

TITLE 5

Health and Sanitation

Tacoma Municipal Code

TITLE 5

HEALTH AND SANITATION

Chapters:

- 5.02** *Repealed*
- 5.04** **Infectious Waste Management**
- 5.08** **Food Service Code**
- 5.12** *Repealed*
- 5.15** **Regulation of Sale of Tobacco Products**
- 5.16** **Smoking**
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- 5.22** **Repealed**
- 5.23** **Animals – Keeping**
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- 5.26** *Repealed*
- 5.27** *Repealed*
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- 5.30** **Domestic Fowl**
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- 5.42** **Vital Statistics – Birth, Death and Burial**
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Chapter 5.02

HEALTH DEPARTMENT – GENERAL PROVISIONS

Repealed by Ord. 27452

(Ord. 27452 § 1; passed Jan. 3, 2006)

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Chapter 5.04

INFECTIOUS WASTE MANAGEMENT

Sections:

- 5.04.010 Authority and purpose.
- 5.04.020 Definitions.
- 5.04.030 Types of infectious waste generators.
- 5.04.040 Requirements and standards for infectious waste generators.
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- 5.04.050 Requirements and standards for transporters.
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- 5.04.070 Requirements and standards for treatment methods of infectious waste.
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- 5.04.090 Requirements and standards for spill management of infectious waste.
- 5.04.100 Requirements and standards for recordkeeping.
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5.04.010 Authority and purpose.

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

- A. Provide broad powers of regulation to the Health Department and its appointed Health Officer relating to the management of infectious waste.
- B. Designate those infectious wastes which are dangerous to the public health and environment.
- C. Provide the rules necessary to establish an infectious waste management plan.
- D. Establish the operation and monitoring requirements for infectious waste generators, transporters, storage, and treatment facilities.
- E. Establish and administer a program for permitting infectious waste generators, transporters, storage, and treatment facilities.
- F. Provide for surveillance and monitoring of infectious wastes until they are rendered non-infectious and disposed of properly. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.020 Definitions.

- A. "Board of Health" means the Tacoma-Pierce County Board of Health.
- B. "Chemical disinfection" means an infectious waste treatment and decontamination method which utilizes appropriately formulated chemical solutions to disinfect infectious waste and contaminated areas.
- C. "Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.
- D. "Collection" means the removal and transportation of infectious waste from the generator, transfer station, or pickup station.
- E. "Contamination" means the transfer of disease organisms from one material or object to another.
- F. "Contingency plan" means the document setting forth an organized, planned and coordinated course of action to be followed in the event of a fire, explosion, equipment malfunction or breakdown, or release of infectious waste constituents which could threaten human health or the environment.
- G. "Director" means the Director of the Health Department or his/her authorized representative.

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- H. “Decontamination” means to eliminate contamination through cleansing and disinfection of an area, object, or person soiled by contact with infectious waste.
- I. “Facility” means any place where infectious waste activity occurs as defined by this chapter.
- J. “Gas/vapor sterilization” means an infectious waste treatment technique, only for use under very controlled circumstances, that uses gases or vaporized chemicals as sterilizing agents.
- K. “Generator” means any person whose act or process produces infectious waste as defined in this chapter.
- L. “Handling” means direct physical management of infectious waste.
- M. “Health Department” or “Department” means the Tacoma-Pierce County Health Department.
- N. “Health Officer” means the appointed official representative of the Tacoma-Pierce County Health Department.
- O. “Incineration” means a processing method using an engineering apparatus capable of withstanding heat and having as its purpose the efficient thermal oxidation and/or conversion of combustible material into noncombustible residues (ash) and product gases.
- P. “Infectious agent” means a type of microorganism, helminth, or virus that causes, or significantly contributes to the cause of, increased morbidity of human beings or animals.
- Q. “Infectious waste, biomedical waste, or biohazardous waste” are synonymous terms for untreated solid waste capable of causing an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host. For the purposes of this chapter, the following types of wastes will be referred to as infectious waste:
1. “Animal waste” means waste animal carcasses, body parts, body substances, and bedding of animals that are known to be infected with, or that have been inoculated with, pathogenic microorganisms infectious to humans.
 2. “Biosafety Level 4 disease waste” means waste contaminated with blood, excretions, exudates, or secretions from humans or animals which are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories (current edition).
 3. “Cultures and stocks of infectious agents” means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from the production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Examples include, but are not limited to, culture dishes, blood specimen tubes, specimen containers, slides and cover slips, and devices used to transfer, inoculate, and mix cultures.
 4. “Human blood and blood products” means waste human blood, blood products, blood components, and materials that contain amounts of blood capable of creating droplets or pooling in collection containers. Examples include, but are not limited to, whole blood, serum, plasma, blood derived products, and saturated gauze pads.
 5. “Pathological waste” means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
 6. “Sharps waste” means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from their original sterile packages.
 7. “Miscellaneous contaminated items” means waste items not included in the above definitions that have come into contact with human or animal body substances or other sources which may contain pathogenic organisms of sufficient concentration that exposure to the waste directly or indirectly creates a significant risk of disease transmission. These items shall be determined as infectious waste by and solely at the discretion of the infectious waste generator’s infection control staff/committee.
- R. “Infectious waste management permit” means the permit issued by the Tacoma-Pierce County Health Department for the generation, transportation, storage, and/or treatment of infectious waste under the conditions specified in the permit Section of this chapter.
- S. “Infectious waste management plan” means a written and implemented system for the safe handling of infectious waste throughout the entire process of generation, segregation, packaging, storage, collection, transportation, treatment and disposal.
- T. “Irradiation” means the use of ionizing radiation for the treatment of infectious waste.

U. “Off-site” means a facility or area for the storage, treatment, and/or disposal of infectious waste which is not on the generator’s site (i.e. “on-site”) or a facility or area which receives infectious waste for storage or treatment which has not been generated “on-site” at that facility.

V. “Operator” means a person who operates a facility or part of a facility.

W. “Owner” means a person who owns a facility or part of a facility.

X. “Pathogen” means a biological agent that causes disease.

Y. “Person” means an individual, trust, firm, joint stock company, corporation, partnership, association, state, county, commission, political subdivision of a state, an interstate body, or the Federal government or an agency of the Federal government.

Z. “Personnel” means all persons who work at or oversee the operations of a facility involved in infectious waste activity.

AA. “Sharps waste container” means a leakproof, rigid, puncture-resistant, red container that is taped closed or tightly lidded to prevent the loss of contents.

BB. “Steam sterilization” means a treatment method for infectious waste utilizing saturated steam within a pressure vessel (known as a steam sterilizer, autoclave, or retort) at time lengths and temperatures sufficient to kill infectious agents within the waste.

CC. “Storage” means the containment of infectious waste beyond the nine days allowed prior to treatment in accordance with the standards outlined in this chapter, in such a manner as not to constitute disposal of infectious waste.

DD. “Storage facility” means a facility authorized and permitted to store infectious waste.

EE. “Transporter” means a person engaged in the off-site transportation of infectious waste by air, rail, highway, or water.

FF. “Treatment” means any method, technique, or process designed to change the biological character or composition of infectious waste to render it noninfectious.

GG. “Treatment facility” means any facility approved and permitted by the Department for the treatment of infectious waste.

HH. “Vehicle” means any motor vehicle, rail car, watercraft, trailer, or motorized or non-motorized cargo-carrying body used for the movement of infectious waste. (Ord. 25564 § 1; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.030 Types of infectious waste generators.

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

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

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Q. Plasma Centers.

R. Commercial Diagnostic Laboratories.

S. Medical, Research and Industrial Laboratories.

T. Home Health Agencies.

U. Hospice Agencies.

V. Residential Congregate Care Facilities.

W. Funeral Homes and Mortuaries. (Ord. 25564 § 2; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.040 Requirements and standards for infectious waste generators.

The requirements of this Section shall apply to all infectious waste generators, without regard to the quantity of infectious waste produced per month. Any person who owns or operates a facility which generates infectious waste shall have a valid and appropriate Class I infectious waste management permit (IWMP) issued by the Tacoma-Pierce County Health Department (refer to Section 5.04.110 for permit requirements). Each facility shall designate a responsible person or committee who shall prepare a written infectious waste management plan which includes specific policies and procedures, including no less than the following:

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

1. Definition and identification of infectious waste being generated at the facility.
2. Explanation of the facility's infectious waste management plan, including the requirements of this chapter in relation to handling, treatment, transportation, storage, and disposal of infectious waste.
3. Assignment of roles and responsibilities for implementation of the plan.
4. Implementation of training when the infectious waste management plan is first developed and instituted; when new employees are hired; and when management procedures are changed.
5. Continuing education shall be provided annually or more often if needed, and shall be oriented to refresh and maintain personnel awareness of potential hazards as well as reinforce policies and procedures which are detailed in the infectious waste management plan.

B. Segregation and Containment of Infectious Waste.

1. Infectious waste shall be segregated from other waste at the point of origin in the generating facility and managed by persons trained in the safe handling of infectious waste.
2. Infectious waste with multiple hazards. (e.g, toxic, radioactive, or other hazardous chemicals) shall be segregated from the general infectious waste stream when additional or alternative treatment is required, or in cases where the wastes are regulated under State or Federal authority.
3. Containment of infectious waste shall be in a manner and location which affords protection from unauthorized persons, animals, rain, and wind, and does not provide a breeding place or a food source for insects or rodents.
4. Waste sharps shall be contained for storage, transportation, treatment, and disposal in sharps waste containers.
5. Infectious waste, except for sharps capable of puncturing or lacerating, shall be contained in red- or orange-colored disposable plastic bags which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of usage and handling. The bags shall be securely tied or taped so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
6. All bagged infectious waste and sharps waste containers shall be placed for storage or handling in disposable or reusable pails, cartons, drums, dumpsters, or portable bins. The containment system shall be leak-proof and kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the words "INFECTIOUS WASTE," "BIOMEDICAL WASTE" or "BIOHAZARDOUS WASTE" or the international biohazard symbol on the lid and sides so as to be readily visible from any lateral direction when the container is upright.
7. Infectious waste, contained according to the requirements of this section, may share a common in-house transfer cart or portable bin with bagged non-infectious wastes during transportation within a facility to a storage or treatment area. Common transfer carts used to transport contained infectious waste with non-infectious waste shall be conspicuously labeled

with the words “INFECTIOUS WASTE,” “BIOMEDICAL WASTE” or “BIOHAZARDOUS WASTE” or the international biohazard symbol on the sides so as to be readily visible from any lateral direction. In the event of an infectious waste spill within an in-house transfer cart or portable bin which also contains non-infectious waste, all waste items within the transfer cart shall be considered infectious waste and shall be subject to the infectious waste and spill management requirements of this chapter.

