ORDINANCE NO. 49

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING BY REFERENCE CHAPTERS 8.08, PUBLIC NUISANCES, 8.12, FOOD SERVICE SANITATION, 8.16, SMOKING IN PUBLIC PLACES, 8.20, RODENT CONTROL, 8.30, SOLID WASTE HANDLING SYSTEM, 8.32, SOLID WASTE COLLECTION REGULATIONS, AND DISPOSAL 8.34, UNDERGROUND STORAGE TANKS, 8.36, ON-SITE SEWAGE DISPOSAL SYSTEMS, 8.38, **INFECTIOUS** WASTE MANAGEMENT, 8.40, PUBLIC WATER SYSTEMS. SWIMMING POOLS, 8.72, MOTOR VEHICLES AND PUBLIC DISTURBANCE NOISE, 8.76. NOISE POLLUTION CONTROL, 8.84, TIRE STORAGE YARDS, OF THE PIERCE COUNTY CODE AS REGULATIONS OF THE CITY

WHEREAS, the City of University Place will incorporate on August 31, 1995; and

WHEREAS, the City wishes to adopt by reference certain provisions of the Pierce County Code pertaining to public health and welfare so that these provisions can be enforced in the City after incorporation; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. <u>Authority to adopt Pierce County Code</u>. Pursuant to RCW 35A.12.140 and 35A.13.180, the City adopts by reference Chapters 8.08, Public Nuisances, 8.12, Food Service Sanitation, 8.16, Smoking in Public Places, 8.20, Rodent Control, 8.30, Solid Waste Handling System, 8.32, Solid Waste Collection and Disposal Regulations, 8.34, Underground Storage Tanks, 8.36, On-Site Sewage Disposal Systems, 8.38, Infectious Waste Management, 8.40, Public Water Systems, 8.44, Swimming Pools, 8.72, Motor Vehicles and Public Disturbance Noise, 8.76. Noise Pollution Control, 8.84, Tire Storage Yards, of Title 8, Health and Welfare, of the Pierce County Code, as presently constituted or hereinafter amended, as regulations of the City.

Section 2. Adoption of Administrative Rules. There are hereby further adopted by reference any and all implementing and administrative rules and enforcement remedies now in effect regarding Health and Welfare that have been adopted pursuant to Pierce County code Chapters 2.06, and Title 8 except that, unless the context requires otherwise, any reference to the "County" or to "Pierce County" shall refer to the City of University Place, and any reference to County staff shall refer to the City Manager or designee.

Section 3. Adoption of Certain Other Laws. To the extent that any provision of the Pierce County Code, or any other law, rule or regulation referenced in the Health and Welfare Chapters is necessary or convenient to establish the validity, enforceable or interpretation of these, then such provision of the Pierce County Code and Chapter, or other law, rule or regulation, is hereby adopted by reference..

Severability. Should any section, paragraph, sentence, clause or Section 4. phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on the date of incorporation.

PASSED BY THE CITY COUNCIL ON AUGUST 21, 1995

Flemming, Mayor

ATTEST:

Susan Matthew, Interim City Clerk

APPROVED AS TO FORM:

Robert J. Backstein, Interim City Attorney

Date of Publication: August 24, 1995

Effective Date:

August 31, 1995

PUBLIC MUISANCES

Sections:

8.08.010 Nuisances Affecting Public Health.

8.08.020 Yard Maintenance.

8.08.030 Vacant Lot or Building. 8.08.040 Authority of Board of Health.

8.08.050 Serving of Orders. 8.08.060 Contents of Order.

8.08.070 Inspections.

8.08.080 Severability.

8.08.010 Nuisances Affecting Public Health.

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

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

- H. Garbage cans which are not impervious to rodent gnawing or do not have tight-fitting lids:
- I. Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish or fowl, butchers' trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta or other offensive substance; provided, nothing in this Subsection shall prevent the temporary retention of waste in a manner approved by the Health Officer;
- J. Blackberry vines or any tall grass or weeds over two feet in height which is rodent infested;
- K. Grass clippings, cut brush or cut weeds which may create a fly or rodent harborage. (Prior Code § 20.24.120)

8.08.020 Yard Maintenance.

Every occupant of a dwelling unit located in close proximity to another occupied dwelling unit shall keep the yard space thereof reasonably neat and clean and free of uncut grass, blackberry vines, bushes and debris if a rodent infestation exists. (Prior Code § 20.24.130)

8.08.030 Vacant Lot or Building.

Every owner of a vacant lot or building located in close proximity to another occupied dwelling unit shall keep the premises reasonably neat and clean and free of uncut grass, blackberry vines, bushes and debris if a rodent infestation exists. (Prior Code § 20.24.140)

8.08.040 Authority of Board of Health.

Whenever any declared nuisance, source of filth or cause or probable cause of injury to health shall be found by the Health Officer to exist on any private or public property, he shall have the power and authority to order verbally and/or in writing the owner or occupant or user thereof, by appropriate action, at the expense of such owner, occupant, or user to correct and remove such nuisance, source of filth or cause or probable cause of injury to health within such time as the Health Officer may order. In the event of the refusal or failure to remove such nuisance within said time, the Health Officer may cause such nuisance to be abated at the expense of such person or persons, which cost may be recovered by the Board of Health from such person or persons in an action brought in the name of the Board of Health to recover the same in any court of competent jurisdiction. (Prior Code § 20.24.150)

8.08.050 Serving of Orders.

- A. Any order described in Section 8.08.040 required to be served on a person, owner, agent or occupant of a premises, shall be deemed to have been served under any of the following conditions:
 - 1. Such order is delivered to such person by any authorized representative of the Health Officer;
 - 2. Such order is mailed (by registered mail) to the owner, representative of the owner, or the last known

occupant of the premises;

3. Such order, properly signed, is posted by an authorized representative of the Health Officer upon any portion of such premises visible from a public place.

B. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Health Officer in the exercise of reasonable diligence and the Health Officer shall make an affidavit to that effect, then the order shall be served by publishing the same twice, once each week for two consecutive weeks, in a newspaper published in Tacoma or Pierce County.

(Prior Code § 20.24.160)

8.08.060 Contents of Order.

The order shall contain, among other things, the following information:

- A. Name of owner or other persons interested;
- B. Street address and legal description of the premises;
- C. General description of the premises considered a nuisance;
- D. A statement or list of items in violation of this Chapter;
- E. A reasonable time for correction of the violation;
- F. A copy of the order shall be filed with the County Auditor, which filing shall have the same force and effect as other lis pendens orders provided by law.

(Prior Code § 20.24.170)

8.08.070 Inspections.

The Director of Health and all inspectors or employees of the Department of Public Health of the County shall at all reasonable times have and be granted access to any premises, dock, building, storeroom, warehouse or residence for the purpose of inspecting same and of ascertaining whether the provisions of this Chapter have been complied with. (Prior Code § 20.24.180)

8.08.080 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 10, 1989)

FOOD SERVICE SANITATION

Sections:

8.12.010 Regulations Adopted by Reference.

- 8.12.020 Authority of Health Department.
- 8.12.016 Regulations Adopted by Reference.

The Washington Administrative Code 248-84, Rules and Regulations of the State Board of Health for Food Service Sanitation, attached to Ordinance 85-30 and identified as Exhibit "B", is adopted by reference. A copy of WAC 248-84 shall be kept on file in the Tacoma-Pierce County Health Department and the office of the Pierce County Council. (Ord. 85-30 § 2 (part), 1985)

8.12.020 Authority of Health Department

The Tacoma-Pierce County Health Department is empowered and shall write rules and regulations not inconsistent herewith relative to this Chapter. (Ord. 85-30 § 2 (part), 1985)

SHOKING IN PUBLIC PLACES

Sections: 8.16.010 Definitions. 8.16.020 Prohibitions - Public Places. 8.16.030 Prohibitions - Restaurants. 8.16.040 Designation of Smoking Areas. 8.16.050 Criteria in Determining Smoking Areas. 8.16.060 Single Room Public Place. 8.16.070 Duties of Proprietors, Employers, and Other Persons Having Control. 8.16.090 County Workplaces and Non-County Office Workplaces to Adopt Smoking Policies. 8.16.100 Unlawful to Remove Signs. 8.16.110 Health Department Adoption of Rules and Regulations. 8.16.120 Penalties and Enforcement. 8.16.130 Private Actions. 8.15.140 Severability. 8.16.150 Retaliation Prohibited. 8.16.160 Violation - Retaliation. 8.16.170 Severability.

8.16.010 Definitions.

As used in this Chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

- A. "Cocktail lounge" means that portion of an establishment holding a current and valid Class H license issued by the State of Washington Liquor Control Board which is specifically set aside for the sale and consumption of liquor by the glass and separated by a divider from that portion of the establishment principally serving meals on a regular basis to the public.
- B. "County workplace" means a workplace lawfully occupied by County employees for the conduct of the business of any of Pierce County's elected or appointed officials and under the authority of such official.
- C. "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.
- D. "Employer" means any person who pays another person direct or indirect monetary wages or profit in consideration for such other person providing services on the premises of the employer.
- E. "Office workplace" means any enclosed area of a structure or portion thereof intended for occupancy by business or governmental entities which provide primarily clerical, professional, or business services of the business entity, or which provide primarily clerical, professional or business services to other business entities or to the public, at that location. "Office workplace" includes, but is not limited to, office spaces in office buildings, medical offices, libraries, museums, hospitals, and nursing homes

and all other entities included in definitions E and F of this Section, but excluding:

- 1. Private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers;
- 2. A private home which may serve as an office workplace;
- 3. Any property owned or leased by state or federal entities.

F. "Public meeting" includes all meetings open to the public pursuant to RCW 42.30.010 et seq.

- G. "Public place" means any enclosed indoor area or vehicle used by and open to, the public regardless of whether such building or vehicle is owned in whole or in part by a private person or entities or by Pierce County or other public entity, and regardless of whether a fee is charged for admission to the place. It includes, but is not limited to: elevators, public conveyances, museums, concert halls, theaters, hallways, auditoriums, exhibition halls, indoor sports arenas, bowling centers, hospitals, nursing homes, medical, dental, or health care facilities, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, public meetings or hearings, public transportation facilities, ticket areas, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas.
 - H. "Restaurant" means any building, structure, or area used as, maintained as, or advertised as, or held out to the public to be an enclosure where meals, for consideration of payment, are made available to be consumed on the premises. I. "Smoke" or "smoking" includes the carrying or smoking of

a lighted pipe, cigar, cigarette, or any other lighted

smoking equipment.

J. "Tavern" means any establishment or portion of an establishment where one can purchase and consume alcoholic beverages, but excluding any such establishment or portion of the establishment having tables and seating facilities for serving meals and where, in consideration of payment, meals are served on a regular basis to the public.

(Ord. 86-36 § 1 (part), 1986; Ord. § 84-155 § 1 (part), 1984; prior Code § 20.10.010)

8.16.020 Prohibitions - Public Places.

No person shall smoke in a public place, County workplace, or at a public meeting except in designated smoking areas. This prohibition does not apply in the following cases:

A. Where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place;

B. Chartered buses for private hire and taxicabs clearly designated by the operator to permit smoking.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code 20.10.015(A))

8.16.030 Prohibitions - Restaurants.

Restaurants shall provide food service seating areas where smoking will not be permitted. No person shall smoke in restaurants in a "no smoking designated area." (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code 20.10.015(B))

8.16.040 Designation of Smoking Areas.

Smoking areas may be designated in public places, and County workplaces, by the proprietor or other person in charge of the place except that designated smoking areas shall not be allowed in:

A. Elevators, public conveyances, health care clinics, public meetings or libraries that are open to the public; or B. other places already prohibited by other rule, ordinance or regulation.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(A))

8.16.050 Criteria in Determining Smoking Areas.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. The size of the designated smoking area shall not be more than proportionate to the preference of the users specifically requesting the smoking area, as can be demonstrated by the proprietor or other person in charge. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(B))

8.16.060 Single Room Public Place.

In the case of public places consisting of a single room, the provisions of this law shall be considered met if a portion of the room is reserved and posted as a Designated Smoking Area. No public place, restaurant or County workplace, other than a cocktail lounge, tavern, or bowling center, shall be designated as a smoking area in its entirety. If a cocktail lounge, tavern, or bowling center is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.020(C))

8.16.070 Duties of Proprietors, Employers, and Other Persons Having Control.

Proprietors, employers, or other persons having control of a place regulated under this Chapter shall make every reasonable effort to prohibit smoking in public places, County workplaces, public meetings and no smoking areas in restaurants by:

A. Posting signs prohibiting or permitting smoking as appropriate under this Chapter. Signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a regular and Smoking Designated Area shall be clearly designated so that persons may differentiate between the two areas;

B. Proprietors and employees of restaurants shall make every reasonable effort to inform patrons that designated

nonsmoking areas are available for their preference, including but not limited to posting signs not less than three inches by eight inches in a conspicuous place in the reception area informing patrons of dining areas available for nonsmokers;

C. Requesting that persons smoke only in Smoking Designated Areas;

.D. Asking smokers to refrain from smoking upon request of a client, patron, or employee suffering discomfort from the smoke;

E. Informing the public and/or employees orally that separate smoking and nonsmoking sections are available; or F. Any other means which may be appropriate.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155§ 1 (part), 1984; prior Code § 20.10.025(A))

8.16.090 County Workplaces and Non-County Office Workplaces to Adopt Smoking Policies.

A. Each non-County employer who operates a workplace in unincorporated Pierce County and each of Pierce County's elected and appointed officials shall, within three months of adoption of the ordinance codified in this Chapter, adopt, implement and maintain a written smoking policy which shall be conspicuously posted in all workplaces under the employer's jurisdiction and which shall contain, at a minimum, the following provisions and requirements:

1. Any nonsmoking employee may object to his or her employer about smoke in his or her workplace. The employer shall attempt to reach reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an employer is not required by this ordinance to make any expenditures or structural changes to accommodate the preferences of nonsmoking and smoking employees.

2. If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given office workplace, the preferences of nonsmoking employees shall prevail and the employer shall prohibit smoking in the workplace of the affected nonsmoking employees to the end that those employees may work in a smoke-free environment. Where the employer prohibits smoking in a non-County office workplace, the area in which smoking is prohibited shall be clearly marked with signs.

B. The smoking policy shall be announced within three weeks of adoption to all employees working in non-County office workplaces in unincorporated Pierce County and County workplaces as defined in Section 8.16.010B of this Chapter. The policy shall be posted conspicuously in all workplaces under the employer's or official's jurisdiction.

(Ord. 86-36 \$ 1 (part), 1986; Ord. 84-155 \$ 1 (part), 1984; prior Code \$ 20.10.030)

8.16.100 Unlawful to Remove Signs.

It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this Chapter. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.035)

8.16.110 Health Department Adoption of Rules and Regulations.
The Tacoma/Pierce County Board of Health shall adopt rules and regulations necessary and reasonable to implement the provisions of this Chapter. (Ord.§ 86-36 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.040)

8.16.120 Penalties and Enforcement.

A. Warnings and Civil Fines. When violations of this Chapter occur, a warning shall first be given to the person or persons violating this Chapter. Any subsequent violation shall subject the offender to a civil fine as provided for in this Section.

Any person violating this Chapter by smoking in a place in which smoking is prohibited herein or by removing, defacing or destroying any sign posted in compliance with this Chapter is subject to a civil fine of up to one hundred dollars. The Pierce County Sheriff's Department shall enforce this Section by issuing a notice of infraction to be assessed in the same manner as traffic infractions.

- 1. The provisions contained in RCW Chapter 46.63 for the disposition of traffic infractions apply to the disposition of infractions for violations of this Subsection except as follows:
 - a. The provisions in RCW Chapter 46.63 relating to the provision of records to the Department of Licensing in accordance with RCW 46.20.270 are not applicable to this Chapter; and b. The provisions in RCW Chapter 46.63 relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this Chapter;

c. The form for the notice of infraction for a violation of this Subsection shall be prescribed by rule of the Supreme Court.

- 2. Any proprietor, employer, or other person intentionally violating this act by not complying with its Section may be subject to a civil fine of up to five hundred dollars, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the County of Pierce in any court of competent jurisdiction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. The Tacoma/Pierce County Health Department shall enforce this Chapter by either of the following actions:
 - a. Serving notice requiring the correction of any violation;
 - b. Calling upon the County Prosecutor to maintain

an action to assess and recover a civil penalty for the violation.

B. Enforcement. The Tacoma/Pierce County Health Department shall have primary compliance and enforcement responsibility for the provisions of this Chapter and shall coordinate compliance and enforcement with the Pierce County Fire Marshal when necessary.

