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CHAPTER 7.04

JUNK VEHICLES

7.04.010 – Purpose and Intent. It is the purpose and intent of this ordinance to provide for the abatement and removal of junk vehicles and parts thereof from public and private property as authorized by RCW 46.55.240 as presently codified or hereafter amended.

7.04.020 – Definitions. For this chapter, the following definitions will apply:

- a. “Junk vehicle” is defined as a vehicle meeting at least three of the following requirements:
 1. Is three (3) years old or older;
 2. Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield, missing wheels, tires, motor or transmission;
 3. Is apparently inoperable;
 4. Has an approximate fair market value equal only to the approximate value of the scrap in it.
- b. “Inoperable” is defined as a vehicle that is incapable of being operated legally upon a public highway. Evidence of inoperability shall include, but shall not be limited to, failure of the vehicle to be currently registered and licensed according to law.
- c. “Vehicle” shall have the same definition as RCW 46.04.670.

7.04.030 – Prohibition. It shall be unlawful for any person to abandon, maintain or store or allow to be abandoned, maintained or stored any junk vehicle or parts thereof on any public or private property within the Town of Colton.

7.04.040 – Exceptions. This ordinance shall not apply to junk vehicles or parts thereof that are fully enclosed in a building in a lawful manner where it is not visible from the street or other public or private property.

7.04.050 – Abatement of Junk Vehicles on Private Property. Junk vehicles located on private property in violation of this ordinance are hereby declared to be a public nuisance and the following procedure shall be followed to abate such public nuisance:

- a. Upon determination that a vehicle is a junk vehicle located upon private property, the Town Marshall shall issue an abatement order to the property owner as shown on the last equalized assessment roll and to the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers or license numbers of the vehicle are not available to determine ownership.
- b. The abatement order shall order the removal of the vehicle within 20 days of the issuance thereof. Such an abatement order shall identify the property by street address and by legal description, and shall describe the junk vehicle or parts thereof which violate this chapter. The abatement order shall state that the property owner or registered owner may request a hearing to appeal the abatement order before the Town Council. The abatement order shall be made by personal service or mailed, by certified mail with a five-day return receipt requested, to the property owner shown by the records of the County Assessor and to the last registered owner of record of the vehicle, if determinable.
- c. If the property owner or last registered owner of record requests a hearing to appeal the abatement order before the Town Council, such hearing shall be set at the next regularly scheduled Council Meeting, unless the Council determines an alternate hearing date. The only issues to be heard are whether or not a proper determination has been made that the vehicle is a junk vehicle and whether or not either the landowner or the registered owner should be relieved from the obligation to pay the costs of the removal and disposal.
- d. Upon failure of the property owner or last registered owner of record to remove said vehicle within the 20 days, the Town shall dispose of the vehicle or part thereof after notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked. The vehicle shall only be disposed of as scrap.
- e. The costs of removal of the junk vehicle or parts thereof may be assessed against the registered owner of the junk vehicle, if the identity of the owner can be determined and/or the owner of the property upon which the junk vehicle was located. Responsibility for payment of the costs of removal shall be joint and several and it shall not be necessary to proceed against one party in order to proceed against the other.

7.04.060 – Property Owner’s Lack of Consent. The owner of the property upon which the junk vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the junk vehicle and stating the reasons for such denial. If it is determined by the Council that the junk vehicle was placed upon the private property without the consent of the property owner and that the property owner has not acquiesced in its presence, the Town shall not assess the costs of removal against the property owner.

7.04.070 – Abatement of Junk Vehicles on Public Property. Junk vehicles found parked or stored on public property or rights-of-way are hereby declared a public nuisance and may be abated as follows:

