# Title 3   PUBLIC HEALTH AND SAFETY

Chapters:

Chapter 3.04 - ANIMAL CONTROL

Chapter 3.08 - NUISANCES—DOGS

Chapter 3.12 - NUISANCES—CATS

Chapter 3.16 - BUILDING CODES

Chapter 3.18 - BUILDING DEMOLITION

Chapter 3.20 - SEWER CONSTRUCTION

Chapter 3.22 - CHRONIC NUISANCE PROPERTIES

Chapter 3.24 - NUISANCES—MISCELLANEOUS

Chapter 3.28 - GARBAGE

Chapter 3.32 - LITTER

Chapter 3.36 - TRAFFIC

Chapter 3.38 - RULES OF CONDUCT WITHIN TOWN HALL

Chapter 3.40 - MINOR'S CURFEW

Chapter 3.44 - GRASS AND WEEDS

Chapter 3.48 - FIRES

Chapter 3.48A - OUTDOOR BURNING

Chapter 3.52 - PRIVIES AND SEPTIC TANKS

Chapter 3.56 - MISCELLANEOUS REGULATIONS

Chapter 3.60 - FIREWORKS

Chapter 3.64 - PENAL CODE

Chapter 3.68 - ALCOHOLIC BEVERAGES

Chapter 3.72 - RESIDENTIAL CARE FACILITIES

Chapter 3.76 - CROSS-CONNECTIONS

Chapter 3.80 - MOBILE HOMES

Chapter 3.84 - RECREATIONAL VEHICLES

## Chapter 3.04   ANIMAL CONTROL

Sections:

[3.04.010 Running at large prohibited.](#BK_5E5324A09E7D729445BF8463205EF493)

[3.04.020 Violation and penalty.](#BK_31C68B280C28186776DAFB8F02784B30)

[3.04.030 Dog license required.](#BK_30D35CDA820823349BE17D3AD1F8ED0D)

[3.04.040 Owner defined.](#BK_5B69ED797C3F2BD313A96F16ED3229A3)

[3.04.050 License and registration fee.](#BK_E84715ACE2B9139FD4CCC3EF723B834A)

[3.04.060 Dog defined.](#BK_CB43037BCB8D6EE2E3E860EC818A2317)

[3.04.070 License and tags issued.](#BK_0B8EA86AD930FCCAF1C3D45C1159985A)

[3.04.080 Tags attached.](#BK_127B703957A8F4307C3470B1E0B4E0EC)

[3.04.090 Certain uses of license prohibited.](#BK_08243D1AE4DBFFAEDC096E1F30EE9C2B)

[3.04.100 Dogs running at large prohibited.](#BK_269A07B04F84E5FC9C0FBBD6BEF23D39)

[3.04.110 Vicious dogs—Duty to owner, policy, judge.](#BK_7E9C7350DA340C1DF772F9723FFC17DA)

[3.04.120 Dog pound authorities.](#BK_4BCCADF586B4D02064D4CD046BBE3877)

[3.04.130 Penalty for violations.](#BK_E8A809B8AEAEF53E0602115977473716)

[3.04.140 Dog licenses—Late penalty.](#BK_9895D18A0AAEBC0FFF6B96E8C0ED833C)

[3.04.150 Tuberculosis/brucellosis examination required.](#BK_183AE28D734E5CB075A028D2A189C1AA)

[3.04.160 Complaints.](#BK_46255A403A80C6A8E4DC85523706693A)

[3.04.170 Barking dogs.](#BK_294A00B46CF79E4E75DBA9C12840693F)

3.04.010   Running at large prohibited.

It shall be unlawful for any person living within the limits of the town of Oakesdale, who is the owner or keeper of any horse, cattle, sheep, hog, rabbit or domestic fowl, to allow the same to run at large within the limits of the town.

(Ord. 391 Ch. 1 §1, 1982; Ord. 408(b) §1(B), 1983).

3.04.020   Violation and penalty.

Any person who is the owner or keeper of any horse, cattle, sheep, hog, rabbit, or domestic fowl that becomes loose and runs at large shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen dollars and not more than twenty dollars, together with the cost of prosecution.

(Ord. 391 Ch. 1 §2, 1982).

Compiler's note: See also nuisance chapter for alternative control provisions.

3.04.030   Dog license required.

The keeper or owner of any dog kept in the town must, within seven days of the acquisition of the dog, procure a license for the dog as provided in this chapter. Furthermore, if the dog's ownership is then changed, the new owner must obtain a new license within seven days of the change. Licenses are not transferable from owner to owner or from dog to dog.

(Ord. 391 Ch. 2 §1, 1982).

3.04.040   Owner defined.

Any person who shall harbor any dog or shall allow the same to be or remain on his premises for ten days shall be deemed the owner of such dog for the purposes of this chapter.

(Ord. 391 Ch. 2 §1, 1982).

3.04.050   License and registration fee.

A.  The annual license and registration of dogs shall be seven dollars and fifty cents for any spayed female or neutered male dog and ten dollars for any unspayed female or unneutered male dog. The license and registration fee shall be payable to the town clerk. The license and registration fee shall be due before February 1st of each year. For dogs coming into the town after the first day of July in any year, the license and registration fee shall be one-half that of the annual fee. The fiscal year under this chapter ends December 31st of each year.

B.  All fees due under this chapter may be collected by a designated town employee or official going door-to-door in town. Persons who fail to pay the annual license and registration fee by the due dates may be issued a citation for a violation of this chapter.

(Ord. 92-486 §2, 1992: Ord. 464 §2, 1988: Ord. 391 Ch. 2 §3, 1982).

3.04.060   Dog defined.

The word "dog" as herein used shall mean one of either sex over eight weeks of age.

(Ord. 391 Ch. 2 §2, 1982).

3.04.070   License and tags issued.

Upon payment of the license and registration fee, the town clerk-treasurer shall issue in the name of the applicant triplicate license certificates, retaining one for the permanent records of the town, one for the records of the clerk-treasurer and the original one to be delivered to the applicant. Said office shall at that time also deliver to such applicant a metal number tag, bearing a number representing the year issued and the license number to be used as a further identification for said dog and its owner. In case the tag is lost, another may be obtained at cost.

(Ord. 391 Ch. 2 §3, 1982).

3.04.080   Tags attached.

The keeping of dogs within the limits of the town of Oakesdale is forbidden unless its owner, in addition to the foregoing, shall at all times during the year keep a substantial collar on the neck of said dog with the name of owner or keeper plainly marked thereon, or the metal number and identification tag herein provided for being attached to the collar.

(Ord. 391 Ch. 2 §4, 1982).

3.04.090   Certain uses of license prohibited.

It is unlawful to display any license tag on any dog other than that for which the license was originally issued. Further, it is unlawful to steal, mutilate, destroy or remove without authorization the license tag of any dog.

(Ord. 391 Ch. 2 §5, 1982).

3.04.100   Dogs running at large prohibited.

It is unlawful for any person to cause, permit, or allow any dog owned, harbored, controlled, or kept by him in the town of Oakesdale, to roam, run, or stray away from the premises where the animal is owned, harbored, controlled or kept, except that while away from the premises, such dog shall at all times be controlled by a means of a leash, cord, chain or otherwise, within eight feet of the owner or authorized and competent person.

(Ord. 391 Ch. 2 §6, 1982).

3.04.110   Vicious dogs—Duty to owner, policy, judge.

A.  It shall be unlawful for any person who, being the owner, or having under his care, custody or control any dog which possesses any vicious or dangerous tendencies to keep, harbor or maintain it on or off his premises in a manner liable to endanger, or endangering the safety of persons or property lawfully upon said premises, or upon any street, alley, public or private place within the town limits; or shall permit it to run at large within the town at any time, whether registered or not.

B.  It shall be the duty of any police officer of Oakesdale or duly authorized person (DAP) to kill or otherwise destroy any and all vicious dogs found within the limits of Oakesdale if there appears reasonable and apparent necessity to protect his own or the public safety or after court hearing.

C.  Upon the trial of any person charged with violating this section the police judge as a part of the penalty imposed, under this chapter\*, shall also have authority to and may, in his discretion, order that any dog found to be vicious or dangerous to people or property, as in this section provided, be killed or otherwise humanely disposed of and the cost thereof shall be taxed as a part of and collected in the same manner as other costs in the case.

(Ord. 391 Ch. 2 §8, 1982).

\* Compiler's note: "This chapter" refers to Ord. 391, Ch. 2.

3.04.120   Dog pound authorities.

A.  The town marshal is hereby designated as the town animal control officer and is authorized to secure and maintain a suitable dog pound wherein all impounded dogs shall be fed and treated in a humane manner for the purpose of carrying out the provisions of this chapter.

B.  The town council may also contract with any other municipal corporation, county, or nonprofit corporation to provide for enforcement and/or impoundment of dogs under this chapter. Such impoundment may be in lieu of, or in addition to, the impoundment referred to in subsection (A) of this section.

C.  In the event the town council does contract im-poundment as authorized by subsection (B) of this section, impoundment, boarding and administrative fees shall be set by the contract and must be paid by the dog owner before the dog is released to that owner.

D.  In the event the town council does contract impoundment as authorized by subsection (B) of this section, the length of time and location of the impoundment and the disposal of unclaimed dogs shall be set by the contract.

E.  In all cases other than those covered by subsections (B), (C) and (D) of this section, the town shall charge and collect from the dog owner the following impoundment fees:

1.  Twenty dollars for the first impoundment; and

2.  Thirty-five dollars for the second impoundment; and

3.  Fifty-five dollars for the third or more impoundment;

plus an administrative and boarding fee of five dollars per day, or part of a day that the dog is held.

(Ord. 545 §1, 2001; Ord. 464 §1, 1988: Ord. 391 Ch. 2 §9, 1982).

3.04.130   Penalty for violations.

Any person violating any of the provisions of Chapter 3.04 of the Oakesdale Municipal Code shall be deemed guilty of a civil infraction and shall be punished by a fine of twenty-five dollars for the first offense; by a fine of seventy-five dollars for a second offense within a one year period, and by a fine of one hundred and fifty dollars for a third (or more) offense within a one year period. These fines shall apply to violations of all sections of Chapter 3.04 unless another fine or penalty is stated for a specific section.

(Ord. 546 §1, 2001; Ord. 391 Ch. 2 §15, 1982).

3.04.140   Dog licenses—Late penalty.

To any dog license fee paid to the town on and after February 1st of each year shall be added a penalty of five dollars. This section shall not apply to dogs born or which come into town after February 1st of any year.

(Ord. 486 §1, 1992: Ord. 426 §1, 1985).

3.04.150   Tuberculosis/brucellosis examination required.

No person, persons, or corporation shall regularly keep, maintain or pasture within the town of Oakesdale any bovine animal, more than one year of age, unless such animal shall have been examined for tuberculosis/brucellosis pursuant to Chapter 16.40 of the Revised Code of Washington, as that chapter now exists or as it may hereafter be amended. All costs associated with any examination or test required by this chapter shall be borne by the owner of the examined or tested animals.

(Ord. 418 §§1, 2, 1984).

3.04.160   Complaints.

A citation for the violation of this chapter may be issued for situations actually seen by the town marshal, or other person authorized by contract or by the mayor; and/or for situations for which a signed, written and dated complaint is received by the town.

(Ord. 464 §3, 1988).

3.04.170   Barking dogs.

No owner or keeper of a dog or occupant of a premises upon which a dog is kept, confined or harbored may allow such dog to disturb or annoy other persons in the neighborhood as a result of frequent or habitual howling, yelping, or barking. The penalty for violation of this section shall be a fine of twenty dollars, per dog, per incident.

(Ord. 547 §1, 2001).

## Chapter 3.08   NUISANCES—DOGS

Sections:

[3.08.011 Definitions.](#BK_005517408C9EAA2B2B589168832CBFE1)

[3.08.021 Commercial kennel license required—Procedure.](#BK_CBE4272C43AE16146BB34CC926CD74EC)

[3.08.031 Dog license required—Procedure.](#BK_203465851EF2E8625FBC83084E68115A)

[3.08.041 Dogs must be restrained.](#BK_1F907FA9587FADDEE55C67C08E4E5E9D)

[3.08.051 Unrestrained dogs subject to impoundment—Notice of impoundment.](#BK_0EC517AF5C94CCB1F15D596672D1DBC3)

[3.08.061 Dangerous and potentially dangerous dogs prohibited.](#BK_A4883112B868614F46E12BBE3FAFFD88)

[3.08.071 Impoundment and bond pending appeal of dangerous or potentially dangerous dog adjudication.](#BK_4C8A5C34E7F622C9D31D06F6196468E4)

[3.08.081 Public nuisance prohibited—Penalty for violation.](#BK_5A43D43E9BC2985F79566B0B87F95EF6)

[3.08.091 Care.](#BK_484C21BEDEE712211BE84C1ACE07BA3C)

[3.08.111 Interference with enforcement of this chapter prohibited.](#BK_3C433CCF2A566DBAB9C46DB16F8DED4B)

[3.08.121 Penalties.](#BK_B2079C3444D3E7B9075EF96BDA7ECBE4)

3.08.011   Definitions.

The following terms shall have the following definitions:

"Animal control officer" means a person designated by the town to enforce this chapter.

"Animal shelter" means a facility operated by the town or its authorized agents to care for dogs impounded or held by authority of this chapter or state law.

"Commercial kennel" means a property maintained primarily to keep, board, train, treat, or breed three or more dogs, but not more than six adult dogs, wherein the dogs are confined or otherwise kept in such a manner so as to prevent them leaving the property unrestrained.

"Impounded" means a dog shall be considered as being impounded upon seizure by an animal control officer.

"Household" means a home, house, apartment or other property where one or more dogs are kept by one or more owners or keepers of a dog or dogs.

"Potentially dangerous dog" means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public or private grounds, other than the grounds of the dog's owner or keeper, in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

"Dangerous dog" means any dog that according to records of the animal control officer or town police: (a) has inflicted severe injury on a human being without provocation on public or private property, (b) has killed a domestic animal without provocation while off the owner's property, or (c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

"Public nuisance" means a dog which:

a.  Chases vehicles upon streets or other public grounds;

b.  Is running at large or otherwise not restrained as required under the provisions of this chapter;

c.  Damages public or private property other than that of its owner or keeper;

d.  Continuously barks, whines or howls in such a manner as to disturb or annoy neighbors or the public; or

e.  Which defecates on public or private property other than that of its owner or keeper.

"Restraint" or "restrained" means any dog: (a) secured by a leash or lead under the immediate control of a person of sufficient age and competence to control the dog; or (b) any dog which is secured by a leash or confined within a kennel, residence, cage, or other building or structure located on its owner's or keeper's private property, and which is constructed in such a manner so as to keep the dog confined at all times within the building or structure; or (c) any dog present on the property of its owner or keeper which is not physically confined or secured by a leash or lead, but is confined to the property by training, habit, or voice command.

"Town police" means any person or persons designated by the town to act as the town law enforcement officer or officers.

(Ord. 527 §1, 1997).

3.08.021   Commercial kennel license required—Procedure.

All commercial kennels shall be continuously licensed by the person, persons, or entity operating the kennel as follows:

A.  Written application for a license shall be made to the town treasurer or animal control officer. The application shall include the applicant's name, address, location of kennel, description of kennel facilities, description of methods to be used to keep the dogs from leaving the property unrestrained, and the number of dogs to be kept or expected to be kept in the facilities.

B.  No dog kept in a commercial kennel shall be confined or kept in an enclosure or cage smaller than seventy-five square feet in size. All dogs kept in the kennel shall be provided with sanitary and humane quarters, reasonably protected from inclement weather.

C.  Prior to issuance of a commercial kennel license, and from time-to-time after the license has been issued, the kennel facilities shall be subject to inspection by the animal control officer to ensure that the facilities meet the conditions specified in subsection B of this section. All inspections shall be at reasonable times, and upon at least twenty-four hours prior notice to the licensee or applicant.

D.  An annual fee of twenty-five dollars shall be assessed for each commercial kennel license issued.

E.  Upon completion of the application for a commercial kennel, payment of the license fee, and approval of the kennel by the animal control officer after inspection, the treasurer shall issue a commercial kennel license to the person, persons, or entity operating the kennel; provided, in the event the animal control officer has not made a reasonable attempt to inspect the kennel within thirty days after the application has been completed, such inspection shall not be considered a prerequisite to issuance of a license.

F.  Subject to compliance with the provisions of this section, each commercial kennel license shall be valid for up to one year, from January 1 through December 31. The treasurer shall maintain a record of each commercial kennel license issued, and shall make this record available for public inspection. If a licensee shall violate any provisions of this section, the animal control officer shall have authority to revoke the license five days after written notice to the licensee. The notice shall specify the violation, and shall notify the licensee of the impending revocation unless the violation is cured within five days. The notice shall also state that the licensee may appeal the revocation in the manner set forth in subsection H of this section.

G.  All dogs kept within a commercial kennel must be licensed as provided in Section 8.02.031.

H.  Any applicant denied a commercial kennel license, or any licensee whose license has been or is about to be revoked, shall have the right to appeal the denial or revocation to the town council. To appeal a denial or revocation, the applicant or licensee must first give written notice of the intent to appeal to the town clerk and animal control officer. The town clerk shall then schedule a hearing on the matter before the town council. The hearing shall be scheduled during a regular or special council meeting within forty-five days after written notice of the intent to appeal is received by the town clerk. The applicant or licensee and the animal control officer shall be given written notice of the hearing not later than seven days before the scheduled hearing. At the hearing, the applicant or licensee and animal control officer may present testimony or other evidence relevant to the matter. The town council shall then either confirm or overrule the denial or revocation within twenty days after the hearing.

(Ord. 527 §2, 1997).

3.08.031   Dog license required—Procedure.

All dogs three months of age or older kept or harbored within the town must be continuously licensed by the owner or keeper of the dog as follows:

A.  Written application for a license shall be made to the town treasurer or animal control officer. The application shall include the applicant's name and address, a description of the dog, and a rabies vaccination certificate issued by a licensed veterinarian or clinic.

B.  An annual license fee for any license for which application is made after January 1, 1995, shall be assessed as follows:

1.  For each dog kept in a licensed commercial kennel: Two dollars.

2.  For all neutered or spayed dogs to be licensed by an owner or keeper: Seven dollars and fifty cents.

3.  For all other dogs to be licensed by an owner or keeper: Ten dollars.

Any application for a neutered or spayed dog shall be accompanied by a veterinarian's certification that the dog has been neutered or spayed.

C.  Upon completion of the application and payment of the appropriate fee, the treasurer shall issue a license in the form of a tag. Any dog three months of age or older kept or harbored within the town must at all times have a current year tag attached to its neck. The tag shall bear an identification number and year of its issuance.

D.  Dog licenses shall be valid for one year, from January 1 through December 31. The treasurer shall maintain a record of the identifying number of each tag issued, and shall make this record available for public inspection.

E.  Duplicate dog tags shall be issued upon payment of a two-dollar replacement fee.

F.  No person shall use a tag for any dog other than the dog for which it was issued.

G.  Any dog not licensed within three months after the date a license is required for the dog shall be assessed a late fee equal to ten dollars for each month thereafter until the annual license fee and all accrued late fees have been paid; no license shall be issued until such fees have been paid in full.

(Ord. 527 §3, 1997).

(Ord. No. 581, § 1, 8-7-06)

3.08.041   Dogs must be restrained.

A.  Any dog within the town must be continuously kept under restraint. No dog shall be tethered in such a manner as to permit it to enter within ten feet of any public street, alley, sidewalk, or area open to the public, or to enter upon any neighboring property without the authorization of the occupant of the neighboring property.

B.  Every female dog in heat shall be reasonably restrained in a building or secure enclosure in such a manner that such dog cannot come into contact with another dog except for planned breeding purposes.

(Ord. 527 §4, 1997).

3.08.051   Unrestrained dogs subject to impoundment—Notice of impoundment.

A.  Any dog not restrained as required under Section 8.02.045, above, shall be subject to impound by the town police or animal control officer. Upon impound, if the owner or keeper of the dog is known or can be reasonably identified, the impounding officer shall immediately notify the owner or keeper by telephone, mail or in person. The impounding officer shall advise the owner or keeper that the dog has been impounded, and that the dog may be reclaimed by payment of an impoundment fee equal to ten dollars for each calendar day or part-day the dog has been impounded.

