

Title 7

HEALTH AND SAFETY

Chapters:

- 7.02 Cowlitz County Health Department**
- 7.08 Emergency Medical Service District**
- 7.10 Emergency Management**
- 7.12 Fallout Shelters**
- 7.20 Fireworks**
- 7.24 Methadone Treatment Programs**
- 7.28 Emergency Alarms**

Chapter 7.02**COWLITZ COUNTY HEALTH
DEPARTMENT***

Sections:

- 7.02.010 Health Department established –
Duties – Members.
7.02.020 Health Department fees.
7.02.030 Effective date.

*Prior ordinance history: Joint Res. 2014, 5-15-70.

**7.02.010 Health Department established –
Duties – Members.**

The Board hereby establishes the Cowlitz County Health Department.

The Health Department shall carry out such duties relating to public health as are contained in the laws of the State of Washington or otherwise specified by the Board.

The Board will appoint a health officer and an administrative officer for the Health Department. [Ord. 93-214, §§ 1, 2, 3, 12-27-93.]

7.02.020 Health Department fees.

The fees charged by the Cowlitz County Health Department shall be those shown in Exhibit 1, which is on file in the office of the County Auditor and by this reference incorporated in this chapter. The Board may revise the Health Department's fees at any time. [Ord. 93-215, §§ 1, 2, 12-27-93.]

7.02.030 Effective date.

This chapter will take effect January 1, 1994. [Ord. 93-214, § 4, 12-27-93.]

Chapter 7.08**EMERGENCY MEDICAL
SERVICE DISTRICT**

Sections:

- 7.08.010 District created.
7.08.020 Organization.

7.08.010 District created.

Pursuant to RCW 36.32.480, as adopted as of or amended after the effective date of the ordinance codified in this chapter, an emergency medical service district is created for those portions of Cowlitz County legally described in Exhibit "A" attached to the ordinance codified in this chapter and incorporated in this chapter by this reference. [Ord. 86-229, § 2, 12-1-86.]

7.08.020 Organization.

Pursuant to RCW 36.32.480 the Board of Cowlitz County Commissioners shall be the governing body of the emergency medical service district created in this chapter and shall provide, by subsequent resolution, for its organization, staffing, financing and emergency medical service functions. Subsequent resolutions may include cooperative agreements with Clark County and/or the Town of Yacolt. [Ord. 86-229, § 3, 12-1-86.]

Chapter 7.10

EMERGENCY MANAGEMENT

Sections:

- 7.10.010 Established – Duties.
- 7.10.020 Control and supervision.
- 7.10.030 *Repealed.*
- 7.10.035 Continuity of government – Legislative authority.
- 7.10.040 Effective date.

Cross-references:

Chapter 7.12 CCC: Fallout shelters.

7.10.010 Established – Duties.

There is created a division within the office of the Cowlitz County Sheriff to be known as the Department of Emergency Management. Such Department shall perform such emergency management functions as are required by Chapter 38.52 RCW and regulations and orders thereunder. [Ord. 04-008, § 1, 1-27-04; Ord. 87-002, § 1, 1-5-87.]

7.10.020 Control and supervision.

The Department of Emergency Management shall be under the immediate control and supervision of the Cowlitz County Sheriff. [Ord. 04-008, § 2, 1-27-04; Ord. 87-002, § 2, 1-5-87.]

7.10.030 Accounts.

Repealed by Ord. 04-008. [Ord. 87-002, § 3, 1-5-87.]

7.10.035 Continuity of government – Legislative authority.

When, as the result of an emergency or disaster, the number of County Commissioners needed to act falls below a quorum, the following provisions shall govern the continuity of the Board of County Commissioners:

A. Any or all available County Commissioners shall have full authority to act jointly in all matters as the Board of County Commissioners;

B. In the event that no County Commissioner(s) is available pursuant to subsection (A) of this section, then those elected county officials as listed in this section, as are available for duty, shall jointly act as the Board of County Commissioners and shall possess by majority vote the full authority of the Board of County Commissioners until such time as one or more County Commissioners become available. The elected county officials ref-

erenced in this section shall consist of the following county officials: Assessor, Auditor, Clerk, Coroner, Prosecuting Attorney, Sheriff and Treasurer;

C. For the purposes of this section, a County Commissioner shall be considered unavailable during such time as such County Commissioner is absent or unable to exercise the powers and discharge the duties of the office. [Ord. 04-056, § 1, 3-30-04.]