C. In undertaking the enforcement of this Chapter, Pierce County is assuming and undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.045)

8.16.130 Private Actions.

Nothing in this Chapter shall be construed as prohibiting a private person or organization from bringing an action to enjoin violations of this Chapter. (Ord. 86-36 § 1 (part), 1986; Ord. 84-155 § 1 (part), 1984; prior Code § 20.10.050)

8.16.140 Severability.

If any provision of this Chapter or its application to any person or circumstance is held unconstitutional or invalid for any reason, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 86-36 § 1 (part), 1986)

8.16.150 Retaliation Prohibited.

It shall be unlawful for an employer, proprietor, County or other person having control of a place regulated under this Chapter to retaliate against any member of the general public or an employee or applicant for employment of the employer, proprietor, County or other person having control because such person seeks enforcement of the provisions of this Chapter. (Ord. 86-36 § 1 (part), 1986)

8.16.160 Violation - Retaliation.

Violation of any of the provisions of this Chapter shall be remedied through appropriate private civil action filed in a court of competent jurisdiction against persons who commit the violations for injunctive or other appropriate relief. (Ord. 86-36 § 1 (part), 1986)

8.16.170 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 11, 1989)

RODENT CONTROL

Sections:

- 8.20.010 Compliance Required.
- 8.20.020 Construction Requirements.
 8.20.030 Sanitation Requirements.
 8.20.040 Rat Traps.
 8.20.050 Poisons.
 8.20.060 Protection of Food Products.
 8.20.070 Protection of Docks.
 8.20.080 Watercraft to be Breasted -

- 8.20.080 Watercraft to be Breasted Rat Guard Use.
 8.20.090 Gangplanks to be Withdrawn Exception.
 8.20.100 Responsibility of Officer in Charge of Watercraft.
- 8.20.110 Slaughterhouses.
- 8.20.120 Inspections.
- 8.20.130 Violation Penalty.

Cross-reference: Chapter 17.16 RCW

8.20.010 Compliance Required.

It is unlawful for any person to keep, store or expose for sale any food products or other goods, or to occupy or maintain any dock, building, storeroom or warehouse or to reside in any residence without complying with the provisions of this Chapter. (Prior Code § 20.24.010)

8.20.020 Construction Requirements.

All basements and walls of all buildings, storerooms, warehouses and residences within the County shall be so constructed, or repaired by the use of screens, nettings, cement or other material or materials approved by the Director of Health as to prevent rats from gaining entrance to or harboring beneath the same. (Prior Code § 20.24.020)

8.20.030 Sanitation Requirements.

All docks, buildings, storerooms, warehouses and residences within the County shall be forthwith placed in a clean and sanitary condition and rendered free from rats. It shall be the duty of the owner, lessee or occupant thereof to take all necessary steps to that end. (Prior Code § 20.24.030)

8.20.040 Rat Traps.

All docks, buildings, storerooms, warehouses and residences shall be provided by the owner, lessee or occupant thereof with such number of rat traps of a pattern approved by the Director of Health as may be ordered by the Director of Health and shall be inspected by the owner, lessee or occupant daily and any rat or rats caught therein removed therefrom. (Prior Code § 20.24.040)

8.20.050 Poisons.

Poisons, suitable for the extermination of rats, will be placed at or in docks, buildings, storerooms, warehouses and residences

when the Director of Health shall determine that a need exists for the placing of such poisons. It shall be the duty of each owner, lessee, or occupant of such dock, building, storeroom, warehouse or residence to comply with all orders and directives of the Director of Health regarding the placing of poisons and the type to be used. (Prior Code § 20.24.050)

8.20.060 Protection of Food Products.

All food products or other goods, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. (Prior Code § 20.24.060)

8.20.070 Protection of Docks.

All public and private docks in the County shall be protected by wire screens or netting, or other materials approved by the Director of Health, and so installed as to prevent rats from gaining entrance thereto, at either high or low tide, from vessels anchored or moored alongside, or from other sources, and all food products stored therein shall be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. (Prior Code § 20.24.070)

8.20.080 Watercraft to be Breasted - Rat Guard Use.

All watercraft while lying at any dock or wharf in the County shall, except when loading or unloading, be breasted off from such dock or wharf at least six feet and so remain; and while so remaining metal rat guards shall be placed and kept on each and every line or spar passing from such watercraft to such dock or wharf. (Prior Code § 20.24.080)

8.20.090 Gangplanks to be Withdrawn - Exception.

All gangplanks, slings and other appliances running from such watercraft to such dock or wharf whereby rats might pass from such watercraft to such dock or wharf, shall be withdrawn when not in actual use in loading or unloading freight or passengers, or shall be suitably guarded to prevent the passage of rats; provided, that watercraft plying between ports in the State of Washington only need not comply with the requirements of this Section when at such dock or wharf for less than one hour between the hours of seven a.m. and six p.m. (Prior Code § 20.24.090)

8.20.100 Responsibility of Officer in Charge of Watercraft.

The captain or other officer in control of such watercraft, and the owner, lessee, manager or other person in charge of such dock or wharf, shall be responsible for the breasting of such watercraft and the placing of such rat guards and for the compliance of such watercraft with all the provisions of this Chapter. (Prior Code § 20.24.100)

8.20.110 Slaughterhouses.

All slaughterhouses in the County shall be so protected by wire screens or netting or cement, as to prevent rats from gaining access to the building or buildings thereof and all holes and openings in the building or basement walls shall be thoroughly

stopped with cement, or other approved material, and all food products stored in slaughterhouses shall be so kept as to prevent rats from gaining access thereto or coming in contact therewith, (Prior Code § 20.24.110)

8.20.120 Inspections.

The Director of Health and all inspectors or employees of the Department of Public Health of the County shall at all reasonable times have and be granted access to any premises, dock, building, storeroom, warehouse or residence for the purpose of inspecting same and of ascertaining whether the provisions of this Chapter have been complied with. (Prior Code § 20.24.180)

8.20.130 Violation - Penalty.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars or imprisoned in the County jail for a term not exceeding ninety days, or both, in the discretion of the court. (Prior Code § 20.24.200)

SOLID WASTE HANDLING SYSTEM

Sections:

- . 8.30.010 Definitions.
- System of Solid Waste Handling Established and Authorization to Designate Sites.
 - 8.30.030 Disposal of Solid Waste.
 - 8.30.040 Regulations, Consistency and Procedure.
 - 8.30.050 Unlawful Disposal of Solid Waste Misdemeanor.
 - 8.30.060 Severability.

8.30.010 Definitions.

- As used in this Chapter, the following definitions shall apply:
 A. "Cities" means the cities and towns within Pierce County
 that have authorized the County to designate Solid Waste
 Handling Facilities for Solid Waste that originates within
 those cities and towns.
 - B. "Comprehensive Solid Waste Management Plan" or "Plan" means the Tacoma-Pierce County Solid Waste Management Plan adopted by Pierce County by Ordinance No. 87-196, as it may be amended or superseded from time to time. The Plan is incorporated herein by this reference.
 - C. "County" means Pierce County, Washington.
 - D. "Director" means the Pierce County Director of Utilities or his/her successor in that position or in the position that is subsequently entrusted with substantially all of the responsibilities of the Director of Utilities. With respect to infectious waste, sludge, and septage, the term "Director" shall mean the Director of the Tacoma-Pierce County Health Department.
 - E. "Disposal Site" means disposal site as defined by RCW 70.95.030 and including but not limited to landfill, composting, and energy recovery sites.
 - F. "Hazardous Waste" means any waste, material, or substance that now or hereafter:
 - 1. Is required to be handled as hazardous waste under regulations promulgated by the U.S. Environmental Protection Agency at 40 CFR part 261; or
 - 2. Contains a radioactive material, the storage or disposal of which is regulated by state or federal law or regulation; or
 - 3. Is designated a "dangerous waste" through application of regulations adopted pursuant to Chapter 70.105 RCW; and is not excluded from regulation as "hazardous waste" or "dangerous waste" by application of hazardous waste or dangerous waste regulations adopted by U.S. Environmental Protection Agency or Washington State Department of Ecology. Certain Solid Waste which is not as of the effective date of this Chapter within one or more of subparagraphs 1-3 above, may after that date come within the scope of one or more of those subparagraphs as determined by a

governmental entity with jurisdiction; certain other Solid Waste which is within one of those subparagraphs similarly may cease to be recognized as a Hazardous Waste as defined herein. Accordingly, any waste, material, or substance shall be deemed Hazardous Waste only so long as and to the extent that it is included in at least one of subparagraphs 1-3 above.

G. "Operator" means any Person with whom the County contracts for the design, construction, ownership, operation, or maintenance of any Solid Waste Handling

Facility.

- H. "Person" means an individual, firm, association, partnership, political subdivision, government agency, municipality, public or private corporation, cooperative, or any other entity whatsoever.
- I. "Recyclable Materials" means recyclable materials as defined by RCW 70.95.030.
- J. "Recycling" means Recycling as defined by RCW 70.95.030.
- K. "Solid Waste" means solid waste as defined by RCW 70.95.030, with the exception of Hazardous Waste.
- L. "Solid Waste Handling," "Handling" or "Handled" means solid waste handling as defined by RCW 70.95.030.
- M. "Solid Waste Handling Facility" or "Facility" means any facility for Solid Waste Handling, including but not limited to Recycling drop-off and/or buy-back centers, processing facilities, composting sites, drop boxes, transfer stations, landfills, waste-to-energy facilities and other processing sites, disposal sites and facilities. This term does not include and this Chapter shall not be applicable to, 1., vehicles or other equipment used in the transportation of Solid Waste or, 2., transfer stations that are not open to the public and that are owned and/or operated by and utilized exclusively by a Solid Waste Collection Company for its own vehicles or operations. However, Solid Waste emanating from such transfer stations shall be subject to this Chapter.

N. "System" means the system of Solid Waste Handling established by Pierce County Code 8.30.020.

O. "Washington Utilities and Transportation Commission" or "WUTC" means the Washington Utilities and Transportation Commission created under Chapter 81.01 RCW.

(Ord. 90-4 § 1 (part), 1990)

8.30.020 System of Solid Waste Handling Established, and Authorization to Designate Sites.

A. This Chapter establishes a System of Solid Waste Handling for all unincorporated areas of the County in accordance with RCW 36.58.040 and the Comprehensive Solid Waste Management Plan. In accordance with that Plan, the System includes the reduction, processing, recycling, and disposal of Solid Waste as well as Solid Waste Handling Facilities and the designation of Facilities as disposal sites. The System may include the Handling of some or all of the Solid Waste originating in Cities or outside the

County. The System shall not include the disposal of hazardous waste.

- The System includes, but is not limited to, the following Solid Waste Facilities, strategies, and programs:
 - 1. Waste Reduction, including education, legislative changes, rate policies aimed at reducing the Solid Waste stream, on-site yard waste composting, and other elements consistent with the Comprehensive Solid Waste Management Plan.
 - Recycling, including education, curbside collection, yard waste composting, drop-off and buyback facilities, processing systems, market development, and other elements consistent with the Comprehensive Solid Waste Management Plan.
 - 3. Solid Waste Collection, including municipal collection, municipally-regulated private collection, and WUTC-regulated private collection, as applicable.
 - Solid Waste processing technologies including, where appropriate, waste-to-energy and composting facilities located in the County.
 - Transfer and long haul, including intra-County transfer and, when other disposal options are limited or unavailable, out-of-County long haul and disposal.
 - Landfilling and volume reduction.
 - 7. Enforcement and Administration by the County to manage the system in a cost-effective and . environmentally sound manner.
 - Special waste stream management, including special facilities or other methods of handling the following special wastes:
 - sludge a. gypsum k.
 - septic tank pumpings 1. appliances
 - c. demolition wastes m. waste oil
 - wood wastes d. auto batteries n.
 - industrial wastes e. dry cell household 0.
 - f. waste tires batteries
 - litter g. plastics p.
 - infectious wastes q. mattresses h.
 - i. dredge spoils textiles r.
 - j. ash refuse derived fuel s.

Other Facilities, strategies, and programs consistent with this Chapter and the Comprehensive

- Solid Waste Management Plan.
- Each element of the System shall be implemented in accordance with the Comprehensive Solid Waste Management Plan, ordinances and resolutions enacted by the Council to further implement that Plan, applicable contracts heretofore or hereafter entered into between or among the County, Cities, other governmental entities and Operators, and applicable local, state, and federal law. In addition, the System and each element thereof, shall be implemented, as applicable, in accordance with the priorities set forth in RCW 70.95.010, as it may hereafter be amended, currently:
 - Waste reduction;
 - Recycling, with source separation of recyclable

materials as the preferred method;

- 3. Energy recovery, incineration, or landfill of separated waste;
- 4. Energy recovery, incineration, or landfilling of mixed wastes.
- D. The Director shall designate Solid Waste Handling Facilities for Solid Waste that:
 - 1. Originates within the unincorporated areas of the County (except McChord Air Force Base and the Fort Lewis Military Reservation);
 - 2. Originates within a City that has authorized the County to designate Solid Waste Handling Facilities for that City's Solid Waste; or
 - 3. Originates outside the County and is allowed to be Handled in the unincorporated area of the County by applicable ordinance, regulation, contract with an Operator, or the Director's emergency authorization, as provided in Section 8.30.020E.

The designation by the Director of each such Facility shall specify:

- a. The location of the Facility and the name and address of the Person operating the Facility; b. the type, origin, and volume of Solid Waste which shall or may be Handled at such Facility; c. the Persons who may deliver Solid Waste to each such Facility; and
- d. the manner of conveyance and time for delivery of Solid Waste to each such Facility.

If the owner or operator of the Facility is an Operator as defined in this Chapter, the designation shall be as required by, or otherwise be consistent with, the County's contract with the Operator.

The Director may designate a Solid Waste Handling Facility prior to its construction or receipt of permits necessary for its operation, except that the provisions of Section 8.30.030 shall not be effective with respect to that Facility unless and until it is capable of Handling Solid Waste. Furthermore, no such designation shall release any Operator from the responsibility of complying with all applicable local, state, and federal laws and regulations.

- E. Upon a finding that it is necessary for the immediate preservation of the public health or safety, the Director shall immediately notify the Chair of the County Council of such emergency, and may, for periods no longer than sixty (60) consecutive days, designate additional or alternative Facilities that do not comply with all of the requirements of this Chapter. The authority of the Director to so designate additional or alternative Facilities under this Subsection, and the exercise of that authority, shall not excuse any breach of the terms or conditions of any applicable contract with an Operator.
- F. Except as provided in 8.30.020E, Solid Waste referred to in 8.30.020D. 1, 2 or 3, shall not be diverted from the Solid Waste Handling Facilities designated by the Director, or handled at any other location or Facility, unless that diversion or Handling is made by an Operator, a City or

other governmental entity or as otherwise approved by the Director in accordance with any contract between the County and the Operator of the Facility from which Solid Waste is being diverted.

- G. An operator may require as a condition to the delivery or disposal of Solid Waste that a Person delivering or disposing of Solid Waste at that Operator's Facility enterinto an agreement with the Operator which concerns the following:
 - 1. The nature of the Solid Waste to be Handled;
 - 2. The time, means, and manner of delivery;
 - 3. The prohibition of delivery or disposal of Hazardous Waste or other Solid Waste or materials not permitted to be Handled at that Facility;
 - 4. The manner in which any Hazardous Waste or other non-permitted Solid Waste or materials shall be handled if delivered;
 - 5. The cleanup of improperly Handled Solid Waste; the payment of fees and charges for services provided by that Facility;
 - 6. Any financial security for payment (including but not limited to deposits, performance bonds or letters of credit) and the compliance with the Operator's rules;
 - 7. And such other matters as may be approved by the Director or authorized by applicable contract with an Operator.

Any such agreement between an Operator and the user of that Operator's Facility shall be subject to any applicable contract between the County and that Operator and, further, subject to the approval of the Director unless the terms of such agreement have been approved by the County in connection with that Operator's contract with the County, in which case the approval of the Director shall not be required.

This Subsection 8.30.020G does not limit the ability of an Operator to set fees and charges for the Handling of Solid Waste which is permitted but not required to be disposed of at such Facility except as may be provided in a contract between such Operator and the County.

- H. An Operator may impose such rules and regulations as it deems necessary and appropriate governing the Handling of Solid Waste at its Facility and the price, terms, method, and time of payment for services and other relevant matters, including but not limited to those matters described in 8.30.020G.
- I. All persons disposing of or otherwise delivering Solid Waste at a Solid Waste Handling Facility shall pay, when due to the Operator of that Facility, the fees or charges established under the applicable contract between that Operator and the County and shall comply with the rules established by the Operator under 8:30.020H. Subject to applicable law and any contract with the County, an Operator may, after giving reasonable notice to the County, take such

actions as it deems necessary and appropriate to enforce those rules and collect those fees and charges, including prohibiting any Person from using that Facility due to nonpayment or noncompliance with the Operator's rules.

J. Facilities that Handle Recyclable Materials shall not be subject to the designation requirements of this Chapter unless such a facility is designated as a disposal site.

However, Recyclable Material that is delivered initially to such a Facility and that ultimately is not recycled shall be subject to this Chapter.

