

## **Title 7**

### **HEALTH AND SAFETY**

#### **Chapters:**

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**Chapter 7.05**

**NOISE CONTROL**

Sections:

- 7.05.010 Public nuisance and disturbance noises – Defined and designated.
- 7.05.020 Public nuisance and disturbance noises – Unlawful.
- 7.05.030 Mufflers.
- 7.05.040 Modification to motor vehicles.
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- 7.05.070 Enforcement – Complaints – Violation and penalty.

**7.05.010 Public nuisance and disturbance noises – Defined and designated.**

“Public nuisance noise” means any sound which unreasonably either annoys, injures, interferes with, or endangers the comfort, repose, health or safety of three or more persons residing within separate residences in the same community or neighborhood, although the extent of damage may be unequal. The following sounds are determined to be public disturbance noises:

- (1) 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;
- (2) The repetitive or continuous barking of a dog;
- (3) The creation of repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, heat pump, air conditioner, electric motor, or internal combustion engine within a rural or residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of property owners or possessors of real property;
- (4) 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;

(5) The making of any loud and raucous sound within 1000 feet of any school, hospital, sanitarium, nursing or convalescent facility;

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

(7) Yelling, shouting, hooting, whistling, or singing, particularly between the hours of 9:00 p.m. and 7:00 a.m., the next morning, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in the vicinity. [Ord. 576 (A)(1), 1990.]

**7.05.020 Public nuisance and disturbance noises – Unlawful.**

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. [Ord. 576 (A)(2), 1990.]

**7.05.030 Mufflers.**

It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle upon the public highways and streets which is not equipped with a muffler in good working order and in constant operation. [Ord. 576 (A)(3), 1990.]

**7.05.040 Modification to motor vehicles.**

It is unlawful for any person to modify or change any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound-dissipative device on a motor vehicle. [Ord. 576 (A)(4), 1990.]

**7.05.050 Noises exempt – At all times.**

The following noises are exempt from the provisions of this chapter at all times; provided, that nothing in these exemptions is intended to preclude

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the town from requiring installation of the best available noise abatement technology consistent with economic feasibility:

(1) Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;

(2) Noise created by safety and protective devices, such as relief valves where noise suppression would defeat the safety release intent of the devices;

(3) Noise created by fire alarms;

(4) Noise created by emergency equipment;

(5) Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

(6) Noise originating from officially sanctioned parades, sporting events and other public events;

(7) Noise created by warning devices not operated continuously for more than 30 minutes per incident. [Ord. 576 (B), 1990.]

### **7.05.060 Noises exempt – During daytime hours.**

The following noises shall be exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends:

(1) Noises created by powered equipment used in temporary or periodic maintenance, repair, or new construction of residential property, including but not limited to grounds and appurtenances, such as lawn mowers, powered hand tools, and composters;

(2) Noises emanating from commercial businesses and industries that meet state standards. [Ord. 576 (C), 1990.]

### **7.05.070 Enforcement – Complaints – Violation and penalty.**

(1) After a complaint has been received from an identifiable person who owns, rents, or leases property that is affected by a noise source and the complaint has been investigated, a verbal warning shall be issued by the mayor or his or her designee. The verbal warning is to be followed by a written notice, which shall contain a brief and concise description of the condition alleged to be a public nuisance noise. The notice shall be sent by any form of U.S. postage requiring return receipt and/or may be posted at the premises from which

the noise causing the complaint emanates. The officer delivering the notice shall prepare an affidavit of service.

(2) Violation of this chapter after the foregoing warning or after a verbal warning by an employee of the town of La Conner shall constitute an infraction subject to civil penalty not to exceed \$250.00.

(3) A sound level meter reading shall not be necessary to establish that a public nuisance exists.

(4) Violation of this chapter, with or without warnings, shall constitute a nuisance. Nothing in this chapter shall preclude the town from abating such nuisance through any legal means. [Ord. 812 § 7, 2001; Ord. 576 (D), 1990.]

**Chapter 7.10**

**PUBLIC NUISANCES**

Sections:

Article I.