7.10.040 Effective date.

This chapter shall take effect January 1, 1987. [Ord. 87-002, § 4, 1-5-87.]

Chapter 7.12

FALLOUT SHELTERS

Sections:

- 7.12.010 Director authorized to accept supplies, execute licenses.
- 7.12.020 Three-county shelter policy.
- 7.12.030 Emergency Services name changed to Emergency Management.

Cross references:

Chapter 7.10 CCC: Emergency management.

7.12.010 Director authorized to accept supplies, execute licenses.

The Cowlitz County Emergency Management Director is hereby authorized to accept shelter stock supplies from the federal government on behalf of the County of Cowlitz in accordance with the National Shelter Program and to provide temporary warehousing therefor. The Cowlitz County Emergency Management Director is directed to report the location of such warehouses to the Washington State Department of Emergency Management. The Cowlitz County Emergency Management Director is authorized to execute on behalf of the county fall-out shelter licenses or privileges. [Ord. 84-212, 9-24-84; Res. 12, 2-6-62.]

7.12.020 Three-county shelter policy.

The National Fallout Shelter Program and Community Shelter Planning Program, under the direction of the Federal Emergency Management Agency, attempts to provide fallout shelter for the maximum number of persons. There are certain existing shelter facilities (and possible future), both manmade and natural, located near county boundaries with access and proximity to adjacent counties. To gain planned maximum usage of these spaces, effective utilization is best obtained from closest accessible population. Such facilities exist in the counties of Skamania, Cowlitz and Clark.

The County Emergency Management Directors, working with planning staff or advisors, have authority to effect the best utilization based on access and population data developed periodically under the Community Shelter Plan. [Ord. 84-212, 9-24-84; Three-county joint res. 1301, 11-21-67.]

7.12.030 Emergency Services name changed to Emergency Management.

The name of the Emergency Services is changed to Cowlitz County Department of Emergency

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Management and all funds and records shall carry this name. [Ord. 84-212, 9-24-84; Res. 2591, 3-10-72.]

Chapter 7.20

FIREWORKS

Sections:

- 7.20.010 Title.
- 7.20.020 Adoption of state law by reference.
- 7.20.030 Administrative authority.
- 7.20.040 Permit required – Retail sales of fireworks.
- 7.20.050 Fireworks stand defined.
- 7.20.060 Application for permits.
- 7.20.070 Fireworks stand requirements.
- 7.20.080 Inspections/permits.
- 7.20.090 Appeals.
- 7.20.100 Penalties.
- 7.20.110 Liability for damages.
- 7.20.120 Severability.
- 7.20.130 Conflict with other regulations.

7.20.010 Title.

This chapter may be cited as the “Cowlitz County Fireworks Ordinance.” [Ord. 02-091, § 1, 5-14-02.]

7.20.020 Adoption of state law by reference.

Chapter 70.77 RCW, the state fireworks law, as now adopted or hereafter amended, is hereby adopted and incorporated herein by this reference. [Ord. 02-091, § 2, 5-14-02.]

7.20.030 Administrative authority.

It shall be the responsibility of the Director of the Department of Building and Planning to administer and enforce the provisions of this chapter. All authority vested in the Cowlitz County Board of Commissioners with respect to permits for the retail sale of Class C Common fireworks is hereby delegated to said Director. [Ord. 02-091, § 3, 5-14-02.]

7.20.040 Permit required – Retail sales of fireworks.

No person, firm, corporation, association, or other entity shall sell fireworks at retail in the unincorporated portion of Cowlitz County without first obtaining a permit therefor as provided in this chapter. [Ord. 02-091, § 4, 5-14-02.]

7.20.050 Fireworks stand defined.

The term “fireworks stand” or “stand” shall mean any location from which fireworks are sold at retail or proposed to be sold at retail. [Ord. 02-091, § 5, 5-14-02.]

7.20.060 Application for permits.

Every application for a permit for the sale at retail of Class C Common fireworks within the unincorporated area of Cowlitz County, Washington shall:

A. Be made to the Department of Building and Planning.

B. Be made no later than the tenth day of May for the July 4th selling period, and the tenth day of November for the New Year's Eve selling period.

C. Be accompanied by a valid State Fireworks License.

D. Be in writing, signed by the applicant, or in the case of a corporation, a duly authorized officer thereof and contain the telephone number and address to which notice of the granting or denying of the application may be made.