- a. Upon determination that a vehicle is a junk vehicle located upon public property or right-of-way, the Town Marshall shall post a Notice of Intention to Impound in a prominent place on said vehicle. Such notice shall cite this ordinance as authority to impound, shall give the time and date of posting and shall provide that if such vehicle is not removed from the public property or right-of-way within four (4) days of the posting, that the vehicle shall be impounded. If the junk vehicle is located upon public right-of-way, the Town Marshall shall also notify the owner of the property in front of which such vehicle is parked.
- b. If, after the expiration of the notice period described in Section 7a, hereof, the junk vehicle remains upon public property or right-of-way, the Town Marshall shall arrange for the removal of the junk vehicle to a safe place, and shall see that the notice provisions of RCW 46.55.110 are complied with, which notice provisions shall contain written notice of right of redemption and the opportunity to request a hearing as to the validity of the impoundment. Costs of the impoundment shall be considered part of the redemption price unless it is determined at such hearing that the impoundment was invalid.
- c. If the last registered owner of record requests a hearing to appeal the impoundment order before the Town Council, such hearing shall be set at the next regularly scheduled Council Meeting, unless the Council determines an alternate hearing date. The only issues to be heard are whether or not a proper determination has been made that the vehicle is a junk vehicle and whether or not the impoundment was lawful.
- d. If, after the expiration of fifteen (15) days from the date of mailing of notice of custody and sale required by RCW 46.55.110(3) to the last registered owner, the vehicle remains unclaimed, then the vehicle may be disposed of in accordance with the provisions of RCW 46.55.130.

7.04.080 – Savings Clause. If any section, sentence, clause or phrase of this chapter shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this chapter.

CHAPTER 7.08

REFUSE COLLECTION AND DISPOSAL

7.08.010 – Jurisdiction. The ordinance codified in this chapter shall apply to all territory embraced within the corporate limits of the Town of Colton and shall apply to every person therein.

7.08.020 – Definitions. Collector of Solid Waste- shall be such person, firm or corporation as is designated by the Washington Utilities and Transportation Commission as holding a certificate of public conveyance and necessity for the area encompassed by the boundaries of the Town of Colton; or the person, firm or corporation entering into contract with the Town of Colton for the collection, removal and disposal of solid waste.

Composting- The accumulation of vegetable matter, including kitchen and house-hold vegetable waste, in a pile for the purpose of providing composting material for use on the premises.

Garbage: all putrescible wastes, except sewage and body wastes.

Person: any individual, partnership, association, firm, corporation, or any other legal entity.

Refuse: all waste matter not subject to decay or putrefaction.

Solid waste: any garbage, refuse, or trash.

Trash: grass clippings, rakings, leaves, tree or shrub trimmings, sod with dirt removed, and the like.

7.08.030 – Accumulation of Garbage and Waste.

- a. It shall be the duty of every person in possession, charge or control of any residential building, or in possession, charge or control of any commercial or business establishment where garbage, refuse or trash is created or accumulated, at all time to keep or cause to be kept portable appurtenances, metal or other approved cans or containers, for the deposit therein of garbage, refuse or trash and to deposit or cause to be deposited the same therein.
- b. Such cans and containers shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodent-proof, insect proof, and have tightfitting lids. Cans shall not be less than fifteen (15) or more than thirty (30) gallons capacity, and shall have two handles on the sides. Tin containers shall meet the specifications of the collector of solid waste. Lids shall not be removed except when necessary to place garbage and refuse in such cans and containers or to take

the same therefrom. Such can and containers shall not be overloaded beyond the point where cover cannot be securely replaced.

- c. Each garbage can and container shall be kept clean inside and out, so that no odor nuisance shall exist, and the area around such cans shall be kept in neat and sanitary condition.
- d. Two (2) or more persons or residences may use the same can or container, so long as the joint usage thereof does not overflow the can or container to the point where the lid cannot be placed securely thereon.

7.08.040 – Collection and Disposal of Solid Waste.

- a. Garbage, trash, and refuse shall not be allowed to accumulate for more than one (1) month. It shall be the duty of every person to arrange for collection and disposal of such accumulation by the collector of solid waste on a weekly, biweekly, or monthly basis, or provide for their own means of on a weekly, biweekly, or monthly basis, or provide for their own means of collection and disposal, so long as said disposal is at an approved disposal site or transfer site.
- b. Persons may store, within the confines of their premises, glass bottles, cans, newspapers, and other material having a value as recyclable materials, for periods longer than one (1) month, providing that such an accumulation and storage is not exposed to public view.
- c. Persons may use household vegetable waste, along with other vegetable matter, for the purpose of composting material for use on their non-owning or possessing said pile. It shall be the duty of every person utilizing a compost pile to keep it free of rodents and flies, and to minimize odor and health nuisances to other persons.
- d. Persons may dispose of paper materials, dry tree trimmings, dry leaves, garden debris, and similar materials by burning.