Also, if the dog does not have a current-year tag, in addition to the impound fee, the owner or keeper shall be advised that the dog cannot be reclaimed until a current year tag is secured.

B.  Upon payment of all impound and licensing fees, an impounded dog shall be released to its owner or keeper.

C.  If a dog has not been reclaimed within seventy-two hours following notification to the owner or keeper, or within seventy-two hours after impoundment if the owner or keeper cannot be reasonably identified, the dog shall become the property of the town and shall be placed for adoption in a suitable home, or shall be humanely destroyed.

D.  The impound fee and dog license requirement shall be in addition to any fine or penalty which may subsequently be assessed as a result of any violation of this chapter.

(Ord. 527 §5, 1997).

3.08.061   Dangerous and potentially dangerous dogs prohibited.

No dog meeting the definition of a dangerous or potentially dangerous dog as defined in Section 3.08.011 of this chapter, shall be kept, harbored, or present at any time within the town of Oakesdale. At all times during the pendency of any legal proceeding upon a complaint or citation alleging a violation of this section, the dog in question shall either be removed from the town, or impounded by the town. The cost of keeping any dog impounded under this section shall be assessed to the owner or keeper of the dog if the dog is adjudged a dangerous or potentially dangerous dog; otherwise, the town shall bear the cost.

(Ord. 527 §6, 1997).

3.08.071   Impoundment and bond pending appeal of dangerous or potentially dangerous dog adjudication.

Pending appeal from an order adjudging a dog to be kept, harbored, or present in violation of Section 8.02.051 or 8.02.061, of this chapter, the subject dog shall, at the option of the owner or keeper, either be removed from the town, or impounded by the town. If impounded by the town, the owner or keeper must bear the cost of keeping the dog and must post a cash bond for the dog in the amount of the daily animal shelter charge multiplied by five hundred forty-five days. Such bond shall indemnify the town against the cost of keeping the dog.

(Ord. 527 §7, 1997).

3.08.081   Public nuisance prohibited—Penalty for violation.

No person shall maintain, keep or harbor a dog in Oakesdale which meets the definition of a public nuisance as defined in Section 8.02.011 of this chapter. In the event of a conviction upon violation of this section, the owner or keeper shall be fined not less than twenty-five dollars, and the owner or keeper shall be required to take reasonable steps to abate any further public nuisance. In the event of a second conviction involving the same dog, the owner or keeper shall be fined at least fifty dollars and shall be required to take reasonable steps to abate any further public nuisance. In the event of a third conviction involving the same dog, the owner or keeper shall be fined at least one hundred dollars, and the court shall enter an order directing the owner or keeper to destroy the dog or permanently remove it from the town. If the dog is not then destroyed or removed as ordered within twenty-four hours after entry of the order, it shall be the duty of the town police, or the animal control officer to remove or destroy the dog, wherever it may be found within the town.

(Ord. 527 §8, 1997).

3.08.091   Care.

No owner or keeper of a dog within the town of Oakesdale shall:

A.  Malnourish the dog or fail to provide a source of good, clean potable water readily accessible by the dog at all times;

B.  Fail to provide the dog with good, adequate and clean shelter from the elements readily accessible by the dog at all times;

C.  Fail to provide veterinary care for the dog;

D.  Beat, torment, abuse, or otherwise inhumanely treat and care for the dog;

E.  Cause the dog to engage in a fight with another dog, animal, or person; or

F.  Abandon the dog.

(Ord. 527 §9, 1997).

(Ord. No. 611, § 1, 10-1-12)

3.08.111   Interference with enforcement of this chapter prohibited.

No person shall knowingly and wilfully interfere with, or attempt to prevent, the town police, his officers, or an animal control officer, from discharging his duties in the enforcement of this chapter.

(Ord. 527 §10, 1997).

3.08.121   Penalties.

A.  Unless otherwise provided above, a person convicted of violating any provision of this chapter shall be fined not less than twenty-five dollars, nor more than five hundred dollars, per violation. No part of any fine assessed under the provisions of this chapter shall be suspended or deferred in any manner.

B.  Any person convicted of violating Section 8.02.091 shall immediately forfeit any dog or kennel license then issued to the person, and no further or future dog or kennel license shall be issued to the person.

C.  For the purposes of this section, each day in violation of any part of this chapter shall be considered a separate violation.

(Ord. 527 §11, 1997).

## Chapter 3.12   NUISANCES—CATS

Sections:

[3.12.010 Nuisance.](#BK_9029C5ADD19F68C454A3A340B172A964)

[3.12.020 Violation and Penalty.](#BK_B7834EE7D149BD0C3A13B0CB1D1354CB)

[3.12.030 Severability.](#BK_346460F7039DDC899CC6A4F86E49E9E1)

3.12.010   Nuisance.

a)  It shall be unlawful for any person living within the limits of the Town of Oakesdale, who is the owner or keeper of any cat to allow the same to become a nuisance.

b)  Nuisance defined—any cat which howls or cries frequently or habitually and disturbs any person or persons in the neighborhood or in any other neighborhood. And any cat that damages property belonging to someone other than its owner or keeper.

(Ord. 391, Ch. 3, §1; 3-01-1982)

3.12.020   Violation and Penalty.

Any person who is the owner or keeper of any cat(s) that become a nuisance shall be fined not less than fifteen (15) dollars and not more than twenty (20) dollars, together with the cost of prosecution.

(Ord. 391, Ch. 3, §2; 3-01-1982)

3.12.030   Severability.

If any particular section or provision of these chapters\* shall be held void or unconstitutional, all other sections and provisions hereof shall nevertheless continue in full force and effect.

(Ord. 391, Ch. 3, §"II", 3-01-1982)

\*Compiler's note: "These chapters" refers to Chs. 1, 2, 3, of Ord. 391.

## Chapter 3.16   BUILDING CODES

Sections:

[3.16.010 Codes designated.](#BK_4EE4EDD76534FCFEF8699BDD850D4CC2)

[3.16.020 Mobile home standards.](#BK_C8B41A4A54AA058B45D7315AA3B34E0D)

3.16.010   Codes designated.

A.  The Washington State Building Code, RCW 19.27, as it now exists and as it may hereafter be amended, is adopted by this reference, including:

1.  a.  International Building Code, published by the International Code Council, Inc.;

b.  International Residential Code, published by the International Code Council, Inc.;

2.  International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (storage and handling of Liquefied Petroleum Gases) and ANSI 2223.1/NFPA 54 (National Fuel Gas Code);

3.  International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

4.  Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials; provided, any provisions of such code affecting sewers or fuel gas piping are not adopted; and

5.  Rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

B.  The Washington State Energy Code, 1991 Second Edition, as amended by the Washington State Building Code Council on November 8, 1991, and filed as Chapter 51-11 WAC, together with any amendments, revisions, or new editions thereof, is adopted by this reference.

C.  The Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code Council on November 9, 1990, and filed as Chapter 51-13, WAC, is adopted by this reference.

D.  The Washington State Historic Building Code, July 1991 Edition, as written by the Washington State Building Code Council and filed as Chapter 51-19 WAC, together with any amendments, revisions, or as supplemented by the Washington State Building Code Council, is adopted by this reference.

E.  In case of conflict among the codes designated in subsection (A)(1) through (4) of this section, the first-named code shall govern over those following, except that the Washington State Historic Building Code, subsection D of this section, shall supersede all other codes listed above.

(Ord. 566 §1, 2004: Ord. 492 §1, 1992: Ord. 491 §1, 1992: Ord. 481 §1, 1991; Ord. 480 §1, 1991; Ord. 444 §1, 1986: Ord. 442 §1, 1986).

3.16.020   Mobile home standards.

A.  The regulations and/or standards of the state of Washington, Department of Labor and Industries made pursuant to Chapter 43.22 Revised Code of Washington and/or, Chapter 296-150B of the Washington Administrative Code, as they now exist or may hereafter be amended and as they pertain to mobile homes, are adopted by reference.

B.  The term "mobile home" shall be as defined in Chapter 296-150B of the Washington Administrative Code.

(Ord. 469 §1, 1989).

## Chapter 3.18   BUILDING DEMOLITION

Sections:

[3.18.010 Building demolition bond.](#BK_7C5F32E5809FAA4312A79888BA1C82C7)

[3.18.015 Uniform Code for the Abatement of Dangerous Buildings adopted.](#BK_D1E5FC579CB8220FC010B991E7AF6963)

[3.18.020 Building demolition bond—Termination.](#BK_43192BDFF237A18E6F8FD194EAD6B246)

[3.18.030 Building demolition bond—Action upon.](#BK_6F25DCF36EB3ECB08E06331055EA9EBA)

[3.18.040 Building demolition bond—Miscellaneous provisions.](#BK_90A857710A375A1780BA9BF84FFDE9E3)

[3.18.050 Building demolition—Additional statement required.](#BK_B8B23EA1E6EC1CF342794ECBC4B147C2)

[3.18.060 Building demolition—Additional insurance required.](#BK_B9510FFABD47A0923A515C67016FBF4B)

3.18.010   Building demolition bond.

In addition to any other requirements for the demolition of any building in the town, any person(s) or entity wishing to demolish in whole or in part of any building or structure in the town shall provide the clerk-treasurer a bond with sufficient sureties, or a cash deposit, in the sum of (a) five hundred dollars on residential structures and (b) two thousand dollars on all other structures, running to and as guaranty to the town that the proposed demolition shall be faithfully performed according to the written demolition plans and written demolition schedule submitted to the town's building official at the time the building or demolition permit is applied for. The faithful performance of the demolition shall include the safe and complete clean-up of the demolition site, so as to leave the site safe and in compliance with all applicable laws and ordinances.

(Ord. 462 §1, 1988).

3.18.015   Uniform Code for the Abatement of Dangerous Buildings adopted.

There is adopted the 1994 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, together with any amendments, revisions, or new editions thereof.

(Ord. 523 §1, 1997).

3.18.020   Building demolition bond—Termination.

Once the demolition of any building has been completed and the clean-up of the demolition site done in conformance with applicable laws and ordinances, the holder of the building or demolition permit may make application to the town clerk-treasurer for the termination of the bond. The clerk-treasurer shall then confirm the completion of the demolition and the clean-up of the demolition site with the town building official. Once so confirmed, the clerk- treasurer shall either refund the cash deposit or issue a letter to the bonding company or other sureties stating that the need for the bond no longer exists, and allowing the cancellation of the bond.

(Ord. 462 §2, 1988).

3.18.030   Building demolition bond—Action upon.

A.  Should any person(s) or entity start but not complete the demolition of a building in town, or the clean-up of the demolition site as required by the schedule referred to in Section 3.18.010, then the town may demand of the sureties, or withhold from the cash deposit, sufficient moneys to pay for the town to hire the necessary work to be done to complete the demolition and/or clean-up.

B.  This section may be enforced by a lawsuit in the Superior Court of Washington in Whitman County. In such a lawsuit, the town shall recover its attorneys' fees and costs.

C.  Any amount of the cash deposit not so expended under any of the subsections of Section 3.18.030 shall be refunded to the holder of the building or demolition permit.

D.  Should the bond amount or the cash deposit not fully cover the costs of completing the demolition and/or cleanup, the town may collect such additional sums, with the interest at the statutory rate, from the holder(s) of the building or demolition permit.

(Ord. 462 §3, 1988).

3.18.040   Building demolition bond—Miscellaneous provisions.

A.  The provisions of Sections 3.18.010 through 3.18.030 shall not apply to any demolition project undertaken by the town.

B.  Neither the building or demolition permit referred to in this chapter, nor any of the rights, obligations or responsibilities referred to in this chapter, shall be assignable.

(Ord. 462 §3, 1988).

3.18.050   Building demolition—Additional statement required.

As a part of obtaining a building or demolition permit for the demolition of any building or structure in town, the clerk-treasurer shall require each applicant to execute a statement upon a form to be provided by the clerk-treasurer stating that the applicant:

A.  If representing a corporation or partnership, is lawfully authorized to sign such a document for that corporation or partnership;

B.  Agrees to obey and follow all applicable rules, regulations, ordinances and statutes, including traffic;

C.  Has been provided an opportunity to review the Oakesdale Municipal Code for applicable ordinances; and

D.  Agrees to hold harmless and indemnify the town from any and all liability associated with the applicant or the applicant's agents, employees, or subcontractors with respect to the demolition and clean-up work.

(Ord. 462 §5, 1988).

3.18.060   Building demolition—Additional insurance required.

As a part of obtaining a building or demolition permit for the demolition of any building or structure within the area bounded by Front and Second Streets and Bartlett and Pearl Streets, each applicant shall provide the town with a bond or copy of an insurance contract or binder in favor of the town or listing the town as an additional insured party for liability coverage of at least five hundred thousand dollars per occurrence, which coverage shall remain in effect for the duration of the demolition project.

(Ord. 462 §6, 1988).

## Chapter 3.20   SEWER CONSTRUCTION

Sections:

[3.20.010 Connection to town sewer required.](#BK_9F5C13D05F068A50D3AAF693DD30580C)

[3.20.020 Connection to new sewer system.](#BK_AC1CA10665CAFCE65E3B0090A185942B)

[3.20.030 Infiltration and inflow.](#BK_4540FA282EA27BABC6CE69CE23A34D81)

[3.20.040 Hookup fee.](#BK_2CF51C029E8A71FF34B3A2E82B78FDEE)

[3.20.050 Notice of sewer connection.](#BK_27E94C80D769FBF2EBDCF0174F60A503)

[3.20.060 Liability for pipe breakage.](#BK_74AD1B91BA565AF0D6911204FCD00C45)

[3.20.070 Permit procedure.](#BK_827E305692055119B19D4EB61BDB6902)

[3.20.080 Improper connection unlawful.](#BK_4918E86AA24D92F9D5D581DA10BA7626)

[3.20.090 Materials and standards.](#BK_19DD0A5F0FE99DC035C0237021DCF18A)

[3.20.100 Inspection required.](#BK_F693B0DD08E6820D353FEDD0574313D2)

[3.20.110 Street excavation.](#BK_78E1A717C2A73D8244238C207963D7E5)

[3.20.120 Length of time for work.](#BK_C3FE9266C81097E22954F1D00172A3FB)

[3.20.130 Failure to complete work.](#BK_567D69E9CC180083601A661931E45498)

[3.20.140 Inspection authorized.](#BK_58417694F1F61D35C01F4EA9117F4BE0)

[3.20.150 Damage to sewer system prohibited.](#BK_655CA13076973A534DFC77855637B818)

[3.20.160 Obstruction of system prohibited.](#BK_3429E991776A82E53D390E4A4E9EAE28)

[3.20.170 Marshal's duty to enforce.](#BK_A0552B9B49B0E849A21F6B04A4074AA9)

[3.20.180 Penalty.](#BK_B6306FCA7DC9D5A14EA1E7E14B1F9D3A)

[3.20.190 Additional penalty.](#BK_B7A3BF7994A9A18508BAD6F8703689D4)

[3.20.200 Marshal is sewer superintendent.](#BK_CCDF12F9962782FEE8D1DF08E5BC77D6)

[3.20.210 New sanitary sewer service.](#BK_6FEB90C264291B74B755DA0273130E1D)

[3.20.220 Line extension policies.](#BK_534E52C41355D1848ACC517674FA5BEB)

[3.20.230 Sewer laterals.](#BK_F5AEB9E22804DAC4D33B75C43FE84AF4)

[3.20.240 Enforcement.](#BK_4276FDE7DA68B2C4FB824ECB4F1330AA)

3.20.010   Connection to town sewer required.

A.  Connection of any existing dwelling unit or other premises with a failing on-site sewage system shall be made to the public sewer system where there is a public sanitary sewer within two hundred feet of the dwelling or other facility to be served as measured along the usual or most feasible route of access.

B.  All new construction requiring sewage treatment that is located within two hundred feet of a public sanitary sewer shall be connected to the public sanitary sewer.

(Ord. 472 §1, 1989: Ord. 180 §1, 1921).

3.20.020   Connection to new sewer system.

Notwithstanding Section 3.20.010, where deemed necessary by resolution of the town council buildings or improvements shall be connected to the public sanitary sewer system.

(Ord. 472 §2, 1989: Ord. 186 §2, 1921).

3.20.030   Infiltration and inflow.

A.  No surface water or subsurface water drains and pumps, and no rainwater and roof drains may be connected to the public sanitary sewer lines. Any currently connected shall be disconnected and flows otherwise properly disposed of.

B.  An owner, agent or occupant responsible for a service line that is found to have infiltration or inflow shall be advised of the violation and be given a grace period of sixty days to correct the problem(s) identified from the date of notification. If such owner, agent or occupant shall fail, neglect or refuse to make repairs required to eliminate the infiltration and/or inflow within the time stated in such notice, the town sewer superintendent shall forthwith cause such repairs to be made and the cost assessed against the premises and the amount hereof shall constitute a lien upon the premises. The assessment shall be collected and the lien enforced by suit in the name of the town of Oakesdale, in any court of competent jurisdiction.

(Ord. 472 §3, 1989).

3.20.040   Hookup fee.

There shall be charged to all users of the public sanitary sewer system who connect to that system after June 30, 1990 a connection fee of five hundred dollars for each service line connection.

(Ord. 474 §1, 1990: Ord. 472 §4, 1989).

3.20.050   Notice of sewer connection.

Whenever the public health requires that any lands, building or premises be connected with the public sanitary sewer system, in the manner provided in Section 3.20.010, the town sewer superintendent shall serve upon the owner, agent or the occupant thereof a notice in writing specifying the time when such connection must be made, which time shall not be more than sixty days from the date of the service of such notice, and if such owner, agent or occupant shall fail, neglect or refuse to connect said lands, buildings or premises with the public sewer, within the time stated in such notice, the town sewer superintendent shall forthwith cause such connection to be made, and the amount paid for the connection of the same shall be assessed against the premises so drained, and the amount hereof shall constitute a lien upon the said premises so drained and connected, and said assessment shall be collected and the lien enforced by suit in the name of the town of Oakesdale, in any court of competent jurisdiction.

(Ord. 472 §6, 1989).

3.20.060   Liability for pipe breakage.

Whenever any private drain pipe connected with any public sewer or drain becomes obstructed, broken or out of order, the city sewer superintendent shall, if the owner, agent or occupant of such premises fails to repair the same after five days' notice so to do, cause such drain pipe to be removed, reconstructed, replaced, altered or cleaned, as may be deemed expedient, at the expense of the owner, agent or occupant of such premises, and the cost thereof shall be collected in the manner provided in Section 3.20.050 of this chapter.

(Ord. 472 §7(part), 1989; Ord. 186 §3, 1921).

3.20.070   Permit procedure.

In order to obtain the permit provided for in Section 3.20.080, the person intending to do the work shall file an application therefor, stating the name of the owner or occupant of the premises to be connected, the number of buildings thereon, and the purposes for which they are to be occupied, together with plans and specifications showing the whole course of the drain from the connection with the public sewer to its terminus within the building or premises, and all branches, traps, and fixtures to be connected therewith, which plans and specifications shall be made in duplicate and presented at the office of the town sewer superintendent for inspection. The town sewer superintendent shall examine said plans and may change or modify the same and designate the manner in which such connecting sewer shall be connected with the building, the place where such connection with the public sewer shall be made, and specify the material and size of such connection sewer, and shall endorse his approval on such plans and specifications as originally prepared or as modified and changed, and present one copy thereof to the town clerk-treasurer and file the duplicate in his office. Upon the presentation of the plans so approved by the town sewer superintendent, the town clerk-treasurer shall issue the permit, which permit shall be made in duplicate and a copy thereof shall be attached to the duplicate plans and specifications as approved by the town sewer superintendent, and a copy delivered to the person or party who is to perform the work of connecting with the sewer, and said permit shall refer to said plans and specifications contained in the application, and shall authorize said connections to be made, only in accordance with said plans and specifications so submitted in said application and approved; and it is unlawful for any person to extend any private sewer or drain beyond the limits of the building or property for which the permit has been given. The town council may, if it shall at any time deem it advisable, by resolution fix a proper charge for any and all connections to be made with the public sewers of the town.

(Ord. 472 §7(part), 1989; Ord. 186 §5, 1921).