(Ord. 90-4 5 1 (part), 1990)

8.30.030 Disposal of Solid Waste.

- A. It is unlawful for any Person to dispose of or otherwise Handle within the County any Solid Waste originating in the County or elsewhere, unless such disposal or Handling is,
 - 1. consistent with and permitted by the Director's specific designation of the Facility disposing of or Handling such Solid Waste or is;
 - 2. expressly allowed by County ordinance or a contract between the County and an Operator, a City comprehensive solid waste management plan, or an interlocal agreement or;
 - exempt pursuant to 8.30.020 J.
 - B. It is unlawful for any Person to deliver any material, article or substance which is not Solid Waste to any Facility for disposal or other Handling.
 - C. To the extent permitted by applicable law and in addition to the penalties and remedies provided herein, violation of the provisions of this Chapter shall also be grounds for revocation of licenses and permits, equitable relief, or such other remedies or actions necessary to carry out the purpose of this Chapter.
- D. The appropriate officers and employees of the County are authorized to take all lawful actions reasonably available to enforce in a timely manner the provisions of Sections 8.30.020 and 8.30.030 against any Person violating the provisions of those Sections, including but not limited to,
 - 1. bringing a civil and/or criminal action against that Person and providing testimony and cooperation in the prosecution of that action;
 - 2. barring that Person from use of a Solid Waste Handling Facility;
 - 3. requesting that the WUTC revoke that Person's certificate to collect or transport Solid Waste or Recyclable Material;
 - 4. seeking equitable relief against that Person; and
 - 5. any other legal remedy.
- F. Nothing in this Section shall prohibit an individual from disposing of Solid Waste originating at his or her place of residence by his or her own activities onto or under the surface of ground owned or leased by him or her so long as that disposal does not violate any local, state, or federal law, or create a nuisance.

(Ord. 90-4 § 1 (part), 1990)

- 8.30.040 Regulations, Consistency and Procedure.
 - A. The Director is authorized to propose, in ordinance form, such regulations as he or she deems necessary to carry out the purposes of this Chapter.
 - B. The authority to propose regulations in ordinance form and to designate facilities provided to the Director in this Chapter shall be exercised consistent with the Comprehensive Solid Waste Management Plan, ordinances and resolutions enacted by the Council, contracts heretofore or hereafter entered into between or among the County, Cities, other governmental entities and Operators, and applicable local, state and federal law.
 - The Director shall use reasonable methods to inform the public and the Operator of the Facility and allow opportunity to comment upon proposed decisions to designate Facilities. The Director shall publish notices of proposed decisions to designate Facilities in a newspaper of general circulation in the County, City, or general area where the Facility is located, at least once a week for two consecutive weeks. The notices shall include the information described in 8.30.020D and a statement that the public is invited to comment on the proposed decision for a period of thirty (30) days following the date of the last publication of notice and that the Director's proposed decision shall become final upon the expiration of the thirty (30) day comment period unless modified by the Director within such comment period. If, for any reason, the Director modifies the proposed decision to designate during the comment period, notice of the modified decision shall be published in the same manner described in this Section and shall allow a thirty (30) day comment period from the date of the last publication of notice of the modified decision. Upon expiration of the thirty (30) day comment period, the Director shall file a record of the final decision to designate Facilities and proof of publication of notice with the County Auditor and with the Director of the Tacoma-Pierce County Health Department. Any person who made a written request for designation of a Solid Waste Handling Facility and who was denied designation by a final decision of the Director made under 8.30.040C and who feels aggrieved by the Director's final decision may appeal that final decision as provided in this subparagraph.
 - 1. Any appeal under this subparagraph shall be commenced by service of notice upon the Director within fifteen (15) days of the filing of the final decision. The notice must be a written, signed and notarized notice of appeal which sets forth the relevant facts. An appeal fee in the amount of five hundred dollars (\$500.00) must be paid to the County at the time of service of a notice of appeal.
 - 2. Any appeal under this subparagraph shall be heard by the Pierce County Hearing Examiner. The Examiner shall convene a hearing on the appeal at a time to be fixed at the Examiner's discretion, but no later than

sixty (60) days after service of the notice of appeal. The Director, or the Director's designee, shall receive documents from the appellant and shall prepare a report of the Director's final decision under appeal, shall prepare such additional materials as are relevant, and shall provide these materials to the Examiner five (5) days prior to the hearing date.

3. The Examiner's written decision shall be final and conclusive unless an aggrieved party files an appropriate action in Superior Court and serves all necessary parties within thirty (30) days of the Examiner's final decision. The Examiner's decision shall not be subject to reconsideration or to appeal to

the County Council. (Ord. 90-4 § 1 (part), 1990)

8.30.050 Unlawful Disposal of Solid Waste - Misdemeanor.
Every person who knowingly violates or fails to comply with Pierce County Code Chapter 8.30 is guilty of a misdemeanor.
(Ord. 90-4 § 1 (part), 1990)

8.30.060 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 90-4 § 1 (part), 1990)

SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS

secrions:	
8.32.010	Purpose.

8.32.020 Unlawful Dumping - Misdemeanor.

8.32.030 Registration Certificate Required - Firms. 8.32.040 Registration Certificate Required - Persons.

8.32.050 Application for Registration Certificate.

8.32.060 Registration Certificate - Issuance.

8.32.070 Application for Registration Certificate - Duty to Act Upon.

8.32.080 Registration and Inspection Fee.

8.32.090 Effective Date - Expiration of Registration Certificates.

8.32.100 Terms and Conditions of Registration Certificates - Statement Required.

8.32.110 Change of Address of Registrant.

8.32.120 Revocation of Registration Certificate.

8.32.130 Violations Constitute Misdemeanor.

8.32.140 Severability.

Cross-references: Chapters 36.58, 36.58A RCW

8.32.010 Purpose.

For the purpose of protecting the life, health, safety, welfare and convenience of the inhabitants of Pierce County, it is necessary to establish rules and regulations pertaining to the collecting of garbage, and the disposal thereof; providing for a registration and inspection fee; and prescribing penalties for its violation. (Res. 1988 § 1, 1945; prior Code § 95.08.010)

8.32.020 Unlawful Dumping - Misdemeanor.

Every person who places, deposits or dumps, or who causes to be placed, deposited or dumped, any sewage, sludge, accumulation of human excrement or garbage in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement or license, or on any private property without the consent of the owner, is guilty of a misdemeanor. (Res. 1988 § 2, 1945; prior Code § 95.08.020)

8.32.030 Registration Certificate Required - Firms.

It is unlawful for any person or firm to carry on or engage in the business of garbage collection unless he or it holds an unrevoked registration certificate issued by the Pierce County Health Officer or his duly authorized representative for the carrying on of the business. (Res. 1988 § 3, 1945; prior Code § 95.08.040)

Title 8 - Health and Welfare 8.32.040

8.32.040 Registration Cartificate Required - Persons.

It is unlawful for any person to collect garbage on behalf of any person or firm engaged in the business of garbage collection unless the person or firm holds an unrevoked registration certificate as provided in this Chapter. (Res. 1988 § 4, 1945; prior Code § 95.08.050)

8.32.050 Application for Registration Certificate.

All applications for registration under this Chapter shall be filed with the County Health Officer. The application shall state the name in full; if a partnership, then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership. The application shall be signed by the authorized officer of a corporation, if a corporation, or by the managing partner, if a partnership. (Res. 1988 § 5, 1945; prior Code § 95.08.060)

8.32.060 Registration Certificate - Issuance.

Registration shall be issued only after a satisfactory examination by the County Health Officer or his duly authorized representative covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting public health and nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may collect garbage without endangering human health or comfort; and only after examination of the place or places and manner of disposal proposed by the applicant. (Res. 1988 § 6, 1945; prior Code § 95.08.070)

8.32.070 Application for Registration Certificate - Duty to Act Upon.

The County Health Officer or his designee shall be required to act upon each application in a timely manner. (Ord. 84-67 § 1 (part), 1984; Res. 1988 § 7, 1945; prior Code § 95.08.080)

8.32.080 Registration and Inspection Fee.

There shall be a registration and inspection fee to defray expenses incurred by the Tacoma-Pierce County Health Department in issuing registration certificates, conducting inspections and otherwise administering this Chapter. (Ord. 84-67 § 1 (part), 1984; Res. 13437 § 6, 1969; Res. 8644, 1961; Res. 1988 § 8; prior Code § 95.08.090)

8.32.090 Effective Date - Expiration of Registration Certificates.

Registration shall be only for the unexpired portion of the calendar year in which application is made, and at the end of the calendar year all registrations shall become void and of no effect. (Ord. 84-67 § 1 (part), 1984; Res. 1988 § 9, 1945; prior Code § 95.08.100)

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8.32.100 Terms and Conditions of Registration Certificates - Statement Required.

Applicants may be registered under such terms, conditions, orders and directions as the County Health Officer or his duly authorized representative may deem necessary for the protection of human health and comfort. The County Health Officer and his duly authorized representatives are empowered to require any and all persons who are registered with him to collect garbage, to file with the Health Officer at any time and at such frequency or intervals as he may desire, a statement giving the name and address of the owner or tenant of each and every one of the premises where garbage is collected by the registrant or his employees or by others on his behalf, and the statement shall also describe in precise terms the place where the garbage shall have been disposed of and by whom. The County Health Officer is empowered to require such statements to be sworn to before a notary public. (Res. 1988 § 10, 1945; prior Code § 95.08.110)

8.32.110 Change of Address of Registrant.

A change of address of any registrant, including a member of a partnership which is registered and of the place of business thereof, shall be reported in writing by registered mail by the registrant within five days after the change of address. (Res. 1988 § 11, 1945; prior Code § 95.08.120)

8.32.120 Revocation of Registration Certificate.

Any registration certificate issued under this Chapter may be revoked for cause by the issuing Health Officer on ten days' notice to registrant, which notice shall be served by registered mail or in person at the latest place of residence or of business reported by the registrant. (Res. 1988 § 12, 1945; prior Code § 95.08.130)

8.32.130 Violations Constitute Misdemeanor.

Violation of any of the provisions of this Chapter or of any order or orders of the Health Officer made pursuant to this Chapter for the protection of human health and comfort shall constitute a misdemeanor. (Res. 1988 § 13, 1945; prior Code § 95.08.140)

8.32.140 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 12, 1989)

UNDERGROUND STORAGE TANKS

Sections:

- 8.34.010 Definitions.
- 8.34.020 Authority.
- 8.34.030 Permits.
- 8.34.040 Application For a Permit.
- 8.34.050 Underground Storage Tank Removals.
- 8.34.060 Penalties.
- 8.34.070 Appeals.
- 8.34.080 Beverability.

8.34.010 Definitions.

- A. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to RCW 70.05.
- B. "Clean fill" means a fill material which contains no contaminants beyond what would normally be expected for that material and meets other federal, state, and local fill guidelines, if applicable.
 - C. "Contamination" means the degradation of any component of the environmental by a release in sufficient quantity to impair its usefulness as a resource.
 - D. "Department" means the Tacoma-Pierce County Health Department.
 - E. "Director" means the Director of the Department or his/her authorized representative.
 - F. "Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing of, or otherwise handling hazardous material. Use of the term "facility" as described herein includes underground tanks, including facilities which otherwise handle, use, dispose of, or store hazardous materials in containers or bulk. For purposes of this Chapter, an existing facility means a facility which has been constructed prior to the effective date of this ordinance.
 - G. "Groundwater" means any water found beneath the surface. H. "Hazardous material" means any liquid, solid, gas, or sludge which, when accidentally or deliberately released or when improperly used, stored, or disposed of, creates a condition which presents or could present a potential risk to human health or the environment.
 - I. "Operator" means the person who is responsible for the facility or his/her authorized representative.
 - J. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any public entity.
 - K. "Release" means any spilling, leaking, emitting, or discharging of a hazardous material from a facility or other operation or activity into or onto soil, air, water,

groundwater, or other natural or man-made structures or materials.

L. "Tank" means a stationary device designed to contain an accumulation of hazardous material which is constructed of non-earthen materials (steel, plastic, concrete, etc.) which

provide structural support.

M. "Underground storage tank" means any one or a combination of tanks, including underground pipes connected thereto, which is used to contain or disperse an accumulation of hazardous materials, the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground; however, the following do not fall under the definition of underground storage tank:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial

purposes.

2. Tanks of 1,100 gallons or less capacity used for storing heating oil for consumption on the premises where stored.

3. Any tank which forms an integral part of an industrial or commercial process (flow-through process tank) through which there is a steady or uninterrupted flow of materials during the operation of the process, subject to proper spill and management practices.

4. Any on-site sewage disposal system or holding tank which serves as a method of storage, conveyance, treatment, or disposal of human or animal wastes.

(Ord. 88-134 § 1 (part), 1988)

8.34.020 Authority.

A. The Director shall enforce this Chapter and any standards promulgated by the Board of Health relative to this Chapter. The Board of Health is empowered to and shall write standards necessary for implementation of this Chapter, consistent herewith.

B. The Director may, with the consent of the occupant thereof, or pursuant to a lawfully issued warrant, enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this Chapter and the Board of Health standards established in accordance herewith.

(Ord. 88-134 § 1 (part), 1988)

8.34.030 Permits.

A. No person shall remove or cause to be removed any underground storage tank which has contained a hazardous material without first obtaining a valid permit issued by the Director. The Pierce County Fire Protection Bureau, or where appropriate, the local Fire Department also specifically regulates and authorizes permits for underground storage tanks, pursuant to the Fire Code.

B. Permits shall be valid for 180 days from the date of issuance.

C. Notification by the permit holder shall be given to the Director at least five days prior to tank removal.

(Ord. 88-134 § 1 (part), 1988)

8.34.040 Application For a Permit.

- A. An application shall be made in writing on forms provided by the Department, and shall be accompanied by a fee in accordance with the fee schedule adopted by the Board of Health.
- B. The application shall contain the following information, as well as any other information the Director deems necessary:
 - 1. The address and parcel number of the facility;
 - 2. The name, address, and telephone number of the operator;
 - 3. The name, address, and telephone number of the person performing the tank removal;
 - 4. The estimated age, dimensions, and gallonage of the tank and a description of the tank's contents;
 - 5. The use of the facility, past, present, and future;
 - 6. A plot plan with the general facility layout;
 - 7. The approximate date of tank removal.

(Ord. 88-134 § 1 (part), 1988)

8.34.050 Underground Storage Tank Removals.

- A. The Director shall be present at the facility during any or all of the tank and contamination removal process.
- B. The operator shall provide safe access in accordance with Washington State Department of Labor and Industry standards to all areas of the facility necessary for inspection of the tank's removal.
- C. The operator of the facility shall demonstrate to the satisfaction of the Director that no contamination has occurred. The Director shall inspect for signs of current or historical contaminant release, such as, but not limited to: holes, punctures, or cracks in the tank, soil staining, discoloration, or sheen. Soil samples shall be taken by the operator upon the direction of the Director, and shall be analyzed for all constituents of the previously-stored hazardous materials and their transformation or breakdown products.
- D. If the Director finds the facility to be:
 - 1. Free of contaminants, the operator shall backfill the tank hole with clean fill material as defined by the Department.
 - 2. Unacceptable, due to contamination, the operator shall be responsible for additional soil and/or water testing, the removal of contaminated soil and its proper disposal, and the treatment of contaminated groundwater, as required by the Director.

(Ord. 88-134 § 1 (part), 1988)

8.34.060 Penalties.

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine in any sum not exceeding five thousand dollars, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment.

Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this Chapter. (Ord. 88-134 § 1 (part), 1988)

8.34.070 Appeals.

Procedures for appeals to the Hearings Examiner or Board of Health from any ruling or decision of the Health Department shall be taken in accordance with Sections 5.02.160 and 5.02.180 of the Official Code of the City of Tacoma. (Ord. 88-134 § 1 (part), 1988)

8.34.080 Severability.

The provisions of this Chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons and circumstances. (Ord. 88-134 § 1 (part), 1988)

ON-SITE SEWAGE DISPOSAL SYSTEMS

Sections: 8.36.010 Definitions. 8.36.020 Rules and Regulations. 8.36.030 Enforcement. 8.36.040 Scope of the Rules and Regulations. 8.36.050 General Requirements of the Rules and Regulations. 8.36.060 Permits. 8.36.070 Designer and Installer Certification. 8.36.080 Design. 8.36.100 Domestic Water Source. 8.36.110 Density and Minimum Lot Size. 8.36.120 Septage Haulers. 8.36.130 Appeals. 8.36.140 Penalties.

Cross-reference: Chapter 248-96, WAC

8.36.010 Definitions.

8.36.150 Severability.

Certain words and phrases used in this Chapter, unless otherwise clearly indicated by their context, shall mean as follows:

- A. "Approved" means accepted in writing by the Health Officer and, where required, by the Washington State Department of Social and Health Services (DSHS).
- B. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to RCW 70.05.
- C. "Certificate of competency" means a certificate to engage in specific work indicated by the certification as granted by the Tacoma-Pierce County Health Department and to be defined in the Board of Health Rules and Regulations.
- D. "Department" means the Tacoma-Pierce County Health Department.
- E. "Health Officer" means the Director of the Tacoma-Pierce County Health Department or his/her authorized representative.
- F. "On-site sewage disposal system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on the property where it originates or an adjacent or nearby property under control of the user where the system is not connected to a public sewer system.
- G. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any branch of federal, state, or local government.
- H. "Sewage" means the water-carried human or domestic waste from residences, buildings, industrial establishments or

other facilities, together with such ground water infiltration, that may be present.