E. Be accompanied by a signed statement from the property owner, when other than the applicant, stating permission is given to place the fireworks stand on the property.

F. Be accompanied by the application fee.

G. Describe the proposed location from which the fireworks will be sold, and include an accurate diagram showing the existing streets, property lines, buildings, other structures, parking areas, barrier lines and distances to each. [Ord. 02-091, § 6, 5-14-02.]

7.20.070 Fireworks stand requirements.

Fireworks stands shall be in compliance with the following minimum requirements:

A. Stand Location. Fireworks stands shall only be located on property (1) that is zoned or classified in the Comprehensive Plan for commercial, industrial, agricultural, or forestry-recreation uses, or (2) on which there is located a pre-existing non-conforming commercial or industrial use (other than a home occupation).

B. Stand Setbacks.

1. Minimum clearances for the location of a stand shall be:

a. Twenty feet from any structure to the back or side of the stand; and

b. Forty feet from any structure to the front of the stand; and

c. Five feet from a property line to the side or rear of the stand; and

d. Twenty feet from a property line to the front of a stand; and

e. One hundred feet from any area where flammable or combustible liquids, or propane, are stored, handled or dispensed.

2. Barricades or ropes shall be provided to prevent vehicles from coming within 20 feet of the stand.

3. No weeds, trash, or other combustible materials shall be allowed within 20 feet of the back and sides of the stand, and 40 feet of the front of the stand.

C. Parking. An off-street parking area shall be provided which shall have not less than 10 parking spaces located at least 20 feet from the stand.

D. Site Cleanup. Fireworks stands and all trash or other debris shall be removed from the site no later than July 15th for the Fourth of July selling period, and January 10th for the New Year's Eve selling period. [Ord. 02-091, § 7, 5-14-02.]

7.20.080 Inspections/permits.

A. Inspections.

1. Site Inspection. Upon the receipt of an application for a fireworks stand permit, the Director of the Department of Building and Planning or the Director's designee shall investigate the proposed site and determine if such location is suitable under Chapter 70.77 RCW, the regulations thereunder, and this chapter for the sale of fireworks. The Director thereafter shall issue a permit with or without conditions, or deny a permit.

2. Stand Inspection. Each stand shall be inspected and approved prior to the retailer receiving fireworks from the wholesaler.

3. Subsequent Inspections. Stands are subject to such inspections as are deemed necessary by the Director or the Director's designee to insure continued compliance with this chapter. The Director or the Director's designee shall have the right at any time to inspect any fireworks stand for which a permit is required hereunder.

B. Permits.

1. Application Fee. Each permit application shall be accompanied by the permit fee. Permit fees shall be set from time to time by resolution of the Board of County Commissioners.

2. Insurance. The applicant will, at the time of receipt of a permit, deliver to the Department of Building and Planning a certificate of insurance evidencing that the applicant is the named insured in a policy of liability insurance containing a minimum limit of \$50,000/\$500,000 for bodily injury liability for each person/occurrence, and \$50,000 for property damage liability for each occurrence, and in which Cowlitz County is an additional insured.

3. Notification of Permit Approval/Denial. Applicants shall be notified by telephone or in

writing through the regular mail service of the granting or denying of a permit. Such notification shall be made not later than June 10th for the Fourth of July selling period, and December 10th for the New Year's Eve selling period.

4. Nontransferability of Permits. All permits shall be nontransferable and shall be limited to the location set forth in the permit. [Ord. 02-091, § 8, 5-14-02.]

7.20.090 Appeals.

Any applicant may appeal the denial of a permit by filing a written notice of appeal with the Department of Building and Planning. The notice of appeal must be filed within 10 days of the date of the decision being appealed. Appeals shall be decided by the Director of the Department of Building and Planning, who shall hold a hearing on an appeal within 30 days of the date the notice of appeal was filed. The fee for appeals shall be an amount equal to the permit fee. [Ord. 02-091, § 9, 5-14-02.]

7.20.100 Penalties.

Failure to comply with the provisions of this chapter shall be grounds for ordering the immediate closure of the stand and/or revoking any permit issued hereunder. [Ord. 02-091, § 10, 5-14-02.]

7.20.110 Liability for damages.

This chapter shall not be construed to hold Cowlitz County or any officer or employee thereof, responsible for any damages to persons or property by reason of certification, inspection, or non-inspection of any building, equipment or property. [Ord. 02-091, § 11, 5-14-02.]