3.20.080   Improper connection unlawful.

It is unlawful for any person to make any opening in any sewer or drain, or connect any private sewer or drain therewith, without complying with the provisions of this chapter in relation thereto and obtaining or having a permit so to do from the proper authority of the town of Oakesdale.

(Ord. 472 §8, 1989: Ord. 186 §4, 1921).

3.20.090   Materials and standards.

A.  All pipes which enter into any public sewer or drain in any street, alley, avenue or public place shall be built of such size and material and in such direction and with such grades and in such manner as the town council and the town sewer superintendent shall direct. All sewer lines or mains installed in public rights-of-way must be at least six inches interior diameter. All connections shall be made in a workman-like manner.

B.  Materials shall be:

1.  Pipe. The sewer pipe and fittings shall be PVC and shall conform to the requirements of ASTM D-3034 SDR 35 unless otherwise approved by the town. The joints shall be flexible with a rubber ring gasket conforming to ASTM D-3212.

2.  Bedding and Select Backfill. Bedding (which is the material immediately under the pipe) and select backfill (which is the material around and up to six inches above the pipe) shall be ½″-0 crushed aggregate or a medium to coarse sand. All bedding and select backfill shall be subject to approval by the town.

3.  General Backfill. General backfill, whether native or imported, shall consist of material free of vegetative matter, boulders (twelve inches plus), frozen material and saturated material.

C.  Construction shall be:

1.  Plumbing Code. Sewer service lines shall be constructed as per the most current applicable provisions of the Uniform Plumbing Code as amended by the state of Washington and these specifications. In case of a conflict the plumbing code shall govern.

2.  Slope-Bedding and Select Backfill Density. The sewer pipe shall be placed on a minimum of four inches of bedding and installed at a minimum slope of one-quarter inch per foot except where prohibited by the topography. In no case shall the slope be less than one-eighth inch per foot. Select backfill shall be placed to a minimum of six inches above the top of the pipe. The bedding and select backfill shall be compacted to a minimum of ninety percent of the maximum density as determined by ASTM D-698. General backfill shall be placed in the remainder of the trench and compacted to a minimum of eighty-five percent of ASTM D-698.

3.  Couplings. All construction between new and existing pipes shall be with watertight flexible couplings made to match the pipes encountered. All pipe connections shall be watertight.

(Ord. 551 §1, 2001; Ord. 472 §9, 1989: Ord. 186 §7, 1921).

3.20.100   Inspection required.

No pipe may be connected to the town sewer, or sewer line trench backfilled until inspected by the town. Inspections shall be arranged with the town, and shall occur only between the hours of seven a.m. and five p.m. on Mondays through Fridays.

(Ord. 472 §10, 1989).

3.20.110   Street excavation.

All excavations made by any person or parties within the limits of any street, alley, avenue or other public place shall be protected and guarded by said persons or parties, both by night and by day, by the display of proper signals and lights, and said persons and parties shall be liable for all accidents caused by negligence in this respect.

(Ord. 472 §7(part), 1989; Ord. 186 §9, 1921).

3.20.120   Length of time for work.

All work within the limits of any street or public place must be prosecuted to completion with due diligence, and if in the judgment of the town sewer superintendent, any excavation is left open beyond a reasonable time, he shall cause the same to be refilled and the street restored forthwith, and any cost incurred in such work shall be charged to the person or parties in charge of such work, and must be paid before he shall receive any future permit from the town.

(Ord. 472 §7(part), 1989; Ord. 186 §10, 1921).

3.20.130   Failure to complete work.

If any work done in pursuance of a permit granted as hereinbefore prescribed be not constructed and completed in accordance with the plans and specifications as approved by the town sewer superintendent, or town council and health authorities of said town, and the persons or parties performing such work shall refuse to properly construct and complete such work, notice thereof shall be given to the owner of the property for whom said work is being done and the town sewer superintendent shall cause said work to be completed and said sewer properly connected, and the full cost of such work and any materials necessary therefor shall be charged and become a lien against said property, and shall be collected in the manner provided by law of the state of Washington, and the ordinances of the town of Oakesdale.

(Ord. 472 §7 (part), 1989; Ord. 1886 §11, 1921).

3.20.140   Inspection authorized.

The town sewer superintendent, the health officer, or their authorized representatives, shall have the right to enter upon any premises required by this chapter to be connected with the public sewer at all reasonable times to ascertain whether the public health requires that the same should be connected with the public sewer, or whether the provisions of this chapter in regard to connections have been or are being complied with, and if they shall find that such premises or connections do not conform to the provisions of this chapter to notify the owner of such premises, or his agent, of the fact, and it shall thereupon be the duty of such owner, or agent, to cause such premises to be connected with the public sewer, or connections theretofore made, to be so altered, repaired or reconstructed as to make them conform to the requirements of this chapter within fifteen days from the time of receiving such notice.

(Ord. 472 §7 (part), 1989; Ord. 186 §13, 1921).

3.20.150   Damage to sewer system prohibited.

It is unlawful for any person to injure, break or remove any portion of any manhole, lamphole, flush tank or any part of the public sewers of the town.

(Ord. 472 §7(part), 1989; Ord. 186 §14, 1921).

3.20.160   Obstruction of system prohibited.

It is unlawful for any person to deposit any garbage, rubbish, dead animals, or any substance having a tendency to obstruct the flow of any sewer, in any manhole, lamphole, flush tank, or sewer opening, or in any way to in any manner connect with said sewer so as to obstruct the flow thereof; and none other than approved soluble toilet paper shall be used in any toilet, either public or private.

(Ord 472 §7(part), 1989; Ord. 186 §15, 1921).

3.20.170   Marshal's duty to enforce.

It shall be the duty of the police of the town of Oakesdale, and all other officers and employees of the town, in case they shall find any person engaged in the work of breaking ground for the purpose of making connections with any public sewer or drain, to ascertain if such persons have complied with all of the provisions of this chapter, and have a permit from the town to make such sewer connections, and in the event that such persons have not complied with the regulations contained herein, it shall be the duty of such officer or such employees to order them to desist under penalty of arrest for a violation of this chapter, and to immediately report the fact to the town sewer superintendent.

(Ord. 472 §7(part), 1989; Ord. 186 §16, 1921).

3.20.180   Penalty.

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment in the town jail for a term not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 472 §7(part), 1989; Ord. 186 §17, 1921).

3.20.190   Additional penalty.

For any violation of this chapter by any person or persons doing the work of connecting with any public sewer, the town council shall, in addition to the penalty hereinbefore provided for, revoke the right or rights of any of said persons to perform any further work of connection with any of the public sewer of the town, after having given suitable notice and upon a hearing of all the particulars relating to the violation of this chapter.

(Ord. 472 §7(part), 1989; Ord. 186 §18, 1921).

3.20.200   Marshal is sewer superintendent.

The town marshal of the town of Oakesdale shall be and he is hereby made ex officio sewer superintendent of the town of Oakesdale, and it shall be his duty to perform all the duties of the town sewer superintendent, as in this chapter provided.

(Ord. 472 §7(part), 1989; Ord. 186 §19, 1921).

3.20.210   New sanitary sewer service.

A.  Inclusion in the Town. Unless otherwise approved by the town, sewer service will be furnished only to persons whose property is included within and subject to taxation by the town. It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the town. Satisfactory evidence shall consist of tax receipts or certification in lieu thereof, received from and signed by the county treasurer.

B.  Service Outside the Town.

1.  The town may, if it is deemed advantageous to the town, furnish sewer service to properties located outside the boundaries of the town; but under no circumstances shall the town construct or reimburse costs for sewer mains to service such properties. Charges for furnishing sewer service outside the town shall be at the discretion of the town, commensurate with the cost of providing such sewer service. No service shall be furnished to properties outside the town unless the charge therefor is at least equal to the cost of service for which such property would be responsible if it were a part of the town. Acceptance of such connection to the public sewer system by the town may be conditioned upon waiver of any objection to annexation by the town of the property served.

2.  The town, in its discretion, may charge a higher connection and inspection fee for properties not located within the town.

(Ord. 472 §§7(part), 11, 1989).

3.20.220   Line extension policies.

A.  Generally.

1.  It is unlawful for any person to construct a sanitary sewer main within the jurisdiction of the town without first having made formal application to the town for approval and having complied with all the ordinances of the town. Plans for development shall be submitted to the town along with the application for service. Such plans shall be in compliance with the town's specifications, and a check for compliance with the town's specifications shall be made at the developer's expense. All plans must also be approved by the Washington State Department of Ecology prior to construction.

2.  Developers or land owners are required to furnish free of charge to the town suitable rights-of-way and/or easements for construction, operation and maintenance of new, existing or future sewer systems. Permits may need to be obtained by the developer from railroads, public utilities, highway districts or the State Department of Transportation. Easements shall be thirty feet wide unless written approval is given by the town for any alternative width. However, under no circumstances shall an easement be less than sixteen feet in width.

3.  All sanitary sewer main extensions shall be constructed according to the town's specifications. The town reserves the right to require the developer to expose any section of sewer to check compliance with the standards. Cost of such excavation shall be at the expense of the developer.

4.  No sanitary sewer lines shall be constructed within the town's jurisdiction until final plans and specifications have been approved by the town and written authorization to proceed has been obtained from the town. No excavation shall be started until required town, county or State Highway Department permits have been obtained.

B.  Procedure for Sewer Main Extension Construction. Under normal conditions the landowner, subdivider or developer shall construct, at his own expense, new sewer lines in full compliance with this chapter and any sewer department rules and regulations.

C.  Performance Bond. A performance bond equal to one hundred fifty percent of contract (or construction cost) may be required by the town on all sewer main construction.

D.  Inspection. Inspection of one hundred percent of the construction shall be required, either by the developer's engineer or by the town engineer. If inspection is done by the developer's engineer, all as-built drawings, tests and field conditions shall be reviewed by the town engineer.

E.  Inspection Fees. All inspection fees required by the town, State Highway Department or other involved entity shall be paid by the owner, subdivider or developer.

F.  Town Ownership. Landowners, subdividers or developers who have completed construction of sewer lines shall, before these lines are accepted by the town, fully comply with any sewer department rules and regulations.

G.  Service Connection Fees. The town shall collect from each new user, prior to connection, the applicable fees set by this chapter.

(Ord. 472, §12, 1989).

3.20.230   Sewer laterals.

A.  No person shall uncover, make any connections with or opening into, use, alter or disturb any public sanitary sewer or appurtenances thereof without first obtaining written permission from the town.

B.  All costs and expenses incident to the installation and connection of the sewer line (lateral) from the building to the sewer main shall be borne by the owner of the property being served. The owner shall indemnify the town from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

C.  A separate and independent sewer service shall be provided for every building, except where one building stands at the rear of another on a lot and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard or driveway. In that case, the sewer line from the front building may be extended to the rear building and the whole considered as one sewer line.

D.  Sewer pipe within buildings shall be as specified in the Uniform Plumbing Code.

E.  The connection of mobile homes, travel trailers or any other mobile unit to the sanitary sewage system may be made by a pipe connected to the sanitary sewer system in compliance with this chapter. At all times when not connected to a mobile unit such connecting pipe must be sealed with a well casing, sealing plug or comparable device in such manner as to stop any substance or gas from entering or leaving the sanitary sewer system.

F.  All sanitary sewer lines, excluding service lines constructed within the public right-of-way or within easements dedicated to or acquired by the town for such purposes, shall be deemed public sanitary sewers and shall be owned, operated and maintained by the town. All service lines from the structure to the public sanitary sewer shall be owned and maintained by the owner of said structure.

(Ord. 472 §13, 1989).

3.20.240   Enforcement.

The provisions of this chapter, and the collection of delinquent sewer bills, may be enforced by any of the following methods, or any combination of the following methods:

A.  Terminating water and/or sewer service to the affected property upon fifteen days' written notice;

B.  Filing a lien for the unpaid bill(s), plus statutory interest from the date of delinquency, against the affected property;

C.  Filing suit in a court of competent jurisdiction against the owner(s) and occupant(s) of the affected property to collect all delinquent amounts, together with statutory interest from the date of delinquency, plus a reasonable attorney's fee and costs.

(Ord. 472 §14, 1989).

## Chapter 3.22   CHRONIC NUISANCE PROPERTIES

Sections:

[3.22.010 Definitions.](#BK_ADE4FA88A4E5C64884170B17503201B6)

[3.22.020 Violation.](#BK_85E6D83819656CFC48B2A3466E80D76A)

[3.22.030 Declaration of chronic nuisance property and procedure.](#BK_0FE75BC52522DD5B10D226853C477FFC)

[3.22.035 Owner cooperation.](#BK_F2338F132BDC2945EE3AF58DD4143959)

[3.22.040 Correction agreement.](#BK_184CFE43E3CED5F96C4C5CDE68A791D8)

[3.22.050 Penalties.](#BK_D1C98C82885B9F3F581ED7FCE19A3DB6)

[3.22.060 Commencement of action—Enforcement.](#BK_255348D16C10A73656BBD31D36F7A824)

[3.22.070 Burden of proof.](#BK_34D060B41C51B64DE86B07CA4008078E)

[3.22.080 Remedies.](#BK_B854CFFC485ACCBB749635FFFF72A45F)

[3.22.085 Additional remedies.](#BK_C4D7E79502D253C009F469BDCA2EA298)

3.22.010   Definitions.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever required. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning:

"Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the chief law enforcement officer determines is necessary in the interest of the general health, safety and welfare of the community.

"Chief law enforcement officer" means the Oakesdale town marshal or his or her designees, or the chief officer or designees of any law enforcement agency with which the town has contracted to provide policing services to the town.

"Chronic nuisance property" means:

1.  A property on which three or more nuisance activities exist or have occurred during any sixty-day period or seven or more nuisance activities have occurred during any twelve-month period; or

2.  A property which, upon a request for execution of a search warrant, has been the subject of a determination by a court two or more times within a twelve-month period that probably cause exists that illegal possession, manufacture or delivery of a controlled substance or related offenses as defined in RCW Chapter 69.50 has occurred on the property.

"Control" means the power or ability to direct or determine conditions, conduct, or events occurring on a property.

"Nuisance activity" means any of the following activities, behaviors, or conduct:

1.  Any offenses defined in RCW Title 9 and/or Title 9A.

2.  Any violations of the following titles or chapters of the Oakesdale Municipal Code:

a.  Chapter 3.24 (miscellaneous nuisances);

b.  Chapter 3.28 (garbage);

c.  Chapter 3.44 (weeds);

d.  Chapter 3.60 (fire works);

3.  Liquor related offenses as defined in RCW Chapters 66.28 and 66.44.

4.  Possession, manufacture or delivery of a controlled substance or related offenses as defined in RCW Chapter 69.50.

   For the purposes of the subsection, all reference to any Oakesdale Municipal Code title or chapter shall refer to such title or chapter as in effect as of the date of the enactment of this chapter, or as thereafter amended.

"Owner" means any person who, alone or with others, has title or interest in any property.

"Person" means an individual, group of individuals, corporation, partnership, association, club, company, business trust, joint venture, organization, or any other legal or commercial entity or the manager, lessee, agent, officer or employee of any of them.

"Person in charge" of a property means the owner and, if different than the owner, any other person in actual or constructive possession of a property, including but not limited to, a lessee, tenant, occupant, agent, or manager of a property under his or her control.

"Property" means any land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or position thereof.

"RCW" means the Revised Code of Washington.

"Town" is the town of Oakesdale, Washington, a fourth class town and municipal corporation of the state of Washington.

(Ord. No. 615, § 1, 10-7-13)

3.22.020   Violation.

A.  Any property within the town which is a chronic nuisance property is in violation of this chapter and subject to its terms and remedies.

B.  Owners and other persons in charge who permit property to be a chronic nuisance property shall be in violation of this chapter and subject to its terms and remedies.

C.  An owner who fails to comply with Section 3.22.035, (the "owner cooperation" section, below) is in violation of this chapter and shall be subject to penalties pursuant to Section 12.03.050 (the "penalties" section, below).

(Ord. No. 615, § 1, 10-7-13)

3.22.030   Declaration of chronic nuisance property and procedure.

A.  The chief law enforcement officer may declare that a property is a chronic nuisance property, as defined in this chapter, when there are specific facts and circumstances documenting the occurrence of three or more nuisance activities on a property within sixty days or seven or more nuisance activities within a twelve-month period. The chief law enforcement officer shall provide written notice of this declaration (hereinafter the "notice of declaration of chronic nuisance") to the persons in charge of the property. The notice of declaration of chronic nuisance shall be sent by first class mail or personally served, and a copy shall be sent by certified mail. The notice of declaration of chronic nuisance shall contain:

1.  The street address or legal description sufficient for identification of the property;

2.  A declaration that the chief law enforcement officer has determined the property has become a chronic nuisance property with a concise description of the nuisance activities that exist or that have occurred;

3.  A notice that the owner and other persons in charge of the property are subject to monetary penalties as set forth in Section 3.22.050 (the "Penalties" section, below);

4.  A demand that the owner and other persons in charge respond to the chief law enforcement officer within seven days of service of the notice to discuss a course of action to correct the nuisance;

5.  A notice that, if the person in charge does not respond to the chief law enforcement officer as required in this section, or if the matter is not voluntarily corrected to the satisfaction of the chief law enforcement officer, the town may file an action to abate the property as a chronic nuisance property pursuant to Section 3.22.060 (the "commencement of action—enforcement" section, below), and/or take other action against the property or person in charge.

B.  When a notice of declaration of chronic nuisance is issued pursuant to this section to a person in charge, other than an owner or an owner's agent, who has permitted a property to become a chronic nuisance property, a copy of such notice shall also be sent by first class mail or personally served on the owner of the property, and a copy shall be sent by certified mail.

C.  If the owner or person in charge responds as required by the notice of declaration of chronic nuisance and agrees to a course of action to abate the nuisance activities, a written correction agreement conforming to the requirements set forth in Section 3.22.040 below, shall be executed.

D.  If (1) the agreed course of action does not result in the abatement of nuisance activities to the satisfaction of the chief law enforcement officer within thirty days of issuance of the notice of declaration of chronic nuisance or within such longer period as permitted in writing by the chief law enforcement officer or (2) the person in charge fails to respond as required by the notice, the chief law enforcement officer may refer the matter to the town council with a recommendation that the town council authorize the town attorney to initiate proceedings pursuant to Section 3.22.060 ("commencement of action—enforcement", below).

(Ord. No. 615, § 1, 10-7-13)

3.22.035   Owner cooperation.

An owner who receives a copy of a notice of declaration of chronic nuisance, describing a chronic nuisance property permitted by a person in charge other than the owner or the owner's agent, shall promptly take all reasonable steps requested in writing by the chief law enforcement officer to assist in abatement of the nuisance property. Such reasonable steps may include the owner taking all actions and pursuing all remedies, including pursuing eviction of the person in charge, that are (1) available to the owner pursuant to any lease or other agreement, and (2) consistent with state and local laws, including but not limited to RCW 59.18.580, the Victim Protection Limitation on Landlord's Rental Decisions.

(Ord. No. 615, § 1, 10-7-13)

3.22.040   Correction agreement.

A correction agreement is a contract between the town and the person in charge of the chronic nuisance property in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement to abate the nuisance activities within a specified time and according to specified conditions. The agreement shall be signed by the person in charge and, if different, the owner. The agreement shall include the following:

A.  The name and address of the person(s) in charge of the property;

B.  The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;

C.  A description of the nuisance activities;

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

E.  An agreement by the person in charge that the town may inspect the property as may be necessary to determine compliance with the correction agreement;

F.  An agreement by the person in charge that the town may abate the nuisance and recover its costs, expenses and monetary penalties pursuant to this chapter from the person in charge for abating the nuisance if the terms of the correction agreement are not met; and

G.  When a person in charge, other than an owner or an owner's agent, has permitted a property to be a chronic nuisance property, the agreement shall incorporate an additional agreement by the owner to promptly take all acts and pursue all remedies requested by the chief law enforcement officer pursuant to Section 3.22.035 (the "owner cooperation" section, above).

(Ord. No. 615, § 1, 10-7-13)

3.22.050   Penalties.

A.  Except as otherwise provided in subsection B of this section, in addition to any other sanction or remedial procedure that may be available, the person in charge is subject to a penalty of up to five hundred dollars per day from the date the notice of declaration of chronic nuisance issued, until the chief law enforcement officer confirms that the property is no longer a chronic nuisance property.