I. "WAC 248-96" means Washington Administrative Code Chapter 248-96; the Washington State Board of Health Rules and Regulations for on-site sewage disposal.

(Ord. 86-125 § 1 (part), 1986)

8.36.020 Rules and Regulations.

The Board of Health is empowered to and may write Rules and Regulations not inconsistent herewith relative to this Chapter. (Ord. 86-125 § 1 (part), 1986)

8.36.030 Enforcement.

The Health Officer shall enforce this Chapter and the Rules and Regulations of the Board of Health. The Board of Health shall establish such enforcement procedures as are necessary to ensure proper enforcement of the Rules and Regulations adopted pursuant to this Chapter. The Board shall also establish an appeals procedure for persons who feel aggrieved by any final order or decision of the Health Officer. (Ord. 86-125 § 1 (part), 1986)

8.36.040 Scope of the Rules and Regulations.

The Board of Health Rules and Regulations shall apply to all on-site sewage disposal systems except the following:

- A. A site application for new construction that was approved prior to the Rules and Regulations and is still valid. The regulations in effect at the time of approval shall apply, except where portions of the new Rules and Regulations are less stringent;
- B. An extension, alteration, or replacement necessitated by the failure of an existing on-site sewage system. In such cases, the repair shall comply to the maximum extent possible to the Rules and Regulations as is permitted by that site; except no work or repair shall create a potential health hazard;
- C. Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Ecology or the Washington State Department of Social and Health Services.

(Ord. 86-125 § 1 (part), 1986)

- 8.36.050 General Requirements of the Rules and Regulations. The Board of Health shall address the following areas of general concern:
 - A. Establish requirements for the review and approval of onsite sewage disposal systems. These requirements shall be applicable to residences, places of business, and other buildings or places where persons congregate, reside or are employed;
 - B. Prohibit the discharge of sewage, from any source, into surface water or upon the surface of the ground, and not allow any potential health hazard to exist as a result of improper wastewater management;
 - C. Establish criteria whereby connection of a premises to a public sewer system, when available, would be required

rather than the construction or repair of an on-site sewage disposal system.

(Ord. 86-125 § 1 (part), 1986)

8.36.060 Permits.

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

(Ord. 86-125 § 1 (part), 1986)

8.36.070 Designer and Installer Certification.

A. Designers.

1. The Board of Health shall establish criteria for engaging in the business of a sewage disposal system designer and it shall be unlawful to engage in that business without a valid Sewage Disposal System Designer's Certificate of Competency as to be issued by the Department.

2. The Health Officer may suspend or revoke any Sewage Disposal System Designer's Certificate of Competency, after written notice to or informal conference with the designer, if the Health Officer finds incompetency, negligence, misrepresentation, or failure on the part of the designer to comply with the Rules and Regulations of the Board of Health.

B. Installers.

1. The Board of Health shall establish criteria for engaging in the business of installing, altering or repairing any on-site sewage disposal system and it shall be unlawful to engage in that business without a valid certificate issued by the Department.

2. The Health Officer may suspend or revoke any installer's certification after written notice to or informal conference with the installer, if the Health Officer finds incompetency, negligence, misrepresentation, and/or failure to comply with the Rules and Regulations of the Board of Health.

(Ord. 86-125 § 1 (part), 1986)

8.36.080 Design.

A. The Board of Health shall establish the design criteria for the submittal of all on-site sewage disposal applications.

B. On-site sewage disposal systems shall be designed by a sewage disposal system designer, certified as provided for in Section 8.36.070 of this Chapter and the Rules and Regulations as adopted by the Board of Health.

C. The Board of Health shall establish guidelines for design application renewals and application extensions.

D. Design for an on-site sewage disposal system shall be made to the Health Officer who must deny the application if the design is not adequate for safe and healthful operation of the system and/or does not meet the requirements of this Chapter, the Rules and Regulations of the Board of Health, and WAC 248-96.

E. Design of on-site sewage disposal systems shall be such as to accommodate all sewage from the building and premises to be served.

(Ord. 86-125 § 1 (part), 1986)

8.36.090 System Construction.

A. The Board of Health shall establish criteria and requirements concerning the design and installation of any on-site sewage disposal system.

B. No disposal field shall be constructed unless there has first been actual tests conducted on the site in a manner as described by the Health Officer to determine the feasibility of an on-site system and the absorption area that would be required.

(Ord. 86-125 § 1 (part), 1986)

8.36.100 Domestic Water Source.

A. The Board of Health shall establish such requirements as deemed necessary to ensure each application will be provided with potable water from an individual source of water or an approved public water supply.

B. The Board of Health, shall establish such requirements as are deemed necessary for the protection of potable water sources.

(Ord. 86-125 § 1 (part), 1986)

8.36.110 Density and Minimum Lot Size.

On-site sewage disposal systems shall be installed on lots, parcels, or tracts that have a sufficient amount of area with proper soils in which sewage can be retained and treated properly on-site. In this regard, the Board of Health shall establish the maximum allowable density and minimum lot sizes for future development proposals. The Board shall also establish guidelines to set such limits. (Ord. 86-125 § 1 (part), 1986)

8.36.120 Septage Haulers.

A. The Board of Health shall establish guidelines and criteria for engaging in the business of septage hauling and it shall be unlawful for any person to carry on or engage in the business of cleaning of septic tanks, cesspools, grease traps, seepage pits, vault privies, chemical toilets and other receptacles of human sewage or to transport over the highways or to dispose of the cleanings therefore in Pierce County unless they hold a valid registration and license issued by the Health Officer for carrying on such business. B. Application for registration and license shall be filed with the Health Officer, and shall be consistent with the

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requirements established by the Board of Health.

C. Any registration certificate issued under this Section may be suspended immediately when a potential health hazard exists and may be revoked for cause by the Health Officer.

(Ord. 86-125 § 1 (part), 1986)

8.36.130 Appeals.

Any person aggrieved by any decision or final order of the Health Officer shall have the right to appeal such decision or order. Such appeals shall follow the procedures as outlined by the Board of Health. (Ord. 86-125 § 1 (part), 1986)

8.36.140 Penalties.

Any person violating or failing to comply with any of the provisions of this Chapter, the Board of Health Rules and Regulations, or any lawful order of the Health Officer shall upon conviction be deemed guilty of a misdemeanor. Any person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter, or Board of Health Rules and Regulations, or any lawful order of the Health Officer is committed, continued, or permitted. (Ord. 86-125 § 1 (part), 1986)

8.36.150 Severability.

The provisions of this Chapter are hereby declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Chapter or the invalidity of the application, thereof, to any person or circumstance shall not affect the validity of the remainder of this Chapter or the validity of its application to other persons and circumstances. (Ord. 86-125 § 1 (part), 1986)

INFECTIOUS WASTE MANAGEMENT

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8.38.010 Authority and Purpose.

This Chapter is promulgated under the authority of Chapter 70.05 of the Revised Code of Washington to protect public health and the environment, and prevent the spread of any dangerous, contagious, or infectious diseases. The purposes of this Chapter are to:

- A. Provide broad powers of regulation to the Health Department and its appointed Health Officer, relating to the management of infectious waste.
- B. Designate those infectious wastes which are dangerous to the public health and environment.
- C. Provide the rules necessary to establish an infectious waste management plan.
- D. Establish the operation and monitoring requirements for infectious waste generators, transporters, storage, and treatment facilities.
- E. Establish and administer a program for permitting infectious waste generators, transporters, storage, and treatment facilities.
- F. Provide for surveillance and monitoring of infectious wastes until they are rendered non-infectious and disposed of properly.

(Ord. 89-54S § 1 (part), 1989)

8.38.020 Definitions.

- A. Barrier: A physical separation of infectious waste by an installation, construction, container, recipient, or means of packaging which restricts or prevents such waste from contact, contamination or aerosol dispersion to adjacent areas or persons.
- B. Board of Health: The Tacoma-Pierce County Board of Health.
- C. Chemical Disinfection: An infectious waste treatment and decontamination method which utilizes appropriately formulated chemical solutions to disinfect infectious waste and contaminated areas.
- D. Chemotherapeutic Waste: All disposal materials which have come in contact with cytotoxic/antineoplastic agents during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to; gloves, empty IV tubing bags and vials, and other contaminated materials.
 - E. Container: Any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
 - F. Collection: The removal and transportation of infectious waste from the generator, transfer station, or pickup station.
 - G. Contamination: The degradation of naturally-occurring water, air, or soil quality either directly or indirectly as a result of human activity; or the transfer of disease organisms from one material or object to another.
- H. Contingency Plan: The document setting forth an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion, equipment malfunction or breakdown, or release of infectious waste constituents which could threaten human health or the environment.
- I. Director: The Director of the Health Department or his/her authorized representative.
- J. Decontamination: The elimination of contamination through cleansing and disinfection of an area, object, or person soiled by contact with infectious waste.
- K. Facility: Any place where infectious waste activity occurs as defined by this Chapter.
- L. Gas/Vapor Sterilization: An infectious waste treatment technique, only for use under very controlled circumstances, that uses gases or vaporized chemicals as sterilizing agents.
- M. Generator: Any person whose act or process produces infectious waste as defined in this Chapter.
- N. Handling: Direct physical management of infectious waste.
- O. Health Department: The Tacoma-Pierce County Health
- Department.
 P. Health Officer: The appointed official representative of the Tacoma-Pierce County Health Department.
- Q. Incineration: A processing method using an engineering apparatus capable of withstanding heat and having as its

purpose the efficient thermal oxidation and/or conversion of combustible material into noncombustible residues (ash) and product gases

product gases.

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

- S. Infectious Waste: Waste capable of causing an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host. Infectious waste includes the following types:
 - 1. Contaminated Sharps: All discarded objects that have come into contact with infectious or potentially infectious agents during use in human or animal care, or in medical research or industrial laboratories that may inflict a puncture or laceration wound. Examples include, but are not limited to; needles, syringes, scalpel blades, and broken glassware.
 - 2. Human Blood and Blood Products: Waste human blood and blood products that may or may not contain an infectious agent. Examples include, but are not limited to; serum, plasma, and other blood components.
 - 3. Cultures and Stocks of Infectious Agents and Associated Biologicals: All specimens, cultures, and stocks of infectious agents from medical, pathology, clinical research, and industrial laboratories that may or may not contain an infectious agent. Also included are all wastes from the production of biologicals, and discarded live and attenuated vaccines.
 - 4. Contaminated Laboratory Wastes: All wastes from medical, pathological, veterinary, research, commercial, or industrial laboratories that have come into contact with infectious agents. Examples include, but are not limited to: specimen containers, culture dishes, slides and cover slips, glassware, and devices used to transfer, inoculate, and mix cultures of infectious agents.

5. Human Pathological Wastes: All human tissues, organs, and body parts from surgery, obstetrical procedures, autopsy, and biopsy.

- 6. Contaminated Animal Carcasses, Body Substances, Parts, and Bedding: All animal carcasses, body substances, parts, and bedding that has been exposed to an infectious agent in research, production of biologicals, or in vivo pharmaceutical testing. Also included are all body substances from animals that may be contaminated with an infectious agent transmissible to humans.
- 7. Disease Specific Contaminated Items: All wastes that have come into contact with human body substances infected with anthrax, smallpox, rabies, plague, and viral hemorrhagic fevers such as Lassa fever and Ebole-Marburg virus disease.
- 8. Miscellaneous Contaminated Items: Waste items not

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included in the above definitions that have come into contact with human body substances or other sources which may contain pathogenic organisms of sufficient concentration that exposure to the waste directly or indirectly creates a significant risk of disease transmission. These items shall be determined as infectious waste by and solely at the discretion of the infectious waste generator's infection control staff/committee.

- T. Infectious Waste Management Permit: The permit issued by the Tacoma-Pierce County Health Department for the generation, transportation, storage, and treatment of infectious waste under the conditions specified in the permit section of this Chapter.
- U. Infectious Waste Management Plan: A written and implemented system for the safe handling of infectious waste throughout the entire process of generation, segregation, packaging, storage, collection, transportation, treatment, and disposal.
- V. Irradiation Sterilization: The use of ionizing radiation for the treatment of infectious waste.
- W. Landfill: A disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a treatment facility, surface impoundment, or injection well.
- X. Non-harmful: Unable to inflict harm or injury to personnel.
- Y. Off-site: A facility or area for the storage, treatment, and/or disposal of infectious waste which is not on the generator's site (e.g. "on-site") or a facility or area which receives infectious waste for storage or treatment, when that waste has not been generated "on-site" at that facility.
- Z. Operator: A person who operates a facility or part of a facility.
- AA. Owner: The person who owns a facility or part of a facility.
- BB. Pathogen: A biological agent that causes disease. CC. Person: An individual, trust, firm, joint stock company, corporation, partnership, association, state, county, commission, political subdivision of a state, an interstate body, or the federal government or an agency of the federal government.
- DD. Personnel: All persons who work at or oversee the operations of a facility involved in infectious waste activity.
- EE. Steam Sterilization: A treatment method for infectious waste, utilizing saturated steam within a pressure vessel (known as a steam sterilizer, autoclave, or retort) at time lengths and temperatures sufficient to kill infectious agents within the waste.
- FF. Storage: The containment of infectious waste for such time as may be permitted by this Chapter in such a manner as not to constitute disposal of infectious waste.

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

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

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

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

KK. Vehicle: Any motor vehicle, rail car, water craft, trailer, or motorized or non-motorized cargo-carrying body used for the movement of infectious waste.

(Ord. 89-545 § 1 (part), 1989)

8.38.030 Applicability

This Chapter shall apply to all infectious waste generating facilities without regard to quantity of infectious waste produced per month.

Infectious waste generated and disposed of with residential wastes from a single family residential premise or single-family dwelling unit shall be exempt from this Chapter except where such infectious waste is generated from commercial or professional offices. Recognizing that infectious waste items in the residential waste stream do pose a potential health risk, the Health Department shall endeavor to educate the public concerning infectious waste in an attempt to decrease the risks involved. (Ord. 89-545 § 1 (part), 1989)

8.38.040 Types of Infectious Waste Generators.

Designated infectious waste generators shall include, but not be limited to, the following types of facilities:

- A. General Acute Care hospitals.
- B. Skilled Nursing Care Facilities or Convalescent Hospitals.
- C. Health Maintenance Organizations.
- D. Acute Psychiatric Facilities.
- E. Intermediate Care Facilities.
- F. In-patient Medical, Surgical, or Treatment Facilities.
- G. In-patient Care Facilities for the Developmentally Disabled.
- H. Out-patient Medical, Surgical, or Treatment Care Facilities.
- I. Physicians Offices.
- J. Medical Buildings.
- K. Dental Offices.
- L. Animal Care Hospitals or Clinics.
- M. Animal Experimentation Units.
- N. Community Clinics.
- O. Employee Clinics.
- P. Dialysis Clinics.
- Q. Blood Banks.
- R. Plasma Centers.
- S. Commercial Diagnostic Laboratories.

- T. Medical, Research, Industrial, and Educational Laboratories.
- U. Home Health Agencies.
- V. Hospice Agencies.
- W. Residential Congregate Care Facilities.
- X. Funeral Homes and Mortuaries.
- Y. Infectious Waste Transporters.
- Z. Infectious Waste Storage and Treatment Facilities. (Ord. 89-54S § 1 (part), 1989)

8.38.050 Requirements and Standards for Infectious Waste Generators.

A. Applicability. The requirements of this Section shall apply to all infectious waste generators without regard to the quantity of infectious waste produced per month.

B. Permit Required. Any person who owns or operates a facility that generates infectious waste shall have a valid and appropriate Class I A or B infectious waste management permit (IWMP) issued by the Tacoma-Pierce County Health Department.

C. Infectious Waste Management Plan. Each facility shall designate a responsible person or committee who shall prepare a written infectious waste management plan that includes specific policies and procedures including no less than the following:

1. Facilities involved in infectious waste activity shall provide all employees, staff, housekeeping, and janitorial personnel that are involved in the generation and/or handling of infectious waste with infectious waste management training. Such training shall include, but not be limited to, the following:

a. A definition and identification of infectious waste being generated at the facility.
b. An explanation of the facility's infectious waste management plan that includes the requirements of this Chapter in relation to handling, treatment, transportation, storage, and

disposal of infectious waste.

c. Assignment of roles and responsibilities for

implementation of the plan.

d. Implementation of training when the infectious waste management plan is first developed and instituted; when new employees are hired; and when management procedures are changed.

e. Continuing education shall be provided annually or more often if needed and shall be oriented to refresh and maintain personnel awareness of potential hazards as well as reinforce policies and procedures that are detailed in the infectious

waste management plan.