8. Reusable pails, drums, dumpsters, or bins used for containment of infectious waste shall not be used for the containment of waste to be disposed of as noninfectious, or for other purposes, except after being decontaminated. Reusable containers for infectious waste shall be thoroughly washed and decontaminated by a method approved by the local Health Officer each time they are emptied, unless the surfaces of the containers have been completely protected from contamination by disposable liners, bags or other devices removed with the waste. Approved methods of decontamination include, but are not limited to, agitation to remove visible soil combined with one of the following procedures:

- a. Exposure to hot water of at least 82 degrees C (180° F) for a minimum of 15 seconds.
 - b. Exposure to a chemical or hospital grade disinfectant effective against mycobacteria and viruses by rinsing or immersion as directed by manufacturer.
9. Compactors, grinders, or pulverizers shall not be used to process infectious waste until after the waste has been rendered noninfectious. Infectious waste shall not be placed for storage or transport in a portable or mobile trash compactor.
10. Trash chutes shall not be used to transfer infectious waste.

C. Storage of Infectious Waste.

1. Designated areas for storage of infectious waste shall be segregated from other wastes.
2. Storage areas, enclosures, or containers used for the containment of infectious waste shall be so secured as to deny access to unauthorized persons, and shall be marked with prominent warning signs on, or adjacent to, the exterior of entry doors, gates or lids. Wording of warning signs shall state: “CAUTION – INFECTIOUS (or BIOMEDICAL or BIOHAZARDOUS) WASTE STORAGE AREA,” and shall be accompanied by the international biohazard symbol. Warning signs shall be readily legible from a distance of at least 25 feet.
3. Floors of storage areas shall be of impervious material to prevent saturation of liquid and semi-liquid substances, and a perimeter curb is recommended to contain spills. Storage areas shall also be well lighted and ventilated.
4. Storage time of infectious waste before treatment shall be kept to a minimum if not treated the same day as generated.
5. Filled infectious waste containers, including sharps waste containers, shall be stored for no longer than seven days prior to treatment or collection for treatment. Infectious waste being transported or stored after the seven-day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious or shall be kept at a temperature between 1 degree C and 7 degrees C (34° F to 45° F) for up to seven days, or at or below 0 degrees C (32° F) up to a maximum of 90 days. Facilities storing infectious waste after the initial nine-day storage and transportation period shall obtain the appropriate permit from the Department for a Class III storage facility.

D. Contingency Plan. All generators of infectious waste shall develop a contingency plan to provide for emergency situations. Provisions shall be made for an alternative treatment plan in the event of equipment breakdown with an incinerator, autoclave, or other approved method for rendering waste non-infectious prior to disposal.

E. Temporary Transportation Permit. If equipment breakdown occurs and the transportation of infectious waste becomes a necessity, a 10-day Temporary Emergency Transportation Permit shall be required to transport infectious waste to an off-site treatment facility. The Temporary Emergency Transportation Permit shall be issued after the Health Officer has been notified and a determination has been made that vehicles used to transport infectious waste conform to the requirements for transporters in Section 5.04.050 of this chapter. This subsection applies solely to Class I-C generators.

F. Spill Management of Infectious Waste – refer to Section 5.04.090 of this chapter.

G. Recordkeeping – refer to Section 5.04.100 of this chapter.

H. Disposal of Infectious Waste. Infectious waste shall not be disposed of prior to treatment, as described in Section 5.04.070 of this chapter. Once infectious waste has been rendered noninfectious through an approved treatment method, it may be disposed of at any permitted solid waste facility. (Ord. 25564 § 3; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

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5.04.045 Residential sharps waste.

A. Applicability. Residential sharps waste is sharps waste generated and prepared for disposal at a residence, apartment, dwelling, or other non-commercial habitat.

B. Disposal. The following standards apply to the disposal of residentially-generated sharps waste:

1. Sharps waste must be contained in sharps waste containers.
2. Sharps waste may not be disposed of in any recycling container unless the container is specifically designated for sharps waste.
3. Sharps waste may not be disposed of in refuse collection containers (e.g. trash cans, trash bags, dumpsters, etc.) if a source-separated collection service is provided for residential sharps waste by the public or private solid waste collection service provider.
4. Providers of source-separated residential sharps collection shall be in compliance with the standards of 70.95K RCW. (Ord. 25564 § 4; passed Sept. 20, 1994)

5.04.050 Requirements and standards for transporters.

The requirements of this Section apply to all transportation of infectious waste over roads or highways, by railroad, or by water conveyance. No person shall transport or receive for transport any infectious waste that is not in accordance with this chapter. Any person who transports infectious waste shall have a valid and appropriate infectious waste management permit (IWMP) Class II, issued by the Tacoma-Pierce County Health Department, as well as a transportation permit from the Washington Utilities and Transportation Commission, where required. A generator of wastes holding a valid IWMP Class I-A or I-B, who transports only infectious wastes generated at the premises owned or operated by the generator is exempt from the Class II permit fee and requirements of this section.

A. Labeling and Placards of Infectious Waste Transport Vehicles.

1. The access doors to any area holding infectious waste in transport shall have a warning sign, legible at a distance of 25 feet, which indicates that the cargo is infectious waste.
2. Vehicles transporting infectious waste shall be identified on each side with the name or trademark of the transporter, the Health Department permit number, the city or place in which the vehicle is customarily based, and conspicuously displayed signs or decals, with the words "INFECTIOUS WASTE" or "BIOMEDICAL WASTE" or with the international biohazard symbol and the word "Biohazard." Such identifying labeling shall be on a background of contrasting color and shall be readily legible during daylight from a distance of 50 feet.

B. Receipt and Transfer of Infectious Waste to Off-site Facilities.

1. An infectious waste transporter shall not receive custody of infectious wastes from a facility not possessing a valid and appropriate infectious waste management permit.
2. Infectious waste shall be transported to an off-site facility in a leakproof, fully enclosed container or vehicle compartment.
3. Infectious waste, other than that generated in and disposed with residential solid wastes from single-family dwelling units, where allowable, shall not be transported in the same container or vehicle compartment with other wastes.
4. Infectious waste shall not be stored more than 48 hours at any off-site location or facility, except at a waste storage or treatment facility or other facility for which there is a valid and appropriate Class III infectious waste management permit. At such a facility, the infectious waste shall be kept in a secured area, separate from other wastes.
5. Infectious waste shall be delivered for treatment or disposal only to a facility which has a valid permit to handle such wastes.
6. Persons manually loading or unloading containers of infectious waste to or from transport vehicles shall be provided by their employer, and required to wear, gloves which are impermeable to liquids, and clean protective clothing, and face shields. Respirators may be required, where appropriate.
7. Surface areas of equipment used to transport infectious waste must be clean and impermeable to liquids, if those areas are involved with the management of waste. Porous floor coverings shall not be used. Vermin and insects shall be controlled. Surfaces of transport vehicles which have contacted spilled or leaked infectious waste shall be decontaminated by procedures as described in Section 5.04.040.B.8 of this chapter. All drainage shall discharge directly to, or through a holding tank to, a permitted sanitary sewer system.

C. Management of Infectious Waste Spills.

1. In the event of a spill, spilled waste must be immediately removed according to procedures listed in Section 5.04.090 of this chapter, using spill containment and clean up equipment and materials to effect decontamination.
 2. All spills must be reported by personnel to employer, and records of spills must be kept for three years. Any spill with a volume greater than 32 gallons of solid waste or one liter of liquid waste must be reported within 48 hours to the Department by phone call describing the spill and cleanup.
 3. The Tacoma-Pierce County Health Department shall be contacted immediately when spill in transit occurs within Tacoma-Pierce County, via the Pierce County Department of Emergency Management.
- D. **Compaction of Waste.** Under no circumstances shall infectious wastes be compacted prior to or during transport unless wastes have been rendered noninfectious by methods described in this chapter.
- E. **Temperature Controlled Storage Period.** Any infectious waste being transported or stored after a seven-day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious, or shall be subject to the following transportation and storage temperature requirements:
1. Refrigeration at a temperature between 1 degree C and 7 degrees C (34° F to 45° F) for up to seven days.
 2. Refrigeration at a temperature at or below 0 degrees C (32° F) for up to 90 days.
 3. Daily temperature logs shall be maintained.
- F. **Recordkeeping** – refer to Section 5.04.100 of this chapter. (Ord. 25564 § 5; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.060 Requirements and standards for storage and treatment facilities.

The requirements of this Section shall apply to all infectious waste storage and treatment facilities. Any person who owns or operates a facility for storage or treatment of infectious waste shall have a valid and appropriate Class III infectious waste management permit issued by the Tacoma-Pierce County Health Department (refer to Section 5.04.110 for permit requirements and exemptions).

- A. **Operation/Management Plan.** The owner and/or operator of any infectious waste storage and/or treatment facility shall have and adhere to a management/operation plan which shall include but not be limited to the following requirements:
1. A method of receiving wastes which ensures that infectious wastes are handled separately from other waste until treatment is accomplished, and which prevents unauthorized persons from having access to or contact with the wastes.
 2. A method of unloading and processing infectious wastes which limits the number of persons handling the wastes and minimizes the possibility of exposure of employees and public to infectious waste.
 3. A method of decontaminating emptied reusable infectious waste containers, transport vehicles, or facility equipment contaminated with infectious waste, by use of procedures as described in this chapter.
 4. The provision and required use of clean gloves and uniforms, along with other protective clothing, face masks, or eye protection as appropriate, to provide protection of employees against exposure to infectious waste. Decontamination or proper disposal of the soiled protective gear shall be accomplished at the facility.
 5. The means of decontamination of any person having bodily contact with infectious waste.
 6. A spill management plan as described in this chapter (refer to Section 5.04.090 of this chapter).
 7. A quantification of the maximum amount of infectious waste to be stored, treated, or disposed of per month.
 8. A contingency plan as described in these regulations (refer to subsection 5.04.040.D of this chapter).

B. **Temperature Controlled Storage Period.**

1. Any infectious waste being transported or stored after a seven-day storage period at the generating facility shall have 48 hours to be treated and rendered noninfectious or shall be subject to the following transportation and storage temperature requirements:
 - a. Refrigeration at a temperature between 1 degree C and 7 degrees C (34° F to 45° F) for up to seven days.
 - b. Refrigeration at a temperature at or below 0 degrees C (32° F) for periods up to 90 days.
 - c. Daily temperature logs shall be maintained.
- C. **Recordkeeping** – refer to Section 5.04.100 of this chapter. (Ord. 25564 § 6; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

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5.04.070 Requirements and standards for treatment methods of infectious waste.