B.  If the agreed course of action results in the abatement of nuisance activities to the satisfaction of the chief law enforcement officer within thirty days of the notice of declaration of chronic nuisance, or such longer period allowed by the chief law enforcement officer pursuant to Section 3.22.030(D), above, the matter shall not be referred to the town council and the person in charge shall not be subject to any penalty pursuant to this chapter.

C.  An owner who fails to comply with Section 3.22.035 (the "owner cooperation" section, above) is subject to a civil penalty of up to five hundred dollars.

(Ord. No. 615, § 1, 10-7-13)

3.22.060   Commencement of action—Enforcement.

Upon authorization from the town council following the recommendation of the chief law enforcement officer as provided in Section 3.22.030(D), above, the town attorney may initiate an action in any court of competent jurisdiction to abate a chronic nuisance property, to impose penalties pursuant to this chapter, to seek alternative remedies under town or state laws and/or seek any other relief authorized by law.

(Ord. No. 615, § 1, 10-7-13)

3.22.070   Burden of proof.

In an action against a person in charge to abate a chronic nuisance property or to recover penalties authorized by this chapter, the town shall have the burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property pursuant to this chapter.

In an action against an owner to recover penalties authorized by Section 3.22.050(D) (the "penalties" section, above), the town shall have the additional burden to prove by a preponderance of the evidence that the owner failed to comply with Section 3.22.035 (the "owner cooperation" section, above). Copies of police incident reports and reports of other town departments documenting nuisance activities shall be admissible in such actions. Additionally, evidence of a property's general reputation and the reputation of persons residing in or frequenting the property shall be admissible in such actions.

(Ord. No. 615, § 1, 10-7-13)

3.22.080   Remedies.

A.  If the court determines a property is a chronic nuisance property pursuant to this chapter, the court may order any of the following:

1.  Order the person in charge to immediately abate nuisance activity from occurring on the property;

2.  Order that the chief law enforcement officer shall have the right to inspect the property to determine if the court's orders have been complied with;

3.  Impose a penalty of up to five hundred dollars per day against the person in charge for each day from the date the notice of declaration of chronic nuisance was issued, until the chief law enforcement officer confirms that the property is no longer a chronic nuisance property;

4.  Make any other order that will reasonably abate nuisance activities from occurring on the property, including authorizing the town to take action to abate nuisance activities from occurring upon the property if other court orders are not complied with or do not abate nuisance activity on the property and providing that the costs of such town action are to be paid for by the person in charge of the property.

B.  If the court finds that an owner failed to take all reasonable steps requested in writing pursuant to Section 3.22.035 (the "owner cooperation" section, above), the court shall impose a civil penalty of five hundred dollars, no part of which shall be deferred or reduced.

(Ord. No. 615, § 1, 10-7-13)

3.22.085   Additional remedies.

A.  In addition to the remedies authorized by Section 3.22.080, above, if as part of its order abating a chronic nuisance property, the court orders a person in charge to cease renting or leasing a property, the court may order the person in charge to pay relocation assistance not to exceed three thousand three hundred dollars to any tenant (1) who must relocate because of the order of abatement, and (2) the court finds not to have caused or participated in nuisance activities at the property.

B.  For the purposes of this section, the term "tenant" shall have the meaning as set forth in RCW 59.18.030(8).

(Ord. No. 615, § 1, 10-7-13)

## Chapter 3.24   NUISANCES—MISCELLANEOUS

Sections:

[3.24.010 Barbed wire fences along sidewalks.](#BK_8344508F30135DD6A4E6289DFA9FCF88)

[3.24.020 Public nuisances.](#BK_28970D93E31F64BC505F59E61274E699)

[3.24.021 Junk storage a nuisance.](#BK_4A54FA9790B52D610A2B3F921B38161E)

[3.24.022 Junk defined.](#BK_C1EFCE1041790FB2FD49EB34CC0E0196)

[3.24.023 Abatement and removal of junk vehicles and parts.](#BK_7EE1FAF1C1CA500729B7457C5AC3E3EA)

[3.24.024 Permitted indoor storage.](#BK_FB2ADC58F8ABA47FC11263009A8C63D2)

[3.24.025 Permitted outdoor storage.](#BK_56A0A798F8B591C5749C9B45972360C4)

[3.24.030 Duration.](#BK_3C8D5A000F870257E2308DDC3E2667FB)

[3.24.040 Remedies.](#BK_F54C74C453A76C50C7C4C500E01D4A89)

3.24.010   Barbed wire fences along sidewalks.

Barbed wire fences built along sidewalks in the town of Oakesdale, be and are hereby declared a nuisance and the owners of property using barbed wire fences be instructed to have the same removed, and upon said property owners failing to have the same removed the council shall proceed to have the same done at the expense of the said property owners.

(Ord. 19, §1 10-6-1890)

3.24.020   Public nuisances.

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

A.  The erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any private lot or premises, or in or upon any street, alley, park or other public or private place in the town, or any one or more of the following disordered, disturbing, insanitary and disease-causing places, conditions, or things, that is to say:

1.  Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;

2.  Filth, rubbish, or paper;

3.  Animal manure of any quantity which is not securely protected from flies and the elements;

4.  Any abandoned or partially destroyed building, structure, or billboard; or any building or structure commenced and left unfinished; or any building or structure that has been partially torn down or demolished; or any building or structure that has been in part or as a whole moved from without the town to a place within the town, or from any place within the town to another location within the town and not completed or readied for use or occupancy for which it was originally built, and left unfinished;

5)  Wrecked or disassembled automobiles, trucks, tractors or machinery of any kind, or the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, or other machinery of any kind, or of any of the parts thereof.

B.  The permitting of any livestock, or any poultry of any kind, to run at large within the town.

C.  The staking or tying of any cow, horse, goat, sheep or swine in any place where such animal can reach any sidewalk or any avenue of travel in any street or alley, or where such animal can trespass upon the private property of any other resident or property owner of the town.

D.  Keeping any livestock or poultry within the town upon premises which are not sanitary, or which otherwise give offense to any person living in or upon adjoining or adjacent property, or which keeping livestock is in any way a menace to the public health.

E.  Slaughtering any animal for meat without first securing the permission of the Town Marshal. The Town Marshal shall prescribe the place and method of disposing all waste and offal from such slaughtering. The Town Marshal shall inspect the premises after the slaughtering is accomplished and satisfy himself that the premises are left in a sanitary and inoffensive condition. Should the Town Marshal consider the premises upon which the slaughter is requested to be made too close to residential districts, or for any other reason unsuitable, the Marshal shall so advise the applicant, who shall then make other arrangements.

F.  Causing, allowing, or permitting the throwing of any waste material of any nature in any way of the drainage ditches within the town, or in any way causing, allowing or permitting the obstruction of any channel of any such drainage ditch.

G.  Riding a bicycle or using roller-skates or any other self-propelled vehicle upon the sidewalks of the town so as to interfere with pedestrian use of the sidewalk.

H.  Shooting firearms, causing excessive noise, unbecoming conduct, disorderly conduct, excessive profanity, or otherwise disturbing the peace of the town or its citizens.

(Ord. 408B, §1; 7-5-1983)

3.24.021   Junk storage a nuisance.

It is declared unlawful and a nuisance for any person to keep or store or to permit any other person to keep or store any wrecked, worn-out, disassembled, junk or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or any junk whatsoever, on any private lot or premises, or upon any street, avenue, alley, park, parkway, drive or on any private driveway used by the public or any other public or private place in the town of Oakesdale except as provided in Sections 3.24.023 and 3.24.024.

(Ord. 535 §1, 1998).

3.24.022   Junk defined.

A.  For the purposes of this chapter, the terms "wrecked," "junk," or "junked" with respect to an automobile or truck means an automobile or truck 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 one of the following: A broken window or windshield, missing wheels, tires, motor, or transmission, or cannot be operated legally on the highway as the result of damage or disrepair;

3.  Is apparently inoperable;

4.  Has an approximate, fair market value when taken as a whole equal only to its approximate scrap value; or

5.  Has no valid license plates or license tabs displayed or is not insured for the minimum amount required for a motor vehicle operated on public roads within the state of Washington.

B.  For the purposes of this chapter, "junk" is defined to include all old appliances or parts there, all old iron or other metal, glass, paper, cardboard, old lumber, old wood, mattresses, concrete and all other waste discarded material.

(Ord. 535 §2, 1998).

(Ord. No. 587, § 1, 6-4-07)

3.24.023   Abatement and removal of junk vehicles and parts.

A.  Any public nuisance consisting of junk or wrecked vehicles or parts thereof may be removed from private property. The cost of removal shall be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the cost may be assessed against the owner of the property on which the vehicle is stored.

B.  Prior to the removal of any junk or wrecked vehicle or parts thereof from private property, the town clerk shall provide notice of removal to the last registered owner of record and the property owner of record. The notice shall state that a hearing may be requested and that if no hearing is requested, the vehicle will be removed.

C.  In the event that a request for hearing is received, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or parts thereof as a public nuisance shall be mailed by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

D.  The owner of land 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 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 then the town shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

E.  After notice has been given of the intent of the town to dispose of the vehicle or after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of the Town Marshall or other law enforcement officer with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

F.  The remedy set out in this section is in addition to any other remedies provided for in this code.

(Ord. 535 §3, 1998).

3.24.024   Permitted indoor storage.

Any material otherwise prohibited from being kept or stored by Section 3.24.021 may be stored in any building so long as the building is wholly enclosed by walls except for doors for ingress and egress.

(Ord. 535 §4, 1998).

3.24.025   Permitted outdoor storage.

A.  Permitted outdoor storage allows for outdoor storage of vehicles, parts, materials, packaging and inventory used in day-to-day operation of a licensed dismantling or licensed vehicle dealer or any other business currently registered as a business in Washington State and issued a unified business ID number.

B.  Permitted outdoor storage areas exposed to street level view from any adjacent property on which the storage area is located shall be secured by a sight-obscuring fence.

C.  Materials covered by buildings with roofs only but without any sides shall be considered outdoor storage and shall be subject to the screening provisions of this section.

D.  This provision shall not apply to the display of new or used agricultural implements, motor vehicles or water craft where such activities are an integral part of an automobile, agricultural implement or water craft dealership or storage facility.

E.  The type of screening required under this section shall be a visual screen, consisting of fencing, landscaping, or other material. Such a screen shall be a height of six feet. If fencing is used, it shall be of masonry, wood or slatted chain-link construction and shall be maintained in a good condition. If landscaping is used, it shall include evergreen shrubs planted to form a hedge of six feet mature height within three years of the planting date; except that approved vehicle driveway openings shall not be obstructed.

(Ord. 535 §5, 1998).

3.24.030   Duration.

Each day a nuisance, as defined in Section 3.24.020, exists shall be considered a separate offense, and may be punished accordingly.

(Ord. 408B, §2; 7-5-1983)

3.24.040   Remedies.

Whenever a nuisance as defined in Section 3.24.020, exists, the town may pursue any one or more of the following remedies:

A.  The town may issue a notice of civil infraction to anyone maintaining a nuisance in violation of this chapter. Upon conviction thereof, the violator shall be subject to a fine of not less than fifty dollars, nor more than five hundred dollars for each conviction.

B.  The town may initiate suit in the Superior Court of Washington for Whitman County to abate and enjoin the nuisance. The town's costs and attorney's fees shall be assessed against the defendant(s) and shall be included as part of any judgment entered in the case.

C.  The town may cause its employees or agents to abate any nuisance defined in subsections 3.24.020(A) through 3.24.020(E), of this chapter, provided, the town shall first provide written notice to the occupant(s) and owner(s) of the property upon which the nuisance is maintained, notifying such persons that a nuisance exists on the property, and that the nuisance must be abated within thirty days or the town will cause it to be abated and will charge the costs against the property in the form of a lien. The notice shall also state that the finding of the nuisance can be appealed to the town council by a written notice of the appeal, delivered to the town clerk within fifteen days after receipt of the town's notice to abate. Upon receipt of a notice of appeal, the clerk shall schedule a hearing before the town council, to convene during a regular meeting of the town council within thirty days after receipt of the notice of appeal. In the event of such an appeal, all actions by the town to abate the nuisance shall be suspended pending a decision by the council on appeal.

(Ord. 408B, §3; 7-5-1983)

(Ord. No. 586, § 1, 4-2-07)

## Chapter 3.28   GARBAGE

Sections:

[3.28.010 Definitions:](#BK_AF68C7CE82FFE02546548030A1DD9CD2)

[3.28.020 Sanitation Committee.](#BK_B54728DA2D7E1BBBF77D41629315C0FC)

[3.28.030 Accumulation of garbage and waste.](#BK_2AE2E1ED269FF423E2E03FC1389FA9C9)

[3.28.040 Restrictions.](#BK_77539BCAA28BD7D14F43C6615D9BEB66)

[3.28.050 Collection.](#BK_B190B16F74A2F397B3AF446B0056E66E)

[3.28.060 Separate Receptacles.](#BK_E058C601E681429F4B0F5CE7313E20D6)

[3.28.070 Public Places.](#BK_C4810F20E1725B78064E88B506D06737)

[3.28.080 Dead Animals and Fowls.](#BK_0D729B921BEE72E02789AFF883D8E436)

[3.28.090 Regulation.](#BK_61BA2447846BCDDFA1E6A2E1174219D5)

[3.28.100 Compliance.](#BK_C4F468D062B061B42886A6013AD790D9)

[3.28.110 Power of Town.](#BK_256AA707FF49D3F3E64BAA4E25BCB2BF)

3.28.010   Definitions:

a)  Garbage: The term "garbage" shall include all putrescible wastes, except sewage and body wastes, carcasses of dead animals, and recognized industrial by-products.

b)  Refuse: The term "refuse" shall mean all waste matter not subject to decay or putrefaction, which for the purpose of this ordinance shall exclude earth, sand, gravel, building material, building waste, trade waste occasioned by goods condemned in case lots or greater quantities, automobile bodies and large automobile parts (except discarded tires), trees limbs of trees, grass, lawn clippings, fire refuse and extraordinary waste not resulting from natural waste or ordinary daily living.

c)  Swill: The term "swill" shall mean and include 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 vegetable.

d)  Trash: The term "trash" shall include clippings, rakings, leaves, tree or shrub trimmings resulting from periodic and ordinary tree and shrub maintenance practices, and sod with dirt removed. Said term shall not include earth, sand, gravel, and debris from building construction or remodeling, fire refuse, vehicular parts, or tree removals or tree toppings, unless said removals or toppings are cut in lengths of not over six (6) feet and tied in bundles weighing not over fifty (50) pounds each.

(e)  Solid Waste: The term "solid waste," for the purpose of this ordinance, is defined as garbage, refuse, swill and trash, as herein defined.

(f)  Sanitary Landfill: The term "sanitary landfill" is defined as a garbage disposal site maintained by Whitman County.

(g)  Person: The term "person" shall mean every person, firm, partnership, association, institution and corporation. The term shall also include the occupant and/or the owner of the premises for which service herein mentioned is rendered.

(h)  Health Officer: The term "health officer" shall mean the Town or County Health Officer, as defined in title 70, of Revised Code of Washington, as now exists or as hereafter be amended, or his/her authorized representative(s), or person appointed by Mayor.

(Ord. 419, §3; 10-1-1984)

3.28.020   Sanitation Committee.

For the purpose of carrying into effect the provisions and aims of this ordinance, a Sanitation Committee, composed of three (3) members of the Town Council, shall be appointed by the Mayor with the confirmation of the Town Council, and shall have jurisdiction, concurrent with the Health Office, to see that the provisions of this ordinance are complied with by all persons affected. The Committee shall further be responsible for investigating any violations that may be reported to it by any garbage collector, the Town Marshal or any other interested person, and shall take such action as shall be necessary under the circumstances.

(Ord. 419, §4; 10-1-1984)

3.28.030   Accumulation of garbage and waste.

(a)  It shall be the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house, 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 or containers for the deposit therein of garbage, trash, swill, and refuse, and to deposit or cause to be deposited the same therein.

(b)  It shall be the duty of the owner of any dwelling, flat, apartment house or trailer camp to furnish or to ensure that his tenants are supplied with such cans or approved containers.

(c)  Such cans and containers shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodent-proof and have tight-fitting lids. Cans shall not be less than fifteen (15) and not more than thirty-two (32) gallon capacity, shall have two (2) handles at the sides thereof. Bin containers shall meet the specifications of the garbage collector. Lids shall not be removed except when necessary to place garbage and refuse in such cans and containers or to take the same therefrom. When garbage and refuse is placed therein or taken therefrom such lid shall be replaced by the person placing the same therein or taking the same therefrom. refuse or garbage cans and containers shall not be filled with dish water or other liquid or semi-liquid kitchen wastes which are properly disposable in the sewer system. Such cans and containers shall not be loaded beyond the point where covers can be securely replaced.

(d)  Persons may purchase from any source such cans and containers as are necessary and reasonable for their use, or they may lease cans and containers from the garbage collector at such rates as are approved by the Washington Utilities and Transportation Commission.

(e)  No garbage can shall be loaded beyond the point where the pick-up person can lift the can to the pick-up truck. The total weight of can and contents shall not exceed eighty (80) pounds. Customers must restrain dogs beyond reach of the garbage cans and prevent any interference with pick-up men on this account.

(f)  It shall be the duty of every person to cause such garbage, refuse, trash and swill to be removed and disposed of only by the garbage collector, except as hereinafter provided.

(g)  It shall be the duty of every person operating, managing or otherwise in charge of any commercial establishment to arrange with the garbage collector such frequency of collection as to insure that garbage does not accumulate outside of the containers, or to provide sufficient numbers of containers which shall accommodate all garbage as shall normally accumulate in one week.

(Ord. 419, §5; 10-1-1984)

3.28.040   Restrictions.

(a)  It shall be unlawful for any person to dump, collect, remove or in any other manner dispose of garbage, refuse, trash or swill upon any streets, alleys, public places or private property within the Town otherwise than as herein provided.

(b)  It shall be unlawful for any person to bury or dump waste paper, boxes, rubbish and debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens upon any street, alley or public place.

(c)  It shall be unlawful for any person to collect and remove garbage, refuse and swill over any public right-of-way in the Town of Oakesdale, except as permitted in this ordinance.

(d)  This ordinance shall not prohibit the transfer of material which does not include trash, swill, refuse and garbage to the sanitary landfill or other authorized county or private disposal sites; provided, such conveyance and disposition complies with the provisions of this ordinance and with any other governing law or ordinances.

(e)  This ordinance shall not prohibit any person from accumulating, storing and transporting glass bottles, cans and other materials having a value of recyclable materials, and packaging, selling or donating the same to any qualified recycling center, provided, that such accumulation and storage of materials is not exposed to public view.

(Ord. 419, 6; 10-1-1984)

3.28.050   Collection.

The garbage collector shall be such person, firm or corporation as is designated by the Washington Utilities and Transportation Commission as holding a certificate of public convenience and necessity for the area encompassed by the boundaries of the Town of Oakesdale; or any person employed by the Town to collect swill, garbage and/or refuse within the Town.

(Ord. 419, 7; 10-1-1984)

3.28.060   Separate Receptacles.

The Town reserves the right to require the separation of paper or swill or other component parts of garbage and may require the deposit thereof in separate cans or receptacles and may prescribe the methods of disposal thereof.

(Ord. 419, 8; 10-1-1984)

3.28.070   Public Places.

(a)  It shall be 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 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 said swill shall be enclosed in vessels or tanks of a type approved by he Sanitation Committee and which shall be perfectly watertight and shall have tightly fitting covers, which covers shall not be removed except when absolutely necessary for the depositing and removal of swill. Such vessels or tanks shall be kept in the rear of the premises, or other place authorized by the Sanitation Committee, so as to be readily accessible for collection and so far as practicable, shall not be kept upon the street, alley or sidewalk or public place. All such tanks or vessels shall be promptly delivered to the garbage collector when called for and shall be returned by him without unnecessary delay.

(b)  It shall be unlawful for any persons, except for purposes of collection as herein provided, to interfere with said vessels or tanks referred to in this section or with contents thereof in any manner.

