

Title 8

HEALTH AND SAFETY

Chapters:

8.04 Trout Lake

8.08 Junk Vehicles

8.10 Restrictions on the Use of Polystyrene Materials in Food Service Containers

Chapter 8.04

TROUT LAKE¹

Sections:

- 8.04.010 Maintaining conditions endangering waters of Trout Lake water reservoir prohibited – Penalty.
- 8.04.020 Entering watershed prohibited.
- 8.04.030 Violation of FHMC 8.04.020 – Penalty.

8.04.010 Maintaining conditions endangering waters of Trout Lake water reservoir prohibited – Penalty.

From and after the date of passage of the ordinance codified in this section, it shall be unlawful for any person or persons, to establish or maintain any stock feeding yard, slaughter pens, or hog pens, or deposit or maintain or permit, any uncleanly, or unwholesome substance, or thing, or allow any condition upon or sufficiently near Trout Lake or its tributaries, so that the waters of Trout Lake would be polluted or the purity of such water or any part thereof destroyed or endangered, is hereby declared to be and constitute a nuisance and as such abated as are nuisances abated under the laws of the state; and that any person or persons who shall do, maintain, establish or create any of the things or conditions hereby prohibited, for the purpose of or which shall have the effect of polluting any of the waters of Trout Lake or its tributaries, or shall do any of the things herein declared unlawful in this section, shall be deemed guilty of creating and maintaining a nuisance and shall be prosecuted therefor and upon conviction thereof shall be fined not less than \$5.00 nor more than \$300.00. (Ord. 85 § 1, 1916)

8.04.020 Entering watershed prohibited.

No person shall enter the town’s watershed for any purpose, except as authorized by the

town. (Ord. 445 § 6(b), 1977; Ord. 111 § 1, 1924)

8.04.030 Violation of FHMC 8.04.020 – Penalty.

Any person convicted of a violation of FHMC 8.04.020 shall be punished by a fine of not less than \$5.00 and not more than \$100.00. (Ord. 111 § 2, 1924)

1. Code reviser’s note: Chapter 8.04 FHMC was previously codified as Chapter 12.24 FHMC.

Chapter 8.08**JUNK VEHICLES**

Sections:

- 8.08.010 Purpose.
- 8.08.020 Definitions.
- 8.08.030 Prohibition.
- 8.08.040 Exemptions.
- 8.08.050 Abatement procedures.
- 8.08.060 Violation and enforcement.

8.08.010 Purpose.

The purposes of this chapter are:

- A. To establish procedures for the abatement and removal of junk vehicles and parts thereof as public nuisances pursuant to RCW 46.55.240;
- B. To enhance the aesthetic qualities of the town of Friday Harbor;
- C. To conserve and maintain property values;
- D. To protect the health of the public;
- E. To provide for the public safety. (Ord. 1168 § 1, 2001)

8.08.020 Definitions.

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

- A. "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
 1. Is three years old or older;
 2. Is extensively damaged, such as damage including, but not limited to, any of the following: a broken window, or windshield or missing wheels, tires, motor, or transmission;
 3. Is apparently inoperable;
 4. Has an approximate fair market value equal only to the value of the approximate value of the scrap in it.
- B. "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles and tractors, excepting devices moved by human or animal power. (Ord. 1168 § 2, 2001)

8.08.030 Prohibition.

It shall be unlawful for any person to store or allow to be stored any junk vehicle or vehicles on any private property within the town. (Ord. 1168 § 3, 2001)

8.08.040 Exemptions.

This chapter shall not apply to:

- A. Any vehicle or part thereof which is completely enclosed within a building in a lawful manner or which is otherwise not visible from any street or any public property; or
- B. Any vehicle or part thereof stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, junk salvage/wrecking yard or licensed vehicle dealer, located on properly zoned property and fenced in accordance with the provisions of RCW 46.80.130; or
- C. One vehicle only, which is actively being restored, repaired, or reconditioned. If this project is not completed within two years, the vehicle must be removed as prescribed in this chapter. (Ord. 1168 § 4, 2001)

8.08.050 Abatement procedures.

A. Investigation and Determination. Whenever it shall appear to the code compliance officer that there may be a violation of this chapter, he or she shall request the town marshal's office to investigate the matter and determine whether or not to authorize disposal, as provided for in RCW 46.55.230(1).

B. Initial Notices. If the town marshal authorizes disposal of a junk vehicle, written notices shall be sent to the registered and legal owners of the vehicle, advising them of the violation, their right to remove the vehicle without penalty, and the fact that, if it is not removed, the town will declare it a public nuisance and initiate abatement procedures, in which case the costs of removal may be assessed against the registered owner.