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

A. Steam sterilization/autoclave operating procedures shall include but not be limited to the following:

1. Adoption of standard written operating procedures for each steam sterilizer, including time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content, and maximum load quantity.
2. Check of recording and/or indicating thermometers during each complete cycle to ensure the attainment of a temperature and time duration sufficient to achieve sterilization of the entire load. Thermometers shall be checked for calibration at least annually.
3. Use of heat-sensitive tape or other device for each container to indicate that the container has been autoclaved.
4. Use of a biological indicator placed at the center of a representative load processed under standard operating conditions, at least monthly for Class I-A and I-B generators and at least weekly for Class I-C generators and Class III treatment facilities, to confirm the attainment of adequate sterilization conditions.
5. Spore tests shall be verified by a third party, certified laboratory, at least once per quarter.
6. Maintenance of records of procedures specified in 1, 2, 4 and 5 above for a period of not less than one year.

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

1. Infectious waste incinerators shall maintain all necessary permits and be in compliance with the standards of the Puget Sound Air Pollution Control Agency.
2. Infectious waste incinerators should be multi-chambered and be designed to provide complete combustion for the type of waste introduced into the incinerator.
3. Waste Destruction Efficiency. All non-metal and glass waste shall be converted by the incineration process into ash that is not recognizable as to its former character. Any partially combusted material shall be removed and returned.
4. Unloading Operations. Persons required to handle packages of infectious waste shall be provided with clean protective clothing and equipment, including overalls, gloves, and eye protection.

C. Alternative treatment methods include, but are not limited to: chemical disinfection, thermal inactivation, gas/vapor sterilization, and irradiation. Any person seeking approval of an alternative treatment method must demonstrate to the Health Officer that the proposed method is capable of rendering infectious waste noninfectious prior to disposal. Also, the proposed method must be in compliance with State and Federal regulations relative to employee safety. (Ord. 25564 § 7; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.080 Requirements and standards for treatment of specific types of infectious waste.

All infectious waste shall be treated or disposed of in accordance with the methods set forth in this section. Approved treatment methods requiring an IWMP Class III shall include incineration, steam sterilization, and alternative treatment methods. Treatment of infectious waste shall include any alternative treatment methods, where reviewed and approved by the Department, in addition to the following:

A. Sharps shall be contained in sharps waste containers and treated by steam sterilization or incineration.

B. Human Blood and Blood Products shall be treated by steam sterilization or incineration. In addition, blood and blood products may also be discharged directly to the sanitary sewer.

C. Cultures and Stocks of Infectious Agents shall be treated by steam sterilization or incineration.

D. Human Pathological Wastes shall be treated by incineration or may be transferred to a mortician for burial or cremation.

E. Contaminated Animal Carcasses, Body Parts, and Substances shall be treated by incineration or other treatment method approved in bedding by a hospital grade disinfectant or 1:10 solution of 3-5 percent sodium hypochlorite to water is acceptable, provided that saturation of bedding material is sufficient.

F. Biosafety Level 4 Disease Wastes shall be treated by steam sterilization or incineration.

G. Miscellaneous Contaminated Items shall be treated by steam sterilization or incineration. (Ord. 25564 § 8; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.090 Requirements and standards for spill management of infectious waste.

This chapter shall apply to all facilities and transporters handling infectious waste. Written policies and procedures for spill management of infectious waste of any quantity shall be developed by each facility and transporter. The policies and procedures shall include, but not be limited to, the following:

A. Spill containment and cleanup equipment shall be kept in areas, or immediately available to areas, utilized for the collection, storage, transportation, or treatment of infectious waste. Containment and cleanup equipment shall include at least the following items:

1. Disposable absorbent material for spilled liquids.
2. Chemical or hospital-grade disinfectant, effective against mycobacteria and viruses, to decontaminate area of spill.
3. Red or orange plastic infectious waste bags.
4. Disposable, moisture-resistant or moisture-proof protective clothing, gloves, boots and caps. Minimum protective breathing devices shall be surgical masks. Protective eyewear shall be included.
5. Janitorial equipment (e.g., dust pans, mops, brooms, etc.) for physical cleanup of infectious waste. This equipment must be able to be decontaminated or shall be disposed of in accordance with these regulations as infectious waste.

B. Containment and Cleanup Procedures. Following a spill of infectious waste or its discovery, the following minimum procedures shall be implemented: The cleanup personnel will:

1. Don the appropriate protective clothing and gear, and secure the spill area.
2. Apply absorbent material as necessary and apply disinfectant to contaminated items and area.
3. Place spilled items inside infectious waste bags and secure.
4. Clean and disinfect nondisposable items.
5. Remove cleanup clothing and gear and place disposable items inside infectious waste bags and secure.
6. Replenish used items.
7. Practice good personal hygiene by washing hands, or showering after spill cleanup. (Ord. 25564 § 9; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.100 Requirements and standards for recordkeeping.

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

- A. A current list of the infection control committee and/or personnel responsible for compliance with this chapter.
- B. The date, time, persons involved, and description of events of infectious waste spills involving more than 32 gallons of solid waste or one liter of free liquid. The date, persons involved, and description of events of all transport spills.
- C. Treatment method of infectious waste, if applicable.
- D. A log of infectious waste management training with complete names and positions of participants.
- E. Type and amount of infectious waste produced, transported, stored, and/or treated per month.
- F. A file containing the adopted infectious waste management plan, policies, and procedures of the facility for dealing with infectious waste.
- G. Daily temperature logs for refrigerated, stored infectious waste.
- H. Records shall be maintained for a minimum period of three years. This period is automatically extended if the facility is involved in an enforcement action. (Ord. 25564 § 10; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.110 Requirements and standards for infectious waste permits.

A. Applicability. An infectious waste management permit (IWMP) is required by this chapter for the generation, transportation, storage, or treatment of any infectious waste unless specifically excluded by this chapter. Persons required to have infectious waste permits shall have such permits during the active life of the facility. A permit may be issued or denied for one or more activities without a permit's being simultaneously issued or denied for all activities.

1. Infectious Waste Management Permit (IWMP) Classifications.

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a. IWMP Class I (Generators):

- i. IWMP Class I-A: An Infectious Waste Management Permit Class I-A shall be required for all generators of less than 50 pounds of infectious waste per month.
- ii. IWMP Class I-B: An Infectious Waste Management Permit Class I-B shall be required of generators of 50 to 100 pounds of infectious waste per month.
- iii. IWMP Class I-C: An Infectious Waste Management Permit Class I-C shall be required for all generators of more than 100 pounds of infectious water per month.

b. IWMP Class II (Transporters): An Infectious Waste Management Permit Class II shall be required of all transporters of infectious waste (e.g., infectious waste disposal companies).

c. IWMP Class III (On/Off-site Storage and/or Treatment Facilities): An IWMP Class III shall be required for the operation of any facility that stores and/or treats infectious waste that is generated on-site (waste generated on the premises owned or operated by the generator), or off-site (waste generated off the premises owned or operated by the generator).

B. Exemptions.

- 1. Class I-A or I-B generators which transport only infectious wastes generated at the premises owned or operated by the generators shall be exempt from the IWMP Class II permit fee and requirements for transporters of infectious waste.
- 2. Class I-A or I-B generators that treat infectious waste at the premises owned or operated by the generators shall be exempt from the Class III permit fee, but shall be responsible for compliance with City requirements applicable to treatment methods for infectious waste.
- 3. Class III on/off-site storage and/or treatment facilities which are also Class I-C generators and/or Class II transporters of infectious waste shall be exempt from the Class I-C and Class II permit fees, but shall be responsible for compliance with City requirements applicable to infectious waste generators and transporters.

C. Effective Dates. The effective dates are as follows:

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

D. Procedures for Permits.

- 1. Any owner or operator subject to the permit requirements who intends to operate a facility must apply to the Department for a permit. Filing shall not be complete until the application has been signed by the owner and operator and received by the Department.
- 2. Applications for a permit must contain the information set forth in subsection E of this section.
- 3. The Department shall review every application within a reasonable period of time to determine whether the facilities meet and conform with this chapter.
- 4. The annual fees for permits and renewals of permits, which are payable prior to the issuance of a permit or renewal are as follows:

	1993	1994
Class I-A (Generates less than 50 lbs. per month)	\$75 per generator	\$75 per generator
Class I-B (Generates 50-100 lbs. per month)	\$120 per generator	\$120 per generator
Class I-C (Generates more than 100 lbs. per month)	\$150 per generator	\$150 per generator
Class II (Infectious Waste Transporter)	\$150 basic fee plus \$25 each truck over 1	\$150 basic fee plus \$25 each truck over 1
Class III (Storage and/or Treatment facility)	\$350 per facility	\$350 per facility

	1993	1994
Alternate Technology Review Fee:	\$89/hour	\$89/hour
Reinspection Charge for Infectious Waste Management Permit:		
1st Reinspection	\$45	\$45
2nd Reinspection	\$45	\$45
3rd Reinspection	\$45	\$45
Late Fee Charge:		
1 to 30 days late	25% Annual Permit Fee	25% Annual Permit/Bill
More than 30 days late	50% Annual Permit Fee	50% Annual Permit/Bill

5. When the Department has evaluated all pertinent information, it may issue a permit. Every completed infectious waste management permit application shall be approved or disapproved within 90 days after its receipt by the Department, or the applicant shall be informed as to the status of the application.

6. All new, expanded, or altered Class III treatment facilities shall file an environmental checklist as required under the State Environmental Policy Act rules, chapter 197-11 of the Washington Administrative Code.

7. The owner or operator of a facility shall apply for renewal of the facility’s permit annually. The Department shall annually:

- a. Review the original application for compliance with this chapter;
- b. Review information collected from annual inspections, complaints, or known changes in the operations;
- c. Collect the renewal fee;
- d. If appropriate, renew the permit;
- e. File the renewed permit no more than seven days after the date of issuance; and
- f. Inform facilities regarding permit expiration and renewal date.

E. Permit Application Contents for Existing, New, or Expanded Facilities. The permit application shall include the following information submitted on a form available from the Health Department for each IWMP Class:

- 1. A general description of the facility or operation, including name, mailing address, and location of facility, or area served, if a transporter.
- 2. The address(es) and phone number(s) of the person or committee responsible for implementing infectious waste management policies and procedures.
- 3. The name, address, and telephone number of the owner/operator and/or administrator of the facility or operation, and indication of the status as federal, state, private, public, or other entity.
- 4. An indication of whether the facility is new or existing.
- 5. A listing of relevant state and local environmental permits.
- 6. The types and maximum amounts of infectious waste generated, transported, stored, and/or treated monthly.
- 7. An applicable infectious waste management plan as described in Section 5.04.070.A of this chapter.
- 8. A statement certifying that the applicant understands and will comply with the applicable requirements of this chapter.