(Ord. 419, 9; 10-1-1984)

3.28.080   Dead Animals and Fowls.

No person, firm or corporation shall allow the dead carcass of any animal or fowl owned by him to remain within the limits of the Town of Oakesdale, Washington for a period of more than twenty-four (24) hours after the death of the same. Any person, firm or corporation owning any animal which shall die or having the custody or being liable for the keep of the same shall, upon the death of such animal, cause the same to be removed from the limits of the Town of Oakesdale, within twenty-four (24) hours after the discovery of the death thereof.

(Ord. 419, 10; 10-1-1984)

3.28.090   Regulation.

So long as the garbage collector is governed by the statutes, rules and regulations of the Washington Utilities and Transportation Commission, the Town shall have no responsibility or control over the conduct or the nature of the service performed by that garbage collector. Rates for collection and disposal of refuse and solid waste shall be determined by the licensed collector and approved by the Washington Utilities and Transportation Commission, and a schedule of such rates shall be filed with the Town Clerk.

(Ord. 419, 11; 10-1-1984)

3.28.100   Compliance.

Every person shall dispose of all garbage, refuse and swill promptly according to the terms of this Ordinance and applicable rules and regulations. The garbage collector shall be responsible for the billing and collection of all tariffs charged. Disputes and complaints by patrons as to the service being performed by the garbage collector or the fees being charged shall be directed to the Washington Utilities and Transportation Commission.

(Ord. 419, 12; 10-1-1984)

3.28.110   Power of Town.

The Town of Oakesdale shall have the power, from time to time, in an appropriate manner to set forth and determine rules and regulations, duties and responsibilities, and such other matters as may be necessary in the discretion of its Town Council for the proper execution of this ordinance.

(Ord. 419, §13; 10-1-1984)

## Chapter 3.32   LITTER

CONTROL

Sections:

[3.32.010 Definitions.](#BK_99ACA2F7F04FB91E58D11A57107C7A4B)

[3.32.020 Litter in general.](#BK_B456A7507C5AF1D9FA27BB236B11758C)

[3.32.030 Placement of litter receptacles.](#BK_18DACFEFA9A630DBDC3F9CAE7EA9D00F)

[3.32.040 Use of receptacles.](#BK_9562B895595EB27EC1447332FB434562)

[3.32.050 Damaging receptacles.](#BK_0D673247462C056FA47074C5F830549B)

[3.32.060 Removal of litter.](#BK_C913ABC3C81C7E23548CD5F26A4A855F)

[3.32.070 Mandatory litter bags.](#BK_DB3E45A62702DA855345B5EEDC3BDC51)

[3.32.080 Sweeping litter into gutter prohibited.](#BK_0D90B569229E8EC13AC51FB740D95A0B)

[3.32.090 Merchants' duty to keep sidewalks free of litter.](#BK_AB0493B8D48B2764CB6BFCF5666466AB)

[3.32.100 Owner to maintain premises free of litter.](#BK_9DE823AE6BDCE7EA936EF77C659A286C)

[3.32.110 Throwing or distributing commercial handbills in public places.](#BK_CFD1DB7B2ED5E9C75AEC5EB8D6EE3841)

[3.32.120 Placing commercial and non-commercial handbills on vehicles.](#BK_6E5AFC019F943D682EA794230681AB17)

[3.32.130 Depositing commercial and non-commercial handbills on uninhabited or vacant property.](#BK_B05B58CD20D66EC868999F2542B20854)

[3.32.140 Prohibiting distribution of handbills where property posted.](#BK_FCC6F64F89397A68742EBECCF10863D8)

[3.32.150 Distributing commercial and noncommercial handbills at inhabited private residences.](#BK_D376569C1D901191CA014CF9B8C6FF51)

[3.32.160 Litter thrown by persons in vehicles.](#BK_9747D4223991F06A4C354168D5D5A775)

[3.32.170 Vehicle loading.](#BK_CED3D1B9C69C87F0722E9250579994EC)

[3.32.180 City inspections for litter receptacles.](#BK_CAC3F8EECFA03A0107BE9998BB6C0817)

[3.32.190 Enforcement officers and procedures.](#BK_7493393EE689EC6DC795AB689F7E137F)

[3.32.200 Interpretation.](#BK_7F11094A792D3AD5940B290BF02D1BAF)

[3.32.210 Penalties.](#BK_3D8A7F6088FE3518ED1401243AB9F2EE)

3.32.010   Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following terms have the following meanings. All words used in the present tense include the future and past tense; all words in the plural number include the singular number, and all words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1)  "City" means the town of Oakesdale, Washington.

(2)  "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature, excluding NEWSPAPERS:

(a)  Which advertises for sale any merchandise, product, commodity, or thing; or

(b)  Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c)  Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rule of decency, good morals, public peace, safety and good order; Provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City, or

(d)  Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

(3)  "Highway" for the purpose of this ordinance is synonymous with and includes STREET, ROAD and alley.

(4)  "Litter" means all solid wastes including but not limited to containers, packages, wrapping, printed matter or other material thrown or deposited as herein prohibited, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

(5)  "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for LITTER inside the VEHICLE or WATERCRAFT of any PERSON.

(6)  "Litter receptacle" means those containers meeting minimum requirements of STATE REGULATIONS of the state department of ecology.

(7)  "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Postal Service of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(8)  "Non-commercial handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduce original or copies of any matter of literature not included in the aforesaid definitions of a COMMERCIAL HANDBILL or NEWSPAPER.

(9)  "Park" is a park, reservation, playground, beach, recreation center or any other area in the CITY, devoted to active or passive outdoor recreation.

(10)  "Person" is any individual, political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, or other entity, whatsoever.

(11)  "Private residence" shall mean any privately owned yard, grounds, walk, driveway, dwelling, house, building or other structure, including appurtenant porches, steps or vestibules, used or designed either wholly or in part for private residential purposes, whether single family, duplex or multiple, and whether inhabited or temporarily or continuously uninhabited or vacant.

(12)  "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

(13)  "Road" for the purpose of this ordinance is synonymous with and includes STREET, HIGHWAY and ALLEY.

(14)  "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(15)  "State regulations" means the regulations duly promulgated and adopted by the state department of ecology pursuant to Chapter 34.04. RCW and codified or prepared for codification as part of the Washington Administrative code, copies of the applicable portions of which are attached hereto as Exhibit "A" and by this reference are incorporated herein as if set forth in full.

(16)  "Street" for the purpose of this ordinance is synonymous with and includes ROAD, HIGHWAY, and alley.

(17)  "Vehicle" includes every device capable of being moved upon a public STREET and in, upon, or by which any PERSON or property is or may be transported or drawn upon a public STREET, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(18)  "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

(Ord. 338, §2; 1-7-74)

(Ord. 423, §5; 11-5-1984)

3.32.020   Litter in general.

No person shall throw, drop, deposit, discard or otherwise dispose of litter upon any street, alley, sidewalk or any other public place in the city or upon a private residence or other private property not owned by him, or in any waters within the jurisdiction of the city whether from a vehicle or otherwise except:

(1)  When such property is designated by the state or by any of its agencies or the CITY for the disposal of GARBAGE and REFUSE, and such PERSON is authorized by the proper public authority to so use such property; or

(2)  Into a LITTER RECEPTACLE or other container in such manner that the LITTER will be prevented from being carried away or deposited by the elements upon any part of said PUBLIC PLACE, PRIVATE RESIDENCE or other private property; or

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

(4)  Penalty. Any PERSON violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of the Court, such PERSON may be directed by the Court to pick up and remove from any PUBLIC PLACE or any PRIVATE RESIDENCE or other property, with permission of the legal owner or other PERSON having legal possession, upon which it is established by competent evidence that such PERSON has deposited LITTER, any and all LITTER deposited thereon by anyone prior to the date of execution of sentence.

(Ord. 338, §3; 1-7-74)

3.32.030   Placement of litter receptacles.

(1)  LITTER RECEPTACLES shall be placed in all PARKS, trailer parks in respect to the service of transient habitation, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such PUBLIC PLACES in numbers appropriate to need as specified by STATE REGULATION.

(2)  It shall be the responsibility of any PERSON owning or operating any establishment or PUBLIC PLACE in which LITTER RECEPTACLES are required by this second to procure and place and maintain such LITTER RECEPTACLES at their own expense on the premises in accord with such STATE REGULATIONS.

(3)  Penalty. Any PERSON who fails to place such LITTER RECEPTACLES on the premises in the numbers and design required by STATE REGULATION, violating the provisions of this section, shall be subject to a fine of ten dollars for each day of violation.

(Ord. 338, §4; 1-7-74)

3.32.040   Use of receptacles.

(1)  PERSON placing LITTER in LITTER RECEPTACLES shall do so in such manner as to prevent it from being carried or deposited by the elements upon any STREET, sidewalk, or other PUBLIC PLACE or upon any PRIVATE RESIDENCE or other private property.

(2)  LITTER RECEPTACLES placed on sidewalks and other PUBLIC PLACES shall be used only for such LITTER material as PERSONS may have for disposal while passing along the street or other PUBLIC PLACES and in no event shall be used for the disposal of other SOLID WASTE accumulated in residences or places of business.

(Ord. 338, §5; 1-7-74)

3.32.050   Damaging receptacles.

It shall be unlawful for any person to willfully damage or deface any litter receptacle of another person.

Penalty. Upon conviction of a violation of this section, the violator shall be subject to a fine of one hundred dollars for each such violation.

(Ord. 338, §6; 1-7-74)

3.32.060   Removal of litter.

It shall be the responsibility of the local municipality, other agency or PERSON owning or maintaining the same for the removal of LITTER from LITTER RECEPTACLES placed in PARKS, beaches, campgrounds, and other PUBLIC PLACES.

(Ord. 338, §7; 1-7-74)

3.32.070   Mandatory litter bags.

The owner and PERSON in possession of all VEHICLES or WATERCRAFT shall keep and use a LITTER BAG in said VEHICLE or WATERCRAFT at all times, which LITTER BAG shall be maintained in such VEHICLE or WATERCRAFT in a place in which the same may be viewed from the outside of such VEHICLE or WATERCRAFT whether or not said VEHICLE or WATERCRAFT is locked or otherwise secured from entry.

(Ord. 338, §8; 1-7-74)

3.32.080   Sweeping litter into gutter prohibited.

No PERSON shall sweep into or deposit in any gutter, STREET, alley or other PUBLIC PLACE the accumulation of LITTER from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

(Ord. 338, §9; 1-7-74)

3.32.090   Merchants' duty to keep sidewalks free of litter.

No PERSON owning or occupying a place of business shall sweep into or deposit in an gutter, STREET or other PUBLIC PLACE the accumulation of LITTER from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the CITY shall keep the sidewalk in front of their business premises free of LITTER.

(Ord. 338, §10; 1-7-74)

3.32.100   Owner to maintain premises free of litter.

The owner of PERSON in control of any PRIVATE RESIDENCE or other private property shall at all times maintain the premises free of litter.

(Ord. 338, §11; 1-7-74)

3.32.110   Throwing or distributing commercial handbills in public places.

No PERSON shall throw or deposit any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any sidewalk, STREET or other PUBLIC PLACE within the CITY. Nor shall any PERSON hand out or distribute or sell any COMMERCIAL HANDBILL in any PUBLIC PLACE. Provided, however, that it shall not be unlawful on any sidewalk, STREET, or other PUBLIC PLACE within the CITY for any PERSON to hand out or distribute, without charge to the receiver thereof, any NON-COMMERCIAL HANDBILL to any person willing to accept it.

(Ord. 338, §12; 1-7-74)

3.32.120   Placing commercial and non-commercial handbills on vehicles.

No PERSON shall throw or deposit any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any VEHICLE. Provided, however, that it shall not be unlawful in any PUBLIC PLACE for a PERSON to hand out or distribute without charge to the receiver thereof, a NON-COMMERCIAL HANDBILL to any occupant of a VEHICLE who is willing to accept it.

(Ord. 338, §13; 1-7-74).

3.32.130   Depositing commercial and non-commercial handbills on uninhabited or vacant property.

No PERSON shall throw or deposit any COMMERCIAL or NON-COMMERCIAL HANDBILL in or upon any PRIVATE RESIDENCE or other private property which are temporarily or continuously uninhabited or vacant.

(Ord. 338, §14; 1-7-74)

3.32.140   Prohibiting distribution of handbills where property posted.

No PERSON shall throw, deposit or distribute any COMMERCIAL or NON-COMMERCIAL HANDBILL upon any PRIVATE RESIDENCE or other private property, if requested by anyone thereon not to do so, or is there is placed on said residence or property in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of said residence or property do not desire to be molested or have their right of privacy disturbed, to have any such handbills left upon such premises.

(Ord. 338, §15; 1-7-74)

3.32.150   Distributing commercial and noncommercial handbills at inhabited private residences.

No PERSON shall throw, deposit or distribute any COMMERCIAL or NONCOMMERCIAL HANDBILL in or upon PRIVATE RESIDENCE which is inhabited, except by handing or transmitting any such HANDBILL directly to the owner, occupant, or other PERSON then present in or upon such PRIVATE RESIDENCE. Provided, however, that in case of inhabited PRIVATE RESIDENCE which is not posted, as provided in this Ordinance such person unless requested by anyone upon such residence not to do so, may place or deposit any such HANDBILL in or upon such inhabited PRIVATE RESIDENCE, if such HANDBILL is so placed or deposited as to secure or prevent such HANDBILL from being blown or drifted about such residence or sidewalks, STREETS, or other PUBLIC PLACES, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(a)  Exemption for mail and newspapers. The provisions of this Section shall not apply to the distribution of mail by the United States, nor to NEWSPAPERS except that NEWSPAPERS shall be placed on PRIVATE RESIDENCE or other private property in such a manner as to prevent their being carried or deposited by the element upon any STREET, sidewalk or other PUBLIC PLACE or upon PRIVATE RESIDENCES or other private property.

(Ord. 338, §16; 1-7-74)

3.32.160   Litter thrown by persons in vehicles.

No PERSON, while a driver or passenger in a VEHICLE, shall throw or otherwise deposit LITTER upon any STREET or other PUBLIC PLACE or upon any PRIVATE RESIDENCE or private property.

(Ord. 338, §17; 1-7-74)

3.32.170   Vehicle loading.

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

(2)  Any PERSON owning or operating a VEHICLE from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a VEHICLE or otherwise endanger travel upon such public STREET to be cleaned of all such glass or other objects and shall pay any cost therefore.

(Ord. 338, §18; 1-7-74)

3.32.180   City inspections for litter receptacles.

(1)  At such times as the fire department or other local fire control agency makes routine or other fire inspections within the CITY, it shall also be the duty of the fire department to inspect all such inspection premises to assure compliance with the requirements for placing and maintaining LITTER RECEPTACLES as required by this Ordinance. In the event violations of this Ordinance are found, members of the fire department are authorized to issue citations and the other legal process authorized in this Ordinance as in the case of police and other law enforcement personnel.

(2)  No building permit shall issue for the occupancy of any building, structure or other improvement; for new construction or modification to any existing building, structure, or other improvement for which a building permit is required, nor shall final inspection approval be given to any such building, structure or other improvement, until LITTER RECEPTACLES as herein required have been set in place on the subject property. In the event violations of this Ordinance are found, the Town Marshal is authorized to issue citations, and other legal process authorized in this Ordinance.

(Ord. 338, §19; 1-7-74) (Ord. 423, §5; 11-5-1984)

3.32.190   Enforcement officers and procedures.

Enforcement of this ordinance may be by any policy officer or other law enforcement officer fire department and building department personnel, jurisdictional health department personnel, and those public employees charged with the responsibility of operating and maintaining all PUBLIC PLACES within the provisions of this ordinance. All such enforcement officers are hereby empowered to issue citations to and/or arrest without warrant, PERSONS violating the provisions of this ordinance. said enforcement officers may serve and execute all warrants, citations, and other process issued by the courts. In addition, mailing by registered mail of such warrant, citation, or other process to the last known place of residence of the offender shall be deemed as personal service upon the PERSON charged. Nothing herein shall be construed to prohibit citizens' complaints or arrests as may be otherwise permitted under applicable state regulations, state statute, ordinance, or court rule.

(Ord. 338, §20; 1-7-74)

3.32.200   Interpretation.

In the event any other CITY ordinance, whether or not codified, is in conflict with any of the terms of Ordinance 338, the more stringent shall be constructed as applicable.

(Ord. 338, §23; 1-7-74)

3.32.210   Penalties.

Every PERSON convicted of a violation of this Chapter for which no penalty is specifically provided within the specific section violated shall be punished by a fine of not more than ten dollars for each such violation. Each day that such violation continues shall be considered a separate offense.

(Ord. 338, §24; 1-7-74)

## Chapter 3.36   TRAFFIC

Sections:

[3.36.010 Adoption by reference.](#BK_6BC18AC2B7276F4AD006985DB0CE647D)

[3.36.040 No U-turn.](#BK_1B1341014159D1F4E2E2D09346ADC7FB)

[3.36.050 Certain Left Turns Forbidden.](#BK_0BFB3329AE5A49AF9B13E2651F0BDCD9)

[3.36.060 Vehicles Not to Injure Streets.](#BK_DE454FA9D2265A704AC950E9940F182D)

[3.36.070 Animals not to Injure Streets.](#BK_E88D53570FC1707CD428AF0018EC3D0A)

[3.36.080 Council May Establish Parking, Loading, etc. Zones.](#BK_0F8FCE3D4EF22BD0FB605B5BD001E843)

[3.36.090 Certain Stopping, Parking Prohibited.](#BK_676DB251C1B05063F7547B3BC01D6985)

[3.36.100 Parallel parking required on certain streets.](#BK_3684B44D34CD249978BE99AF1DA226DB)

[3.36.110 Stopping required.](#BK_678F9D1B33785C09050E0447516D62E7)

[3.36.120 Prohibiting certain bus or truck stopping.](#BK_E5356FFE1FD5DB7FA33703A65A16EA2E)

[3.36.130 Refusal of alcohol test—Admissibility as evidence.](#BK_99FC869F832F72303648543F7C2A5EE3)

[3.36.140 Highway access.](#BK_5530216B78FB66E7B00021646A6A5AD7)

3.36.010   Adoption by reference.

The "Washington Model Traffic Ordinance," Ch. 308-330 WAC, is adopted by reference as the traffic ordinance of the town of Oakesdale as if set forth in full, provided that notwithstanding the provisions of the "Washington Model Traffic Ordinance," no violation of the "Washington Model Traffic Ordinance" shall be considered a criminal offense. A violation of the "Washington Model Traffic Ordinance" shall be punishable only by monetary penalty or by administrative action against a licensed driver pursuant to any applicable state or local law, rule or regulation.

(Ord. 524 §1, 1996: Ord. 510 §1, 1994).

3.36.040   No U-turn.

No vehicle shall be turned so as to proceed in the opposite direction other than at the intersection of two streets in the town of Oakesdale.

(Ord. 350 §1, 1976).

3.36.050   Certain Left Turns Forbidden.

It shall be unlawful for any person operating a vehicle to make a left turn therewith at any place except the intersection of two streets, streets and alleys, or streets and private driveways.

(Ord. 350, §2; 1-5-1976)

3.36.060   Vehicles Not to Injure Streets.

It shall be unlawful for any person, firm or corporation to drive, propel, draw, move, convey or transport, cause to be driven, propelled, drawn, moved, conveyed or transported upon, over, along or across Steptoe Avenue between Front Street and the bridge between Fifth and Sixth Streets and First Street between the North side of Bartlett Street and the Union Pacific Right-of-way, Second Street between Steptoe Avenue and Bartlett Street, any vehicle or object which shall have any wheels, tires, or tracks so made, constructed, formed or shaped, or so equipped with spikes, cleats, lugs or other attachments or projections, or shall be constructed of such material as to destroy or injure such streets or avenues or the surface, foundation or other part thereof.

(Ord. 259, §1; 6-23-1944)

3.36.070   Animals not to Injure Streets.

It shall be unlawful for any person, firm or corporation to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported upon, over, along or across Steptoe Avenue between Front Street and the bridge between Fifth and Sixth Streets and First Street between the North side of Bartlett Street and the Union Pacific Right-of-way, Second Street between Steptoe Avenue and Bartlett Street, any animal with hoofs, shod or so equipped with spikes, cleats, lugs, or other attachments or projections of such a nature as to destroy or injure such streets and avenue or the surface, foundation or other part thereof.