7.08.050 – Restrictions.

- a. It shall be unlawful for any person to accumulate or dispose of solid waste within the Town of Colton in any manner otherwise than as herein provided.
- b. It shall be unlawful for any person to permit or cause the accumulation in or about any premises or upon any street, alley or public way adjacent to such premises owned or occupied by him, of solid waste or recyclable materials in an amount or manner as to constitute a health hazard or nuisance.

- c. It shall be unlawful for any person to permit or cause the accumulation of any solid waste of recyclable material in such a manner that they can be blown away by wind, or to permit or cause littering of public or private premises, streets, alleys and public ways of the Town of Colton.

7.08.060 – Penalties. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

7.08.070 – Enforcement. This chapter shall be enforced by the Town Marshall, here by designated as the Town Health Officer.

CHAPTER 7.12

PUBLIC NUISANCE

7.12.010 – Unlawful. It is unlawful for any person, firm, company or corporation at any time to cause, continue, maintain, contrive, erect or permit a nuisance as hereinafter defined.

7.12.020 – Nuisance Defined. The following acts, omissions, places, conditions or things are declared to be nuisances:

- a. To cause or suffer the carcass of any animal or any offal, fifth or noisome substance, or any manure, garbage, rubbish heap, or any other offensive matter or thing of any kind or character to be accumulated, collected, deposited or allowed to remain in or on any other place whatsoever within the corporate limits of the Town of Colton;
- b. To obstruct any public park, sidewalk, alley or highway; and
- c. Any act or omission that either annoys, injuries or endangers the comfort, repose, health or safety of others, offends decency or unlawfully interferes with or obstructs the free use of property, so as to essentially interfere with the comfortable enjoyment of life and property.

7.12.030 – Duty to Abate. Any firm, company or corporation in violation of this chapter shall be guilty of a public nuisance. Any person guilty of a public nuisance shall abate such nuisance within a reasonable time, not to exceed three days of being notified by the Town Marshal. Failure to abate the public nuisance shall result in a fine not less than \$5.00 and not to exceed \$300.00.

7.12.040 – Liability for Costs of Abatement. Wherever it shall be necessary for the marshal to abate any nuisance the owner or the agent of the property whereon such nuisance exists, shall be liable for the costs and expense attending the removal or abatement thereof, and if the article or thing removed consists of personal property, such costs and expenses shall constitute and be a

lien upon the same and it may be sold by such officer at public auction and the proceeds of such sale applied as satisfaction or part satisfaction, as the case may be, of such costs and expenses.

7.12.050 – Penalties. The violation of said ordinance shall be deemed a misdemeanor and may be prosecuted by the Town authorities of Colton in the name of the people of the State of Washington.

CHAPTER 7.16

FIRES

7.16.010 – Fireworks – Prohibition on Use and Sale.

- a. That it shall be unlawful for any person to sell, or to fire, set-off, explode or use any fire-crackers, fire-works, percussion cop, toy gun, pop gun, skyrocket, roman candle, giant firecracker, torpedo or bomb, or any toy or device of an explosive or inflammable nature, within the Town of Colton at any time.
- b. That any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and, such conviction thereof, shall be punished by a fine of not exceeding twenty five & No/100 Dollars, and the costs of prosecution.

7.16.020 – Regulations of Bonfires.

- a. That no person or persons shall hereafter build, start or light any bonfires within the Town of Colton without first procuring a written permit to build, start or light such bonfire from the Marshall of the Town of Colton.
- b. That any person who shall violate any provision of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than \$5.00 nor more than \$100.00 and the costs of prosecution, or by imprisonment in the city jail or county jail for a term not exceeding 30 days, or by both such fine and imprisonment.

7.16.030 – Ban on Burn Barrels.