2. Segregation and Containment of Infectious Waste. a. Infectious waste shall be segregated from other waste at the point of origin in the generating facility and managed by persons trained in the safe handling of infectious waste. b. Infectious waste with multiple hazards, (e.g. toxic, radioactive, or other hazardous chemicals) shall be segregated from the general infectious waste stream when additional or alternative treatment is required, or in cases where the wastes are regulated under state or federal authority.

c. Containment of infectious waste shall be in a manner and at a location which affords protection from animals, rain, and wind, and does not provide a breeding place or a food source for insects or rodents.

d. Sharps shall be contained for storage, transportation, treatment, and disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude content loss.

e. Infectious waste, except for sharps capable of puncturing or lacerating, shall be contained in a red or orange colored disposable plastic bag which is impervious to moisture and has a strength sufficient to preclude ripping, tearing, or bursting under normal conditions of usage and of handling waste-filled bags. The bag shall be of at least two millimeters thickness. The bag shall be securely tied or taped so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.

f. All bagged infectious waste and sharps containers shall be placed for storage or handling in disposable or reusable pails, cartons, drums, dumpsters or portable bins. The containment system shall be leak-proof, and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the words "INFECTIOUS WASTE", or have the international biohazard symbol on the lid and on the sides so as to be readily visible from any lateral direction when the container is upright.

g. Infectious waste contained according to requirements of this Section, may share a common in-house transfer cart or portable bin with bagged non-infectious wastes during transportation with a facility to a storage or treatment area. Common transfer carts used to transport contained infectious with non-infectious wastes shall be conspicuously labeled with the words "INFECTIOUS WASTE" or the international biohazard symbol on the sides so as to be readily visible from any lateral direction. In the event of an infectious waste spill within an in-house transfer cart or portable bin that also contains non-infectious waste, all waste items within the transfer cart shall be considered infectious waste and be subject to infectious waste and spill management

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requirements of this Chapter.

h. Reusable pails, drums, dumpsters, or bins used for containment of infectious waste shall not be used for the containment of waste to be disposed of as noninfectious waste or for other purposes, except after being decontaminated. Approved methods of decontamination include, but are not limited to, agitation to remove visible soil combined with one of the following procedures:

(1) Exposure to hot water of at least 82 C

(180F) for a minimum of 15 seconds.

(2) Exposure to a chemical or hospital grade disinfectant effective against mycobacteria and viruses by rinsing or immersion as directed by manufacturer.

- i. Compactors, grinders, or pulverizers shall not be used to process infectious waste until afterthe waste has been rendered noninfectious.

 Infectious waste in bags or other disposable containers shall not be placed for storage or transport in a portable mobile trash compactor.

 j. Trash chutes shall not be used to transfer infectious waste.
- 3. Storage of Infectious Waste
 - a. Designated areas for storage of infectious waste shall be segregated from other wastes. b. Storage areas, enclosures, or containers used for the containment of infectious waste shall be so secured as to deny access to unauthorized persons and shall be marked with prominent warning signs on, or adjacent to, the exterior of entry doors, gates or lids. Wording of warning signs shall state "CAUTION INFECTIOUS WASTE STORAGE AREA" and shall be accompanied by the international biohazard symbol. Warning signs shall be readily legible from a distance of at least 25 feet.
 - c. Floors of storage areas shall be of impervious material to prevent saturation of liquid and semiliquid substances, and a perimeter curb is recommended to contain spills. Storage areas shall also be well lighted and ventilated.

d. Storage time of infectious waste before treatment shall be kept to a minimum if not treated the same day as generated.

e. Filled infectious waste containers, including contaminated sharps containers, shall be stored for no longer than seven days prior to treatment or collection for treatment. Infectious waste being transported or stored after the seven-day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious or shall be kept at temperature between 1 C to 7 C (34 F to 45 F) for up to seven days, or at or below 0 C (32 F) up to a maximum of

90 days. Facilities storing infectious waste after the initial nine-day storage and transportation period shall be required to be permitted by the Health Department as a Class III storage facility. 4. Contingency Plan. All generators of infectious waste shall develop a contingency plan to provide for emergency situations. Provisions shall be made for an alternate treatment plan in the event of equipment breakdown with an incinerator, autoclave, or other approved method for rendering waste non-infectious prior to disposal. In addition, if equipment breakdown occurs and transportation of infectious waste becomes a necessity, a ten-day Temporary Emergency Transportation . Permit shall be required to transport infectious waste to an off-site treatment facility. The Temporary Emergency Transportation Permit shall be issued after the Health Officer has been notified and a determination has been made that vehicles utilized to transport infectious waste conform to the requirements. for transporters in Section 8.38.060 of this Chapter. 5. Spill Management of Infectious Waste, (see Section 8.38.100 of this Chapter).

6. Record Keeping, (see Section 8.38.110 of this

Chapter) .

7. Disposal of Infectious Waste. Infectious waste shall not be disposed of prior to treatment methods, described in Section 8.38.080 of this Chapter, which render it noninfectious. Once infectious waste has been rendered noninfectious through an approved treatment method, it may be disposed of in a permitted landfill facility.

(Ord. 89-545 § 1 (part); 1989)

8.38.060 Requirements and Standards for Transporters.

A. Applicability. The requirements of this Section apply to all transportation of infectious waste over roads or highways, by railroad or by water conveyance. No person shall transport or receive for transport any infectious waste that is not in accordance with this Chapter.

B. Permit Required. Any person who transports infectious waste shall have a valid and appropriate infectious waste management permit (IWMP) Class II issued by the Tacoma-Pierce County Health Department. However, a generator of infectious wastes holding a valid IWMP Class I-A permit who transports only infectious wastes generated at the premises owned or operated by the generator, is exempt from the IWMP Class II permit fee and requirements of this Section.

C. Labeling and Placards of Infectious Waste Transport Vehicles.

- 1. The access doors to any area holding infectious waste in transport shall have a warning sign legible at a distance of 25 feet that indicates that the cargo is infectious waste.
- 2. Vehicles transporting infectious waste shall be identified on each side of the vehicle with the name or

trademark of the transporter, the Tacoma-Pierce County
Health Department permit number, city or place in which
the vehicle is customarily based, and conspicuouslydisplayed rectangular signs or decals 25 by 35
centimeters in size with the red labeling on a white
background with the words "INFECTIOUS WASTE", or with
the international biohazard symbol and the word
"Biohazard". Such identifying labeling shall be readily
legible during daylight from a distance of 50 feet.
D. Receipt and Transfer of Infectious Waste to Off-site
Facilities.

- 1. An infectious waste transporter shall not receive custody of infectious wastes from a facility not possessing a valid and appropriate infectious management permit.
- 2. Infectious waste shall be transported to an off-site facility in a leak-proof, fully enclosed container or vehicle compartment.
- 3. Infectious waste, other than that generated in and disposed with residential solid wastes from single-family dwelling units, shall not be transported in the same container or vehicle compartment with other wastes.
- 4. Infectious waste shall not be stored more than 48 hours at any off-site location or facility, except at a waste storage or treatment facility or other facility for which there is a valid and appropriate Class III infectious waste management permit. At such a facility, the infectious waste shall be kept in a secured area separate from other wastes.
- 5. Infectious waste shall be delivered for treatment or disposal only to a facility for which there is a valid permit to handle such wastes.
- 6. Persons manually loading or unloading containers of infectious waste to or from transport vehicles shall be provided by their employer, and required to wear, gloves that are impermeable to liquids, clean protective clothing, and face shields, and respirators may be required as deemed necessary by the Health Department.
 - 7. Surface areas of equipment used to transport infectious waste must be clean and impermeable to liquids, if those areas are involved with the management of waste. Porous floor coverings shall not be used. Vermin and insects shall be controlled. Surfaces of transport vehicles that have contacted spilled or leaked infectious waste shall be decontaminated by procedures as described in this Chapter. All drainage shall discharge directly to or through a holding tank to a permitted sanitary sewer system.
- E. Management of Infectious Waste Spills.

 1. In the event of a spill, spilled waste must be immediately removed according to procedures listed in this Chapter using the spill containment and clean up

equipment and materials to effect decontamination.

2. All spills must be reported by personnel to employer, and records of spills must be kept for three years. Any spill that has a volume greater than 32 gallons of solid waste or one liter of liquid waste must be reported to the Health Department by phone call describing the spill, and efforts to minimize the potential for spills within 48 hours after the spill.

3. The Tacoma-Pierce County Health Department shall be contacted immediately when spill in transit occurs within Tacoma-Pierce County via 24 hour emergency phone number.

F. Compaction of Infectious waste. Under no circumstances shall infectious wastes be compacted prior to or during transport unless wastes have been rendered noninfectious by methods described in this Chapter.

G. Temperature Control Storage Period.

1. Any infectious waste being transported or stored after a seven-day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious or shall be subject to the following transportation and storage temperature requirements:

a. Refrigeration at a temperature between 1 C to 7

C (34 F to 45 F) for up to seven days.

b. Refrigeration at a temperature at or below 0 C (32 F) for periods longer than seven days but less than 90 days.

c. Record Keeping (see Section 8.38.110 of this Chapter).

(Ord. 89-545 § 1 (part), 1989)

8.38.070 Requirements and Standards for Storage and Treatment Facilities.

A. Applicability. The requirements of this Section shall apply to all infectious waste storage and treatment facilities.

B. Permit Required. Any person who owns or operates a facility for storage or treatment of infectious waste shall have a valid and appropriate Class III infectious waste management permit issued by the Tacoma-Pierce County Health Department.

C. Management/Operation Plan. The owner and/or operator of any infectious waste storage and/or treatment facility shall have and adhere to a management/operation plan which shall include but not be limited to the following requirements:

- 1. A method of receiving wastes which ensures that infectious wastes are handled separately from other waste until treatment is accomplished and which prevents unauthorized persons from having access to or contact with the wastes.
- 2. A method of unloading and processing infectious wastes which limits the number of persons handling the wastes and minimizes the possibility of exposure of employees and public to infectious waste.

3. A method of decontaminating, by use of procedures as

described in this Chapter, emptied reusable infectious waste containers, transport vehicles, or facility equipment contaminated with infectious waste.

4. The provision of and required use of clean gloves and uniforms, along with other protective clothing, face masks, or eye protection, as appropriate, to provide protection of employees against exposure to infectious waste. Decontamination or proper disposal of the soiled protective gear shall be done at the facility.

5. Decontamination of any person having bodily contact

with infectious waste while handling wastes.

6. A spill management plan as described in Section

8.38.100 of this Chapter.

7. A quantification of the maximum amount of infectious waste to be stored, treated, or disposed of per month.

8. A contingency plan as described in Section

8.38.050C.4 of this Chapter.

- D. Temperature Control Storage Period. Any infectious waste being transported or stored after a seven day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious or shall be subject to the following transportation and storage temperature requirements:
 - 1. Refrigeration at a temperature between 1 C to 7 C (34 F to 45 F) for up to seven days.
 - 2. Refrigeration at a temperature at or below O C (32
 - F) for periods longer than seven days but less than 90 days.

E. Record Keeping (see Section 8.38.110 of this Chapter). (Ord. 89-545 § 1 (part), 1989)

8.38.080 Requirements and Standards for Treatment Methods of Infectious Waste.

All treatment methods used for infectious waste shall comply to the following:

A. Steam sterilization/autoclave operating procedures shall

include, but not be limited to, the following:

- 1. Adoption of standard written operating procedures for each steam sterilizer including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content, and maximum load quantity.
- 2. Check of recording and/or indicating thermometers during each complete cycle to ensure the attainment of a temperature of 121 C (250 F) for one-half hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually.
- 3. Use of heat sensitive tape or other device for each container to indicate that the container has been autoclaved.
- 4. Use of biological indicator Bacillus Stearothermophilus placed at the center of a load

processed under standard operating conditions at least weekly to confirm the attainment of adequate sterilization conditions.

5. Maintenance of records of procedures specified in 1., 2., and 4. above for a period of not less than one year.

B. Incineration operating standards shall include, but not be limited to, the following:

1. Infectious waste incinerators shall be permitted and in compliance with the standards of the Puget Sound Air Pollution Control Agency.

2. Infectious waste incinerators should be multichambered and be designed to provide complete combustion for the type of waste introduced into the incinerator.

3. Infectious waste shall be subject to a burn of not less than 760 C (1400 F) for a period of not less than one hour. Gasses generated by combustion shall be subjected to temperatures of not less than 982 C (1800)

F) with a minimum retention time of one second.

4. Waste destruction efficiency. All non-metal and glass waste shall be converted by the incineration process into ash that is not recognizable as to its former character. Any partially combusted material shall be removed and reburned.

5. Unloading operations. Persons required to handle packages of infectious waste shall be provided with clean protective clothing and equipment including overalls, gloves, and eye protection.

C. Alternative treatment methods include, but are not limited to; chemical disinfection, thermal inactivation, gas/vapor sterilization, and irradiation. Any person seeking approval of an alternative treatment method must demonstrate to the Health Officer that the proposed method is capable of rendering infectious waste noninfectious prior to disposal. Also the proposed method must be in compliance with State and Federal regulations relative to employee safety.

(Ord. 89-54S § 1 (part), 1989)

8.38.090 Requirements and Standard for Treatment of Specific Types of Infectious Waste.

- A. Applicability. All infectious waste shall be treated or disposed of in accordance with the methods set forth in this Section.
- B. Approved treatment methods requiring an IWMP Class III permit shall include incineration, steam sterilization, and alternative treatment methods.
- C. Treatment of infectious waste shall include, but not be limited to, the following:
 - 1. Contaminated sharps shall be contained in rigid, leak-proof, puncture-resistant containers prior to treatment by steam sterilization or incineration.
 - 2. Human blood and blood products shall be treated by steam sterilization or incineration. In addition, blood and blood products may also be discharged directly to

the sanitary sewer.

- 3. Cultures and stocks of infectious agents and associated biologicals shall be treated by steam sterilization or incineration.
- 4. Human pathological waste shall be treated by incineration or may be transferred to a mortician for burial or cremation.
- 5. Contaminated laboratory wastes shall be treated by steam sterilization or incineration.
- 6. Contaminated animal carcasses, body parts, and substances shall be treated by incineration. Substances in liquid or semi-liquid form may be discharged to the sanitary sewer. Chemical decontamination of contaminated bedding by a hospital grade disinfectant of 1:10 solution of 3-5% sodium hypochlorite to water is acceptable, provided that saturation of bedding material is sufficient.
- 7. Disease specific contaminated items shall be treated by steam sterilization or incineration.
- 8. Miscellaneous contaminated items shall be treated by steam sterilization, incineration, or other alternate treatment methods as approved in writing by the Health Officer.

(Ord. 89-54S § 1 (part), 1989)

8.38.100 Requirements and Standards for Spill Management of Infectious Waste.

A. Applicability. This Chapter shall apply to all generators, transporters, storage, and treatment facilities handling infectious waste. Written policies and procedures for spill management of infectious waste of any quantity shall be developed by each facility.

B. The policies and procedures for spill management of infectious waste shall include but not be limited to the following:

- 1. Spill containment and cleanup equipment shall be kept in areas, or immediately available to areas, utilized for the collection, storage, transportation, and treatment of infectious waste. Containment and cleanup equipment shall include at least the following items:
 - a. Disposable absorbent material for spilled liquids.
 - b. Chemical or hospital grade disinfectant, effective against mycobacteria and viruses, to decontaminate area of spill.
 - c. Red or orange plastic, infectious waste bags of at least 2 ml. thickness.
 - d. Disposable, moisture-resistant or moistureproof protective clothing, gloves, boots, and caps. Minimum protective breathing devices shall be surgical masks. Protective eye wear shall be included.
 - e. Janitorial equipment, (e.g. dust pans, mops, brooms, etc.) for physical cleanup of infectious

waste. This equipment must be capable of being decontaminated or shall be disposed of in accordance with this Chapter as infectious waste.

2. Containment and cleanup procedures. Following a spill of infectious waste, or its discovery, the following minimum procedures shall be implemented:

- a. The cleanup personnel will don the appropriate protective clothing and gear, and secure the spill area.
- b. Apply absorbent material as necessary and apply disinfectant to contaminated items and area.
- c. Place spill items inside infectious waste bags and secure.
- d. Clean and disinfect non-disposable items.
- e. Remove cleanup clothing and gear and place disposable items inside infectious waste bags and secure.
- f. Replenish used items.
- g. Practice good personal hygiene by washing hands, or showering after spill cleanup.

(Ord. 89-54S § 1 (part), 1989)

8.38.110 Requirements and Standards for Record Keeping.

All generators, transporters, and infectious waste management facilities shall maintain the following records and assure that they are accurate and current.

- A. A current list of their infection control committee and/or personnel responsible for compliance with this Chapter.
- B. The date, time, persons involved, and description of events of infectious waste spills involving more than 32 gallons of solid waste or one liter of free liquid. The date, persons involved, and description of events of all transport spills.
- C. Treatment method of infectious waste, if applicable.
- D. A log of infectious waste management training scheduled, given, and received with complete names and positions of participants.
- E. Type and amount of infectious waste produced per month.
- F. A file containing the adopted infectious waste management plan policies and procedures of the facility for dealing with infectious waste.
- G. Records shall be maintained for a minimum period of three years. This period is automatically extended if the facility is involved in an enforcement action.

(Ord. 89-545 § 1 (part), 1989)

8.38.120 Requirements and Standards for Infectious Waste Permit. This Section requires an infectious waste management permit (IWMP) for the generation, transportation, storage, or treatment of any infectious waste unless specifically excluded by this Chapter. Persons required to have infectious waste management permits shall have such permits during the active life of the facility. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities.