- 7.10.010 Definitions.
- 7.10.020 Types of nuisances.
- 7.10.030 Prohibited conduct.
- 7.10.040 Enforcement – Notice.
- 7.10.050 Abatement by the town.
- 7.10.060 Abatement by owner or other responsible person.
- 7.10.070 Right to appeal.
- 7.10.080 Immediate danger – Summary abatement.
- 7.10.090 Violation – Civil penalty.

Article II.

- 7.10.100 Slaughter of animals.
- 7.10.110 Sale of stale, infected or decayed food.
- 7.10.120 Moss on roofs.
- 7.10.130 Violation – Penalty.
- 7.10.140 Action on complaints.

**Article I.**

**7.10.010 Definitions.**

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

- (1) “Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.
- (2) “Building materials” means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
- (3) “Enforcement officer” means the town attorney or any alternate as designated by the town attorney.
- (4) “Premises” means any building, lot, parcel, real estate, land, or portion of land whether im-

proved or unimproved, including adjacent sidewalks and parking strips.

(5) “Responsible person” means any agent, lessee, owner, or other person occupying or having charge or control of any premises.

(6) “Property” means any object of value that a person may lawfully acquire and hold. [Ord. 536 § 1, 1986.]

**7.10.020 Types of nuisances.**

Each of the following conditions unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any premises the officer may require or provide for the abatement thereof pursuant to this chapter:

(1) The existence of any weeds, trash, dirt, filth, the carcass of any animal, waste shrubs, accumulations of lawn or yard trimmings or any offensive matter;

(2) The existence of any dead, diseased, infested or dying tree that may constitute a danger to property or persons;

(3) The existence of any tree, shrub, or foliage unless by consent of the town, which is apt to destroy, impair, interfere or restrict:

(a) Streets, sidewalks, sewers, utilities or other public improvements;

(b) Visibility on, or free use of, or access to such improvement;

(4) The existence of any vines or climbing plants growing into or over any street, public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around, or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof, or impair the access thereto;

(5) The existence of any accumulation of materials or objects in a location when the same endangers property, safety, or constitutes a fire hazard;

(6) The existence of a sidewalk or portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;

(7) The existence of caterpillar infestations;

(8) The existence of fruit fly infestation, moths, rust, or other tree diseases;

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(9) Open burning, including burn barrels, is prohibited with the following exception: only natural vegetation (tree limbs, brush, grass clippings, garden refuse, etc.) will be burned by permit from the La Conner fire department. No plastics, rubber, lumber and construction debris or any item causing noxious or toxic odors will be burned. Burn permit holders must comply with the following conditions:

(a) The diameter of the fire may not exceed five feet.

(b) Fires must be 50 feet from any structure.

(c) A charged water line must be at the fire area.

(d) Fire permit must be posted at the fire site.

(e) The fire must be attended at all times.

(f) Permitted fires may only be conducted during daylight hours;

(10) The existence of any obstruction to a street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished, and for an unreasonable length of time;

(11) The erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the town, any one or more of the following disorderly, disturbing, unsafe, unhealthy, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions, or objects:

(a) Any putrid, unhealthy or unwholesome bones, meat hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles;

(b) Any vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats or which are foul or malodorous;

(c) Any pools of standing water created by irrigation of private property that could serve as breeding areas for rats, flies, or mosquitoes;

(d) Any filthy, littered or trash covered dwellings, cellars, house yards, barnyards, stable

yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings, or premises;

(e) Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the town;

(f) Any poison oak or poison ivy, Russian Thistle, Bull and Canadian Thistle, Evergreen and Himalayan blackberries, Tansy Ragwort and other noxious weeds, whether growing or otherwise, including, but not limited to any noxious weeds identified by the Skagit County Noxious Weed Control Board; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles;

(g) Any grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon any property and are a fire hazard or a menace to public health, safety or welfare;

(h) Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or receptacles;

(i) Any trash, litter, rags, accumulations or empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

(12) The depositing of burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, paper, wood, boards, boxes, leaves, manure, or other rubbish or material;

(13) The storage or keeping on any premises for more than 30 days of any used or unused building materials, without a special permit from the building official; provided, that nothing herein shall:

(a) Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion;

(b) Prohibit such storage without a permit on the premises of a bona fide lumber yard, dealer in building materials or other commercial enter-

prise when the same is permitted under the zoning ordinance and other applicable ordinances;

(c) Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

(14) The existence of any pits, cesspools, privy vaults, potholes or holes which would endanger safety;

(15) The existence of any condition which would produce dust or noxious odors; provided, that nothing herein be prohibited when done in conjunction with a construction project for which a building permit has been issued and is being prosecuted diligently to completion. However, the contractor or owner will be responsible for dust control throughout his development area; provided, that this shall not be construed to apply to publicly maintained, unpaved roadways or road rights-of-way now existing;

(16) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk, or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

(17) The existence or maintenance on any premises of a storage area, junk yard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors, or other vehicle or machinery of any kind, or for the storing or leaving of more than two worn out, wrecked, inoperative, or abandoned automobiles, trucks, trailers, house trailers, boats, tractors, or other machinery of any kind or of any parts thereof;

(18) The existence of any drainage onto or over any sidewalk, public pedestrian way, street, or alley;

(19) The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator or other large appliance. [Ord. 963 § 4, 2005; Ord. 672 §§ 1, 2, 1995; Ord. 567 § 2, 1989; Ord. 536 § 2, 1986.]

**7.10.030 Prohibited conduct.**

It shall be unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a public nuisance. [Ord. 536 § 3, 1986.]

**7.10.040 Enforcement – Notice.**

The enforcement officer having knowledge of any public nuisance shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 20 calendar days after notice. The notice shall be substantially as the following form:

*Notice To Abate Unsafe or Unlawful Condition*

*(Name and address of person notified)*

*As owner, agent, lessee, or other person occupying or having charge or control of the building or premises at \_\_\_\_\_ (Parcel Number) you are hereby notified that the undersigned, pursuant to Chapter 7.10 LCMC, has determined that there exists upon or adjoining said premises, the following conditions contrary to the provisions of LCMC 7.10.020: \_\_\_\_\_.*

*You are hereby notified to abate the condition to the satisfaction of the undersigned within 20 days of the date of this notice. If you do not abate such condition within 20 days, the town will abate the condition at your expense.*

*Abatement is to be accomplished in the following manner: \_\_\_\_\_.*

*Dated: \_\_\_\_\_*

*By: \_\_\_\_\_*

[Ord. 536 § 4, 1986.]

**7.10.050 Abatement by the town.**

In all cases where the enforcement officer has determined to proceed with abatement 20 days after giving notice, the town shall acquire the jurisdiction to abate the condition at the person’s expense as herein provided. Upon the abatement of the condition or any portion thereof by the town, all the expenses thereof shall constitute a civil debt owing to the town jointly and severally by such of the persons who have been given notice as herein

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provided. The debts shall be collectible in the same manner as any other civil debt owing to the town. [Ord. 536 § 5, 1986.]

### **7.10.060 Abatement by owner or other responsible person.**

If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. [Ord. 536 § 6, 1986.]

### **7.10.070 Right to appeal.**

Any person notified of the existence of a condition specified in this chapter shall have the right to appeal to the council of the town of La Conner. Such appeal shall be taken by filing with the town council, within seven calendar days after notice as provided in LCMC 7.10.040 has been given, a written statement setting forth in full the grounds for appeal. The town council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in writing setting forth specifically the grounds for the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the appellant at his last known address, at least five days prior to the date set for the hearing. Further action on the abatement as specified in the original notice shall be stayed pending the decision of the town council on the appeal. The decision and the order of the town council on such appeal shall be final and conclusive. [Ord. 536 § 7, 1986.]

### **7.10.080 Immediate danger – Summary abatement.**

Whenever any condition or use of the property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement

shall become a civil debt against the owner or other responsible person and be collected as provided in LCMC 7.10.050. [Ord. 536 § 8, 1986.]

### **7.10.090 Violation – Civil penalty.**

A violation of this chapter shall be a civil infraction for which a civil penalty may be imposed pursuant to the provisions of Chapter 1.15 LCMC. [Ord. 839 § 15, 2001; Ord. 536 § 9, 1986.]