7.20.120 Severability.

Should any section, clause or provision of this chapter be declared by a court to be invalid, the same shall not affect the validity of the remainder, either in whole or in part. [Ord. 02-091, § 12, 5-14-02.]

7.20.130 Conflict with other regulations.

Where other Cowlitz County ordinances, resolutions or regulations are in conflict with this chapter, the more restrictive regulation shall apply. [Ord. 02-091, § 13, 5-14-02.]

Chapter 7.24

METHADONE TREATMENT PROGRAMS

Sections:

7.24.010 Treatment prohibited.

7.24.010 Treatment prohibited.

In keeping with the authority vested in the county by Chapter 69.54 RCW, it is resolved that methadone treatment shall be prohibited in Cowlitz County. [Res. 86-205, 11-3-86.]

Chapter 7.28**EMERGENCY ALARMS**

Sections:

- 7.28.010 Definitions.
- 7.28.020 Areas to which chapter applies.
- 7.28.030 Automatic dialing-announcing devices – Restricted.
- 7.28.040 Deactivation, reset and reconnection of alarm.
- 7.28.050 Written notice – Information required.
- 7.28.060 Nuisance abatement.
- 7.28.070 False alarms – Written notice.
- 7.28.080 False alarms – Corrective action.
- 7.28.090 False alarm response fee.

7.28.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

A. “Emergency alarm” means any directly connected electronic alarm, indirectly connected electronic alarm, audible or visible alarm, and/or automatic dialing-announcing device.

B. “Directly connected electronic alarm” means any device located in a building, that senses or detects potential or threatened burglaries, robberies, uninvited entries, or other emergencies, and thereupon directly signals, or directs a signal to, the Sheriff and/or the Cowlitz Communications Center, in notification of the emergency.

C. “Indirectly connected electronic alarm” means any device located in a building, that senses or detects potential or threatened burglaries, robberies, uninvited entries, or other emergencies, and thereupon signals, or directs a signal to, a person who is to then notify the Sheriff and/or the Cowlitz Communications Center of the emergency.

D. “Audible or visible alarm” means any device located in a building, that senses or detects potential or threatened burglaries, robberies, uninvited entries, or other emergencies, and thereupon activates an audible and/or visible alarm (such as sirens, bells, whistles, gongs, or lights) upon the premises.

E. “Automatic dialing-announcing device” means any automatic telephone equipment that incorporates the following features;

1. Storage capability of numbers to be called, or a random or sequential number generator that produces numbers to be called; and
2. The ability to dial a call; and

3. The capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

F. "False alarm" means the activation of an emergency alarm at a time when there is neither any burglary, robbery, uninvited entry, or other emergency upon the premises served by the alarm, nor any reasonable evidence that an attempted burglary, robbery or uninvited entry, or other emergency has occurred upon such premises.

G. "Owner" means the person(s) who occupies the premises served by the emergency alarm, regardless of whether such person(s) owns the premises, leases the premises, or has some other rights with respect to the premises.

H. "Person" means any individual, firm, corporation, organization, or other entity.

I. "Sheriff" means the Cowlitz County Sheriff, Cowlitz County Sheriff's Office, and/or any deputy sheriff. [Ord. 90-136, § 1, 8-20-90.]

7.28.020 Areas to which chapter applies.

This chapter shall apply in the unincorporated areas of Cowlitz County. [Ord. 90-136, § 2, 8-20-90.]

7.28.030 Automatic dialing-announcing devices – Restricted.

It is unlawful for any person to use an automatic dialing-announcing device to transmit an emergency message to the Sheriff, whether directly or indirectly, except as provided in WAC 480-120-088, as now or hereafter amended. An "indirect" transmittal of an emergency message includes a message initially transmitted to the Cowlitz Communications Center and thereupon relayed to the Sheriff. [Ord. 90-136, § 3, 8-20-90.]

7.28.040 Deactivation, reset and reconnection of alarm.

Every owner of an emergency alarm shall designate at least two individuals who are not an owner of the alarm, and who reside at separate addresses in Cowlitz County. If the premises are not occupied for residential purposes, the designated individuals may be employees of the owner. The owner shall provide the designated individuals with (1) a key to the building in which the controls for deactivating, resetting, and/or disconnecting the alarm are located, and (2) written instructions on how to deactivate, reset, and/or disconnect the alarm. [Ord. 90-136, § 4(a), 8-20-90.]