In addition to the above requirements, the following information will be required for Class II and III permits.

1. IWMP Class II:

- a. A list of all vehicles and reusable transport containers. The vehicles listed must be registered to the applicant pursuant to a lease or contract and included in applicant’s required insurance coverage.
- b. Proof, via annual inspection, that all trucks, trailers, semitrailers, vacuum tanks, cargo tanks, and containers which are used by the applicant for transportation of infectious waste on highways are in compliance with the provisions of this chapter.
- c. Proof of possession of a permit for transportation of infectious waste on highways from the Washington Utilities and Transportation Commission (WUTC), except where exempt by the WUTC.

2. IWMP Class III:

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- a. A description of the processes to be used for storing and/or treating infectious waste.
- b. A description of the containment and refrigeration system.

F. Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted for a period of at least three years from the date the application is signed. (Ord. 25564 § 11; passed Sept. 20, 1994; Ord. 25425 § 1; passed Jan. 11, 1994; Ord. 25225 § 1; passed Dec. 15, 1992; Ord. 25024 § 1; passed Dec. 10, 1991; Ord. 24807 § 1; passed Dec. 18, 1990; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.120 Permit suspension and revocation.

The following regulations shall apply to all permitted infectious waste facilities and transporters.

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

- 1. The operator to cease generating, transporting, storing, treating and/or disposing of infectious waste; or
- 2. The operator to agree to a caretaker management of operations involving infectious wastes. The caretaker management shall be selected by the Health Department from the following:
 - a. Operators or personnel acting under supervision of the Health Department, or
 - b. Independent management firm operating under Health Department supervision.

The total cost of the caretaker management shall be borne by the operator, by revenues from operation.

3. If the operator does not voluntarily agree to the caretaker management, appropriate legal action shall be taken by the Department to institute the management operations to protect the public interest.

B. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within two working days following receipt of a written request for inspection, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is in compliance with the requirements of this chapter, the permit shall be reinstated.

C. The Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Officer in the performance of duty. The permit shall remain in effect pending the hearing decision, unless it is determined by the Health Officer that continued operation/activity is a danger to the public health. Upon the Health Officer's determination of danger to public health all operation/activity shall cease until further notice from the Health Department.

D. Prior to revocation, the Health Officer shall notify, in writing, the holder of the permit or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of 10 days following service of such notice unless a written request for hearing is filed with the Health Officer by the holder of the permit within such 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.

E. Any person whose permit has been revoked may make a written application for the purpose of obtaining a new permit after a six-month probation period. A hearing will be provided before the Health Officer to determine if a new permit shall be issued. (Ord. 25564 § 12; passed Sept. 20, 1994; Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.130 Service of notices.

A notice provided for in this chapter is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.140 Hearings.

The hearings provided for in this chapter shall be conducted by the Health Officer or his/her designee at a time and place designated by him/her. The Health Officer or designee shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Officer or designee. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.150 Inspection.

The Health Officer shall have the authority to enter any infectious-waste-generating facility, transporter, and storage and/or treatment facility at any reasonable time, for the purpose of evaluating the facility's written infectious waste management

plan and to determine if infectious waste is being managed in accordance with this chapter. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.160 Penalties.

Anyone violating or failing to comply with any of the provisions of this chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine in a sum not exceeding \$5,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which violation of any provision of this chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this chapter. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.170 Appeals.

Any person aggrieved by any decision or final order of the Health Officer shall have the right, within 20 days from the date of the notice of such decision or order, to appeal to the City's Hearing Examiner. The appeal shall be perfected by filing a copy of the notice of the appeal in the office of the Hearing Examiner within the time specified herein. The appeal before the Hearing Examiner shall be conducted in accordance with the rules of practice and procedure as set forth in Chapter 1.23 of the Official Code of the City of Tacoma. The decision of the Health Officer shall be upheld unless the Hearing Examiner finds such decision to be clearly erroneous. The burden of showing that such decision is clearly erroneous shall be on the petitioner. (Ord. 24526 § 1; passed Jan. 30, 1990)

5.04.180 Severability.

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons and circumstances. (Ord. 24526 § 1; passed Jan. 30, 1990)

Chapter 5.08
FOOD SERVICE CODE

Sections:

- 5.08.010 State rules and regulations adopted.
- 5.08.020 Permit fees.
- 5.08.030 Penalties.

5.08.010 State rules and regulations adopted.

Pursuant to the provisions of RCW 35.21.180, the “Rules and Regulations of the State Board of Health for Food Service, WAC 246-215,” (a copy of which is on file in the Office of the City Clerk) are hereby adopted by reference as and for the food service code of the City of Tacoma as if fully set forth herein, with the exception of WAC 246-215-200(2)(c) and WAC 246-215-300, which are hereby deleted. (Ord. 25313 § 1; passed Jun. 1, 1993)

5.08.020 Permit fees.

The annual fees for permits and renewal of permits, which are payable to the Tacoma-Pierce County Health Department prior to issuance of a permit or renewal of a permit, shall be in accordance with the Health Department Fee Schedule approved by ordinance of the City of Tacoma. (Ord. 25313 § 1; passed Jun. 1, 1993)

5.08.030 Penalties.

Any person violating or refusing or neglecting to comply with this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$500.00 or imprisonment in the Pierce County Jail for a term not exceeding six months, or may be both so fined and imprisoned. (Ord. 25313 § 1; passed Jun. 1, 1993)

Chapter 5.12
MEAT SALES¹

Repealed by Ord. 24601

(Ord. 24601 § 2; passed Apr. 3, 1990)

¹ Food Service Code - See Chapter 5.08.

Chapter 5.15

REGULATION OF SALE OF TOBACCO PRODUCTS

Sections:

- 5.15.010 Purpose, applicability and intent.
- 5.15.020 Enforcement authority.
- 5.15.030 Definitions.
- 5.15.040 Distribution of tobacco.
- 5.15.050 Tobacco vending machines.
- 5.15.060 Identification required.
- 5.15.070 License required.
- 5.15.080 Unlawful for person to sell.
- 5.15.090 Tobacco coupons.
- 5.15.100 Sanctions.
- 5.15.110 License application and issuance.
- 5.15.120 Fees.
- 5.15.130 Non-transferability.
- 5.15.140 Health warnings.
- 5.15.150 Civil penalty.
- 5.15.160 Effective date.

5.15.010 Purpose, applicability and intent.

The purpose of this chapter is to provide regulations implementing RCW 26.28.080 regarding the sale of tobacco products to persons under the age of 18 years.

This chapter is applicable to all retailers of tobacco and tobacco products, all wholesalers of tobacco and tobacco products, and all establishments in which machines used for the purpose of vending tobacco and tobacco products are contained within the boundaries of this jurisdiction.

The intent of this chapter is to govern the availability to minors through retail sales made in person or through vending machines of tobacco and tobacco products. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.020 Enforcement authority.

The Tacoma-Pierce County Health Department is hereby authorized to provide support of this chapter and act on behalf of the City of Tacoma in providing all enforcement activities pertaining to the enforcement of the provisions of this chapter. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.030 Definitions.

- A. "Minor" means any individual who is less than 18 years old.
- B. "Retail" means sales made pursuant to purchasers for consumption or use.
- C. "Retailer" means any person, firm, association, company, partnership or corporation who operates a store, stand, booth, concession or other place at which tobacco or tobacco product sales are made to purchasers for consumption or use.
- D. "Wholesaler" means any person, firm, association, company, partnership or corporation who sells tobacco or tobacco products to retailers, or directly to purchasers for consumption or use.
- E. "Tobacco vending machine" means and includes any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks, or slugs.
- F. "Licensing Authority" means the agency responsible for issuing, enforcing and revoking licenses in accordance with this chapter. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.040 Distribution of tobacco.

The distribution of tobacco and tobacco products without charge is prohibited. No retailer shall distribute without charge tobacco or tobacco products to any person. No retailer or wholesaler or any affiliate or representative of a retailer or wholesaler shall give away or offer to give away tobacco or tobacco products to any person. (Ord. 25198 § 2; passed Oct. 27, 1992)

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5.15.050 Tobacco vending machines.

Tobacco vending machines or any other mechanical device for retail sales of cigarettes or other tobacco products are prohibited; provided that this Section shall not prohibit the installation and use of a tobacco vending machine by a proprietor, his agent or employee 18 years or greater in:

- A. Any premises or portion thereof to which access by minors is expressly prohibited by law if, and only if, the tobacco vending machine is located fully within such premises from which minors are prohibited and not less than 10 feet from all entrance and/or exit ways; or
- B. Commercial buildings or industrial plants or portions thereof where the public is expressly prohibited and where such machines are strictly for the use of the employee therein; provided that the area must be posted as not open to the public and no minor employees are usually admitted. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.060 Identification required.

No retailer shall sell or permit to be sold cigarettes or other tobacco products to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 18 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 18 years.

In the event the seller does not request and examine identification from the purchaser, the seller shall be deemed to have not had "a conclusive basis" under this Section if the purchaser is in fact a minor.

Identification for proof of age shall be by means of approved documentation as outlined in Section 5.15.070(6) of this chapter. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.070 License required.

It shall be unlawful for any retailer to sell or offer for sale cigarettes or any other tobacco products unless that retailer first obtains and maintains a valid license from the license authority for each location where such sales are conducted. Licenses must be renewed annually.

- A. It shall be the responsibility of each licensee to ensure that the following requirements of licensing are fulfilled:
 - 1. To conspicuously post and reasonably maintain appropriate signs notifying customers that identification is required to purchase tobacco products.
 - 2. To conspicuously post and reasonably maintain appropriate signs in areas frequented by employees such as near time cards or in lunchrooms reminding them of the ordinance and sanctions thereunder.
 - 3. Conspicuously post and reasonably maintain appropriate signs on or near the cash register(s) or comparable area(s) reminding employees to check identification before selling tobacco products if in any doubt as to the customer's age.
 - 4. Require each employee, as part of the application for employment process, to read the ordinance or a summary of the ordinance and sign a covenant that they understand and will uphold the ordinance.
 - 5. Provide verbal instructions to each employer and require them to sign a covenant that verbal instructions have been received and understood.
 - 6. Provide each employee with a written list of the types of identification that are acceptable to establish legal age. Any of the following officially issued cards of identification, if not visibly altered, which shows the person's correct age and bears the person's signature and photograph shall be sufficient proof of age and, if required and examined, shall be sufficient to establish that the licensee has not violated this chapter:
 - a. Liquor control authority card of identification of any state or province of Canada;
 - b. Driver's license, instruction permit or identification card of any state or province of Canada, or "identocard" issued by the Washington State Department of Licensing pursuant to RCW 46.20.117;
 - c. United States active military identification;
 - d. Passport;
 - e. Merchant Marine identification card used by the United States Coast Guard; or
 - f. Department of Immigration identification card. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.080 Unlawful for person to sell.