- a. The Town Council in compliance with the Fire Marshal does hereby deem that burning barrels are banned within the Town limits.
- b. Anyone burning within a burn barrel will be notified by either the Fire Marshal or Town Marshal of the burning barrel ban and given a warning for the first (1st) offense. Each additional offense will be charged as a misdemeanor and upon conviction, be fined of not less than \$25.00 or not more than \$100.00 may be imposed for each violation. Every

person violating any provision of this section shall be deemed guilty of a separate offense for each day during which such violations continued.

7.16.040 – Burn Permit Requirements.

- a. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a written permit issued therefor by the City Clerk, Such permit shall be issued only upon the specific authority of the Fire Chief or a designated representative of the Fire Chief. In determining whether or not to issue a permit, the Fire Chief or his designated representative will consider the atmospheric conditions, local circumstances and whether the burning can be performed in a reasonably safe manner without creating large quantities of smoke likely to linger in the area. Individual permits shall not be granted for more than seven (7) consecutive days.
- b. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than fifty (50) feet from any structure and unless adequate provision is made to prevent the fire from spreading to within fifty (50) feet of any structure.
- c. The Fire Chief shall restrict authorized open burning to the hours of 7:00 A.M. to 3:00 P.M. Pacific Time. The Mayor, in conjunction with the Fire Chief, may issue permits to allow special burning to take place outside designated burning hours.
- d. Under no circumstances shall any wet or raw animal or vegetable matter, including but not limited to wet paper products be burned out of doors. Other prohibited materials are as follows:

Garbage	Petroleum Products
Rubber Products	Plastics
Asphalt	Dead Animals
Treated Wood	Metal

Any substance which when burned releases toxic emissions, dense smoke or obnoxious odors (other than natural vegetation). Any substance which emits dense smoke or obnoxious odors (other than natural vegetation).

- e. Any person or persons violating any of the provisions of this ordinance shall, upon conviction, be fined not less than \$25.00 or not more than \$100.00 for each violation. Every person violating any provision of this ordinance shall be deemed guilty of a separate offense for each day during which such violations continued. The Fire Chief or any person designated by the Fire Chief shall, upon observing open burning in violation

of the Ordinance, utilize the Town's Fire Truck to extinguish the fire and an assessment against the property owner where the unlawful fire was extinguished, shall be fined in the amount of twenty-five (\$25.00) and a complaint against said property owner may be made in the Colton Municipal Court.

- f. The provisions of this chapter are hereby declared to be severable. If any section, sentence, clause or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

CHAPTER 7.20

CLEAR VISION AREAS

7.20.010 – Definitions.

The term "Clear Vision Area" means that triangular portion of a lot the sides of which triangle are circumscribed by running from the point of intersection of two intersecting lot lines and running thence away from said point of intersection along said lot lines a distance of forty (40) feet; thence connecting the two points with a straight line which forms the third line of a triangle. Provided, if the angle of intersection of the intersecting lot lines of a corner lot is less than thirty degrees (30°), the Superintendent of Streets and Town Marshall may unanimously agree to fix a triangular area of a different configuration, bearing in mind the intent of the Council to substantially reduce the hazards of obstructed views of street intersections and at intersections of streets with railroad rights-of-way. The term "Clear Vision Area" shall also mean any triangular portion of any lot abutting a driveway or an alley on the side of the triangle and that portion abutting the city street which the Superintendent of Streets and Town Marshall unanimously agree present a hazard to traffic.

"Intersecting lot lines" means those lot lines of the lot of a recorded plot which intersect at the intersection of two public rights-of-way or which intersect at the intersection of a public right-of-way with a railroad right-of-way.

"Sight Obstruction" means any object within a clear vision area which so impairs the view of a motorist as the motorist approaches an intersection of two public rights-of-way or an intersection of a public right-of-way with a railroad right of way that the motorist, when traveling within the applicable speed limit, is unable to readily see traffic on the intersecting right of way at any point within a distance of 100' feet from the midpoint of the intersection of the right-of-way, measured from the point of intersection along the midpoint of the right-of-way. Included within the term "sight obstruction" but not in limitation thereof, are branches or limbs of trees, hedges, bushes, natural growth, any structure, any wall, any tree in excess of 14" inches in diameter or any sign.