(Ord. 259, §2; 6-23-1944)

3.36.080   Council May Establish Parking, Loading, etc. Zones.

The Town Council may by resolution entered upon its minutes established loading zones, safety zones, danger zones and parking places at such locations upon the public streets as they may deem necessary and direct that the same be designated by appropriate signs or other markers.

(Ord. 232, §1; -21-1937)

3.36.090   Certain Stopping, Parking Prohibited.

No person shall stop, stand or park a vehicle on a sidewalk or parking strip; in front of a public or private driveway or within five feet of the end of a curb radius leading thereto; within intersections; within fifteen feet of a fire hydrant; on a cross walk, within twenty feet of a cross walk at an intersection; within thirty feet upon the approach of any flashing beacon, stop sign, or traffic control located at the side of the roadway; within thirty feet of the nearest rail of a railroad crossing; upon any bridge or other elevated structure or upon a highway or within a highway tunnel; within fifty feet of a driveway entrance to any fire or police station or on the side of the street opposite the entrance to any fire stations; EXCEPT when it is necessary to avoid conflict with other traffic, or in compliance with directions of a peace officer or traffic control device.

(Ord. 232 §2, 1937).

3.36.100   Parallel parking required on certain streets.

No person shall stop, stand, park a vehicle on First Street between Steptoe Avenue and Bartlett Street, or on Steptoe Avenue between First Street and Front Street, except parallel to the curb and within eighteen inches of the curb.

(Ord. 232 §3, 1937).

3.36.110   Stopping required.

The operator of every vehicle entering upon an arterial highway from any public or private highway, road, street or driveway, shall come to a full stop there when and where signs or other markers direct and shall yield the right-of-way to vehicles on such arterial highway.

(Ord. 232 §4, 1937).

3.36.120   Prohibiting certain bus or truck stopping.

The operator of a passenger bus or stage shall not stand or park his bus or stage upon any street other than at a designated bus or stage stop; and the operator of a freight truck of any class shall not stop, stand or park his truck upon Steptoe Avenue between Front and First Street, or on First Street between Steptoe Avenue and Bartlett Street except that such vehicle may temporarily stop in accordance with other stopping and parking regulations at any place for the purpose of loading or unloading freight.

(Ord. 232 §5, 1937).

3.36.130   Refusal of alcohol test—Admissibility as evidence.

R.C.W. 46.61.517, as it now exists and as it may hereafter be amended or changed, is adopted by this reference.

(Ord. 496 §1, 1993).

3.36.140   Highway access.

A.  The ordinance codified in this section is adopted to implement Chapter 47.50 RCW for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within the incorporated areas of Oakesdale.

B.  Pursuant to the requirements and authority of RCW 47.50, there is adopted by reference as if set forth here in full, the provisions of Chapter 468-51 and Chapter 468-52 of the Washington Administrative Code, together with all future amendments of these two chapters, in order to implement the requirements of Chapter 47.50 RCW.

(Ord. 501 §§1, 2, 1993).

## Chapter 3.38   RULES OF CONDUCT WITHIN TOWN HALL

[3.38.010 Rules of conduct.](#BK_43A4F837345073FCB9E04014CC0B692A)

[3.38.020 Exclusion from town hall.](#BK_D242B246DEECE793C86E45D7543896CB)

[3.38.030 Trespass.](#BK_1CD1C1CA25DFE6FD85E9DB05AE4BF456)

3.38.010   Rules of conduct.

The town council may from time-to-time adopt by resolution rules of conduct, regulating the conduct of persons within the town hall. Such rules shall be posted in a conspicuous place within the town hall. The rules shall not provide for a criminal or civil penalty; any violation of State or local law shall be punishable separately. However, anyone who violates the rules shall be subject to exclusion from the town hall as provided in Section 3.38.020, below. For the purposes of this chapter, the term "town hall" shall be the building wherein the town clerk's office is located.

(Ord. No. 613, § 1, 5-6-13)

3.38.020   Exclusion from town hall.

A.  The town, acting through its code enforcement officer or a law enforcement officer, may, by delivering an exclusion notice in person to the offender (and/or, in the case of a person under the age of eighteen, to the offender's parent, custodian, or guardian), exclude from the town hall anyone who within the town hall:

1.  Violates any rule of conduct established and adopted by the town council pursuant to Section 3.38.010, above; or

2.  Violates any provision of the Oakesdale Municipal Code or the Revised Code of Washington.

The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by the officer or upon the sort of civilian reports that would ordinarily be relied upon by a code enforcement officer or law enforcement officer in the determination of probable cause.

B.  If the offender:

1.  Has not been excluded from the town hall by an exclusion notice issued within one year prior to the violation and the current violation is not a felony violation or weapon violation, then the officer may exclude the offender from the town hall in which the current violation occurred for a period not exceeding one hundred twenty days from the date of the exclusion notice;

2.  Has been the subject of only one prior exclusion notice issued within one year prior to the current violation and neither the current nor the past violation was a felony violation or weapon violation, then the officer shall exclude the offender from the town hall for a period of three hundred sixty-five days from the date of the exclusion notice;

3.  Has been the subject of two or more prior exclusion notices issued within two years prior to the current violation, or if the current violation is a felony violation or weapon violation, then the officer shall exclude the offender from the town hall for a period of five years from the date of the exclusion notice.

C.  The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the period of exclusion. It shall be signed by the issuing officer. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

D.  Only the town council after a hearing may rescind or shorten an exclusion notice.

E.  An offender receiving an exclusion notice may seek a hearing notice before the town council to have the exclusion notice rescinded, or the period of exclusion shortened. The request for a hearing shall be delivered to the town clerk or postmarked and mailed to the town clerk no later than seven days after the issuance date of the exclusion notice. The request for hearing shall be in writing and shall be accompanied by a copy of the exclusion notice on which the hearing is sought. The hearing should occur within thirty days after the town clerk receives the request for the hearing. The town clerk shall take reasonable steps to notify the offender of the date, time, and place of the hearing.

F.  At the hearing, the offender may present testimony personally and/or by witnesses. Likewise, the town may present testimony by witnesses. The violation must be proved to a majority of the town council members present by a preponderance of the evidence in order to uphold the exclusion notice. If the exclusion notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion notice to be upheld. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The town council shall consider a sworn report or a declaration under penalty of perjury as authorized by RCW 9A.72.085, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The town council may consider information that would not be admissible under the evidence rules in a court of law but which the town council considers relevant and trustworthy.

G.  If the violation is proved, the exclusion notice shall be upheld, but upon good cause shown, the town council may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the town council shall rescind the exclusion. If the town council rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of this chapter.

H.  The decision of the town council shall be final. An offender seeking judicial review of the town council's decision must file an application for a writ of review in the Whitman County Superior Court within fourteen days of the date of that decision.

I.  The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

J.  No determination of facts made by the town council under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

K.  This section shall be enforced so as to emphasize voluntary compliance with laws and town hall rules, and so that inadvertent minor violations that would fall under subsection (B)(1) of this section can be corrected without resort to an exclusion notice.

(Ord. No. 613, § 1, 5-6-13)

3.38.030   Trespass.

It shall be unlawful for any person to enter or remain in the town hall in violation of an exclusion notice issued under the provisions of Section 3.38.020, above. Such violation shall constitute trespass.

(Ord. No. 613, § 1, 5-6-13)

## Chapter 3.40   MINOR'S CURFEW

Section:

[3.40.010 Definitions.](#BK_610D0FA298F83770C0C9C7F5A6201C23)

[3.40.020 Curfew for Minors under Age 15.](#BK_117DA0A30F12F30E6F02C24DC8DC7CA2)

[3.40.030 Curfew Imposed on Minors age 15 and over.](#BK_4FA7ACB66B20C395F4CAC2995B6FBD7E)

[3.40.040 Parents' Duties.](#BK_8C33328EA62A26E8A98A42CFCCE33CC2)

[3.40.050 Other's Loitering Proscribed.](#BK_AF438B4AE7905AB7947A161206734ACC)

[3.40.060 Time.](#BK_A18DDFB788864C27C7F8EC8C24E30A43)

3.40.010   Definitions.

a)  The term "streets" shall mean any alley, thoroughfare, pathway, or other course of travel open to the public.

b)  The term "highway" shall include any road, lane, dock, wharf, or any terminal or continuance of a roadway open to the public.

c)  The term "public" shall include, but is not limited to, places of amusement, parks, playgrounds, dance halls, and similar premises open to the public.

d)  The term "unoccupied premises or grounds" shall include all areas and premises of the town except those premises designed as dwellings or places of residence and presently occupied by such residents.

e)  The term "parent or guardian" shall mean the actual parent or legal guardian or a person that has the care, custody, or control of such minor by consent of the parent or legal guardian or by court action.

f)  Masculine gender as used in this Ordinance shall include the feminine gender and singular shall include plural.

(Ord. 303, §1; 3-7-1966)

3.40.020   Curfew for Minors under Age 15.

It shall be and it is hereby declared to be unlawful for any person under the age of fifteen (15) years to congregate or loiter on the streets, highways, in public places, or upon unoccupied premises or grounds in the town, in the night time after the hour of 10 o'clock in the afternoon (10:00 p.m.) unless such person shall be accompanied by his parent or legal guardian or is sent by his parent or guardian on some urgent business or errand which renders it necessary for him to be abroad after the hours herein mentioned. In that case, such person shall personally have with him the written consent of his parent or guardian. Nothing in this section, however, shall be interpreted as prohibiting minors from travelling over of along public streets by direct route to and from work in the regular course of streets by direct route to and from work in the regular course of employment where such occupation and employment has been approved by authorities under procedure outlined by statute and such minor has in his possession evidence of such approval.

(Ord. 303, §2; 3-7-1966)

3.40.030   Curfew Imposed on Minors age 15 and over.

It shall be unlawful for any minor of the age 15 years or over and under the age of 18 years to congregate or loiter upon the streets, highways, in public place or upon unoccupied premises or grounds in the town after the hour of 10:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays, and Sundays and after the hour of 12 midnight on Fridays and Saturday, unless such person shall be accompanied by his parent or legal guardian or is sent by his parent or guardian on some urgent business or errand which renders it necessary for him to be abroad after the hours herein mention, in which case such person shall personally have with him the written consent of his parent or guardian. PROVIDED: That nothing in this section shall be interpreted as prohibiting minors from travelling over or along public streets by direct route to and from work in the regular course of employment where such occupation and employment has been approved by authorities under procedure outlined by statute and such minor has in his possession evidence of such approval.

(Ord. 388, §1; 7-7-1981)

3.40.040   Parents' Duties.

It shall be unlawful for any parent or guardian, as defined in Section 3.40.010, wilfully or negligently, to permit a minor under the age of eighteen (18) years who is subject to his custody to violate any of the provisions of this chapter, nor shall any such parent or guardian aforesaid issue a written consent as provided in Section 3.40.020, except in cases of necessity.

(Ord. 303, §4; 3-7-1966)

3.40.050   Other's Loitering Proscribed.

It shall be unlawful for any person not the parent or guardian as defined in 3.40.010 to accompany, congregate or loiter with any minor on any public street, highway, in public places, or upon unoccupied premises or grounds in Oakesdale except by and with the express consent of the parent or guardian.

(Ord. 303, §5; 3-7-1966)

3.40.060   Time.

The hours indicated in this chapter are with reference to the standard time prevailing in Whitman County, Washington, from period to period, whether it be what is commonly accepted as Pacific Standard Time, Pacific Daylight Saving Time or Pacific War Time.

(Ord. 303, §7; 3-7-1966)

## Chapter 3.44   GRASS AND WEEDS [[1]](#BK_6E36A0D08C39D384DF8269B4942C282E)

Sections:

[3.44.010 Noxious weeds.](#BK_25BC8E2744553EBB52EC05B17911FDE7)

[3.44.020 Unlawful acts.](#BK_C9BB78E35B919993E93D527A3234469D)

[3.44.030 Duty to remove.](#BK_82EC8F38B892ECA8BF93A9C98F51C8E8)

[3.44.040 Removal—Notice.](#BK_6F1856C8DB9340A35245AD9727819E16)

[3.44.050 Town—Removal.](#BK_638E17FB0FEAA47E5E2594741E88257F)

[3.44.060 Lien.](#BK_0B4D3ED05A8DE031635686A0904E2E70)

[3.44.070 Other remedies.](#BK_485ABAEA81CA8E5F645ECF3CF378FB0E)

3.44.010   Noxious weeds.

It is declared that the following weeds designated by the State Noxious Weed Control Board and County Noxious Weed Control Board are noxious weeds:

|  |  |
| --- | --- |
| Canada Thistle  | (Cirsuim arvense)  |
| Yellow Starthistle  | (Centaurea sostitialis)  |
| Rush Skeletonweed  | (Chondrilla Juncea)  |
| Diffuse Knapweed  | (Centaurea diffusa)  |
| Russian Knapweed  | (Centaura repens/centaurea piciris)  |
| Scotch Thistle  | (Onopordum acanthium)  |
| Dalmation Toadflax  | (Linaria dalmatica)  |

(Ord. No. 588, § 1, 6-4-07)

3.44.020   Unlawful acts.

It is unlawful for any owner, lessee, or other person or entity in possession or control of any lot or land, or part thereof, within the town of Oakesdale, to:

A.  Permit or maintain on any such lot or land any unreasonable accumulation of dead weeds, dead grass, or other dead vegetation;

B.  Cause, suffer, or allow any noxious weed as designated by the Washington State Noxious Weed Control Board pursuant to RCW Chapter 17.10, as amended, to grow on any such lot or land;

C.  Permit any trees, plants, shrubs or vegetation, or parts thereof, to overhang any public sidewalk or street in such a manner as to obstruct or impair the free and full use thereof by the public; or

D.  Allow any grass or weeds to grow excessively without being regularly mowed or cut as provided in Section 3.44.030 of this chapter.

(Ord. No. 588, § 1, 6-4-07)

3.44.030   Duty to remove.

It shall be the duty of any owner, lessee, or other person or entity in possession or control of any lot or land to cut, remove, or destroy or eradicate from such property all such plants as often as may be reasonably necessary to comply with the provisions of Section 3.44.020 of this chapter. For the purposes of this section, compliance with Section 3.44.020(D) shall at a minimum mean that all growing grass and weeds must be mowed or cut at least once each month during the months of April through August, so that no such grass or growing weeds shall at any time exceed twelve inches in height.

(Ord. No. 588, § 1, 6-4-07)

3.44.040   Removal—Notice.

If the provisions of any of the foregoing sections are violated, the town marshal, public works supervisor, or town clerk shall serve a written notice either personally or by certified mail upon the owner, or if he or she cannot be located, the occupant or person having the care of or control of the premises upon which the offending conditions exist, which notice shall state:

A.  The description of the property on which the violation has occurred;

B.  The specific nature of the violation;

C.  The date by which the violating condition is to be abated, which date shall not be less than seven days after receipt by the alleged offender of such notice.

(Ord. No. 588, § 1, 6-4-07)

3.44.050   Town—Removal.

If the weeds are not removed, cut down or otherwise destroyed or eradicated within the time specified in the notice, the town council shall, prior to any further action being taken by the town, adopt a resolution authorizing the town public works supervisor to cause the same be cut down or otherwise destroyed in the manner specified in the notice after which the town public works supervisor shall proceed in the manner authorized.

(Ord. No. 588, § 1, 6-4-07)

3.44.060   Lien.

The town marshal or town clerk shall keep an accurate account of expenses incurred by him in carrying out the provisions of this chapter with respect to each parcel of land entered upon. The owner of the tract of land shall have a lien placed upon his or her parcel of land for unpaid charges incurred as above, which lien shall be effective without the necessity of any writing or recording. The lien may be foreclosed in an action in the Superior Court.

(Ord. No. 588, § 1, 6-4-07)

3.44.070   Other remedies.

In addition to the remedies outlined in Sections 3.44.040 through 3.44.060, the town may enforce this chapter and control grass and weeds by any other means authorized by law. Such other means shall include contracting with Whitman County and/or the Whitman County Noxious Weed Board to exercise the authority outlined in RCW Chapter 17.10. Such other means shall also include requesting the Whitman County Noxious Weed Board to proceed under RCW Chapter 17.10, and/or the issuance of citations for the violation of this chapter.

(Ord. No. 588, § 1, 6-4-07)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 588, § 1, adopted June 4, 2007, amended Chapter 3.44 in its entirety to read as herein set out. Former Chapter 3.44, §§ 3.44.010—3.44.060, pertained to noxious weeds, and derived from Ord. No. 395 and Ord. No. 463, 1988. [(Back)](#BK_4B48B31FBEA46D3C9AAF171978070ABC)

## Chapter 3.48   FIRES

Sections:

[3.48.010 Reserved.](#BK_0E72A7276FEE90F369608C4B9020C2C0)

[3.48.020 Nuisance defined.](#BK_702B093F93F6ACB67635A56BA9BA90AE)

[3.48.030 Burning of garbage prohibited.](#BK_2D190CBF3DAE5C90BD5EF349B7987AAE)

[3.48.040 Times for burning.](#BK_C95F631956305B7AD04E403DF4FDE2F1)

[3.48.050 Demolition burning.](#BK_A7DDC4EB24FFB7528A8EFA8F70104BF7)

[3.48.060 Violations—Penalty.](#BK_21757CFA4665F75A0B4CD09D7489F183)

3.48.010   Reserved.

**Editor's note—** Ord. No. 593, § 1, adopted December 15, 2008, repealed § 3.48.010, which pertained to prohibited open fires and derived from Ord. No. 288, 1958 and Ord. No. 489, 1992.

3.48.020   Nuisance defined.

As used in this chapter, a "nuisance" shall be any burning or smoking which directly impacts another person in such a manner as to be bothersome, harmful, or offensive to that other person.

(Ord. 433 §1, 1985).

3.48.030   Burning of garbage prohibited.

A.  As used in this section, the word "garbage" means all decomposable animal or vegetable wastes, including carcasses of dead animals; plastic materials, and metal containers.

B.  No person shall kindle or maintain any fire or otherwise burn garbage.

(Ord. 459 §1, 1987).

3.48.040   Times for burning.

Any outdoor burning, whether in a receptacle or container or otherwise permit-ted by state law or by ordinance of the town, shall be carried out at the following times:

A.  During the months of July, August and September:

1.  There will be no outdoor burning.

B.  During the months of January through June and October through December:

1.  There will be open burning allowed only Monday through Saturday. No burning will be allowed on Sundays and legal holidays.

2.  Open burning will be allowed only after seven-thirty a.m.

3.  All fires must be totally extinguished by four p.m.

(Ord. 555 §1, 2001; Ord. 522 §1, 1996; Ord. 489 §1, 1992: Ord. 459 §2, 1987).

3.48.050   Demolition burning.

Upon application to the town council, the town council may issue a permit waiving the provisions of this chapter for the purpose of demolition burning, tree burning, or for other special burning situation(s).

(Ord. 461 §1, 1988).

3.48.060   Violations—Penalty.

Any person convicted of a violation of this chapter shall be required to pay a fine of one hundred dollars. For the purposes of this section, each day in violation of any part of this chapter shall be considered a separate violation, subject to the mandatory fine herein provided.

(Ord. No. 582, § 1, 8-7-06)

## Chapter 3.48A   OUTDOOR BURNING

Sections:

[3.48A.010 Applicability.](#BK_A7A866BDB02291D6B7356FF319000D25)

[3.48A.020 Definitions.](#BK_281A38F96EC653D181431000D17E3681)

[3.48A.030 Outdoor burning prohibited—Exceptions.](#BK_A923C33D79636B3D563817189657F067)

[3.48A.040 Burn times.](#BK_4E1AA322FBEA15E2A95C64B2C074E96E)

[3.48A.050 Permits for ceremonial, religious, or celebratory fires.](#BK_53E9C7245FCAC45DFC0E43860CD4459D)

[3.48A.060 Fire suppression training fires.](#BK_3B72CF8B2764AA75A885C3D125CC36C4)

[3.48A.070 Unlawful to leave fire unattended.](#BK_31F1C2A60F8C8E745B884769ECCC1685)

[3.48A.080 Responsible party.](#BK_27A691E623018976A34CD5FED986E4E8)

[3.48A.090 Right of entry.](#BK_E5267551B6E72C0EF911028D2D7B97D0)

[3.48A.100 Violations—Right to extinguish fire—Penalty.](#BK_27AE7EF8B02ACC3F4126E1A9C52FBEB1)

3.48A.010   Applicability.