It is unlawful for any person to sell, other than at retail, any tobacco product to any person other than a person who holds a current and valid retail sales license issued under this chapter. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.090 Tobacco coupons.

It is unlawful for any retailer or wholesaler to provide tobacco or tobacco products to any person by a coupon or at no cost to such person. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.100 Sanctions.

A license shall be suspended by the licensing authority upon a finding, after notice and opportunity to be heard, that the licensee has failed to comply with any provision of this chapter as follows:

- A. In the case of a first and single violation, the licensee shall be fined \$100.00 and shall be given notification, in writing, of provisions for penalties to be levied in the event of additional or further violations; and
- B. In the case of a second or two violations, the licensee shall be fined \$500.00 and the license shall be suspended for not less than 90 consecutive business days nor more than six months; and
- C. In the case of three or more violations, the licensee shall be fined \$1,000.00 and the license shall be revoked for not less than nine months and no more than 18 months from the date of revocation.
- D. Each sale to a minor shall constitute a separate violation. All transactions completed during a single visit by a minor to the licensee’s premises shall be considered one sale.
- E. Appeals of the imposition of the above sanctions shall be made to the Hearing Examiner pursuant to Tacoma Code Chapter 5.02. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.110 License application and issuance.

A. Application for a tobacco retailers license shall be submitted in the name of the entity or person proposing to conduct retail tobacco sales on the business premises and shall be signed and notarized by such person or his agent. All applications shall be submitted on a form supplied by the licensing authority and contain the following information:

- 1. The name, home address, home telephone number, date and place of birth, and social security number of the applicant if the applicant is an individual;
- 2. The names, addresses, telephone numbers, and social security numbers of any partners or corporate officers;
- 3. The business name, address, and telephone number of each establishment where tobacco is sold at retail.

B. Upon receipt of a satisfactory application for a tobacco retail license, the licensing authority shall issue a license which must be prominently displayed at the location where tobacco retail sales are conducted. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.120 Fees.

The fees for a tobacco retailer’s license shall be based on average monthly retail dollars spent for tobacco products during the past consecutive 12 months, not to exceed the cost of administering these regulations, specifically as follows:

Average monthly retail \$ for tobacco	Annual Fee
\$ 500 – or less	\$ 25
501 – 2,000	50
2,001 – 5,000	100
5,001 – 10,000	200
10,001 – 15,000	300
15,001 – 20,000	400
20,001 – and over	500

In addition, there shall be a \$50.00 non-refundable application fee for license. (Ord. 25198 § 2; passed Oct. 27, 1992)

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5.15.130 Non-transferability.

A tobacco retail license is non-transferable. If a tobacco retailer changes location, a new tobacco retail license will be issued for the new address upon receipt of an application for change of location. The license will retain the same expiration date as that previously issued. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.140 Health warnings.

The sale by a retailer of cigarettes not in a package provided by the manufacturer with required health warnings is prohibited. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.150 Civil penalty.

In addition to or as an alternative to any other penalty provided herein or by law, any licensee, retailer or wholesaler who fails to comply with any provisions of this chapter or any person who engages in any activity for which a license is required pursuant to the provisions of this chapter while his or her license is suspended or revoked, or who fails to obtain a license prior to engaging in the activity for which a license is required, shall pay a civil penalty of \$100.00 per day for the first violation or \$500.00 per day for the second violation or \$1,000.00 for subsequent violations. Further, the violator shall be subject to such further penalties as set forth herein. The civil penalty may be assessed and collected by use of all appropriate legal remedies. (Ord. 25198 § 2; passed Oct. 27, 1992)

5.15.160 Effective date.

This chapter shall take effect on January 1, 1993. (Ord. 25198 § 2; passed Oct. 27, 1992)

Chapter 5.16

SMOKING

Sections:

- 5.16.010 Definitions.
- 5.16.020 Prohibitions.
- 5.16.030 Designated smoking areas.
- 5.16.040 Duties of proprietors, employers, and other persons having control.
- 5.16.050 Regulation of smoking in non-City office work place.
- 5.16.060 Unlawful to remove signs.
- 5.16.070 Fire Chief and Health Department – Adoption of rules and regulations.
- 5.16.080 Penalties and enforcement.
- 5.16.090 Severability.

5.16.010 Definitions.

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

- A. “City work place” means a work place lawfully occupied by City employees for the conduct of the business of any of the City of Tacoma’s elected or appointed officials and under the authority of such official.
- B. “Cocktail lounge” means that portion of an establishment holding a current and valid Class H license issued by the State of Washington Liquor Control Board which is specifically set aside for the sale and consumption of liquor by the glass and separated by a divider from that portion of the establishment principally serving meals on a regular basis to the public.
- C. “Employee” means any person who is employed by any employer in consideration of direct or indirect monetary wages or profit.
- D. “Employer” means any person who pays another person direct or indirect monetary wages or profit in consideration for such other person’s providing services on the premises of the employer.
- E. “Office work place” means any enclosed area of a structure or a portion thereof intended for occupancy by business or governmental entities which provide primarily clerical, professional, or business services to other business entities or the public at that location. Office work place includes, but is not limited to, office space in office buildings, medical offices, libraries, museums, hospitals, and nursing homes, and all other entities included in subparagraphs F and G of this section, but excludes:
 1. Private, enclosed offices occupied exclusively by smokers, even though such offices may be visited by non-smokers;
 2. A private home which may serve as an office work place;
 3. Any property owned or leased by a state or federal entity.
- F. “Public meeting” includes all meetings open to the public pursuant to RCW 42.30.010, et seq.
- G. “Public place” means any enclosed indoor area or vehicle used by and open to the public, regardless of whether such building or vehicle is owned in whole or in part by a private person or entity or by the City of Tacoma or other public entity, and regardless of whether a fee is charged for admission to the place. It includes, but is not limited to, elevators, public conveyances, museums, concert halls, theaters, hallways, auditoriums, exhibit halls, indoor sports arenas, bowling centers, hospitals, nursing homes, medical, dental, or other health care facilities, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, public meetings or hearings, public transportation facilities, ticket areas, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas.
- H. “Restaurant” means any building, structure, or area used as, maintained as, advertised as, or held out to the public to be, an enclosure where meals, for consideration of payment, are made available to be consumed on the premises.
- I. “Smoke” or “smoking” includes the carrying or smoking of a lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
- J. “Tavern” means any establishment or portion of an establishment where one can purchase and consume alcoholic beverages, excluding any such establishment or portion of the establishment having tables and seating facilities for serving meals and where, in consideration of payment, meals are served on a regular basis to the public. (Ord. 24207 § 1; passed Sept. 27, 1988)

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5.16.020 Prohibitions.

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

1. Where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place.
2. Chartered buses for private hire and taxicabs clearly designated by the operator to permit smoking.

B. Restaurants shall provide food service seating areas where smoking will not be permitted. No person shall smoke in restaurants in a "no smoking" designated area. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.030 Designated smoking areas.

A. Designation. Smoking areas may be designated in public places and City work places by the proprietor or other person in charge of the place, except that designated smoking areas shall not be allowed in: (1) Elevators, public conveyances, health care clinics, public meetings, or libraries which are open to the public; or (2) other places already prohibited by other rule, ordinance, or regulation.

B. Criteria. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent non-smoking areas. The size of the designated smoking area shall not be more than proportionate to the preference of the users specifically requesting the smoking area, as can be demonstrated by the proprietor or other person in charge.

C. Single Room Public Place. In the case of public places consisting of a single room, the provisions of this law shall be considered met if a portion of the room is reserved and posted as a designated smoking area. No public place, restaurant, or City work place, other than a cocktail lounge, tavern, or bowling center, shall be designated as a smoking area in its entirety. If a cocktail lounge, tavern, or bowling center is designated as a smoking area in its entirety, such designation shall be posted conspicuously on all entrances normally used by the public. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.040 Duties of proprietors, employers, and other persons having control.

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

1. Posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a nonsmoking area and a designated smoking area shall be clearly designated, so that persons may differentiate between the two areas;
2. Making every reasonable effort to inform patrons that designated non-smoking areas are available for their preference, including, but not limited to, posting signs not less than three inches by eight inches in a conspicuous place in the reception area informing patrons of dining areas available for non-smokers;
3. Requesting that patrons smoke only in smoking designated areas;
4. Asking smokers to refrain from smoking upon request of a client, patron, or employee suffering discomfort from the smoke;
5. Informing the public and/or employees orally that separate smoking and non-smoking areas are available; and
6. Any other means which may be appropriate. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.050 Regulation of smoking in non-City office work place.

A. Each non-City employer who operates an office work place in the City of Tacoma shall, within three months of adoption of this chapter, adopt, implement, and maintain a written smoking policy which shall be conspicuously posted in all office work places under the employer's jurisdiction and which shall contain, at a minimum, the following provisions and requirements:

1. Any nonsmoking employee may object to his or her employer about smoke in his or her office work place. The employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of non-smoking and smoking employees. However, an employer is not required by this chapter to make any expenditures or structural changes to accommodate the preferences of non-smoking and smoking employees.
2. If an accommodation which is satisfactory to all affected non-smoking employees cannot be reached in any given office work place, the preferences of non-smoking employees shall prevail, and the employer shall prohibit smoking in the office

work place of the affected non-smoking employees to the end that those employees may work in a smoke-free environment. Where the employer prohibits smoking in a non-City office work place, the area in which smoking is prohibited shall be clearly marked with signs.

B. The smoking policy shall be announced within three weeks of application to all employees working in non-City office work places in the City of Tacoma and posted conspicuously in all office work places under the employer's jurisdiction. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.060 Unlawful to remove signs.

It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this chapter. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.070 Fire Chief and Health Department – Adoption of rules and regulations.

The City of Tacoma Fire Chief and the Tacoma-Pierce County Health Department shall adopt rules and regulations necessary and reasonable to implement the provisions of this chapter. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.080 Penalties and enforcement.

A. Warnings and Civil Penalties. When violations of this chapter occur, a warning shall first be given to the person or persons violating this chapter. Any subsequent violation shall subject the offender to a civil penalty as provided for herein. Any person violating this chapter by smoking in a place in which smoking is prohibited herein, or by removing, defacing, or destroying any sign posted in compliance with this chapter, is subject to a civil penalty of up to \$100.00. The Tacoma Police Department and Tacoma Fire Department shall enforce this Section by issuing a notice of infraction to be assessed in the same manner as traffic infractions.