Provided, the term “sight obstruction” shall not include official traffic signs, utility poles less than 14 inches in diameter, any tree less than 14 inches in diameter at the trunk.

Provided further that no branches of any tree shall be permitted within the minimum and maximum height limitations set forth in section 1. Provided still further, that tree trunks or posts in a clear vision area in excess of 14” inches in diameter must be at least 10’ feet apart, in order not to be a sight obstruction. Notwithstanding any provision herein to the contrary, object not higher than 30’ inches above the existing midpoint of the right of way intersection shall be permitted within a clear vision area as will trees with a diameter set forth herein so long as no branches thereof protrude from the trunk of the tree between a height of 30’ inches above said midpoint and a height of 9” feet above said point.

“Motorist” means the operator of a motor vehicle.

“Final Decision” means a decision by the Town Marshall that a sight obstruction exists by being situated within a clear visitation area, which decision has not been appealed to the Street Committee within the time-set forth in this ordinance, following notice of such decision as set forth in this ordinance. The term also means the decision of the Street Committee remaining at the conclusion of all appellate procedures as set forth in this ordinance.

7.20.020 – Obstructions not permitted in Clear Vision Area. From and after the effective date of this chapter, it shall be unlawful to permit or maintain a sight obstruction within a clear vision area. Provided, platted lots fronting Main Street between Union Street and Lake Street are exempt from the application or operation if this chapter.

7.20.030 – Violation a Nuisance. Any sight obstruction within a clear vision area is hereby declared to be a public nuisance.

7.20.040 – Abatement of Nuisances –Notice—Appellate Process. Whenever any sight obstruction has become a public nuisance by being situated within a clear vision area, the Town Marshall shall notify the record owner of the property and, if known, the person residing on the property where the view obstruction exists. Such notice shall be by personal service or by use of the U.S. mail. When mail service is utilized, a copy of said notice shall be sent by certified mail, return receipt requested, and a second copy shall be sent by regular mail. Said notices shall be mailed in the office of the post office of any city or town in Whitman County, State of Washington. The notice shall describe the property involved and the condition to be corrected. Said notice shall require the owner or person in possession of the property to cause abatement of said condition within twenty (20) calendar days of the date that the notice is mailed, unless such person, within said twenty (20) day period appeals, in writing, to the Street Committee by filing written notice of appeal with the Town Clerk within said twenty (20) day period. No particular form of notice shall be required, but said notice shall state the names and mailing addresses of the owner and the residence of the person or persons owning or residing on the property, or both

of them; shall describe the property by legal description and shall state, in substance, that an appeal from the decision of the Superintendent of Streets and the Town Marshall that a sight obstruction exists on said property is being made. In the event there is no notice of appeal filed within said twenty day period, the decision of the Town Marshall shall be final. In the event of an appeal to the Street Committee, said decision shall not be deemed final until conclusion of the appellate process set forth below. In the event of an appeal to the Street Committee, the Street Committee shall conduct a public hearing at which it shall be determined whether or not there is a view obstruction within the clear vision area and, if so, what is required for its abatement to conform to this ordinance. The hearing shall be held not sooner than twenty (20) days and not later than sixty (60) days of filing an appeal to the Street Committee with the Town Clerk. The person appealing, the property owner, and each person in possession of the property shall be given written notice of the time and place of hearing at least ten (10) days prior thereto by mailing the same in the post office of any Town or City in Whitman County, Washington, on or before the 10th day prior to the hearing. The Street Committee shall make written findings of fact and conclusions following the hearing.

Any interested party, including the Town, may appeal the decision of the Street Committee by filing a petition for writ of certiorari with the Whitman County Superior Court Clerk and proceeding in the manner set forth in RCW Chapter 7.16 within twenty (20) days of the written decision of the Street Committee. No steps shall be taken by the Town to correct the sight obstruction within said twenty (20) day period in order to allow any interested party to petition said Superior Court for a writ of certiorari. If a petition for writ of certiorari is filed with the Whitman County Superior Court, no steps shall be taken by the town to correct the sight obstruction, pending the entry of a final judgment in the Whitman County action. In the event of an appeal to the Street Committee, the decision of the Street Committee shall become final and binding on all parties twenty (20) days after the Street Committee's written Findings of Fact and conclusions are filed with the Town Clerk unless an application for writ of certiorari is filed with the Whitman County Clerk as above provided. If such an application is filed, the final judgment in the Whitman County action shall be the final decision of the Street Committee. The property owner or person in possession of the property shall have twenty (20) days from and after the date that the decision of the Street Committee becomes final to correct the obstruction.