- A. Infectious Waste Management Permit (IWMP) Classifications.
 - 1. IWMP Class I: (Generators)
 - a. IWMP Class I-A: An Infectious Waste Management Permit Class I shall be required for all generators of less than 50 kg (110 lbs) of infectious waste per month.
 - b. IWMP Class I-B: An Infectious Waste Management Permit Class I-B shall be required of generators of more than 50 kg (110 lbs) of infectious waste per month.
 - 2. IWMP Class II: (Transporters) An Infectious Waste Management Permit Class II shall be required of all transporters of infectious waste, (e.g. infectious waste disposal companies).
 - 3. IWMP Class III: (On/Off-site Storage and/or Treatment Facilities) IWMP Class III, an on-site and off-site storage and/or treatment permit shall be required for the operation of any facility that stores and/or treats infectious waste that is generated onsite, (waste generated on the premises owned or operated by the generator), or off-site, (waste generated off the premises owned or operated by the generator).
- B. Exemptions. A Class I-A generator who transports only infectious wastes generated at the premises owned or operated by the generator is exempt from the IWMP Class II permit fee and regulation requirements for transporters of infectious waste.

A Class I-A generator that treats infectious waste at the premises owned or operated by the generator, shall be exempt from the Class III permit fee, but shall be responsible for compliance to Chapter requirements applicable to treatment methods for infectious waste.

A Class III on/off-site storage and/or treatment facility that is also a Class I-B generator, and/or Class II transporter of infectious waste shall be exempt from the IWMP Class I-B and Class II permit fees, but shall be responsible for compliance to ordinance or Code requirements applicable to infectious waste generators and transporters. C. Effective Dates. The effective dates are as follows:

- 1. The permit requirements of this Section apply to existing infectious waste generators, transporters, storage, and treatment facilities 90 days after the effective date of the implementing ordinance of this Chapter.
- 2. Between the effective date of the implementing ordinance and 90 days thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of the implementing Ordinance.
- 3. New and expanded waste handling facilities shall meet the requirements of this Section on the effective date of the implementing ordinance.

- D. Procedures for Permits.
 - 1. Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the Health Department. Filing shall not be complete until the application has been signed by the owner and operator and received by the Health Department.

2. Applications for a permit must contain the information set forth in Subsection 3. of this Section.

3. The Health Department shall investigate every application within a reasonable period of time to determine whether the facilities meet and conform with the approved infectious waste ordinance.

4. The Board of Health may establish reasonable fees

for permits and renewal of permits.

- 5. When the Health Department has evaluated all pertinent information, it may issue a permit. Every completed infectious waste management permit application shall be approved or disapproved within ninety days after its receipt by the Health Department or the applicant shall be informed as to the status of the application.
- 6. Every permit issued by the Health Department shall be on a format and shall contain specific requirements necessary for the proper operation of the facility.
- 7. The owner or operator of a facility shall apply for renewal of the facilities permit annually. The Health Department shall annually:

a. Review the original application for compliance with this Chapter.

b. Review information collected from annual inspections, complaints, or known changes in the operations.

c. Collect the renewal fee.

d. Renew the permit.

- e. File the renewed permit no more than seven days after the date of issuance.
- f. Inform facilities regarding permit expiration and renewal date.

E. Permit application contents for existing, new, or expanded facilities.

The permit application shall include the following information submitted on a form available from the Health Department for each IWMP Class:

IWMP Class I-A and I-B;

- a. A general description of the facility, and the nature of the business.
- b. The address(es) and phone number(s) of the person(s) or committee(s) responsible for implementing infectious waste management policies and procedures at each facility.
- c. The types of infectious waste generated.
- d. A quantification of the maximum amount of infectious waste generated monthly.

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- e. An applicable infectious waste management plan as described in this Chapter.
- f. A statement certifying that the applicant understands and will comply with the applicable requirements of this Chapter.

2. IWMP Class II

- a. A list of all vehicles and reusable transport containers. The vehicles listed must be registered to the applicant pursuant to a lease or contract and included in applicant's required insurance coverage.
- b. Proof, via annual inspection, that all trucks, trailers, semitrailers, vacuum tanks, cargo tanks, and containers which are used by the applicant for transportation of infectious waste on highways are in compliance with the provisions of this Chapter. c. Possession of a permit for transportation of infectious waste on highways from the Washington State Department of Utilities and Transportation Commission.
- d. A statement certifying that the applicant understands and will comply with the applicable requirements of this Chapter.

3. IWMP Class III

- a. The activities conducted by the applicant which require him/her to obtain a permit.
- b. Name, mailing address, and location of the facility for which the application is submitted.
- c. The name, address, and location of the owner and/or administrator of the facility.
- d. An indication of whether the facility is new or existing.
- e. The operator's name, address, telephone number, ownership status, and status as federal, state, private, public or other entity.
- f. A listing of relevant state and local environmental permits.
- g. A general description of the facility and the nature of the business.
- h. A description of the processes to be used for treating, storing, or transporting infectious waste.
- i. A description of the type of the infectious wastes to be treated, stored, or transported at the facility, and an estimate of the quantity of such wastes to be stored and treated.
- j. From owners or operators of facilities that are used or to be used for storage or treatment, a description of the containment and refrigeration system.
- k. A statement certifying that the applicant understands and will comply with the applicable requirements of this Chapter.
- 1. A detailed submittal for IWMP Class III facilities requiring the additional information as

stipulated below in 4. of this Section. 4. Detailed Submittal. The following information is required for all facilities that accept infectious waste generated off-site for storage and/or treatment.

a. A management/operation plan that includes the

following:

(1) A method of receiving wastes which ensures that infectious wastes are handled separately from other waste until treatment is accomplished.

(2) A method of unloading and processing infectious wastes which limits the number of persons handling the wastes and minimizes the possibility of exposure of employees and

public to infectious waste.

(3) A method of decontaminating by use of procedures as described in this Chapter, emptied reusable infectious waste containers, transport vehicles, or facility equipment contaminated with infectious waste.

(4) The provision of and required use of clean gloves and uniforms along with other protective clothing, face masks, or respirators to provide protection of employees against exposure to infectious waste. Decontamination or proper disposal of the soiled protective gear shall be accomplished at the facility.

(5) The means of decontamination of any person having bodily contact with infectious

waste while handling wastes.

(6) A spill management plan as described in this Chapter.

(7) A contingency plan as described in this

Chapter.

Applicants shall keep records of all F. Record Keeping. data used to complete permit applications, and any supplemental information submitted for a period of at least three years from the date the application is signed. (Ord. 89-54S **S 1** (part), 1989)

8.38.130 Permit Suspension and Ravocation.

A. Applicability. This Section applies to all infectious waste generators, transporters, or storage and/or treatment facilities.

B. Suspension of Permit. For major infractions of the terms of the permit, that would be considered a public health threat, the Health Officer may suspend the permit and require the following:

1. The operator to cease generating, transporting, storing and/or treating, storage, and disposal, or; 2. The operator to agree to a caretaker management of operations involving wastes which are being treated, stored, or have been disposed of on site. caretaker management shall be selected by the Health

Department from the following:

- a. Operators or personnel acting under supervision of the Health Department, or;
- b. Independent management firm operating under Health Department supervision.
- c. The total cost of the caretaker management shall be borne by the operator, by revenues from operation.
- 3. If the operator does not voluntarily agree to the caretaker management, appropriate legal action shall be taken by the Health Department to institute the management operations to protect the public interest.

 4. Any person whose permit has been suspended, may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within two working days following receipt of a written request for inspection, including a statement signed by the applicant that in his/her opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Chapter, the permit shall be reinstated.
- C. Revocation of Permit. The Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Chapter, or for interference with the Health Officer in the performance of duty. The permit shall remain in effect, pending the hearing decision, unless it is determined by the Health Officer that continued operation activity is a danger to public health. Upon the Health Officer's determination of danger to public health, all operation activity shall cease until further notice from the Health Department.

Prior to revocation, the Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reasons(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the Health Officer by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

Any person whose permit has been revoked may make a written application for the purpose of obtaining a new permit after a six-month probation period. A hearing will be provided before the Health Officer to determine if a new permit shall be issued.

(Ord. 89-54S \$ 1 (part), 1989)

8.38.140 Service of Notices.

A notice provided for in this Chapter is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer. (Ord. 89-54S § 1 (part), 1989)

8.38.150 Hearings.

The hearings provided for in this Chapter shall be conducted by the Health Officer or his/her designee at a time and place designated by him/her. The Health Officer or designee shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Officer or designee. (Ord. 89-54S § 1 (part), 1989)

8.38.160 Inspection.

The Health Officer shall have the authority to enter any infectious waste generating facility, transporter, and storage and/or treatment facility, at any reasonable time, for the purpose of evaluating the facility's written infectious waste management plan, and to determine if infectious waste is being managed in accordance with this Chapter. (Ord. 89-54S § 1 (part), 1989)

8.38.170 Penalties.

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine in the sum not exceeding five thousand dollars (5,000), or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this Chapter. (Ord. 89-54S § 1 (part), 1989)

8.38.180 Appeals.

Any person aggrieved by any decision or final order of the Health Officer shall have right to appeal such a decision or order. Such appeals shall follow the procedure outline in Resolution 791 of the Tacoma-Pierce County Board of Health. (Ord. 89-54S § 1 (part), 1989)

8.38.190 Severability.

The provisions of this Chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons and circumstances. (Ord. 89-54S § 1 (part), 1989)

Chapter 8.40

PUBLIC WATER SYSTEMS

Sections:

- 8.40.010 Adoption of Regulations.
- 8.40.020 Definitions.
- 8.40.030 Amendments. 8.40.040 Establishment of Approval Requirements for Existing Nonexpanding Class IV Water Systems.
- Establishment of Approval Requirements for New and Existing Expanding Systems.
- 8.40.060 Fees.
- 8.40.070 Enforcement.
- 8.40.080 Severability.

8.40.010 Adoption of Regulations.

The 1978 Edition of Rules and Regulations of the State Board of Health regarding public water systems as amended in this Chapter are adopted as the Pierce County Code regulating public water systems. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.010)

8.40.020 Definitions.

- A. "Compliance program" means a schedule in writing, documenting the public water systems deficiencies, recommended improvements and a schedule for completion.
- B. "Existing expanding systems" means a public water system now in existence that intends to expand or make changes in said system during the calendar year. This definition includes an existing private system that will be expanded to become a public water system.
- C. "New system" means a water system that is newly developed. to serve water to the public which shall include existing wells.
- D. "Water system plan of operation" means the plan of operation between the State of Washington and the Tacoma-Pierce County Health Department delineating the respective responsibilities for each agency regarding the enforcement of the provisions of this Chapter.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.020)

8.40.030 Amendments.

The Rules and Regulations of the State Board of Health regarding public water systems are amended and changed in the following respects:

- A. WAC 248-54-740(4)(a)(v) is amended as follows:
 - (1) For Class IV systems, the number of routine samples shall be a minimum of one (1) per calendar quarter. Upon compliance with the maximum contaminant levels for four (4) consecutive sampling quarters, sampling frequency may be reduced to one (1) per annum.
- B. WAC 248-54-740 (9) (a) is amended as follows: (1) Monitoring of secondary contaminants by Class I and II systems shall be at the same frequency as required

for inorganic chemicals. Class III and IV systems shall monitor the following secondary contaminants prior to system approval: color, iron, and manganese. Other secondary contaminants shall be monitored as required by the department.

C. WAC 248-54-810 is amended as follows:

(1) The department or Health Officer, as determined by the joint plan of operation developed in accordance with WAC 248-54-570, shall conduct a sanitary survey of all public water systems at intervals necessary to assure the availability of a safe and potable water supply to all consumers of the water delivered by the public water system. A sanitary survey shall be performed at least once every five (5) years.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.030)

8.40.040 Establishment of Approval Requirements for Existing Nonexpanding Class IV Water Systems.

A. Any existing Class IV water system not having approval of the Health Officer, shall complete the information requested in the Class IV design requirements for existing water systems within the intent and purpose of the applicable provisions of the following Sections of the Rules and Regulations Regarding Public Water Systems:

WAC 248-54-600, 248-54-620, 248-54-630, 248-54-640 under the terms of the Water System Plan of Operation provided for in WAC 248-54-570, 248-54-660, 248-54-680, 248-54-700, 248-54-710, 248-54-740, 248-54-780 and 248-54-790.

B. Any one of the above factors found to be out of compliance shall be grounds for denying approval. If approval is denied, the Health Officer and the purveyor shall develop a compliance program to bring the system to approved standards. Approval shall not be granted until such time as the purveyor shall have developed compliance as acceptable to the Health Officer. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.040)

8.40.050 Establishment of Approval Requirements for New and Existing Expanding Systems.

Every purveyor, before obtaining approval to install for the purpose of operating any new or any portion of a Class IV water system, or additions, extensions, alterations of an existing Class IV water system, shall complete the information requested in the Class IV design requirements for new and expanding systems within the intent and purposes of the applicable provisions of the following Sections of Rules and Regulations Regarding Public Water Systems:

WAC 248-54-600, 248-54-620, 248-54-630, 248-54-640 (under the terms of the Water System Plan of Operation provided for in WAC 248-54-570), 248-54-660, 248-54-680, 248-54-700, 248-54-710, 248-54-740, 248-54-780 and 248-54-790.

(Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.050)

8.40.060 Fees.

A fee for administration of these rules may be required in the amount established by the Board of Health in the Tacoma-Pierce County Health Department annual fee schedule. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.060)

8.40.070 Enforcement.

If after investigation the Health Officer or his designated representative finds that any public water system fails to comply with this Chapter, the Health Officer may send a compliance letter to the purveyor of the public water system, which letter shall include the following: specifications of the areas where the public system fails to meet the requirements of this Chapter; and specifications of time deadlines for submission of any steps designed to bring the public water system into compliance with this Chapter. In the event the purveyor fails to comply with the compliance letter, the Tacoma-Pierce County Health Department may take appropriate action to require such compliance. (Ord. 84-68 § 1 (part), 1984; prior Code § 20.05.070)

8.40.080 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 13, 1989)

Chapter 8.44

SWIMMING POOLS

sections:				
8.44.010	Definitions.		200	
8.44.020	Rules and Regulations.			
8.44.030	Enforcement.	•		
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8.44.050	Permit Required.		•	
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8.44.070	Reinstatement of Permit.			
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8.44.100	Service of Notice.		,	•
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8.44.200	Alternate Materials, Equi	ipment or	Procedure	es.
8.44.210	Violation - Penalty.		,	
8.44.220	Severability.			I
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8.44.010 Definitions.

Certain words and phrases used in this Chapter, unless otherwise clearly indicated by their context, shall mean as follows:

- A. "Approved" means approved in writing by the Health Officer.
- B. "Board of Health" means the Tacoma-Pierce County Board of Health.
- C. "Health Officer" means the Director of the Tacoma-Pierce County Health Department or his authorized representative.
- D. "Permit holder" means a person to whom a permit is issued or his/her authorized agent.
- E. "Person" means any individual, firm, partnership, company, corporation, trustee, association or any public or private entity.
- F. "Private pool" means any swimming pool, wading pool or spray pool maintained by an individual, the use of which is confined to members of his/her family or invited guests. Private pools are not subject to the provisions of this Chapter.
- G. "Public swimming pool" means any pool together with buildings and appurtenances in connection therewith which is available to the general public with or without payment of an admission charge for the use of same; and shall include any swimming pool where the same is one thousand five hundred square feet or more in surface area whether or not

available to the general public; or any swimming pool not otherwise defined in this Section.

H. "Semipublic swimming pool" means any swimming pool provided for and used by numbers of persons or multiple family or cooperative groups such as, but not limited to, hotels, motels, condominiums, trailer parks, apartments, subdivisions, community clubs, private clubs, institutions, or schools, the use of which is limited to such groups and their invited guests and where the same is less than one thousand five hundred square feet in surface area.

I. "Spray pool" means any pool or artificially constructed depression intended for use by children, into which water is sprayed but is not allowed to pond in the bottom of the pool.

J. "Swimming pool" means any structure, basin, chamber, spa, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of two feet or more at any point and including all facilities incident thereto.

K. "Wading pool" means any artificial pool of water intended and constructed for wading purposes which is not over two feet in depth at any point.

(Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.010)

8.44.020 Rules and Regulations.

The Tacoma-Pierce County Board of Health is empowered and shall write rules and regulations necessary for implementation of this Chapter and consistent herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.020)

8.44.030 Enforcement.

The Health Officer shall enforce this Chapter and the rules and regulations of the Board of Health. The Health Officer may with the consent of the occupant thereof or pursuant to a lawfully issued warrant enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this Chapter and the Board of Health rules and regulations established in accordance herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.030)

8.44.040 Retroactivity.

The provisions of this Chapter shall apply equally to new and existing public or semipublic swimming pools, wading pools and spray pools; provided, that it shall not make unlawful an existing pool heretofore lawfully designed, constructed and equipped which is maintained and operated in compliance with this Chapter. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.040)

8.44.050 Permit Required.

It shall be unlawful for any person to open or use, or allow or cause to be used any public or semipublic swimming pool for swimming or bathing purposes without having a current, valid permit to operate issued by the Health Officer. Application for such a permit shall be accompanied by an annual fee as adopted by the Tacoma-Pierce County Board of Health. Applications shall be

made in writing to the Health Officer on a form to be provided by the department; provided, that the fee for any initial permit to operate shall be prorated on the basis of one-twelfth the annual fee for each remaining month in the year. The Health Officer shall inspect the proposed public or semipublic swimming pool and upon determination that such swimming pool complies with applicable rules and regulations and the provisions of this Chapter shall issue a permit to operate to such applicant. Permits to operate shall expire on December 31st of the year for which issued and shall be renewable upon like application and payment of the annual fee. Permits shall be valid only for the swimming pool for which issued, but upon application may be transferred without charge from person to person. Permits shall be posted conspicuously on the premises for which issued and shall be protected from the weather. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050 (A))

8.44.060 Suspension of Permit.

A. First Notice --- Corrective Action. Any permit may be suspended temporarily whenever the Health Officer finds that a violation of this Chapter or of the rules and regulations established in accordance herewith, has created or is creating an insanitary or hazardous condition. He/she shall cause to be issued and served upon the permit holder or posted on the premises an order setting forth the violations creating such sanitary or hazardous condition, specifying the corrective action to be taken, and the period of time within which such violations shall be corrected. Any permit holder to whom such an order is issued shall, upon written petition to the Health Officer within five days after the issuance of such order, be afforded a hearing thereon within five days of the filing of such petition. B. Second Notice --- Suspension, Upon failure of the permit holder to comply with any order issued in accordance with the provisions of this Chapter, the Health Officer shall cause to be issued and served upon the permit holder or posted on the premises a notice that such permit is suspended effective upon such service or posting, and that a hearing on such suspension will be provided if a written. request therefor is filed, within five days after the issuance of such notice by the permit holder, with the Health Officer. Upon suspension of any permit in accordance with the provisions of this Chapter, all use of the swimming pool for which such permit has been issued shall cease. C. Immediate Closure. Notwithstanding any other provision of this Chapter, whenever the Health Officer finds an insanitary or hazardous condition constituting so serious a hazard to health or safety as to require immediate closure of the swimming pool, he/she may, without a hearing, suspend, with immediate effect, the permit to operate such swimming pool, and all use of such swimming pool shall cease immediately; provided, that any person whose permit is so suspended shall, upon written petition to the Health Officer filed within five days after such suspension, be afforded a hearing within five days of the filing of such petition. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050 (B))

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8.44.070 Reinstatement of Permit.

Any person whose permit to operate has been suspended may, at any time make written application for reinstatement of such permit. Such application shall include a reinstatement fee as adopted by the Tacoma-Pierce County Board of Health and a statement, signed by the applicant that conditions causing such suspension have been corrected. Within five days after receipt of such application, the Health Officer shall inspect such swimming pool and if she/he finds that such swimming pool complies with the provisions of this Chapter and the rules and regulations established in accordance herewith, he/she shall reinstate such permit to operate. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050 (C))

8.44.080 Revocation of Permits.

For serious or repeated violations of any of the requirements of this Chapter or of the rules and regulations established in accordance herewith, or for interference with the Health Officer in the performance of his/her duties, or for failure to comply with any lawful order issued in accordance with the provisions of this Chapter, the Health Officer may revoke any permit to operate by issuing and causing to be served upon the permit holder a notice in writing setting forth the reasons for such revocation and advising that such permit shall be revoked effective five days after service of such notice unless a written request for hearing is filed with the Health Officer within such five-day period. A permit may be suspended for cause pending ats revocation or a hearing relative thereto. Any person whose permit is revoked shall not be eligible to obtain a swimming pool permit for two years from the date of revocation. (Ord. 84-114 § 1 (part), 1984; prior Code \$ 20.03.050 (D))

8.44.090 Hearings.

Hearings provided by this Chapter on the suspension or revocation of a permit and/or regarding an order of the Health Officer shall be conducted by the Health Officer at such time and place as the Health Officer shall designate. At any such hearing, the permit holder may appear in person, or through a representative, and may testify, call witnesses and cross-examine witnesses testifying against him/her. The Health Officer shall make findings and shall sustain, modify or rescind any official notice or order considered at such hearing, and shall furnish a copy of his/her written decision to the permit holder within five working days. (Ord. 84-114 § 1 (part), 1984; prior Code 20.03.050 (E))

8.44.100 Service of Motice.

Notices provided by this Chapter to be served on the permit holder shall be deemed served when delivered personally to the permit holder or his agent, or when sent by certified and regular mail to the address given on the permit or any changes thereto. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.050 (F))

8.44.110 Appeals.

A. A permit holder aggrieved by the final decision of the

Health Officer may appeal the decision to the Pierce County Hearing Examiner who shall review and examine available relevant information, conduct a public hearing, cause preparation of a record thereof and prepare and enter findings and conclusions.

B. The Examiner's decision on all matters is final and conclusive, provided that appeals from the Examiner's decision may be taken to the County Council.

C. The Examiner shall conduct the hearing in accordance with the relevant procedures contained in Pierce County Code Sections 2.36.090 through 2.36.130 except that "Health Department" shall be substituted for all references to "Planning Department."

(Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.060)

8.44.120 Plans and Specifications for Construction, Alteration or Renovations.

A. No person shall construct, alter or renovate, or commence construction, alteration or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto, without first having obtained the approval of the Health Officer of plans and specifications for any such construction, alteration or renovation. Such plans and specifications shall be submitted to the Health Officer in duplicate and in the case of new pools shall be prepared by an architect or professional engineer qualified in the proposed work and licensed to practice such profession under the laws of the State of Washington. Such plans shall be accompanied by a plan review fee as adopted by the Tacoma-Pierce County Board of Health. B. Plans shall be drawn to scale and accompanied by specifications containing details on all recirculation and chemical equipment, including pumps, disinfection equipment, chemical feeders, filters, meters, strainers, overflow channels and/or skimming facilities and related equipment so as to enable a comprehensive engineering review of such plans and specifications including piping and hydraulic details. If upon examination of such plans and specifications the Health Officer finds that the proposed construction, alteration or renovation will comply with the provisions of this Chapter and applicable rules and regulations established in accordance herewith, he/she shall approve the same; provided that such approval may be conditioned upon the making of such modifications in such plans and specifications as public health or safety may require. C. The construction, alteration or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto shall be made in accordance with approved plans and specifications therefor; provided that changes or modifications in such plans and specifications consistent with public health and safety may be made with the written approval of the Health Officer. Upon completion of any such construction, alteration or modification, the owner or operator of such pool, or the agent of either, shall notify the Health Officer of its readiness for

inspection and no such pool shall be opened for use or allowed or cause to be used until inspection by the Health Officer and found to be in compliance with the provisions of this Chapter and applicable rules and regulations established in accordance herewith.

(Ord. 84-114 \$ 1 (part), 1984; prior Code \$ 20.03.070)

8.44.130 Responsibility for Maintenance.

All public or semipublic swimming pools, spray pools, wading pools and all components thereof and appurtenances thereto and the premises thereof, shall be maintained in a clean and sanitary condition at all times such pool is open to bathers. The permit holder shall be responsible for the maintenance, operation and use of the public or semipublic swimming pool for which such permit is issued, and shall provide one or more operators or attendants at such times as shall be necessary for the maintenance and operation of such swimming pool in compliance with the provisions of this Chapter and applicable rules and regulations established in accordance herewith. All such operators and attendants shall be familiar with the equipment and appurtenances of such swimming pool and the principles of pool operation. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (A))

8.44.140 Water Quality.

The water in all public or semipublic swimming, wading, and spray pools shall meet such standards of chemical, physical and bacteriological quality as the Board of Health shall establish to ensure that persons using such pools shall not be exposed to toxic or irritating chemical conditions, or disease-producing organisms. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (B))

8.44.150 Disinfection.

A disinfecting process or procedure providing a minimum free chlorine residual or such other process or procedure established by the Board of Health shall be used in all public or semipublic swimming and wading pools. The disinfecting process or procedure must be capable of adequate and continuous disinfection of water throughout the pool during the period such pool is in use. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (C))

8.44.160 Recirculation and Filtration.

Recirculation and filtration equipment shall be adequate to recirculate and filter the entire volume of water as established by the Board of Health. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (D))

8.44.170 Waste.

All water from backwash, filter residues and other waste in any public or semipublic swimming pool, wading pool or spray pool shall be disposed of in a safe and sanitary manner approved by the Health Officer. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (E))

8.44.180 Cross-Connections.

No piping arrangement shall be installed or used in any public or semipublic swimming pool, wading pool or spray pool, which under any condition will permit sewage or waste water to enter the recirculation system or the pool, or which will permit water from the recirculation system or the pool to enter the potable water supply or make-up water supply. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (F))

8.44.190 Operating Records.

At all public or semipublic swimming pools and wading pools, complete daily records shall be kept of the times each filter is backwashed or cleaned, and of the results of all tests made as to water quality and disinfectant residual. Such records shall be made available at any reasonable time for examination by the Health Officer. (Ord. 84-114 § 1 (part), 1984; prior Code 20.03.080 (G))

8.44.200 Alternate Materials, Equipment or Procedures.

For the purpose of evaluating equipment, materials or procedures, or to meet any temporary emergency condition, the Health Officer may, consistent with the public health and safety, permit the use of materials, equipment and procedures not specifically prescribed by this Chapter or rules and regulations established in accordance herewith. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.080 (H))

8.44.210 Violation - Penalty.

Anyone violating or failing to comply with any of the provisions of this Chapter or lawful order of the Health Officer shall upon conviction thereof be punishable by a fine of not to exceed three hundred dollars. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted. (Ord. 84-114 § 1 (part), 1984; prior Code § 20.03.090)

8.44.220 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 14, 1989)

Chapter 8.72

MOTOR VEHICLES AND PUBLIC DISTURBANCE NOISE

Sections:

8.72.010 Purpose.

8.72.020 Definitions.

8.72.030 Sounds Created by Operation of Motor Vehicles.

8.72.040 Mufflers.

8.72.050 Modification of Motor Vehicles.

8.72.060 Tire Noise.

8.72.070 Exhaust System.

8.72.080 Sale of New Motor Vehicles Which Exceed Limits.

8.72.090 Public Disturbance Noises.

8.72.100 Exemptions.

8.72.110 Enforcement.

8.72.120 Violation - Penalty.

8.72.130 Severability.

8.72.010 Purpose.

The purpose of this Chapter is to regulate excessive intermittent noises that interfere with the use, value and enjoyment of property and which pose a hazard to the public health, safety and welfare. (Ord. 82-69 (part), 1982; prior Code \$ 35.14.010)

8.72.020 Definitions.

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

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

C. "Motor vehicle" means any vehicle which is selfpropelled, used primarily for transporting persons or property upon public highways and required to be licensed under RCW 46.16.010.

D. "Motor vehicle racing event" means any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body licensed by Pierce County.

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

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

G. "Person" means any individual, firm, association,

partnership, corporation or any other entity, public or private.

- H. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented or leased by one or more persons, from that owned, rented or leased by one or more other persons, and its vertical extension.
- I. "Real property" means an interest or aggregate of rights in land which is guaranteed and protected by law. "Real property" includes a leasehold interest.

J. "Receiving property" means any real property within which sound originating from sources outside the property is received.

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

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

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

(Ord. 82-69%(part), 1982; prior Code \$ 35.14.020)

8.72.030 Sounds Created by Operation of Motor Vehicles.

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

TABLE A

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

(Ord. 82-69 (part), 1982; prior Code \$ 35.14.030 (A) (part))

8.72.040 Mufflers.

It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle or motorcycle upon the public highways which is not equipped with a muffler in good working order and in constant operation. (Ord. 82-69 (part), 1982; prior Code § 35.14.030 (A)(1))

8.72.050 Modification of Motor Vehicles.

It is unlawful for any person to modify or change any part of a motor vehicle or motorcycle, or install any device thereon in any manner that permits sound to be emitted by the motor vehicle or motorcycle in excess of the limits prescribed by this Chapter. It is unlawful for any person to remove or render inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipated device on a motor vehicle or motorcycle. (Ord. 82-69 (part), 1982; prior Code §, 35.14.030(A)(2))

8.72.060 Tire Noise.

It is unlawful for any person to operate a motor vehicle or motorcycle in such manner as to cause or allow to be emitted squealing, screeching or other such sound from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this Chapter. (Ord. 82-69 (part), 1982; prior Code § 35.14.030 (A)(3))

8.72.070 Exhaust System.

pounds or less

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

TABLE B

IN USE MOTOR VEHICLE EXHAUST SYSTEM NOISE PERFORMANCE STANDARDS MEASURED AT 20 INCHES (0.5 METER)

Vehicle Category

Motorcycles
Automobiles, light trucks, and all other motor vehicles 10,000

Maximum Sound
Level dB(A)
99

(Ord. 82-69 (part), 1982; prior Code § 35.14.030(A)(4))

8.72.080 Sale of New Motor Vehicles Which Exceed Limits.

It is unlawful for any person to sell or offer for sale a new motor vehicle, which produces a maximum sound level exceeding the following maximum permissible sound levels at a distance of fifty feet, by acceleration test procedures established by the State

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Commission on Equipment and set forth in Washington Administrative Code Chapter 204-56, "Procedures for Measuring Motor Vehicle Sound Levels."

TABLE C

Vehicle Category

Motorcycles manufactured after 2001-1975

83 dB(A)

Any motor vehicle over 10,000 pounds GVWR manufactured after 1975 and prior to 1978

83 dB(A)

Any motor vehicle over 10,000 pounds GVWR manufactured after 1978

83 dB(A)

All other motor vehicles

80 dB(A)

(Ord. 82-69 (part), 1982; prior Code § 35.14.030 (A)(5))

8.72.090 Public Disturbance Noises.

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

- A. Frequent, repetitive or continuous sounds made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels, licensed under and in compliance with Pierce County Code Title 5 shall be exempt from this Subsection; provided, that notwithstanding any other provision of this Chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this Subsection, the animal shall be impounded by the poundmaster, subject to redemption in the manner provided by Sections 6.02.070 and/or 6.02.080;
- B. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- C. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, dirt bikes or other off-highway vehicle, or any internal combustion engine, within a rural or residential district, including vacant property adjacent thereto, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

 D. The use of a sound amplifier or other device capable of

producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this Subsection;

E. The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing

or convalescent facility;

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

(Ord. 82-69 (part), 1982; prior Code \$ 35.14.040)

8.72.100 Exemptions.

A. The following shall be exempt from this Chapter between the hours of seven a.m. and ten p.m.:

- 1. Sound originating from residential property relating to temporary projects for the construction, maintenance or repair of homes, grounds and appurtenances;
- 2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;

3. Sounds created by blasting;

- 4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
- 5. Sounds created by the installation or repair of essential utility services.
- B. The following shall be exempt from this Chapter:

1. Noise from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;

2. Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of fifteen hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the County Health Department.

C. The following shall be exempt from this Chapter, except insofar as such provisions relate to the reception of noise within Class A EDNA's, as defined in Section 8.76.050A.1 of this Code, between the hours of ten p.m. and seven a.m.:

- 1. Sounds originating from temporary construction sites as a result of construction activity;
- 2. Sounds originating from forest harvesting and silvicultural activity.
- D. The following shall be exempt from this Chapter:
 - 1. Sounds originating from aircraft in flight and

sounds that originate at airports which are directly related to flight operations;

2. Sounds created by surface carriers engaged in interstate commerce by railroad;

- 3. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes and carillons);
- 4. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device, or is not economically feasible;
- 5. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community;
- 6. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority;
- 7. Sounds originating from officially sanctioned parades and other public events:
- 8. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
- 9. Sounds created by the discharge of firearms in the course of hunting;
- 10. Sounds caused by natural phenomena and unamplified human voices.

(Ord. 82-69 (part), 1982; prior Code \$ 35.14.050)

8.72.110 Enforcement.

The County Sheriff's Office shall enforce the provisions of this Chapter. With respect to public disturbance noise, such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for parks, recreational areas and wildlife sanctuaries. (Ord. 82-69 (part), 1982; prior Code § 35.14.060)

8.72.120 Violation - Penalty.

Any person violating any of the provisions of this Chapter, or who shall create, keep, maintain or allow to occur any noise as defined herein, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, or be imprisoned in the County jail for a period not exceeding thirty days, or be both so fined and imprisoned in the discretion of the court. For each act herein prohibited of continuing nature each day shall be considered a separate offense. (Ord. 82-69 (part), 1982; prior Code § 35.14.070)

8.72.130 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 16, 1989)

Chapter 8.76

NOISE POLLUTION CONTROL

Sections:

- 8.76.010 Scope and Authority. 8.76.020 Definitions.
- 8.76.030 Noise Control Officer Creation.
- 8.76.040 Noise Control Officer Powers and Duties.
- 8.76.050 Identification of Environments. 8.76.060 Maximum Permissible Environmental Noise Levels. 8.76.070 Exemptions.
- 8.76.080 Noise Control Hearings Board.
- 8.76.090 Variances and Implementation Schedules.
- 8.76.100 Enforcement Policy.
- 8.76.110 Appeals.
- 8.76.120 Violation Penalty.
- 8.76.130 Other Rights, Remedies, Powers, Duties and Functions.

