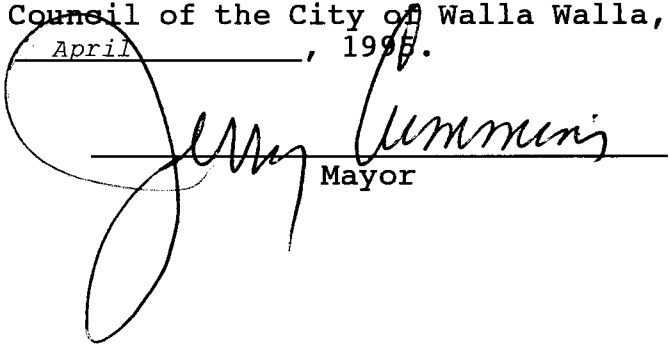
Chapter 8.09: Regulates the sale, possession and use of common and special fireworks within City limits.

Chapter 8.13: Provides for noise control regulations within certain zoning districts, describes and prohibits certain public disturbance noises, and defines certain exempt sounds.

Notice of this ordinance is provided by summary. Copies of the adoption ordinance is available at no cost. Copies of the

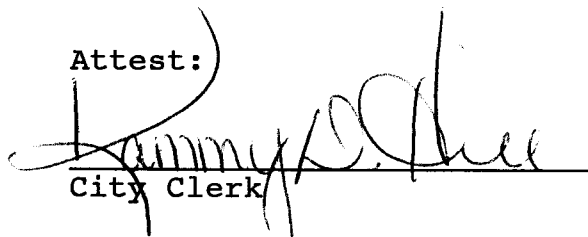
full text of Title 8 are available for \$5.00 plus \$3.00 postage and handling. Requests for either the adoption ordinance or Title 8 may be made to the City Clerk, 15 North 3rd Avenue, P. O. Box 478, Walla Walla, Washington 99362.

APPROVED by the City Council of the City of Walla Walla, Washington, this 12th day of April, 1998.



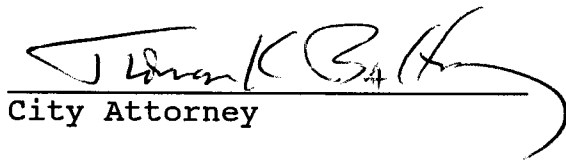
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

283.Title.8.Summary