## **Article II.**

### **7.10.100 Slaughter of animals.**

It shall be unlawful for any person or persons to kill or slaughter any beef, sheep, hog or other animal in such a manner as to become a nuisance within the corporate limits of the town of La Conner. [Ord. 107 § 5, 1895.]

### **7.10.110 Sale of stale, infected or decayed food.**

It shall be unlawful for any person or persons to knowingly sell any stale or infected meats, vegetables or any decayed fruit or eatables of any kind within the corporate limits of the town of La Conner. [Ord. 107 § 6, 1895.]

### **7.10.120 Moss on roofs.**

It shall be unlawful for any person or persons to allow or to permit moss to gather on, accumulate or remain on the roof of any building or shed owned, leased or occupied by such person or persons within the corporate limits of the town of La Conner. [Ord. 107 § 7, 1895.]

### **7.10.130 Violation – Penalty.**

It shall be an infraction for any person or persons to violate a provision of this article, which person shall be liable for a civil penalty not to exceed \$100.00. [Ord. 812 § 8, 2001; Ord. 107 § 9, 1895.]

### **7.10.140 Action on complaints.**

Whenever a complaint shall be made to the town of La Conner against any persons or person for violation of any of the provisions of this article, the town planner shall forthwith examine into the facts, and if such complaint appears to be well-founded, shall notify such person or persons to remove or abate the nuisance and upon failure within a reasonable time to comply with such

notice, the town planner shall cause such nuisance to be removed or abated at the expense of the person guilty of creating the same and to be brought before any court of competent jurisdiction. [Ord. 812 § 9, 2001; Ord. 107 § 10, 1895.]

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Chapter 7.15

LITTER CONTROL

Sections:

7.15.010 Provisions adopted.

**7.15.010 Provisions adopted.**

The provisions of Chapter 70.93 RCW, the Model Litter Control Act, together with all amendments and additions thereto, are hereby adopted by reference and made a part of the ordinances of the town of La Conner. [Ord. 390, 1973.]

Chapter 7.20

AIR POLLUTION CONTROL DISTRICT

Sections:

7.20.010 Formation.

7.20.020 District areas.

7.20.030 Ordinance filed with state.

**7.20.010 Formation.**

The formation of an Air Pollution Control District in accordance with the provisions of RCW 70.94 and amendments thereto is established, such district being necessary for effective, efficient and equitable air pollution control. [Ord. 327 § 1, 1966.]

**7.20.020 District areas.**

The Air Pollution District shall include, but not be limited to Skagit County, and to include Burlington, Mount Vernon, Sedro Woolley, Anacortes, Concrete, Lyman, Hamilton, La Conner, and Skagit County. The town of La Conner hereby agrees, together with the cities, towns, and the county participating in the control district as follows:

(1) The name of the district shall be the "Skagit County Air Pollution Control District".

(2) The geographic area of the district shall include the unincorporated area of Skagit County and the incorporated area of the participating cities, or towns, to the end that all of the area within Skagit County shall be a part of the participating jurisdiction of the district.

(3) The principal office and place of business of the district shall be Mount Vernon, Skagit County, Washington, or at such other place as the board of directors of the district may from time to time agree upon by majority vote.

(4) The District shall begin to transact business and establish programs and exercise its powers on or after October 18, 1966. It shall continue in active operation for such period of time and to such time as the board of directors of the district may find necessary to conduct research and studies and/or effectuate controls with respect to air pollution. [Ord. 327 § 2, 1966.]

**7.20.030 Ordinance filed with state.**

A copy of the ordinance codified in this chapter shall be forthwith filed with the Secretary of the State of Washington, with the county treasurer, and the county auditor, and with each of the participating cities, towns, or agencies. [Ord. 327 § 2, 1966.]

**Chapter 7.25**

**FIREWORKS**

Sections:

- 7.25.010 No commercial sales.
- 7.25.020 Misdemeanor.
- 7.25.030 Safe and sane fireworks.
- 7.25.040 Violation – Civil penalty.