If the owner of the land where the junk vehicle is located is not the registered or legal owner of the vehicle, a written notice shall be sent to the landowner, informing them that the town may initiate a proceeding to abate the

nuisance under this chapter and of the possibility that the cost of removal could be assessed against the landowner.

C. Notice of Abatement. If the junk vehicle is not removed within 60 days from the date the notices required by subsection B of this section were sent, a notice of abatement shall be mailed by certified mail, with a five-day return receipt requested, to the registered owner and to the landowner. The notice shall inform them that a hearing may be requested and that if no hearing is requested, the vehicle may be removed by the town and the costs of removal and disposal assessed against them.

D. Notice of Hearing. If a hearing is requested, a notice of hearing shall be mailed by certified mail, with a five-day return receipt requested, to the registered owner and to the landowner, advising them of the time, date and location for the hearing. The notice shall inform the landowner that if he or she is not also the registered owner of the vehicle, they may appear at the hearing or present a written statement for consideration at the hearing, denying responsibility for the presence of the vehicle on their land and giving the reasons for the denial.

E. Abatement Hearing. The abatement hearing shall be before the town council. The only issues to be heard are whether or not a proper determination has been made that the vehicle is a junk vehicle and whether or not either the landowner or the registered owner should be relieved from the obligation to pay the costs of the removal and disposal. The determination of the town marshal's office that the vehicle is a junk vehicle shall be presumed correct and the burden shall be on the owner of the land or the owner of the vehicle to prove otherwise.

The cost of removal and disposal shall not be assessed against the registered owner if he or she can show that they complied with the provisions of RCW 46.12.101 in connection with their transfer of ownership of the vehicle. Such costs shall not be assessed against a landowner who is not also the registered owner of the vehicle if he or she can show that the vehi-

cle was placed on their property without their express or implied consent and that they have not subsequently acquiesced in its presence.

F. Proper Parties. Notices which are to be sent to the landowner shall be addressed to the person shown on the last equalized assessment roll maintained by the San Juan County assessor as the owner of the property where the junk vehicle is located, using the address on such roll. Notices which are to be sent to the registered owner of the vehicle shall be addressed to the person last shown as such in the records of the State of Washington Department of Licensing, using the address in such records.

In circumstances where the name of the registered owner cannot be determined due to the condition of the vehicle or the refusal of the landowner to allow the code compliance officer or members of the town marshal's office to enter the property in order to closely inspect the vehicle, the abatement procedure provided for above may proceed upon notice only to the landowner. (Ord. 1168 § 5, 2001)

8.08.060 Violation and enforcement.

A. A violation of this chapter shall be and hereby is declared to be both a public nuisance and a Class 1 civil infraction, as defined in FHMC Title 1. Each day that a violation exists may be treated as a separate infraction.

B. In addition to or as an alternative to proceeding with the abatement procedures set forth above, the town may issue a notice of infraction.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in FHMC Title 1. (Ord. 1168 § 6, 2001)

Chapter 8.10**RESTRICTIONS ON THE USE OF
POLYSTYRENE MATERIALS IN
FOOD SERVICE CONTAINERS***[Effective April 22, 2010]*

Sections:

- 8.10.010 Prohibition.
- 8.10.020 Definitions.
- 8.10.030 Violation and penalties.
- 8.10.040 Effective date.

8.10.010 Prohibition.

A. Effective on the date set forth in FHMC 8.10.040, food service businesses located in the town of Friday Harbor shall be prohibited from selling or providing food, for consumption on or off the premises, in or on packaging made wholly or partially of expanded polystyrene, except as otherwise provided under subsection B of this section.

B. Food service businesses that sell or otherwise provide food to their customers in pre-packaged expanded polystyrene containers that have been filled and sealed prior to receipt by the food service businesses or that sell or otherwise provide to their customers meat, fish or shellfish products in or on containers made wholly or partially of expanded polystyrene shall be exempt from the prohibition established in subsection A of this section. (Ord. 1403 § 1, 2009)

8.10.020 Definitions.

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

A. "Expanded polystyrene" means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

B. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or

institutional cafeterias, and any other businesses selling or providing food for consumption on or off the premises. (Ord. 1403 § 2, 2009)

8.10.030 Violation and penalties.

A. Violations.

1. The first violation of any provision of this chapter shall be a Class 3 civil infraction.

2. The second violation of any provision of this chapter by the same person within a one-year period shall be a Class 2 civil infraction.

3. A third or subsequent violation of any provision of this chapter by the same person within a one-year period shall constitute a Class 1 civil infraction.

B. Penalties. The penalties for committing a civil infraction under this chapter are set forth in Chapter 1.18 FHMC, as it may be amended from time to time. (Ord. 1403 § 3, 2009)

8.10.040 Effective date.

This chapter shall become effective on April 22, 2010. (Ord. 1403 § 4, 2009)