1. The provisions contained in Chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of infractions for violations of this subsection, except as follows:

- a. The provisions in Chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter, and
- b. The provisions in Chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.
- c. The form for notice of infraction for a violation of this chapter shall be prescribed by rule of the Supreme Court.

2. Any proprietor, employer, or other person intentionally violating this chapter by not complying with its provisions may be subject to a civil fine of up to \$500.00, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City of Tacoma in any court of competent jurisdiction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. The Tacoma-Pierce County Health Department shall enforce this chapter by either of the following actions:

- a. Serving notice requiring the correction of any violation;
- b. Calling upon the City Attorney to maintain an action to assess and recover a civil penalty for the violation.

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

C. In undertaking the enforcement of this chapter, the City of Tacoma is assuming and undertaking only to promote the general welfare. Is it not assuming, nor is it imposing upon its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. (Ord. 24207 § 1; passed Sept. 27, 1988)

5.16.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held unconstitutional or invalid for any reason, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 24207 § 1; passed Sept. 27, 1988)

Chapter 5.20

GARBAGE, RUBBISH AND POLLUTION²

Sections:

5.20.010	Definitions.
5.20.020	Duties of owners.
5.20.030	Requirements of containers.
5.20.040	Duty to dispose of garbage.
5.20.050	<i>Repealed.</i>
5.20.060	Incineration of garbage.
5.20.070	Disposal of garbage to be made pursuant to chapter.
5.20.080	<i>Repealed.</i>
5.20.090	<i>Repealed.</i>
5.20.095	<i>Repealed.</i>
5.20.100	<i>Repealed.</i>
5.20.105	<i>Repealed.</i>
5.20.106	<i>Repealed.</i>
5.20.110	<i>Repealed.</i>
5.20.140	<i>Repealed.</i>
5.20.150	<i>Repealed.</i>
5.20.160	<i>Repealed.</i>
5.20.170	<i>Repealed.</i>
5.20.180	<i>Repealed.</i>
5.20.185	<i>Repealed.</i>
5.20.190	<i>Repealed.</i>
5.20.200	Pollution of drinking fountains.
5.20.210	Deposit of manure and offensive substances.
5.20.220	Manure and offensive substances - Special permit.
5.20.225	Removal of Animal Waste.
5.20.230	Deposit of rubbish prohibited.
5.20.250	Refusal to remove rubbish – Penalty.
5.20.260	Notice to close cesspools, remove garbage and rubbish.
5.20.270	Notice to non-residents – Posting.
5.20.280	Cesspools, garbage and rubbish – Work done by City.
5.20.290	Cesspools, garbage and rubbish – Collection of expense by City.
5.20.300	Cesspools, garbage and rubbish – Lien.
5.20.310	Cesspools, garbage and rubbish – Time of lien.
5.20.315	<i>Repealed.</i>
5.20.320	Violation – Penalty.

5.20.010 Definitions.

The maintenance of health and sanitation requires, and it is the intention hereof, to make the collection, removal and disposal of garbage and refuse within the City of Tacoma compulsory and universal.

1. "Recycling drop box" means a large stationary container utilized for the collection of recyclable material and serviced either mechanically or manually.
2. "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.
3. "Infectious waste" means waste from medical and intermediate care facilities, research centers, and other similar facilities, which have the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host as defined in Section 5.04.020.S.
4. "Mandatory service" means that the collection, removal and disposal of garbage and refuse is compulsory and universal within the City.

² Solid Waste Recycling, and Hazardous Waste
See Chapter 12.09

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5. "Premises" means a continuous tract of land, building, portion thereof, or group of adjacent buildings under a single control and responsibility. Multiple use or responsibility shall constitute a division into separate premises. Premises shall include but not be limited to dwellings, apartment houses, boardinghouses, flats, rooming houses, mobile home parks, clubs, restaurants, eating places, hotels, hospitals, schools, manufacturing establishments and other places of business.
6. "Recyclable materials" means any material which can be removed and/or diverted from the waste stream for the purpose of recovering and reusing the resources contained therein.
7. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
8. "Refuse" means garbage and rubbish combined.
9. "Rubbish" means all solid waste to be discarded, excluding garbage, animal wastes, sewage sludge, asbestos containing waste material, construction and demolition waste, medical waste and bulky wastes and includes but is not limited to paper, plastics, ashes, grass clippings and plant trimmings.
10. "Solid wastes" means all putrescible and nonputrescible solid or semi-solid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.
11. "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.
12. "Special permit" means a permit issued by the Refuse Utility as provided for under provisions set forth in this chapter. (Ord. 24763 § 2; passed Nov. 20, 1990: Ord. 22212 § 10; passed Sept. 30, 1980: Ord. 19082 § 1; passed Apr. 14, 1980: Ord. 15147 § 1; passed Nov. 1, 1954)

5.20.020 Duties of owners.

It shall be the duty of every person in possession, charge or control of any premises within the City of Tacoma, at all times to keep or cause to be kept portable containers for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein.

It shall be the duty of the lessor of any occupied premises to furnish or to see that his tenants are supplied with such containers.

Any manure, offal or other noxious material placed therein shall be securely wrapped. (Ord. 19082 § 2; passed Apr. 14, 1970: Ord. 15147 § 2; passed Nov. 1, 1954)

5.20.030 Requirements of containers.

Such containers shall be watertight, leakproof, constructed of material approved by the Director of Health as being impervious to rodent gnawing, of not more than 70 pounds in weight including contents thereof, nor more than 22 pounds empty, and of not more than 32 gallons capacity, shall have two secure handles at the sides thereof, and shall have no sharp metal edges or any other condition of the container that would make handling thereof dangerous. All lids shall remain in place, but not permanently attached, so that containers are covered except when necessary to place garbage and refuse in such containers or to remove the same therefrom. Such containers shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing materials. Each container shall be located accessible to the collector of garbage and refuse. "G.I.-type" cans are not approved containers.

Containers of larger capacities for the bulk collection of garbage and refuse may be used with the approval of the Public Works Department. Such approval shall be obtained prior to these containers being placed in service. (Ord. 20822 § 1; passed Jul. 27, 1976: Ord. 19202 § 1; passed Sept. 16, 1970: Ord. 19082 § 3; passed Apr. 14, 1970: Ord. 15996; passed Dec. 16, 1957: Ord. 15147 § 3; passed Nov. 1, 1954)

5.20.040 Duty to dispose of garbage.

It shall be the duty of every such person to cause such garbage and solid waste to be removed and disposed of by the City's Public Works Department, Utility Services Division, Solid Waste Utility. (Ord. 26085 § 1; passed Jun. 17, 1997: Ord. 19082 § 4; passed Apr. 14, 1970: Ord. 15996; passed Dec. 16, 1957: Ord. 15147 § 4; passed Nov. 1, 1954)

5.20.050 Special permits. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992: Ord. 24763 § 3; passed Nov. 20, 1990: Ord. 24526 § 2; passed Jan. 30, 1990: Ord. 20244 § 1; passed Dec. 10, 1974: Ord. 19082 § 5; passed Apr. 14, 1970: Ord. 15147 § 5; passed Nov. 1, 1954)

5.20.060 Incineration of garbage.

Garbage and refuse from hotels and apartment houses may be disposed of by incineration upon the premises where this may be sanitarily done and the incinerator is of type and design approved by the Public Works Department, Sanitary Division. (Ord. 15147 § 6; passed Nov. 1, 1954)

5.20.070 Disposal of garbage to be made pursuant to chapter.

It is unlawful for any person to burn any garbage or refuse excepting waste paper boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawns or gardens burned in a furnace or upon permit from the Fire Chief; or to dump or deposit any garbage and refuse upon any street or alley or private property in the City of Tacoma, or to burn the same, or to collect, remove or dispose of the same except as in this chapter provided. (Ord. 15147 § 7; passed Nov. 1, 1954)

5.20.080 Collection – Time of. *Repealed by Ord. 2522.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 24510 § 1; passed Dec. 12, 1989; Ord. 24244 § 1; passed Dec. 13, 1988; Ord. 20404 § 1; passed Apr. 22, 1975; Ord. 19082 § 6; passed Apr. 14, 1970; Ord. 15996; passed Dec. 16, 1957; Ord. 15147 § 8; passed Nov. 1, 1954)

5.20.090 Residential rates. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 1; passed Oct. 27, 1992; Ord. 25163 § 1; passed Aug. 18, 1992; Ord. 25027 § 1; passed Dec. 17, 1991; Ord. 24775 § 1; passed Nov. 27, 1990; Ord. 24510 § 2; passed Dec. 12, 1989; Ord. 24244 § 2; passed Dec. 13, 1988; Ord. 23735 § 1; passed Nov. 18, 1986; Ord. 23564 § 1; passed Feb. 18, 1986; Ord. 22814 § 1; passed Nov. 16, 1982)

5.20.095 Rate reduction for low-income elderly and low-income disabled individuals. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 2; passed Oct. 27, 1992)

5.20.100 Commercial rates. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 3; passed Oct. 27, 1992; Ord. 25163 § 2; passed Aug. 18, 1992; Ord. 25027 § 2; passed Dec. 17, 1991; Ord. 24775 § 2; passed Nov. 27, 1990; Ord. 24510 § 3; passed Dec. 12, 1989; Ord. 24244 § 3; passed Dec. 13, 1988; Ord. 23735 § 2; passed Nov. 18, 1986; Ord. 23611 § 1; passed May 13, 1986; Ord. 23564 § 2; passed Feb. 18, 1986; Ord. 22814 § 2; passed Nov. 16, 1982)

5.20.105 Commercial container rates - Noncompacted materials – Damaged containers. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 4; passed Oct. 27, 1992; Ord. 25027 § 3; passed Dec. 17, 1991; Ord. 24775 § 3; passed Nov. 27, 1990; Ord. 24510 § 4; passed Dec. 12, 1989; Ord. 24244 § 4; passed Dec. 13, 1988; Ord. 23735 § 3; passed Nov. 18, 1986; Ord. 23611 § 2; passed May 13, 1986; Ord. 23465 § 3; passed Feb. 18, 1986; Ord. 22814 § 3; passed Nov. 16, 1982)

5.20.106 Commercial compactor container rates.

Repealed by Ord. 25221

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 5; passed Oct. 27, 1992; Ord. 25027 § 4; passed Dec. 17, 1991; Ord. 24775 § 4; passed Nov. 27, 1990; Ord. 24510 § 5; passed Dec. 12, 1989; Ord. 24244 § 5; passed Dec. 13, 1988; Ord. 23735 § 4; passed Nov. 18, 1986; Ord. 23564 § 4; passed Feb. 18, 1986; Ord. 22814 § 4; passed Nov. 16, 1982)