This chapter shall apply to all outdoor burning within the town of Oakesdale except the following, specific types of fires:

A.  Fires for grilling, cooking, or smoking food which are contained within an appliance or device using charcoal, wood, or combustible gas for fuel; and

B.  Kerosene, gasoline, propane or other gas-fueled fires emitted from a torch, burner manifold, or similar device intended for heating, construction, or maintenance purposes.

(Ord. No. 593, § 2, 12-15-08)

3.48A.020   Definitions.

The following terms shall have the following meanings when used in this chapter:

"Campfire" means a small, outdoor fire not larger than four feet in diameter, and two feet tall, intended and used only for recreation or cooking purposes.

"Ceremonial, religious or celebratory fire" means an outdoor fire associated with religious ceremony or ritual, or an organized school or civic celebration.

"Fire chief" means the duly elected or appointed chief of the Oakesdale fire department or, in absence of a town fire department, the mayor or the mayor's designee.

"Open fire" means a fire not contained within an enclosure equipped with vents to control draft and a chimney to vent smoke from the fire.

"Outdoor burning" or "outdoor fire" means an open fire maintained outdoors, in the open atmosphere.

"Virgin wood" means any seasoned, natural unpainted and untreated wood that has not been processed other than by cutting to size and shape or compressed specifically for use as fuel for fireplaces and stoves (plywood, osb panels, hardboard, glued and laminated wood products, and glue impregnated wood or sawdust panels are examples of wood that has been processed).

(Ord. No. 593, § 2, 12-15-08)

3.48A.030   Outdoor burning prohibited—Exceptions.

All outdoor burning and outdoor fires within the town of Oakesdale shall be unlawful, excepting the following, specific types of outdoor fires:

A.  Campfires using only virgin wood for fuel (paper may be used to start the campfire);

B.  Ceremonial, religious, or celebratory fires using only virgin wood for fuel, provided no such fire larger than a campfire shall be allowed without a valid permit issued under the provisions of this chapter (paper may be used to start a ceremonial, religious, or celebratory fire);

C.  Fires conducted by the Oakesdale fire department (or, in absence of an Oakesdale fire department, the fire department or agency charged with the responsibility to suppress fires within the town of Oakesdale);

D.  Agricultural burns authorized under a valid agricultural burn permit issued by the Washington State Department of Ecology, conducted in accordance with the provisions of this chapter and the laws of the State of Washington; and

E.  Outdoor fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by property owner or his or her designee in piles not larger than four feet by four feet by three feet. Only one pile at a time may be burned and a person of suitable age and discretion capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.

(Ord. No. 593, § 2, 12-15-08; Ord. No. 597, § 1, 2-2-09)

3.48A.040   Burn times.

Unless specifically authorized by permit, no outdoor burning authorized under this chapter shall be conducted on Sunday, or anytime before seven thirty a.m. or after four p.m. on Monday through Saturday.

(Ord. No. 593, § 2, 12-15-08)

3.48A.050   Permits for ceremonial, religious, or celebratory fires.

No ceremonial, religious, or celebratory fire larger than a campfire shall be allowed without a valid permit, therefore, issued by the fire chief (or by the fire chief's authorized deputy in the fire chief's absence). The application shall be in a form prescribed by the fire chief, stating the applicant's name and address, the purpose of the fire, and the time, place, and duration of the proposed fire. The fire chief (or authorized deputy, as the case may be) may impose conditions upon the proposed fire to minimize the risk of an uncontrolled fire, smoke, or other situation which may have an adverse impact on the health or safety of neighbors or residents of the town of Oakesdale. As an additional condition of the permit, the fire chief may require the applicant to provide reasonable notice of the time and place of the fire to the general public and/or persons who may be adversely impacted by smoke from the fire. The fire chief may also deny a permit during periods of extreme fire danger resulting from dry or adverse weather conditions, or due to fire suppression equipment and/or personnel shortages within the town of Oakesdale.

(Ord. No. 593, § 2, 12-15-08)

3.48A.060   Fire suppression training fires.

All open burning conducted by the Oakesdale fire department (or, in the absence of an Oakesdale fire department, the fire department or agency charged with the responsibility to suppress fires within the town of Oakesdale) for fire suppression training purposes shall comply with the following requirements:

A.  The burn must be exclusively for fire suppression training; in no event shall the fire be used as a means of disposing of waste, debris, or hazardous materials.

B.  All households within one thousand feet of the proposed burn site shall be notified in writing at least forty-eight hours before the burn of the date, time, purpose of the burn, and expected duration of the burn. The notice may be delivered in person to a household and left with an occupant therein of suitable age and discretion, or it can be mailed. In addition, copies of the notice shall be posted in three public areas within the city (for example, at city hall, public library, and on the Heritage Park bulletin board).

C.  All fire suppression training associated with the burn shall be conducted in accordance with guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

(Ord. No. 593, § 2, 12-15-08)

3.48A.070   Unlawful to leave fire unattended.

It shall be unlawful to leave any outdoor or open fire unattended. A responsible person capable of extinguishing the fire must attend to it at all times until extinguished. When extinguished, the fire must be cold to the touch and emit no smoke before it can lawfully be left unattended.

(Ord. No. 593, § 2, 12-15-08)

3.48A.080   Responsible party.

Any person who initiates and/or conducts any kind or type of outdoor fire shall be fully responsible for all fire suppression costs incurred to control, suppress, and/or extinguish the fire.

(Ord. No. 593, § 2, 12-15-08)

3.48A.090   Right of entry.

Any law enforcement officer of the town of Oakesdale or the fire chief (or authorized representative of the fire chief) shall have the right to enter onto any private property within the town of Oakesdale upon which an outdoor fire is burning, for the purposes of inspecting the property, to ascertain whether the fire is in compliance with the provisions of this chapter; provided, this right to inspect shall not be considered a duty to inspect.

(Ord. No. 593, § 2, 12-15-08)

3.48A.100   Violations—Right to extinguish fire—Penalty.

The fire chief or, in the chief's absence, the chief's authorized subordinate, shall have full authority to direct such members of the fire department as may be needed to enter onto any property where a fire is burning in violation of this chapter and extinguish the fire. Any person violating this chapter shall be fined in accordance with the following schedule:

|  |  |  |
| --- | --- | --- |
|  | Minimum  | Maximum  |
| First offense within a 3-year period  | $75.00  | $500.00  |
| Second offense within a 3-year period  | 150.00  | 500.00  |
| Third offense within a 3-year period  | 325.00  | 500.00  |
| Fourth offense within a 3-year period  | 500.00  | 500.00  |

(Ord. No. 593, § 2, 12-15-08)

## Chapter 3.52   PRIVIES AND SEPTIC TANKS [[2]](#BK_B36DC44D810A600351FC0965B6BF015A)

Sections:

[3.52.010 Sewage system required.](#BK_BCFC02C26EABC4DACAFCF331846E8513)

[3.52.020 Connection to Town Sewer Required.](#BK_68482330B7DCB9996E4B1DE6A9F314F2)

[3.52.030 Alternative to Town Sewer Connection.](#BK_3CDFD66B8F0C3674C33B097EEB410233)

[3.52.040 Public Toilet Facilities.](#BK_737DBEED6A0EF275D8AD0A0B102F8ADE)

[3.52.050 Older Privies, etc., Declared Nuisance.](#BK_81874084C47FD298A00615E2720AA4AD)

[3.52.060 County Health Officers to Enforce.](#BK_C2C11CD7DED2B9D5515384AAC927001B)

3.52.010   Sewage system required.

It shall be unlawful to maintain, or use, any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of human excreta, either by a flush toilet connected with a sewerage system, approved by the state health department, or a privy which meets the requirements of construction and maintenance hereinafter described.

(Ord. 237, §2; 7-11-1938)

3.52.020   Connection to Town Sewer Required.

a)  Every building where persons reside, congregate, or are employed which abuts a street or alley in which there is a public sanitary sewer, or which is within 200 feet of a public sanitary sewer, shall be connected to the sewer, by the owner of agent of the premises, in the most direct manner possible, and with a separate connection for each home or building.

b)  Each connection and each fixture emptying through the connection shall be installed in the manner prescribed by the plumbing code of the Town of Oakesdale, Washington.

(Ord. 237, §3; 7-11-1938)

3.52.030   Alternative to Town Sewer Connection.

Every residence, place of business, or other building or place where persons congregate, reside, or are employed, and which does not abut a street or alley in which there is a public sanitary sewer, or which is not within 200 feet of a public sanitary sewer, shall be provided with a private water-flush toilet, or a privy, by the owner or agent of the premises; said water-flush toilet system, or privy, to be built or rebuilt, constructed, and maintained in such manner as to met the requirements of construction and maintenance hereinafter described.

A.  Private Sewer Systems:

1.  At any residence, place of business, or other building where there is installed a water-flush system of excreta disposal which is not connected to a public sewer system approved by the State Department of Health, and where the customary users do not exceed 10 in number, there shall also be established or installed a private sewage-disposal plant, said disposal plant to consist of a septic tank and a system of underground drains for the disposal of the tank effluent. Said tank and drains shall be so constructed as to meet the requirements of construction and maintenance hereinafter described.

a)  Septic tanks—The sizes of septic tanks shall be as follows:

|  |  |
| --- | --- |
| Minimum size  | 60 cubic feet  |
| Serving 8 persons  | 70 cubic feet  |
| Serving 10 persons  | 80 cubic feet  |

Septic tanks shall have a covered manhole or removable slab or sufficient size to allow the cleaning of the tank.

b)  Drains—Sufficient open-pointed drain shall be provided and the construction shall be such that sewage shall at no time flow over the top of the ground. Thirty feet of drain per person shall be recognized as a minimum.

c)  Trenches—Drain-line trenches shall be 2 feet in width and 2 feet in depth. The drain lines shall be laid on a 6-inch bed of crushed stone or clean gravel covering the full width of the trench and mounded up over the top of the tile. The drain line shall have a uniform grade of one half inch fall in ten feet. The backfilling of the trench should provide an earth covering of not less than six inches nor more than twenty-four inches for the tile at all points.

(Ord. 237, 4; 7-11-1938)

2.  At any residence, place of business, or other building where there is installed a water-flush system of excreta disposal which is not connected to a public sewer approved by the State Department of Health, and where the customary users exceed 10 in number, there shall also be established or installed a private sewage-disposal plant, the plans and construction of which, in each separate case, shall be approved by the State Health Department.

Each fixture connected to any private sewage-disposal plant, and all piping and appurtenances thereto, shall be installed as prescribed by the plumbing code of the Town of Oakesdale, Washington.

(Ord. 237, §4; 7-11-1938)

B.  Pit Privy

1.  Where at any time there shall be established or installed a pit privy, said pit privy shall be so constructed, built, or rebuilt that:

a)  The excreta deposited therein shall not fall upon the surface of the ground but shall enter into a vault or pit in the ground or a compartment built for that purpose.

b)  The contents of said vault shall be at all times inaccessible to flies, mosquitoes, fowls, or small animals.

c)  The pit, vault, or compartment, together with the floor, riser, seat, and other portions of the building shall, as a unit, prevent the entrance of either rain or surface water into the pit below and the floors shall be of concrete or other equally impervious material.

d)  The privy vault shall not be constructed or maintained within 20 feet of any residence or dwelling house or within 5 feet of any property line. Such privy, or privy vault shall be maintained in good repair, in flyproof, sanitary condition and shall be regularly disinfected. If any privy, or privy vault becomes foul or offensive, or becomes filled to a point within 2 feet of the top of the vault, then the owner shall cause a new one to be constructed if the same is deemed necessary by the City Health Officer and/or County Health Officer.

2.  There shall be deemed to be compliance with the requirements of the above portion of part B.1., when the installation conforms with the requirements of the State Department of Health for the Standard Sanitary Privy.

(Ord. 237, §4; 7-11-1938)

3.52.040   Public Toilet Facilities.

No person shall erect, construct, or maintain a toilet which is used by employees or offered to the public for service that is not provided with separate compartments for men and women. Such toilets must be provided with impervious floors, made of cement, or tile laid in cement, or other non-absorbent material, which can be flushed and cleaned with water. All floors, walls, ceilings, lavatories, urinals and bowls shall be free from the accumulation of any dirt, filth, or corrosion. All lavatories shall have soap available at all times, with a receptacle for their disposal. Every toilet shall be provided with toilet paper.

(Ord. 237, §5; 7-11-1938)

3.52.050   Older Privies, etc., Declared Nuisance.

Any privy or private sewer existing or being maintained which does not conform to the requirements of this ordinance, shall be, and is hereby, declared a nuisance, dangerous, and a menace to the public health, and the Town shall have the power and the authority to abate any such nuisance in accordance with law.

(Ord. 237, §6; 7-11-1938)

3.52.060   County Health Officers to Enforce.

It shall be the duty of the city and or county or both health officers to enforce the provisions of this ordinance, and in the performance of this duty the health officer or his duly authorized agent is hereby authorized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this ordinance.

(Ord. 237, §7; 7-11-1938)

FOOTNOTE(S):

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\*Compiler's Note: See also Chapter 3.24, Nuisance—Miscellaneous [(Back)](#BK_CDCC60A9195B49A582D1DACFFD8DAD0D)

## Chapter 3.56   MISCELLANEOUS REGULATIONS

Sections:

[3.56.010 Posting Advertisements Proscribed.](#BK_9DDCB5D5E62B204BB3D6E67D3D11C373)

[3.56.020 Cutting Poles Proscribed.](#BK_672ABCCFDA9F88E0956660CB30E18C26)

3.56.010   Posting Advertisements Proscribed.

It shall be unlawful for any person, persons, company or corporation to post, in any manner, any bills or advertising of any nature on any telephone, telegraph, or electric pole in the Town.

(Ord. 416, §1; 8-6-1984)

3.56.020   Cutting Poles Proscribed.

It shall be unlawful for any person, persons, company or corporation to cut or mutilate any telephone, telegraph, or electric pole not owned by such person, persons, company or corporation in the Town.

(Ord. 416, §2; 8-6-1984)

## Chapter 3.60   FIREWORKS

Sections:

[3.60.010 Fireworks—Definition.](#BK_F35526ABEEC6FC73F4477E5EE88CD5CA)

[3.60.020 Sale of fireworks proscribed.](#BK_B793F85A1C1A177747CD5DABB5B599D0)

[3.60.030 Use of fireworks proscribed.](#BK_5C0B85FAEABAD43F674E476F22DC910C)

[3.60.040 Fireworks in certain places proscribed.](#BK_32DBBAE44EDD977C3CD8F882B197EDD0)

3.60.010   Fireworks—Definition.

The term "fireworks," as used in this Chapter shall be as defined in RCW 70.77.126 as that section now exists or as it may hereafter be amended.

(Ord. 424, §1; 11-5-1984)

3.60.020   Sale of fireworks proscribed.

No person, firm or corporation shall sell, or display for sale, fireworks, except upon July third, fourth, and fifth of each calendar year.

(Ord. 424, §2; 11-5-1984)

3.60.030   Use of fireworks proscribed.

No person, firm or corporation shall explode, shoot, use, or otherwise discharge fireworks within the Town of Oakesdale, except between the hours of eight a.m. and twelve midnight upon July third, fourth, and fifth of each calendar year.

(Ord. 424, §3; 11-5-1984)

(Ord. No. 634, § 1, 12-17-2018)

3.60.040   Fireworks in certain places proscribed.

It shall be unlawful to use, set off or explode fireworks within 150 feet of any gasoline service station or gasoline storage facilities or within the fire limits or the City Park of the Town.

(Ord. 292, §3; 11-7-1960)

## Chapter 3.64   PENAL CODE

Sections:

[3.64.010 Drunk and disorderly conduct prohibited.](#BK_57363CBD89E6458191AC6FFF79E38A74)

[3.64.020 Climbing on trains prohibited.](#BK_012651A7C8870E89FDAA3E340A1847CB)

[3.64.030 Slot machines prohibited.](#BK_3C77F84A4E964439F035CBF67CEC1590)

[3.64.040 Bicycle riding on certain sidewalks prohibited.](#BK_7BF61A345FAE9B6B79D16112C9A073F0)

[3.64.050 Impersonating policeman prohibited.](#BK_A48694C60B244E58B049DDAC6E42A5E4)

[3.64.060 Cruelty to animals prohibited.](#BK_A6AC21D92F62B78E6A216941943E509A)

[3.64.070 Gambling games prohibited.](#BK_C4CF07FF4639BA1DCBC7FBCCC9E5691B)

[3.64.080 Riots prohibited.](#BK_89FE4C538A3B9431875BB726EA8F4647)

[3.64.090 Disturbing religious gatherings prohibited.](#BK_67B84B08F7D3FF7F0509E4F4C4015CAE)

[3.64.100 Concealed weapons prohibited.](#BK_67C57D371F0178C11A1E11B74A6E8FC5)

[3.64.110 Defacing street signs prohibited.](#BK_C59BB0178FB1F79ACF407B251511D6FD)

[3.64.120 Transport of firearms in motor vehicles.](#BK_C3EAE5E239558F7158E8E8C79277D564)

3.64.010   Drunk and disorderly conduct prohibited.

It is unlawful for any person or persons to be drunk, or drunk and disorderly, or disorderly in any manner in or upon any public highway, street or alley or in any public place in the town.

(Ord. 139 §1, 1912).

3.64.020   Climbing on trains prohibited.

Any person or persons are prohibited from getting upon the platforms of any passenger coach or coaches or climbing upon or getting into any freight car or cars or climbing into the cab or tender of any railway engine within the town, for amusement or curiosity, or for riding a short distance, and jumping off any passenger coach or coaches or freight car or cars or cab or the tender of any railway engine. Provided, however, that this section shall not apply to any person or persons provided with transportation, or any persons who may have important business with any passenger or passengers aboard any train, or who may be meeting friends or relatives, or whose friends or relatives may be departing upon any trains from the said town, and provided further that this section shall not apply to railroad employees in the actual present employment of the railroad company.

(Ord. 96 §1, 1901).

3.64.030   Slot machines prohibited.

No person, firm or corporation shall keep for use in his, their or its place of business in the town, whether such person be the owner of the business or one in charge of the business for the owner, any nickel-in-the-slot machine, the proceeds whereof are payable to the customer in merchandise, credit or cash.

(Ord. 95 §1, 1901).

3.64.040   Bicycle riding on certain sidewalks prohibited.

It is unlawful for any person to ride a bicycle on any sidewalk in the town within the following described limits: Commencing on the north side of Bartlett Street at the junction of Front Street, running thence west to the west side of Third Street, thence south to the Oregon Railway and Navigation Company's right-of-way, thence east along said right-of-way to Front Street, thence north to place of beginning.

(Ord. 83 §1, 1898).

3.64.050   Impersonating policeman prohibited.

It is unlawful for any person or persons to impersonate a policeman or marshal by wearing a star, badge or any other insignia of such officers.

(Ord. 73 §1, 1894).

3.64.060   Cruelty to animals prohibited.

It is unlawful for any persons or persons to inhumanly, unnecessarily or cruelly, beat or injure, leave tied up exposed to the weather or otherwise cruelly or unnecessarily abuse any domestic animal within the town.

(Ord. 73 §2, 1894).

3.64.070   Gambling games prohibited.

It is unlawful for any person or persons to deal, carry on or open or cause to be dealt, carried on or opened, or to conduct either as owner or employee whether for hire or otherwise, any game of faro monte rounde, roulette, stud-poker, craps, draw-poker or any other game played with cards, dice or any other device for money, checks, credits or other representations of value in the town.

(Ord. 73 §4, 1894).

3.64.080   Riots prohibited.

It is unlawful for any person or persons to commit, make or assist in making any rout, riot or unlawful assembly, or assault and battery, or other breach of the peace within the town.

(Ord. 73 §7, 1894).

3.64.090   Disturbing religious gatherings prohibited.

No person within the town shall disturb any congregation met for religious worship, or other lawful purpose, by rude, boisterous or indecent behavior within their place of worship or meeting or so near the same as to disturb the order or proceedings.

(Ord. 73 §8, 1894).

3.64.100   Concealed weapons prohibited.

It is unlawful for any person to carry concealed upon or about his person any dangerous or deadly weapon within the town.

(Ord. 73 §10, 1894).