**7.25.010 No commercial sales.**

There shall be no commercial sales of fireworks of any kind within the town of La Conner. [Ord. 503 § 1, 1982.]

**7.25.020 Misdemeanor.**

It shall be a misdemeanor to use any exploding or airborne fireworks within the town of La Conner. [Ord. 503 § 2, 1982.]

**7.25.030 Safe and sane fireworks.**

Sparklers, and other safe and sane fireworks are not prohibited under this chapter, and shall be allowed on July 4th of each year. [Ord. 503 § 3, 1982.]

**7.25.040 Violation – Civil penalty.**

A violation of this chapter shall be a civil infraction for which a civil penalty may be imposed pursuant to the provisions of Chapter 1.15 LCMC. [Ord. 839 § 16, 2001; Ord. 503 § 4, 1982.]

**Chapter 7.30**

**HAZARDOUS WASTE\***

Sections:

- 7.30.010 Definitions.
- 7.30.020 Commercial district.
- 7.30.030 Industrial district.

\*See Title 15 for Land Use Code.

**7.30.010 Definitions.**

(1) “Coordinated local zoning” means zoning which permits off-site treatment and storage facilities in one jurisdiction to serve the off-site facility needs of other jurisdictions, provided the coordinated zoning is documented by signed agreements between all affected jurisdictions.

(2) “Hazardous waste” means all dangerous waste (DW) and extremely hazardous waste (EHW) as defined in RCW 70.105.010.

(3) “Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by the state of Washington Dangerous Waste Regulations, Chapter 173-303 WAC.

(4) “Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recover, amenable for storage, or reduced in volume.

(5) “Off-site treatment and storage facilities\*\*” means off-site facilities that treat and store hazardous wastes from generators on properties other than those on which the off-site facilities are located.

(6) “On-site treatment and storage facility\*\*” means an on-site facility that treats and stores hazardous wastes generated on the same parcel of property where the on-site facility or facilities are located.

\*Hazardous waste treatment and storage facilities are facilities that require an interim or final status permit from the Department of Ecology under Dangerous Waste Regulations, Chapter 173-303 WAC.  
[Ord. 566 § 1, 1989.]

**7.30.020 Commercial district.**

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use, provided such facilities comply with the State Hazardous Waste

Siting Standards and La Conner and State Environmental Policy Act requirements. [Ord. 566 § 2, 1989.]

**7.30.030 Industrial district.**

On-site hazardous waste treatment and storage facilities accessory to a permitted or conditional use are allowed as a conditional use, provided such facilities comply with the State Hazardous Waste Siting Standards and La Conner and State Environmental Policy Act requirements. [Ord. 566 § 3, 1989.]

**Chapter 7.35**

**ALARM SYSTEMS**

Sections:

- 7.35.010 Purpose.
- 7.35.020 Definitions.
- 7.35.030 Prohibited equipment.
- 7.35.040 Required information.
- 7.35.050 False alarms.
- 7.35.060 Civil infraction.

**7.35.010 Purpose.**

The purpose of this chapter is to:

- (1) Regulate the installation, operation, and maintenance of security alarms.
- (2) Seek to prevent the likelihood of false alarms and the resultant drain on financial, fire department and law enforcement resources from responding to such false alarms.
- (3) Provide for recouping costs incurred as a result of responding to false alarms. [Ord. 848 § 1, 2002; Ord. 675 § 1, 1995.]

**7.35.020 Definitions.**

- (1) “Alarm system” means any electronic device with a terminal on the protected premises that provides an audible signal at the premises or is connected to a monitoring location intended to alert emergency response services.
- (2) “False alarm” means the activation of any alarm other than by illegal entry, criminal activity, distress or emergency, where no fire or other reportable emergency exists. False alarm shall include, but not be limited to, alarm malfunctions and human error.
- (3) “Persons” means any individual, firm, partnership, association, company, or organization of any kind.
- (4) “Fire department” means the La Conner fire department.
- (5) “Law enforcement” refers to any police or law enforcement agency providing law enforcement services to the town of La Conner.
- (6) “Public safety departments” means the La Conner fire and/or law enforcement departments. [Ord. 848 § 1, 2002; Ord. 675 § 2, 1995.]