5.20.110 Commercial service - Cash deposit – Service charge. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 21930 § 5; passed Dec. 18, 1979)

5.20.140 Service charges – Charge adjustments. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25027 § 5; passed Dec. 17, 1991; Ord. 24775 § 5; passed Nov. 27, 1990; Ord. 24510 § 6; passed Dec. 12, 1989; Ord. 24244 § 6; passed Dec. 13, 1988; Ord. 23735 § 5; passed Nov. 18, 1986; Ord. 23564 § 5; passed Feb. 18, 1986; Ord. 22814 § 5; passed Nov. 16, 1982)

5.20.150 Additional charge for Saturdays, Sundays, and holidays. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 24510 § 8; passed Dec. 12, 1989; Ord. 24244 § 8; passed Dec. 13, 1988; Ord. 15147 § 15; passed Nov. 1, 1954)

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5.20.160 Separation of garbage. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 20244 § 8; passed Dec. 10, 1974; Ord. 15147 § 16; passed Nov. 1, 1954)

5.20.170 Billing periods, payments and collections. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 23337 § 2; passed Sept. 10, 1985)

5.20.180 Use of disposal areas – Rates. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 25197 § 6; passed Oct. 27, 1992; Ord. 25027 § 6; passed Dec. 17, 1991; Ord. 24775 § 6; passed Nov. 27, 1990; Ord. 24510 § 9; passed Dec. 12, 1989; Ord. 24339 § 1; passed Apr. 25, 1989; Ord. 24244 § 9; passed Dec. 13, 1988; Ord. 23807 § 1; passed Mar. 24, 1987; Ord. 23735 § 6; passed Nov. 18, 1986; Ord. 23611 § 3; passed May 13, 1986; Ord. 23564 § 6; passed Feb. 18, 1986; Ord. 22814 § 7; passed Nov. 16, 1982)

5.20.185 Refuse collection tax. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 23644 § 1; passed Jul. 1, 1986)

5.20.190 Collection by City exclusive. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992; Ord. 19082 § 13; passed Apr. 14, 1970; Ord. 15147 § 19; passed Nov. 1, 1954)

5.20.200 Pollution of drinking fountains.

It shall be unlawful for any person to throw, place or deposit any dirt, filth, garbage or refuse in any drinking fountain, watering trough, or vessel used in connection therewith, or in any manner pollute or contaminate the water in such fountain, trough or vessel, or permit any animal to drink out of the vessels kept at such drinking fountains for the use of persons; or to in any manner break, injure or damage such fountains, troughs or vessels. (Ord. 22212 § 11; passed Sept. 30, 1980; Ord. 3072 §§ 1, 2; passed Aug. 15, 1907)

5.20.210 Deposit of manure and offensive substances.

No open pile or deposit of manure, offal or garbage, or accumulation of any offensive or nauseous substance shall be made within the limits of the city, but all such matter shall be kept in fly-tight cans or boxes until finally disposed of; nor shall any person or corporation unload, discharge or put upon or along any line of railroad, street, alley or highway or public place within said City, any manure, offal, garbage or other offensive or nauseous substance; nor shall cars or flats loaded with or having upon them any such substance or substances be allowed to remain or stand on or along any railroad, street or highway within the limits of said City within 300 yards of any inhabited dwelling. All manure vaults attached to stables, or all deposits of manure therewith connected, shall be so cared for as to prevent flies from having access thereto, and so that the same shall in no case become a nuisance. (Ord. 13366 § 18; passed May 3, 1948)

5.20.220 Manure and offensive substances – Special permit.

No manure, garbage, offal, or any vegetable or animal matter or nauseous substances detrimental to health shall be dumped or deposited in any place other than a designated city dump within the limits of the City of Tacoma except by special permit from the Director of Health. (Ord. 13366 § 19; passed May 3, 1948)

5.20.225 Removal of animal waste.

A. It shall be a civil infraction for any person to fail to immediately remove fecal matter deposited by a dog or other animal in his/her possession on public property such as park property, school grounds, public rights-of-way, or public easements. The court shall impose a civil penalty of \$50.00 for each violation of this section. The monetary penalty shall include all statutory assessments.

B. This section shall not apply to a "guide" or "service" dog while in harness, as now or hereafter defined in RCW 70.84. (Ord. 26617 § 1; passed Apr. 18, 2000)

5.20.230 Deposit of rubbish prohibited.

It shall be unlawful for any person to throw, cast, deposit or cause or permit to be thrown, cast or deposited upon any street, highway, alley or public place, or upon any vacant or unused lot or parcel of ground in the City of Tacoma, any filth, rubbish, slop, boxes, barrels, waste, straw, shavings, paper, or any combustible material or anything offensive, or anything injurious to the public health; or to throw, deposit, or permit to be thrown or deposited, or permit to remain upon any premises owned, occupied or controlled by such person, any combustible material or anything offensive, or anything injurious to the public health or dangerous to persons or property, or permit to remain in any street, highway, or alley adjoining any premises owned, occupied or controlled by said person any filth, rubbish, boxes, barrels, shavings, paper or waste matter, or anything

offensive, or anything injurious to the public health or dangerous to persons or property. (Ord. 2982 § 1; passed May 23, 1907)

5.20.250 Refusal to remove rubbish – Penalty.

Any person who shall fail, neglect or refuse to remove from any premises owned, occupied or controlled by such person, either as owner, occupant, tenant or agent, or from any street, avenue, alley, highway or public place abutting such premises, any rubbish, dirt, filth or offensive, dangerous or combustible material within 24 hours after having been notified so to do by the Director of Health, or any policeman of the City of Tacoma, shall be guilty of a crime and shall be punished in accordance with Section 5.02.070 of this title. (Ord. 22212 § 13; passed Sept. 30, 1980: Ord. 3154; passed Oct. 31, 1907: Ord. 2982 § 3; passed May 23, 1907)

5.20.260 Notice to close cesspools, remove garbage and rubbish.

It shall be the duty of the Director of Public Works of the City of Tacoma, whenever there is on any property in the City of Tacoma, a cesspool or any garbage, debris, grass, weeds or brush, to give notice in writing to the owner thereof or to the agent of such owner if known, requiring such owner to cause said cesspool to be filled or closed, or to remove any garbage or debris or to cut and remove any grass, weeds and brush on such property within such time as may be specified in such notice. Such notice shall contain an estimate of the cost of the work to be done and shall state that in case such work is not done within the time specified in such notice, that a copy of such notice will be filed with the City Council at the time specified in such notice and that at such time the council will hear and decide upon all objections which may be filed against doing such work, and will determine whether or not such work shall be done. (Ord. 8878 § 1; passed Jul. 28, 1926)

5.20.270 Notice to non-residents – Posting.

Whenever any such property is owned by a non-resident and such owner has no known agent in the City of Tacoma, or the owner of such property is unknown, notice shall be served by posting a copy thereof in a conspicuous place on such property and by publication of such notice once in the official newspaper at least five days prior to the day fixed for the hearing thereon. (Ord. 8878 § 2; passed Jul. 28, 1926)

5.20.280 Cesspools, garbage and rubbish – Work done by City.

If the Council at the time of such hearing shall find that such work shall be done and shall pass a resolution finding such fact, and shall order the Director of Public Works to proceed with such work, then the Director of Public Works shall enter upon such land or premises and cause such work to be done. (Ord. 8878 § 3; passed Jul. 28, 1926)

5.20.290 Cesspools, garbage and rubbish – Collection of expense by City.

The Director of Public Works shall keep an accurate account of the expense incurred by him in performing such work with respect to each lot or parcel of land, and shall make a statement containing the amount of such expense, a description of the lot or parcel of land affected, and a demand that such amount be paid on or before such time not less than 20 days as may be specified in said statement, and shall deliver or mail the same to the owner of each lot or parcel of land affected if known, and if unknown, shall publish the same in the official newspaper for one issue at least 20 days before the time fixed for payment therein; and if such owner refuses or neglects to make such payment within the time specified therefor, the Director of Public Works shall file a copy of such statement with the City Council, and if the City Council shall find the same correct, it shall order the same paid out of any funds available therefor, and the amount so paid shall be replaced in such fund when the same is collected as hereinafter provided. (Ord. 8878 § 4; passed Jul. 28, 1926)

5.20.300 Cesspools, garbage and rubbish – Lien.

Whenever the City Council shall cause any such claim to be paid as aforesaid, the same shall be filed with the Director of Finance who shall make out a roll showing the amount of the claim against each lot or parcel of land, giving an accurate description of such lot or parcel of land and certifying as to the correctness of same, and shall turn over such roll to the City Treasurer for collection, and the same may at any time thereafter be collected in the manner provided for foreclosure of mechanics' liens, under the law of the State of Washington. (Ord. 8878 § 5; passed Jul. 28, 1926)

5.20.310 Cesspools, garbage and rubbish – Time of lien.

That all charges and expenses of carrying out the provisions of Sections 5.20.260 through 5.20.300 shall be liens upon the property assessed for the work herein provided for, and shall take effect from the time the assessment roll is placed in the hands of the City Treasurer for collection. (Ord. 8878 § 6; passed Jul. 28, 1926)

5.20.315 Enforcement. *Repealed by Ord. 25221.*

(Ord. 25221 § 1; passed Dec. 8, 1992: Ord. 20822 § 2; passed Jul. 27, 1976)

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5.20.320 Violation – Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 1; passed Aug. 23, 1994)

Chapter 5.22

ANIMALS AT LARGE

Repealed by Ord. 26949

(Ord. 26949 § 2; passed Jul. 16, 2002; Ord. 26584 § 1-5; passed Mar. 14, 2000; Ord. 24151 § 1; passed Jul. 29, 1988; Ord. 23600 § 1 & 3; passed Apr. 29, 1986; Ord. 17691 § 1; passed Oct. 6, 1964; Ord. 6447; passed Sept. 20, 1916; Ord. 2672 § 1; passed Jul. 12, 1906; Ord. 2467 § 1-8; passed Aug. 31, 1905)

Chapter 5.23
ANIMALS – KEEPING

Sections:

- 5.23.010 Keeping prohibited except in compliance with chapter.
 5.23.020 Conditions for keeping.
 5.23.025 Permit required for keeping wild or vicious animals or reptiles.
 5.23.026 Allowing wild or vicious animals to run at large prohibited.
 5.23.027 Exceptions for circuses, zoos, and transportation of wild animals.
 5.23.030 Violations – Penalty.