7.28.050 Written notice – Information required.

Every owner of an emergency alarm shall provide the Cowlitz Communications Center with a written notice containing the following information:

A. The name, home address, home telephone number, work address, and work telephone number of each adult who resides at the premises served by the alarm and who is authorized to deactivate, reset, and/or disconnect the alarm. If the premises served by the alarm are not occupied for residential purposes, the notice shall state the name, home address, home telephone number, work address and work telephone number of the manager of the premises, or the manager's representative;

B. The names, home addresses, home telephone numbers, work addresses, and work telephone numbers of the individuals designated under CCC 7.28.040. [Ord. 90-136, § 4(b), 8-20-90.]

7.28.060 Nuisance abatement.

Once the Sheriff has responded to an emergency alarm, the owner of the alarm shall deactivate or reset it upon request from the Sheriff or the Cowlitz Communications Center. The alarm shall be deemed a public nuisance if: (1) it is not deactivated or reset within one hour after the Sheriff or the Cowlitz Communications Center contacts one of the persons listed on the written notice described in CCC 7.28.050 and orally requests that the alarm be deactivated or reset; or (2) it is not deactivated or reset within one hour after the Sheriff or the Cowlitz Communications Center unsuccessfully attempts to contact the individuals listed on the notice described in CCC 7.28.050. The Sheriff may take the necessary steps to abate any such nuisance, including entering onto the premises served by the alarm and deactivating, resetting, or disconnecting the alarm. Any costs incurred by Sheriff in abating the nuisance shall be borne by the owner of the alarm. [Ord. 90-136, § 5, 8-20-90.]

7.28.070 False alarms – Written notice.

Promptly after responding to a false alarm, the Sheriff shall send a written notice to the owner of the alarm, stating that the Sheriff responded to a false alarm at the premises. [Ord. 90-136, § 6(a), 8-20-90.]

7.28.080 False alarms – Corrective action.

A. If the Sheriff responds to a fourth false alarm at the same premises within any 12-month period, the owner of the alarm shall take the following cor-

rective action: (1) have the alarm inspected for defects by a person qualified to service such alarms; and (2) promptly either have the prescribed service work performed or disconnect the alarm. The Sheriff shall send the owner of the alarm a written notice stating that the Sheriff has responded to a fourth false alarm within a 12-month period, and stating what corrective action is required. Within 10 days of the date of such notice, unless the Sheriff agrees in writing to some longer period, the owner shall complete such corrective action and shall provide the Sheriff satisfactory written documentation thereof. If the owner fails to complete the corrective action and provide written documentation thereof by the deadline, the Sheriff may decline to respond to further emergency alarms originating from the premises until the owner has complied with such requirements.

B. If the Sheriff responds to more than four false alarms at the same premises within any 12-month period, the owner of the alarm shall take the following corrective action after each such false alarm: (1) have the alarm inspected for defects by the Sheriff or a person selected by the Sheriff, at the owner's expense; (2) promptly either have the necessary service work performed, as prescribed by the Sheriff, or disconnect the alarm; and (3) pay the false alarm response fee established in CCC 7.28.090. The Sheriff shall send the owner of the alarm a written notice stating the number of false alarms to which the Sheriff has responded during the 12-month period, and stating what corrective action is required. Within 10 days of the date of such notice, unless the Sheriff agrees in writing to some longer period, the owner shall complete such corrective action and shall provide the Sheriff satisfactory written documentation thereof. If the owner fails to complete the corrective action and provide written documentation thereof by the deadline, the Sheriff may decline to respond to further emergency alarms originating from the premises until the owner has complied with such requirements. [Ord. 90-136, § 6(b), (c), 8-20-90.]

7.28.090 False alarm response fee.

A. The amount of the false alarm response fee required by CCC 7.28.080 is as follows:

1. For the fifth through ninth false alarms in any 12-month period, the fee for each false alarm is \$50.00.

2. For the tenth through fourteenth false alarms in any 12-month period, the fee for each false alarm is \$125.00.

3. For all false alarms after the fourteenth in any 12-month period, the fee for each false alarm is \$225.00.

B. The Sheriff may waive all or any portion of a false alarm response fee if it is established to the Sheriff's satisfaction that the owner recognizes the need to have the alarm repaired, has made good faith efforts to repair the alarm, and shows a good faith intent to have the alarm successfully repaired, replaced or disconnected. The Sheriff may condition any waiver upon reasonable terms. [Ord. 90-136, § 7, 8-20-90.]