**7.35.030 Prohibited equipment.**

Alarm equipment designed to alert any municipal emergency service by providing unattended automatic dialing of any emergency public safety

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service for the purpose of transmitting a preprogrammed signal message code. Persons violating the above may be ordered to disconnect such equipment by the town code enforcement officer. [Ord. 848 § 1, 2002; Ord. 675 § 3, 1995.]

#### 7.35.040 Required information.

(1) No persons shall have or maintain on any premises an audible alarm system unless a notice is prominently posted at the main entrance which contains the telephone number(s) of the person(s) authorized to turn off the alarm system and where they can be contacted at all times. Failure to post a notice is a civil violation of this chapter.

(2) Any person who conducts alarm monitoring business, for the purpose of receiving alarms and notifying the proper public safety department, must provide to the public safety departments:

(a) The street address of the premises being served.

(b) The marked intersection nearest the premises being served by the public safety departments.

(c) The name and phone number of the person(s) authorized to allow public safety departments access to the premises.

Failure to provide such information is a civil violation of this chapter.

(3) All fire alarm systems are to be registered with the Skagit County fire marshal's office prior to installation. [Ord. 848 § 1, 2002; Ord. 675 § 4, 1995.]

#### 7.35.050 False alarms.

(1) The La Conner code enforcement officer shall notify the owner or occupant of the premises by mail, or telephone, or by posting a notice at the premises advising the occupants of the false alarm after the first false alarm that occurs at the premises in any six-month period. The appropriate public safety department shall keep a record of such notice on file.

(2) Upon the second false alarm in any six-month period the appropriate public safety department shall notify the owner or occupant of the premises by mail, or telephone, or by posting a notice at the premises advising of the false alarm and advise the owner or occupant that a written response of the cause and corrective action shall be forwarded to the proper public safety department

within seven days. Failure to do so is a civil violation of this chapter.

(3) The third and subsequent false alarms within six months of any previous false alarm shall be deemed a civil infraction and subject to civil penalties as set forth and established in Chapter 1.15 LCMC.

(4) The owners or occupants of premises where security alarm systems are installed shall report all false alarms immediately to the appropriate public safety department. If such a report is made prior to the department's response, the alarm will not be considered a false alarm for the purpose of this chapter.

(5) Intentionally causing a false alarm is a civil infraction subject to civil penalties as set forth and established in Chapter 1.15 LCMC. [Ord. 848 § 1, 2002; Ord. 839 § 17, 2001; Ord. 675 § 5, 1995.]

#### 7.35.060 Civil infraction.

Any owner or occupant who violates the provisions of this chapter shall be guilty of a civil infraction and subject to a civil penalty as set forth and established in Chapter 1.15 LCMC. [Ord. 839 § 11, 2001.]

**Chapter 7.40**

**HUNTING**

Sections:

- 7.40.010 Purpose.
- 7.40.020 Definitions.
- 7.40.030 Prohibited conduct.
- 7.40.040 Violation – Civil penalties.
- 7.40.050 Penalty.
- 7.40.060 Judicial appeal.

**7.40.010 Purpose.**

The purpose of this chapter is to prevent hunting, capturing and killing of animals and birds and the danger such activities bring to the general public within the corporate town limits of La Conner. [Ord. 1012 § 1, 2008.]

**7.40.020 Definitions.**

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

- (1) “Animal control officer” means code enforcement officer or anyone designated by the mayor or town administrator.
- (2) “Animal or bird” means any wild, domestic or feral domestic animal or bird.
- (3) “Vermin” means small common harmful or objectionable animals that are difficult to control, birds and mammals that prey on game, or animals that at a particular time and place compete (as for food) with humans or domestic animals. [Ord. 1012 § 1, 2008.]