3.64.110   Defacing street signs prohibited.

A.  It is unlawful for any person or persons acting without proper authority from the town of Oakesdale to wilfully remove, relocate, reposition, destroy, deface or damage any street sign located within the town of Oakesdale.

B.  Any person convicted of violating this section shall be guilty of misdemeanor, and shall be fined two hundred fifty dollars for each separate violation of this section. No portion of the fine shall be suspended. For the purposes of this subsection, each sign removed, relocated, repositioned, destroyed, defaced, or damaged in violation of this section shall be considered a separate violation of this section.

(Ord. 509 §§1, 2, 1994).

3.64.120   Transport of firearms in motor vehicles.

Under authority of Section 405(6), Chapter 7, Laws of the State of Washington, 1994 1st Extraordinary session, is amending RCW 9.41.050, the town of Oakesdale shall exempt Section 405(4), Chapter 7, Laws of the State of Washington, 1994 Extraordinary session, to be codified as RCW 9.41.050(4), as now or hereafter amended, from enforcement or application within the town of Oakesdale.

(Ord. 512 §1, 1994).

## Chapter 3.68   ALCOHOLIC BEVERAGES

Sections:

[3.68.010 Alcoholic beverages.](#BK_54DC8CD3DD8018F9C8D1A1770C49B00E)

3.68.010   Alcoholic beverages.

The following statutes, as they now exist or as they may hereafter be amended, are adopted by reference:

A.  RCW 66.44.100 (opening and consuming liquor in public);

B.  RCW 66.44.200 (sales to persons apparently under the influence of liquor);

C.  RCW 66.44.270 (furnishing liquor to minors; minor in possession);

D.  RCW 66.04.010 and 66.04.011 (definitions);

E.  RCW 66.44.290 (minors purchasing liquor);

F.  RCW 66.44.320 (sales to minors prohibited);

G.  RCW 46.61.519 (open containers in vehicles prohibited).

(Ord. 430 §1, 1985).

## Chapter 3.72   RESIDENTIAL CARE FACILITIES

Sections:

[3.72.010 Purpose.](#BK_F7102F2CC5AD85E6B0BDC726FE691CD9)

[3.72.020 Definitions.](#BK_AB09BF61033534EB07B494789B7CC8D5)

[3.72.030 Housing for people with functional disabilities.](#BK_EA984062A7C5841D95EDDFDA26F80988)

[3.72.040 Resolution of conflicting provisions.](#BK_03D508511E2509FA3B40D34BA3A0E258)

3.72.010   Purpose.

The council finds that housing facilities for special needs populations is protected under provisions of the Federal Fair Housing Amendments Act of 1988. Location of such facilities within the town is critical to the well-being of special needs members of the community and fulfills a needed community service. Further, it is the purpose of this chapter to facilitate the siting of residential care facilities and adult family homes in the town.

(Ord. 479 §1, 1991).

3.72.020   Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

A.  "Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for my law (RCW 70.128.010). Adult family homes are a permitted use in all areas zoned for residential use (RCW 70.128.175).

B.  "Family" means an individual or two or more persons related by blood or marriage, or two or more persons with functional disabilities as defined in this chapter, or a group of not more than six unrelated persons, living together to share a single household unit.

C.  "People with functional disabilities" means:

1.  A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

a.  Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or

b.  Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or

c.  Having a physical or mental impairment which substantially limits one or more of such person's major life activities, or

d.  Having a record of having such an impairment; or

2.  Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

D.  "Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as defined in this chapter.

E.  "Residential care facility" means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175 (as it now exists or as it may hereafter be amended).

F.  "Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

(Ord. 479 §2, 1991).

3.72.030   Housing for people with functional disabilities.

A.  Housing for people with functional disabilities, as defined in this chapter, which meets the applicable Washington State licensing requirements, shall be considered a residential use of property for zoning purposes. They shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. Chapters 4.12, 4.16, 4.20 and 4.24 of this code are amended to include housing for people with functional disabilities as a permitted use.

B.  For the purposes of this chapter, the conversion of an existing residential structure to housing for people with functional disabilities shall not be deemed a change of use or an abandonment or discontinuity of the prior use of the structure, if such structure constituted a prior nonconforming use.

(Ord. 479 §3, 1991).

3.72.040   Resolution of conflicting provisions.

In the event of conflict between the ordinance codified in this chapter and any other ordinance or zoning provision for the town, the provisions of the ordinance codified in this chapter shall prevail.

(Ord. 479 §4, 1991).

## Chapter 3.76   CROSS-CONNECTIONS

Sections:

[3.76.010 Purpose.](#BK_6C15BDE2A458FE732A502DC9A269F47A)

[3.76.020 Definitions.](#BK_546A8E1593762AB044585AB176FD04F7)

[3.76.030 Cross-connection regulation.](#BK_02A96F23C391D0B0E381E34A5BB3717C)

[3.76.040 Backflow prevention device requirement.](#BK_A357B9CD0160B2683797FDD0C67527EA)

[3.76.050 Installation requirements.](#BK_67C21D613CC259A4837AC28D8D208F9B)

[3.76.060 Access to premises.](#BK_0C1133F022D917D80CAC731C9D55CDBC)

[3.76.070 Annual testing and repairs.](#BK_43AB1DFAB8CD4E7DFE6AF11F92BFA073)

[3.76.080 Costs of compliance.](#BK_16026B02223472B26F1CB89B3036DACD)

[3.76.090 Termination of service.](#BK_D8B372631EAA47C5C1D2CED184265C09)

[3.76.100 Appendix A.](#BK_3C0553744AF734A162714AACDBF6FC06)

3.76.010   Purpose.

The purpose of these regulations is to protect the water supply of the town of Oakesdale from contamination or pollution due to any existing or potential cross-connection.

(Ord. 502 §2, 1993).

3.76.020   Definitions.

The following terms shall have the following meanings when used in this chapter:

"Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Washington State Board of Health, or by its successor state agency.

"Auxiliary supply" means any water source or system other than the public water system, that may be available to a building or on the premises.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the town of Oakesdale's water.

"Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

"Cross-connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other nondrinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.

"Degree of hazard" means the danger derived from the evaluation of a health, system, plumbing or pollutional hazard.

"Director" means the director of public works of the town of Oakesdale water department or his/her authorized agent.

"District" or "the district" means the town of Oakesdale water system.

"Health hazard" means an actual or potential threat of contamination or physical or toxic nature to the public potable water system or the consumer's potable water system that would be in danger to health.

"Plumbing hazard" means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, washtrays, domestic wasting machines and lawn sprinkling systems. Plumbing-type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

"Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

"Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

"Premises" means any place or land to which water is provided including all improvements, mobile home(s) and structures located on it.

"Reduced pressure principle device" means an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first valve. The device shall include properly located test cocks and tightly closing shutoff valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Washington State Board of Health, or its successor state agency.

"System hazard" means an actual or potential threat to the physical properties of the public or consumer's potable water system or a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

(Ord. 502 §1, 1993).

3.76.030   Cross-connection regulation.

No cross-connection shall be created, installed, used or maintained within the territory served by the town of Oakesdale water system, except in accordance with these regulations.

(Ord. 502 §3, 1993).

3.76.040   Backflow prevention device requirement.

Approved backflow prevention devices shall be installed at the expense of the user, either at the service connection or within the premises, as determined by a certified cross-connection inspector employed by the town of Oakesdale whenever any one or more of the following exists:

A.  The nature and extent of any activity on the premises, or the materials used in connection with any activity of the premises, or material stored on the premises, could contaminate or pollute the drinking water supply;

B.  Premises having any one or more cross-connections as that term is defined in Section 3.76.020 are identified or are present;

C.  Internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections are present;

D.  There is a repeated history of cross-connections being established or re-established;

E.  There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist;

F.  Materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result;

G.  Any mobile apparatus which uses town water or water from any premises within the town of Oakesdale water system;

H.  Installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified cross-connection specialist employed by the town of Oakesdale;

I.  An appropriate cross-connection report form has not been filed with the town of Oakesdale;

J.  A fire sprinkler system using nonpotable piping material is connected to the town's water system;

K.  All residential properties occupied by persons other than the property owner shall install an approved backflow prevention device, or the property owner shall assume all responsibility for any backflow that should occur.

(Ord. 502 §4, 1993).

3.76.050   Installation requirements.

To ensure proper operation and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these devices:

A.  No part of the backflow prevention device shall be submerged in water or be installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

B.  Devices must be installed at the point of use and/or point of delivery of the water supply. Alternate locations must be approved in writing by the town of Oakesdale prior to installation.

C.  The device must be protected from freezing and other severe weather conditions.

D.  All backflow device prevention assemblies shall be of a type and model approved by the Washington State Board of Health, or its successor state agency, and the town of Oakesdale.

E.  The device shall be readily accessible with adequate room for maintenance and testing. Devices two inches and smaller shall have at least six inches clearance on all sides of the device. All devices larger than two inches shall have a minimum clearance of twelve inches on the back side, twenty-four inches on the test cock side, twelve inches below the device and thirty-six inches above the device. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward (see Appendix A).

F.  The property owner assumes all responsibility for all maintenance and testing of the device, as determined and required by the town of Oakesdale.

G.  Town of Oakesdale or its representative must have access to all devices during regular working hours of eight a.m. to five p.m., Monday through Friday.

H.  If a device is installed inside of the premises and is four inches or larger and is installed four feet above the floor, it must be equipped with a rigidly and permanently installed scaffolding acceptable to the town of Oakesdale. This installation must meet all the requirements set out by the U.S. Occupational Safety and Health Administration and the State of Washington Occupational Safety Health Codes.

I.  Reduced pressure devices may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type of drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

J.  An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.

K.  Upon completion of installation, the town shall be notified and all devices must be inspected and tested. All backflow devices must be registered with the town. Registration shall consist of date of installation, make, model, serial number of the backflow device, and initial test report.

L.  Any water pressure drop caused by the installation of a backflow device is not the responsibility of the town of Oakesdale.

M.  All new construction shall install an approved backflow device at the service connection.

(Ord. 502 §5, 1993).

3.76.060   Access to premises.

Authorized employees of the town of Oakesdale shall have access during reasonable hours to all parts of the premises relevant to water supply and within the building to which water is supplied. However, if any water user refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross-connection specialist appointed by the town, a reduced pressure principle device will be required to be installed at the service connection to that premises.

(Ord. 502 §6, 1993).

3.76.070   Annual testing and repairs.

All backflow devices within the territory served by the town water system shall be tested immediately upon installation and at least annually thereafter by a state of Washington certified tester. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not promptly repaired or replaced, the town may deny or discontinue water service to the premises. All testing and repairs are the financial responsibility of the water user.

(Ord. 502 §7, 1993).

3.76.080   Costs of compliance.

All costs associated with purchase, installation, inspection, testing, replacement, maintenance, parts, and repairs of the backflow device are the financial responsibility of the property owner.

(Ord. 502 §8, 1993).

3.76.090   Termination of service.

Failure on the part of any customer to discontinue the use of any cross-connection and to physically separate any cross-connection is sufficient cause for the immediate discontinuance of public water service to the premises.

(Ord. 502 §9, 1993).

3.76.100   Appendix A.

Appendix A, attached to the ordinance codified in this chapter and consisting of three pages of diagrams, is not incorporated into this chapter as if set forth in full.

(Ord. 502 §10, 1993).

## Chapter 3.80   MOBILE HOMES

Sections:

[3.80.010 Date manufactured.](#BK_B74B2294371269026004BB8D9D65942F)

[3.80.020 Size.](#BK_32ECCA341A0A84741604180FA2974608)

[3.80.030 Mobile home installation permit requirements.](#BK_FBC3741BF1D260418473C73C8B972938)

[3.80.040 Applicability of chapter.](#BK_8A1FF8B3E420FE742ACFF453ECA4E643)

[3.80.050 Mobile home defined.](#BK_62A461883E8D4D862471FB3E5A4D1281)

[3.80.060 Violation—Penalty.](#BK_FA5800E739B740B6B9462BD4D7C128FA)

3.80.010   Date manufactured.

No mobile home more than ten years old shall be newly installed or relocated within the town of Oakesdale. For the purposes of this section, the age of a mobile home shall be based upon its original date of manufacture.

(Ord. 515 §1, 1994).

(Ord. No. 580, § 1, 8-7-06)

3.80.020   Size.

No mobile home smaller than eighty-four square feet shall be installed or located on any property within the town of Oakesdale.

(Ord. 515 §2, 1994).

3.80.030   Mobile home installation permit requirements.

A.  No mobile home shall be installed or located on any property within the town of Oakesdale without a valid mobile home installation permit issued therefor by the town building inspector. The following minimum requirements must be met before a mobile home installation permit will be issued:

1.  As soon as a mobile home is newly located on any property within the town of Oakesdale, the owner (or agent of the owner) must obtain from the town clerk/treasurer a provisional permit to install the mobile home. Such permit shall be issued upon payment of a two-hundred-fifty-dollar permit fee, and submission of the following information to the clerk/treasurer:

a.  Make, model, size, year of manufacture, and vehicle identification number of the mobile home;

b.  Location or proposed location for the installation of the mobile home;

c.  Name and address of the owner of the mobile home;

d.  Name, address and telephone number of person whom the town building inspector can contact to arrange necessary inspections of the mobile home; and

e.  A copy of the mobile home manufacturer's installation instructions, if any.

2.  At the time the mobile home is located on a given property, the load-bearing portions of the mobile home must be placed on a reinforced concrete footing or runner. Such footing or runner shall be constructed so as to allow a twenty-four-inch crawl space between the footing or runner and the bottom of the mobile home floor. Also at such time, the mobile home must be secured to the ground surface by tie-downs conforming to either the mobile home manufacturer's specifications, or to specifications reasonably promulgated by the town building inspector.

3.  Within ninety-six hours from the time a mobile home is located on a given property, it must be connected to the town water and sewer system. Such connections must conform to the same specifications required of conventional, on-site dwelling units. Copies of specifications may be obtained at the city hall office during regular office hours. None of these connections shall be enclosed until inspected and approved by the town water superintendent. Water and sewer hook-up fees shall be assessed in the same manner as for conventional, on-site dwelling units.

4.  Before a mobile home is inhabited or not later than fourteen days after the mobile home is located on a given property, whichever is sooner, the mobile home must satisfactorily pass a fire safety inspection conducted by the Washington State Department of Labor and Industries.

5.  Within ninety days from the time a mobile home is located on a given property, it must:

a.  Have permanent skirting installed to enclose all areas between the lower edge of the exterior walls and the ground surface;

b.  Have permanent steps affixed to all exits; and

c.  Have tongue and wheels removed therefrom or structurally enclosed in a neat and tidy manner so as to obscure the tongue.

All of the items in this subsection must be inspected and approved by the town building inspector.

6.  In addition to the minimum requirements set forth above, all mobile homes shall be installed in compliance with the mobile home manufacturer's installation recommendations. These recommendations must be approved by the U.S. Department of Housing and Urban Development (HUD). A copy of the manufacturer's approved installation recommendations shall be in the mobile home and available at the time the mobile home is inspected by the Oakesdale building inspector (or such other inspection official designated by the town).

Any mobile home for which manufacturer's installation recommendations approved by HUD have not been issued (or are otherwise unavailable) shall be installed pursuant to, and in accordance with, WAC 296-150B, Sections 225 through 255, inclusive. Alternatively, such installation shall be in accordance with recommendations provided by a professional engineer or architect licensed in Washington.

B.  After all of these minimum requirements have been met, the town building inspector shall issue a permanent mobile home installation permit. There shall be no additional fee for the permanent permit. However, the installation and permanent permits provided under this chapter shall be in addition to any building or other permits or inspection fees that may be applicable under any other title, chapter or section of this code.

(Ord. 517 §1, 1995: Ord. 515 §3, 1994).

3.80.040   Applicability of chapter.

This chapter shall not apply to any mobile home located and installed on any property within the town of Oakesdale prior to the effective date of the ordinance codified in this chapter, unless and until such mobile home is relocated to a new or different lot or property within the town of Oakesdale.

(Ord. 515 §4, 1994).

3.80.050   Mobile home defined.

For the purposes of this chapter, the term "mobile home" shall be defined as "a structure that is transportable in one or more sections built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities, but does not include recreational vehicles or travel trailers."

(Ord. 515 §5, 1994).

3.80.060   Violation—Penalty.

The owner of any mobile home located within the town of Oakesdale in violation of this chapter shall be subject to a fine of not more than two hundred fifty dollars. Additionally, in the event of such a violation, the town shall have any and all other remedies available to it under law or equity. Each day a mobile home is located within Oakesdale in violation of this chapter shall be considered a separate and distinct violation.

(Ord. 515 §6, 1994).

## Chapter 3.84   RECREATIONAL VEHICLES

Sections:

[3.84.010 Definitions.](#BK_4D0310F490D4F61861CC2B8CE4D65718)

[3.84.020 Parking.](#BK_849BECB020437BCBD11E36F372D2A063)

[3.84.030 Temporary use on residential property.](#BK_ACB44A846E6542248DEC0EFBE74D84DE)

[3.84.035 RV parks.](#BK_696135AEA8F71C8A67BBBBB8BD88178E)

[3.84.040 Violation—Penalty.](#BK_68B847F7AF929FC3B76AB66190873624)

3.84.010   Definitions.

For the purposes of this chapter, the term "recreational vehicle" shall mean a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle, including without limitation, travel trailers, fifth-wheel trailers, folding camp trailers, truck campers, and motor homes.

(Ord. No. 602, § 1, 8-16-10)

3.84.020   Parking.

The outside parking of unoccupied recreational vehicles is permitted on property with an established residential use, regardless of use zone. Such parking shall be within the side, rear, or front yard and shall not extend into the public right-of-way nor obstruct the clear vision area. An unoccupied recreational vehicle shall not be used for living quarters or business while parked or stored, except as provided in Section 3.84.030 of this chapter.

(Ord. No. 602, § 1, 8-16-10)

3.84.030   Temporary use on residential property.

A.  A recreational vehicle may be used as a temporary accommodation to allow the owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with the written approval of the town council upon receipt of a site plan and construction schedule approved by the town council. Such use shall not exceed one year in duration, unless authorized by the town council. The unit shall comply with all yard set backs appropriate to the use zone in which it is to be placed. The unit shall not be parked on, nor shall it in any manner obstruct, any public right-of-way. The unit may be placed on the site upon receipt of a valid building permit for the construction or remodeling work, and must be removed from occupancy within seven days of the receipt or a certificate of occupancy for the newly constructed or remodeled residence. No person other from the owner of the property (and his or her immediate family) shall occupy the unit, and the unit shall not be used as a temporary rental unit by the owner.

B.  The use of one recreational vehicle as a temporary accommodation for guests may be allowed on property with an established residential use, regardless of zone. The unit shall not be parked on nor in any manner obstruct any public right-of-way. The unit shall be located a minimum of five feet from any other structure, and no stay shall exceed fourteen days at any one time, or forty-five days in any one-year period. The unit shall not be skirted and the discharge therefrom of any gray water or sewage on the ground is prohibited.

C.  The use of one recreational vehicle as a temporary accommodation for a period greater than allowed in subsection B of this section, may be allowed at the discretion of the town council for the purposes of a medical hardship. The hardship must be as a result of an illness or medical emergency, with proof of the hardship submitted to the town council. The town council may approve the use for a period not to exceed one year. The standards for placement of the unit shall be the same as provided in subsection B of this section.

(Ord. No. 602, § 1, 8-16-10)

3.84.035   RV parks.

The following rules shall apply in all RV parks located within the Town of Oakesdale:

A.  The maximum vehicle speed within any RV park shall be five mph.

B.  No recreational vehicle shall be parked in any RV park for more than twenty-eight days within any given sixty-day period.

C.  No person staying in an RV park shall act in a manner which unreasonably disturbs the peace of others within the RV park.

(Ord. No. 626, § 1, 7-18-2016)

3.84.040   Violation—Penalty.

The owner of any recreational vehicle parked or used within the town of Oakesdale in violation of this chapter shall be subject to a fine of not more than two hundred fifty dollars for each violation. In addition, in the event of such a violation, the town shall have any and all other remedies available to it under law or equity. Each day a recreational vehicle is parked or used in violation of this chapter shall be considered a separate violation.

(Ord. No. 602, § 1, 8-16-10)