8.76.010 Scope and Authority.

This Chapter shall apply to the control of all sound originating within the unincorporated areas of Pierce County and is adopted pursuant to RCW Chapter 70.107, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and to provide use standards relating to the reception of noise within such environments. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.010)

8.76.020 Definitions.

As used in this Chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- A. "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.
- B. "dBA" means the sound pressure level, in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is twenty times the logarithm to the base 10 of the ratio of the pressure of sound to a reference pressure of twenty micropascals.
- C. "EDNA" means the environmental designation for noise abatement, being an area of zone (environment) within which maximum permissible noise levels are established.
- D. "Health Department" means the Tacoma-Pierce County Health Department.
- E. "Health Officer" means the Director of the Tacoma-Pierce County Health Department, or his authorized representative.
- F. "Multi-family units" includes, but is not limited to, duplexes, triplexes, apartment houses and condominiums. The property lines of such units shall include the wall, ceilings and floors of each unit.
- G. "Noise" means the intensity, duration and character of sounds, from any and all sources.

- H. "Noise Control Hearing Board" means a Board which is designated by the Health Department to hear and decide noise variance cases.
- I. "Noise Control Office" means that division of the Health Department which has the duties and powers established by this Chapter.
- J. "Owner" includes the owner or owners of the premises or lesser estate therein, a mortgage or vendee in possession, an assignee for rents, receiver, executor, trustee or other person, firm or corporation in control of a building or property.
- K. "Person" means any individual, corporation, partnership or association and the agents, employees, servants and legal successors thereof; or agency of state, county or municipal government; or agency of the federal government which is subject to the jurisdiction of the State of Washington.

 L. "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.
- M. "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.
- N. "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.
- O. "Shoreline" means the existing intersection of water with the ground surface or with any permanent shore connected facility.
- P. "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1, S1A, 2 or S2A as specified in the American national Standards Institute Specifications.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.020)

8.76.030 Noise Control Officer - Creation.

There is created a position of Noise Control Officer within the Health Department. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.030)

8.76.040 Moise Control Officer - Powers and Duties.

In order to implement this Chapter, the Noise Control Officer or his designee shall:

- A. Conduct, or cause to be conducted, research, monitoring and other studies related to sound;
- B. Conduct programs or public education related to causes, effects and methods to abate and control noise;
- C. Encourage the participation of public interest groups in such public information efforts;
- D. Coordinate with the noise control activities of all County departments;
- E. Cooperate with all appropriate state and federal agencies;

- P. Draft needed noise control regulations;
- G. Enter into contracts with the approval of the Health Officer and the County Executive for providing technical and enforcement services;
- H. Review public and private projects and advise whether such projects are likely to cause violations of this Chapter;
- I. Require the owner or operator of any commercial or industrial activity to establish and maintain records regarding noise emissions and make such reports as the Noise Control Officer may reasonably prescribe;
- J. Require the owner or operator of any commercial or industrial activity to measure the sound level from any source in accordance with the methods and procedures and at such locations and times as the Noise Control Officer may reasonably prescribe and to furnish reports of the results of such measurements to the Noise Control Officer. The Noise Control Officer may require the measurements to be conducted in the presence of his enforcement officials;
- K. Delegate functions, where appropriate under this Chapter, to personnel within the Health Department and to other agencies or departments, subject to approval of the Health Officer;
- L. Administer noise program grants and other funds and gifts from public and private sources;
- M. Evaluate and report to the Health Officer every year following the effective date of this Chapter on the effectiveness of the County Noise Control Program and make recommendations for any legislative or budgetary changes necessary to improve the program.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.040)

8.76.050 Identification of Environments.

- A. The EDNA of any property shall be based on the following typical uses:
 - 1. Class A EDNA. Lands where human beings reside and sleep. Typically, Class EDNA will be the following types of property used for human habitation:
 - a. Residential;
 - b. Multiple-family living accommodations;
 - c. Recreational and entertainment (e.g., camps, parks, camping facilities and resorts);
 - d. Community service (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities);
 - 2. Class B EDNA. Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:
 - a. Commercial living accommodations;
 - b. Commercial dining establishments;
 - c. Motor vehicle services;
 - d. Retail services;
 - e. Banks and office buildings;
 - f. Miscellaneous commercial services;

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- g. Recreation and entertainment; property not used for human habitation (e.g., theaters, stadiums, fairgrounds and amusement parks); h. Community services; property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).
- 3. Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are to be anticipated. Persons working in these areas are normally covered by noise control regulations or the Department of Labor and Industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:
 - a. Storage, warehouse and distribution facilities; b. Industrial property used for the production and fabrication of durable and nondurable manmade goods;
 - c. Agricultural and silvicultural property used for the production of crops, wood products or livestock.
- B. Subject to Subsection D of this Section, EDNA land classification shall conform with the County zoning codes as follows:
 - 1. Zones primarily utilized for residential purposes in the County include: RE, SR, ST, RR, RML, RM, RMH, RMP and SA Class A EDNA. Any future zoning change will also control the EDNA classification, i.e., if zoned R-2 is changed to M-1, the M-1 EDNA would apply.
 - 2. Zones primarily utilized for commercial purposes in the County include: C-1, C-2, C-3, PS-1, PS-2, PSC, FS, HAS and PE Class B EDNA.
 - 3. Zones primarily utilized or potentially utilized for industrial purposes in the County include: M-1, M-2, MP, A Class C EDNA. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.
 - 4. The general use zone in the County shall be governed on the basis of current use; therefore, if a residential area abuts an industrial or commercial use, it will be considered a Class A EDNA.
- C. Subject to Subsection D of this Section, in areas not covered by a local zoning ordinance but within the coverage of an adopted Pierce County comprehensive plan, EDNA's shall conform with the comprehensive plan as follows:
 - 1. Primarily residential areas Class A EDNA;
 - 2. Primarily commercial areas Class B EDNA;
 - 3. Primarily industrial areas Class C EDNA. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.
 - D. Where in the County there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the Health Department shall designate EDNA's which conform to the

- criteria in Subsections A.1., 2. and 3. of this Section.

 E. Where no specific prior designation of EDNA's has been made, the appropriate EDNA for properties involved in any enforcement activity will be made by the Noise Control Officer on the basis of the criteria of Subsections A.1., 2. and 3. of this Section.
- F. The Health Department may make special designations of lands where serenity, tranquility or quiet are essential to the quality of the environment and serves an important public need. If so approved, such designation will not be effective until approved by the County Executive and the Washington State Department of Ecology and until maps of such designations are available for public inspection in the Health Department.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.050)

EDNA of

Noise Source

8.76.060 Maximum Permissible Environmental Noise Levels.

- A. No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in Subsection B. of this Section.
- B. 1. The noise limitations established are as set forth in the following table after any applicable adjustments provided for in this Chapter are applied.

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·	Class A	Class B	Class C
Class A	55 dBA	57dBA	60dBA
Class B	57	60	· 65
Class C	60	65	70

EDNA of Receiving Property

- Between the hours of ten p.m. and seven a.m., the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNA's.
- 3. At any hour of the day or night the applicable noise limitations in Subsections B.1 and 2 of this Section may be exceeded for any receiving property by no more than:
 - a. 5 dBA for a total of fifteen minutes in any onehour period; or
 - b. 10 dBA for a total of five minutes in any onehour period; or
 - c. 15 dBA for a total of 1.5 minutes in any onehour period.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.060)

8.76.070 Exemptions.

- A. The following shall be exempt from Section 8.76.060 between the hours of seven a.m. and ten p.m.:
 - 1. Sounds originating from residential property relating to temporary projects for the construction,

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- maintenance or repair of homes, grounds and appurtenances;
- Sounds created by the discharge of firearms on authorized shooting or firing ranges;
- Sounds created by blasting; З.
- Sounds created by aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
- Sounds created by the installation or repair of essential utility services.
- The following shall be exempt from Subsection B.2. of Section 8.76.060:
 - Noise from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;
- Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have ada di biri consistently operated in excess of fifteen hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would effect exemptions under this regulation require approval of the Noise Control Officer.
 - The following shall be exempt from Section 8.76.060, except insofar as such provisions relate to the reception of noise within Class A EDNA's between the y war, hours of ten p.m. and seven a.m.:
 - Sounds originating from temporary construction sites as a result of construction activity;
 - Sounds originating from forest harvesting and silvicultural activity.
 - D. The following shall be exempt from Section 8.76.060:
 - Sounds created by motor vehicles when regulated by **1.** WAC Chapter 173-62;
 - 2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
 - Sounds created by surface carriers engaged in 3. interstate commerce by railroad;
 - Sounds created by warning devices not operated continuously for more than five minutes or bells, chimes and carillons;
 - Sounds created by safety and protective devices where noise suppression could defeat the intent of the device, or is not economically feasible;
 - Sounds created by emergency equipment and work 6. necessary in the interests of law enforcement or for health, safety or welfare of the community;
 - Sounds originating from motor vehicle or motorcycle 7. racing events at existing authorized facilities, or being sanctioned by a responsible authority;
 - Sounds originating from officially sanctioned parades and other public events;

- 9. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;
- 10. Sounds created by the discharge of firearms in the course of hunting;
- 11. Sounds caused by natural phenomena and unamplified human voices;
- Animal noises which are already regulated;
- 13. Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways except when such sounds are received in Class A EDNA's;
- 14. Sounds created by watercraft are excluded from this Chapter when regulated by Chapter 8.88 of this Code.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.070)

8.76.080 Noise Control Hearings Board.

The Board of Health shall designate an Appeal Board which shall hear and decide requests for noise variance cases. The Appeal Board may also hear appeals from rulings of the Noise Control Officer. Subject to approval of the Health Officer, the Board shall adopt such rules and regulations as may be necessary to administer its responsibility. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.100)

8.76.090 Variances and Implementation Schedules.

- A. Variances may be granted to any person from any other particular requirement of this Chapter if findings are made by the Appeal Board that immediate compliance with such requirements cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.
- B. An implementation schedule for achieving compliance with this Chapter shall be incorporated into any variance issued.
- C. Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than thirty days except upon due notice to the public with opportunity to comment.
- D. Sources of noise, subject to this Chapter, upon which construction begins after the effective date of the ordinance codified in this Chapter, shall immediately comply with the requirements of this Chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.110)

8.76.100 Enforcement Policy.

Noise measurement for the purposes of enforcing the provisions of Section 8.76.060 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, except for parks, recreational areas and wildlife sanctuaries. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.120)

8.76.110 Appeals.

Any person aggrieved by any decision of the Noise Control Officer in relation to the enforcement of the maximum permissible noise levels provided for in this Chapter or the granting or denial of a variance may appeal to the Appeals Board. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.130)

8.76.120 Violation - Penalty.

For enforcement purposes, each day is defined as the twenty-four-hour period beginning at 12:01 a.m., in which violation of this Chapter occurs, and shall constitute a separate violation. Any violation of this Chapter shall be punishable by a fine not to exceed five hundred dollars for each violation. (Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.140)

- 8.76.130 Other Rights, Remedies, Powers, Duties and Functions.
 - A. Nothing in this Chapter shall be construed to deny, abridge or alter alternative right of action or remedies in equity or under common law or statutory law, criminal or civil.
 - B. Nothing in this Chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any State agency, nor shall this Chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places, as now or hereafter vested in the Department of Labor and industries.

(Ord. 81-52 § 1 (part), 1981; prior Code § 66.10.150)

Chapter 8.84

TIRE STORAGE YARDS

Sections:

- 8.84.010 Permit Required.
- 8.84.020 Definitions.
- 8.84.030 Requirements for Permit Issuance.
- 8.84.040 Permit Fees.
- 8.84.050 Fire Flow Requirements.
- 8.84.060 Additional Rubber Tires at Existing Tire Storage Yards.
- 8.84.070 Smoking Prohibited.
- 8.84.080 Residual Cleanup Following a Fire.
- 8.84.090 Violation Penalty.
- 8.84.100 Each Day a Separate Offense.
- 8.84.110 Severability.

8.84.010 Permit Required.

It shall be unlawful for any person, firm or corporation to store more than two hundred rubber tires in any storage yard without first obtaining a permit from the Pierce County Fire Marshal. (Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.010)

8.84.020 Definitions.

- A. "Rubber tire" includes a tire made from synthetic rubber that has been modified to increase its useful properties by compounding with sulfur or other vulcanizing agents and various chemicals used as accelerators,
- B. "Tire storage yard" means an area outside any building or structure in which rubber tires are placed or permitted to be placed.

(Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.020)

8.84.030 Requirements for Permit Issuance.

A permit for a tire storage yard of two hundred or more rubber tires shall be issued by the County Fire Marshal when all of the following requirements have been met:

- A. The Fire Marshal shall provide application forms for each permit which shall require such information as the Fire Marshal and the Tacoma-Pierce County Health Department deem appropriate including the name of applicant, owner of the property on which the tire storage yard is to be located, address of applicant and property owner, number of tires to be stored and site plan.
- B. Each pile of tires shall not be greater than ten feet in height.
- C. Piles of tires shall not be within twenty feet of a property line or right-of-way, or within sixty feet of a building or structure.
- D. Piles of tires shall not be in excess of forty feet in any horizontal dimension.
 - E. There shall be a minimum separation of twenty feet between piles of tires and such separation shall be free of

rubbish, equipment and other materials at all times. F. There shall be a wooden fence at least six feet in height surrounding the tire storage yard and which shall be built in such a way as to obstruct the view of the tire storage yard.

G. Whenever there are more than two thousand five hundred rubber tires the following requirements shall be met in addition to the requirements set forth in Subsections A

through E of this Section:

1. A dirt berm or barrier not less than five feet in height shall be erected around each pile of tires;
2. The separation between piles of tires shall be a minimum of forty feet to include ten feet at the base of each dirt berm or barrier plus twenty between dirt berms or barriers;

3. Tire storage shall in no event exceed thirty

thousand tires per acre;

4. Tire storage yard shall be free of weeds, vegetation and other growth at all times;

- 5. Fire apparatus access roadways shall be provided to within one hundred fifty feet of all portions of the tire storage yard in accordance with Uniform Fire Code Section 10.208;
- Any person, firm or corporation granted a permit under this Chapter shall at all times maintain in full force and effect a policy of general business liability insurance covering the premises and his or her employees or agents in the conduct of his or her business in the amount of at least one hundred thousand dollars per person, not to exceed one million dollars per incident. Such policy also shall be submitted to the Risk Management and Insurance Department, whose written approval of the policy is required before a permit may be issued. A copy of such policy, and of the approval of the Risk Management and Insurance Department, shall be filed with the Fire Marshal with written endorsement thereon showing that the Fire Marshal must be given written notice in the event of cancellation of the policy either by the company or the insured.

(Ord. 89-225 § 1, 1990; Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.030)

8.84.040 Permit Fees.

The following annual permit fee is required to be submitted with each application:

A. One hundred dollars for a tire storage yard with less than two thousand five hundred rubber tires;

B. One hundred fifty dollars for a tire storage yard with two thousand five hundred or more rubber tires.

(Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.040)

8.84.050 Fire Plow Requirements.

A. When a tire storage yard is located within one thousand feet of an operating water main a fire hydrant

shall be installed on such water main for fire fighting purposes.

B. Fire fighting equipment in the form of portable fire appliances or hoses from an operating water system shall be within reach of any mechanism which operates to produce shavings or rubber dust in all tire storage yards.

(Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.050)

8.84.060 Additional Rubber Tires at Existing Tire Storage Yards. Where additional rubber tires are placed or permitted to be placed in a tire storage yard which existed prior to the effective date of the ordinance codified in this Chapter, the requirements of this Chapter must be met, except that the requirements of Section 8.84.040 need not be met if the fire protection system at such a tire storage yard is approved by the Fire Marshal. (Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.060)

8.84.070 Smoking Prohibited.

Smoking is prohibited within fifty feet of a mechanism which is operating to produce shavings or rubber dust in a tire storage yard. (Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.070)

8.84.080 Residual Cleanup Following a Fire.

If any dangerous, hazardous or extremely hazardous wastes occur, or are stored, on the site of a tire storage yard, due to the results of a fire in such yard, or due to any other occurrence, such wastes shall be disposed of and cleaned up in accordance with all applicable federal, state and local waste disposal regulations. No further tire storage may occur until the appropriate agency has certified that proper disposal has taken place. (Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.080)

8:84.090 Violation - Penalty.

Any person who violates any provision of this Chapter or any condition required for the issuance of a permit under this Chapter shall be guilty of a misdemeanor. (Ord. 83-38 § 1 (part), 1983; prior Code § 86.08.090)

8.84.100 Each Day a Separate Offense.

Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided for in this Chapter. (@rd. 83-38 § 1 (part), 1983; prior Code § 86.08.100)

8.84.110 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 17, 1989)