When a decision that there is a sight obstruction within a clear vision area has become final, if said sight obstruction is not removed within the twenty (20) day time period allowed for removal thereof as herein provided, the Town Council shall, by resolution, authorize abatement of said nuisance by the use of town personnel or by a contract therefor, as the council elects.

A careful account shall be kept of all costs incurred by the town in connection with said abatement, and all costs shall become a charge against the owner and the resident of the property from which the nuisance was abated, jointly and severally, and shall be a lien against the subject property. "Costs" as used herein shall include not only the cost of abatement, but shall also

include attorney fees and court costs incurred by the town with reference to the abatement procedure from and after the first notice of abatement served by the Town Marshall as above provided. The Notice of Lien specifying the costs incurred by the Town for which a lien is claimed shall be recorded in the office of the Auditor of Whitman County, Washington, shall be signed by the Mayor and attested by the Town Clerk and shall bear an acknowledgement that said officers have executed the same as their free and voluntary act and deed and the free and voluntary act and deed of the Town and that they are authorized to execute the same in their respective capacities. Said notice shall be effective to place a lien upon the property from which the nuisance was abated from and after the date of recording the same. Said lien shall be foreclosed in the same manner as mortgages against real property are foreclosed, provided, the lien shall be void unless foreclosure proceedings are commenced within eight months of recording notice thereof in the Whitman County Auditor's Office.

7.20.050 – Severability. Each of the sections of this chapter is severable, one from the other. Should any part of this chapter be declared unconstitutional, ineffective, unenforceable, void, or as otherwise declared invalid, such determination shall not affect the remaining portions hereof and all portions of this chapter not declared unconstitutional, ineffective, unenforceable, void, or otherwise invalid, shall be and remain in full force and effect.

CHAPTER 7.24

OBSTRUCTIONS IN PUBLIC RIGHTS OF WAY

7.24.010 – Definitions.

“Lot” as used in this Ordinance means any lot as shown on any platted subdivision within the Town for purposes of this chapter. Contiguous platted lots abutting a public right of way under the same ownership shall be deemed to be a single lot or single parcel of real property.

For purposes of this chapter, an “obstruction” is any manmade object or object placed in a public right of way by any person. Motor vehicles legally parked in the right of way shall not be deemed to be an obstruction.

For purposes of this chapter, “real property” shall be deemed to be adjacent to a public right of way if the real property abuts the right of way and if, upon vacation of the right of way, title to the vacated portion of such right of way would attach to such real property by operation.

“Owner” – The owner of real property adjacent to the right of way shall be the owner or owners thereof as reflected on the Whitman County Tax Rolls.

7.24.020 – Obstructions Prohibited in Public Rights of Way. All untraveled public rights of way within the Town shall be kept free of obstructions, except as otherwise stated in this chapter. Provided, each real property owner whose real property is adjacent to a right of way may cause

or permit one or more objects which meet the definition of obstruction to be in that portion of the untraveled right of way adjacent to such real property owner's real property for not more than 20 days in the aggregate for all such obstructions adjacent to any lot in any calendar year.

7.24.030 – Removal without Notice. Notwithstanding any provision herein to the contrary, objects which are in the travel portion of the right of way which the Mayor, or the Mayor's designee, deems to be a hazard to traffic may be immediately removed from the public right of way, without prior notice.

7.24.040 – Property Owner's Responsibility—Town's right to abate. Any obstruction in a public right of way in violation of this chapter shall be removed from the right of way by the owner of the real property adjacent to the right of way on which such object rests. If the owner does not remove the obstruction within the time limits set forth in this chapter, the Town, through the Mayor, or the Mayor's designee, shall cause said obstruction to be abated.