**7.40.030 Prohibited conduct.**

It is unlawful to hunt, trap, kill or capture, or attempt to hunt, trap, kill or capture, any animal or bird within the town; provided, that this section shall not apply to the following persons or activities:

- (1) Hunting, trapping, or capturing of animals or birds by animal control officers, law enforcement officers or game department personnel while engaged in the performance of their official duties;
- (2) Hunting, trapping, or capturing of rats, mice, moles or similar vermin; or
- (3) The nonlethal trapping or capturing of animals or birds by means designed to ensure the safety and well-being of the animals or birds for the purpose of removal and relocation or humane destruction of a dangerous animal or an animal or

bird suffering from a serious injury or disease, as approved by the town animal control officer following the guidelines of the Washington Department of Fish and Wildlife. [Ord. 1012 § 1, 2008.]

**7.40.040 Violation – Civil penalties.**

A violation of this chapter shall be a civil infraction for which a civil penalty may be imposed pursuant to the provisions of this chapter. [Ord. 1012 § 1, 2008.]

**7.40.050 Penalty.**

Any person or persons to violate a provision of this chapter may be liable for a civil penalty of \$1,000 for each violation. [Ord. 1012 § 1, 2008.]

**7.40.060 Judicial appeal.**

As per LCMC 1.15.070:

- (1) The decision of the municipal court shall be final and conclusive with the right to appeal to the district court of Skagit County in the case of a non-default decision only.
- (2) Notice of the appeal and any other required pleadings shall be filed with the court as required by law.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. [Ord. 1012 § 1, 2008.]

**Chapter 7.45**

**FIREARMS AND DANGEROUS WEAPONS**

Sections:

- 7.45.010 Purpose.
- 7.45.020 Definitions.
- 7.45.030 Firearms – Prohibited use.
- 7.45.040 Dangerous weapons – Use regulated.
- 7.45.050 Violation – Civil penalty.
- 7.45.060 Penalty.
- 7.45.070 Judicial appeal.

**7.45.010 Purpose.**

The purpose of this chapter is to prevent the use of firearms and dangerous weapons which pose a threat to the general public, animals and property within the corporate town limits of La Conner. [Ord. 1012 § 2, 2008.]

**7.45.020 Definitions.**

“Projectile” means any arrow, pellet, shot, knife, ax, spear or other device capable of being shot or thrown in a way that can create bodily harm to a person, animal or property. [Ord. 1012 § 2, 2008.]

**7.45.030 Firearms – Prohibited use.**

It is unlawful for any person, persons or combination of persons to discharge, fire or detonate any firearm, or to set or cause any explosion of any kind within the corporate town limits; provided, that this section shall not apply to the following persons or activities:

- (1) A person acting in self defense.
- (2) Law enforcement personnel while engaged in official duties.
- (3) Use of display fireworks permitted by Chapter 7.25 LCMC. [Ord. 1012 § 2, 2008.]

**7.45.040 Dangerous weapons – Use regulated.**

(1) It is unlawful for any person, persons or combination of persons to shoot or throw any dangerous weapons, including but not restricted to bows and arrows, crossbows, slingshots, knives, axes, spears or air rifles, capable of bodily harm to any person, animal or property within the corporate town limits except for the following uses:

- (a) Law enforcement purposes.
- (b) Classes conducted on the grounds of a public school with the approval of the agency administering the site of the activity.

(c) On private property with the express permission of the owner or owners with the following provisions:

(i) The placement of a natural or manufactured backstop of sufficient size to ensure capture of inaccurate or accidentally discharged arrows or any other projectile.

(2) It shall also be unlawful for any person, persons or combination of persons to shoot or throw a projectile from any point onto private or public property unless authorized by the owner of the property onto which the projectile is shot or thrown and the conduct is permissible under the terms of this section. [Ord. 1012 § 2, 2008.]

**7.45.050 Violation – Civil penalty.**

A violation of this chapter shall be a civil infraction for which a civil penalty may be imposed pursuant to the provisions of this chapter. [Ord. 1012 § 2, 2008.]

**7.45.060 Penalty.**

It shall be an infraction for any person or persons to violate a provision of this chapter; any such person or persons shall be liable for a civil penalty of \$1,000. [Ord. 1012 § 2, 2008.]

**7.45.070 Judicial appeal.**

As per LCMC 1.15.070. [Ord. 1012 § 2, 2008.]