7.24.050 – Notice. Whenever there is an obstruction to a public right of way, the Mayor, or any person designated by the Mayor to act hereunder (Mayor's designee) in violation of this chapter shall notify the record owner of the property, and if known, the person residing on the property where the obstruction exists. Such notice shall be by personal service or U.S. Mail. When mail service is utilized, a copy of the notice shall be sent by certified mail, return receipt requested, and a second copy shall be sent by regular mail. Such notices shall be mailed in the post office of any city in Whitman County, state of Washington. The notice shall describe the property involved and the condition to be corrected. The notice shall state that the owner or person in possession of the property is required to cause abatement of the condition within ten (10) calendar days of the date that the notice was mailed, unless such person within the ten day period, appeals in writing to the City Council, by filing a notice of appeal with the Town Clerk. No particular form of the notice of appeal to the Town Clerk is required, but such notice shall state the names and mailing addresses of the owner and the residence of the person or persons owning or residing on the property, or both of them; shall describe the property by legal description, and shall state, in substance, that an appeal from the decision of the Mayor, or the Mayor's designee that an obstruction of public right away exists on such property is being made. In the event there is no notice of appeal filed within the ten (10) day period, the decision of the Mayor or Mayor's designee is final, and the Mayor or Mayor's designee shall cause the obstruction to be abated. In such an event, the Town shall have a claim against the property owner for the cost of removal. If there is more than one property owner, the Town's claim shall be joint and several as to all such owners.

7.24.060 – Appeal to Town Council. If the said real property owner files a Notice of Appeal with the Town Clerk, the Mayor shall place the appeal for hearing on the agenda of the Town Council the next regular meeting is at least 10 days from the date of filing said appeal. If the next regular meeting of the Town Council is within 10 days of filing said Notice of Appeal, the

Mayor may set the Hearing at a council meeting which is regularly scheduled to start beyond said 10 day period or may, in the Mayor's discretion, call a special meeting of the council to hear the appeal on a date which is longer than 10 days following the notice of filing of said appeal. The date set for the hearing shall not, in any event, be in excess of 31 days from the date of filing said Notice of Appeal. When the date of hearing has been fixed, the Town Clerk shall mail to the real property owner a Notice of Hearing at least 7 days prior to said hearing. At the hearing before the Town Council the sole issue shall be whether the object at issue constitutes an obstruction within the public right of way and, if so, whether the portion of the right of way on which such alleged obstruction may exist is adjacent to the real property owner's property. Upon the filing of a Notice of Appeal with the Town Clerk, the object constituting the alleged obstruction need not be removed from the right of way pending the conclusion of the appeal to the Town Council and pending an appeal, of the Town Council's decision, if any, to a court of competent jurisdiction in the event the decision of the Town Council is adverse to the said real property owner.

7.24.070 – Appeal to the Town Council's Decision. Following the hearing before the Town Council, if the real property owner feels aggrieved, said real property owner may appeal the Town Council's decision to the Superior Court for Whitman County by filing a Notice of Appeal with the Clerk of the Superior Court within 10 days after the receipt of a copy of the written decision of the Town Council. Upon the filing of any such Notice of Appeal, the object at issue need not be removed until a final decision by a court competent jurisdiction. If no appeal is taken and if the decision of the Town Council is that the object at issue must be removed under this Ordinance, the object shall be removed by the real property owner not later than 20 days following the receipt by the adjacent real property owner of the written decision of the Town Council. If the real property is not so removed, the Mayor or any person designated by the Mayor to enforce this Ordinance shall cause said obstruction to be abated.

7.24.080 – Abatement Procedures. Personal property removed from a public right of way shall be delivered to the Town Marshall and shall be disposed of as set forth in RCW Chapter 63.32. Said personal property shall be deemed to be owned by the owner of the real property adjacent to the right of way from which the personal property was removed, unless the Town Marshall knows the identity of the true owner or the identity of the person the Marshall believes to be the true owner of the personal property, in which case such owner or believed owner, in addition to the owner of the real property adjacent to the right of way from which the object was removed shall be given the notices provided for in RCW Chapter 63.32 in the manner provided for in said chapter. The proceeds of any sale of any unclaimed personal property, after following the procedures set forth in RCW Chapter 63.32, shall be deposited to the current expense fund of the Town.