5.23.010 Keeping prohibited except in compliance with chapter.

It shall be unlawful for any person to keep any horses, asses, mules, cattle, goats or sheep within the city limits of the City of Tacoma; provided that this chapter shall not apply in areas in which slaughterhouses or stockyards are permitted by appropriate ordinances of the City of Tacoma; provided, further, that upon full compliance with the provisions of Section 5.23.020 of this chapter, the keeping of any such animal or animals may be permitted when the conditions of said Section are and continue to be complied with in all respects. (Ord. 15852 § 1; passed Apr. 22, 1957)

5.23.020 Conditions for keeping.

The keeping of any such animals referred to in Section 5.23.010 of this chapter is permitted upon the following conditions:

A. This chapter is not intended to prohibit the keeping of such animals hereinabove designated, where and so long as a consent in writing to the keeping of the same has been secured by the owner of the premises from all of the residences, dwellings, hotels, apartment houses and rooming houses and from any other person occupying and controlling premises within a distance of 50 feet from the property line of the property upon which any such animals are to be kept, and such written consent filed with the City Clerk. Such written consent so obtained may be revoked at any time by the signer thereof or his successor in interest by serving a written revocation of such consent upon the keeper of such animals and filing a copy thereof with proof of service upon such owner, with the City Clerk, and thereupon the prohibitive provisions of this chapter shall again apply and become effective upon the owner of such animal kept in violation of these provisions.

In the case of the keeping of any such animals above designated as prohibited herein, at the time of the effective date of this chapter, such written consent for such keeping as hereinabove provided shall be filed within 30 days after the effective date.

B. The premises upon which such animals are kept shall have a total area of not less than 20,000 square feet and the premises upon which said animal or animals are housed and permitted to roam, shall be located not less than 50 feet from the adjoining property lines.

C. All buildings or structures housing such animals shall comply with the City of Tacoma Building Code and be of rodent-proof construction, and no condition shall be allowed to exist on the premises that provides rodent harborage.

D. Floors shall be constructed of tight, easily cleanable material. Walls and ceilings shall be of such construction as to be easily maintained in a sanitary condition.

E. Roaming area shall be graded and drained and so maintained that there are no standing pools of water or accumulation of organic wastes.

F. Feed, with the exception of hay, that is maintained on the premises must be stored in rodent-proof containers.

G. Feeding troughs or bins shall be used and of such construction as to be readily cleanable and no feed shall be scattered on the ground or floor.

H. All unconsumed food of a perishable type must be collected after each feeding and placed in fly and water-tight containers pending final disposal.

I. Manure and other organic wastes must be collected daily and stored in a water-tight and flyproof pit or chamber and shall be removed at intervals sufficiently frequent to prevent odor problems from developing. Manure must be disposed of by burial or in some other manner which will not cause an odor or fly problem.

J. Fly control measures must be practiced that will assure freedom of flies from the premises.

K. No condition shall be allowed to develop or continue on any premises which creates objectionable odors or noises or is unsightly.

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The failure of the owner or occupant of the premises herein referred to, to maintain at all times the conditions herein prescribed, shall constitute a violation of this chapter. (Ord. 15852 § 2; passed Apr. 22, 1957)

5.23.025 Permit required for keeping wild or vicious animals or reptiles.

A. No person shall have, keep, or maintain, or have in his possession or under his control, within any area of the City of Tacoma which is zoned residential any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or any venomous reptile, or any other dangerous wild animal or reptile; provided, however, that in those areas zoned other than residential such animals may be permitted on the condition that a permit is obtained from the City Manager or his duly authorized representative. Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of any such animal will in no way constitute a nuisance to the occupants of any surrounding property.

B. "Dangerous wild animal or reptile" means any animal or reptile not commonly domesticated which, because of its size, vicious nature, or other similar characteristic, would constitute a danger to human life or property. (Ord. 25920 § 1; passed Jun. 18, 1996; Ord. 17215; passed Nov. 27, 1962)

5.23.026 Allowing wild or vicious animals to run at large prohibited.

No person owning or having charge, custody, control, or possession of any animal specified in Section 5.23.025 shall permit or allow the same to run at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person, in such manner as to endanger any person lawfully entering such premises. (Ord. 17215; passed Nov. 27, 1962)

5.23.027 Exceptions for circuses, zoos, and transportation of wild animals.

Section 5.23.025 shall not apply to any person keeping or maintaining or having in his possession or under his control any animal defined in that Section when such person is transporting such animal or reptile through the City of Tacoma, provided he has taken adequate safeguards to protect the public, and has notified the Chief of Police of his proposed route of transportation and of the time that such trip is to take place; nor shall Section 5.23.025 apply to any person who has custody of such animals or reptiles in connection with the operation of any zoo or circus or in connection with any program of medical or scientific research, provided such person has taken adequate measures to safeguard persons and property. (Ord. 17215; passed Nov. 27, 1962)

5.23.030 Violations – Penalty.

Any person, firm, corporation or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 7; passed Aug. 23, 1994; Ord. 23600 § 5; passed Apr. 29, 1986; Ord. 19697 § 1; passed Nov. 14, 1972; Ord. 15852 § 3; passed Apr. 22, 1957)

Chapter 5.24

APIARIES

Sections:

- 5.24.010 Beekeeping – Maintenance of colonies – Nuisances designated.
- 5.24.020 Enforcement and entry – Right of entry for inspection.
- 5.24.030 Violation – Penalty.

5.24.010 Beekeeping – Maintenance of colonies – Nuisances designated.

A. It shall be the duty of any person having honey bees, *Apis Mellifera*, on his or her property to maintain each colony so as not to create a public nuisance.

B. Honey bee colonies shall, in addition, be maintained in the following condition:

1. All honey bee hives shall be registered with the Washington State Department of Agriculture as required by RCW 15.60.030.
2. Colonies shall be maintained in movable-frame hives.
3. Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging 75 feet or more from the hive.
4. Lots having less than 10,000 square feet shall not have more than four hives.
5. Hives shall not be located within 75 feet of any property line, public street, sidewalk, or alley except when situated behind a solid fence or hedge six feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions, or if such fence completely encloses the hives.

C. All other nests (colonies) of stinging insects, such as yellow jackets, hornets, and wasps, including *Vespidae*, in trees, buildings, underground, or in any other space, and diseased colonies of honey bees, constitute public nuisances. (Ord. 22662 § 1; passed Apr. 6, 1982)

5.24.020 Enforcement and entry – Right of entry for inspection.

A. The Tacoma-Pierce County Health Department and the Police Department shall enforce this chapter.

B. Proper officers of the Tacoma-Pierce County Health Department and any Tacoma Police Officers are authorized and empowered, during reasonable business hours, to enter premises to inspect hives or colonies for the purpose of ascertaining the variety of insects occupying the hives, conditions of health, and management of crowding. Entry may be pursuant to warrant or pursuant to the consent of the owner or occupier of the premises, or without consent or warrant if there is probable cause to believe that a violation of this chapter is occurring on the premises and evidence thereof will be lost or destroyed before a warrant can be issued. (Ord. 22662 § 1; passed Apr. 6, 1982)

5.24.030 Violation – Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 2; passed Aug. 23, 1994)

Chapter 5.26

DOGS – KEEPING

Repealed by Ord. 26949

(Ord. 26949 § 2; passed Jul. 16, 2002: Ord. 26810 § 1, 2, 3; passed May 15, 2001: Ord. 26584 § 6-10; passed Mar. 14, 2000: Ord. 26485 § 2; passed Aug. 3, 1999: Ord. 26138 § 1, 2, 3; passed Oct. 21, 1997: Ord. 25120 § 1, 2; passed Jun. 9, 1992: Ord. 24462 § 1, 2; passed Oct. 31, 1989: Ord. 24151 § 2; 3 passed Jul. 29, 1988: Ord. 27074 § 1; passed Apr. 26, 1988: Ord. 23600 § 6, 8, 10; passed Apr. 29, 1986: Ord. 23462 § 1; passed Sept. 10, 1985: Ord. 20892 § 3; passed Oct. 19, 1976: Ord. 19696 § 1; passed Nov. 14, 1972; Ord. 17034 § 2; passed Apr. 10, 1962 Ord. 16111 § 2; passed May 19, 1958: Ord. 15161 § 1, 2, 5, 6, 8, 10, 12, 14, 15; passed Nov. 22, 1954)

Chapter 5.27

POTENTIALLY DANGEROUS AND DANGEROUS DOGS

Repealed by Ord. 26949

(Ord. 26949 § 2; passed Jul. 16, 2002; Ord. 26485 § 3-8; passed Aug. 3, 1999; Ord. 26138 § 4, 5; passed Oct. 21, 1997; Ord. 24462 § 3, 5, 6; passed Oct. 31, 1989; Ord. 24074 § 3; passed Apr. 26, 1988)

Chapter 5.28

DOG AND CAT KENNELS

Repealed by Ord. 26949

(Ord. 26949 § 2; passed Jul. 16, 2002; Ord. 23600 § 12; passed Apr. 29, 1986; Ord. 14328; passed Nov. 21, 1951;
Ord. 13265 § 1-3; passed Dec. 12, 1947)

Chapter 5.30

DOMESTIC FOWL

Sections:

- 5.30.010 Keeping – Prohibited places.
- 5.30.020 Running at large.
- 5.30.030 Exception upon consent of surrounding owners.
- 5.30.040 Penalty.

5.30.010 Keeping – Prohibited places.

It shall be unlawful for any person to keep chickens, geese, ducks, pigeons or other domestic fowl in any chicken house or building within a distance of 50 feet from the nearest portion of any residence, dwelling, hotel, apartment house or rooming house in the City of Tacoma; and the keeping of chickens, geese, ducks, pigeons or other domestic fowl as aforesaid is hereby declared to be a public nuisance; provided that this chapter shall not apply in areas in which abattoirs or stockyards are permitted by appropriate ordinances. (Ord. 22212 § 17; passed Sept. 30, 1980; Ord. 16586 § 1; passed Jun. 14, 1960)

5.30.020 Running at large.

It shall be unlawful for any person owning or having the charge and control of any chickens, geese, ducks, or other domestic fowl to permit the same to run at large upon any of the streets, alleys or public places within the corporate limits of the City of Tacoma. All pigeons must be kept in an enclosed pen and not allowed to fly at large; provided that pigeons, generally known as “seamless,” banded pigeons banded by a recognized national association of pigeon fanciers, such as flying tumblers, rollers or homers, may be flown for training exercise, exhibition or racing at reasonable times and intervals. Provided further, however, that in the event a complaint of a nuisance is received by the Health Department, and such complaint is found to be justified after investigation, the Health Officer then may issue a revocable permit permitting the owner or the person having the charge and control of said pigeons to again exercise the rights and privileges above set forth; and furthermore may, in addition thereto, require from such licensee the written signed consent of not less than two-thirds of the property owners or occupants residing within an area of 200 feet in each direction from the outside property line wherein such birds are kept. (Ord. 16586 § 2; passed Jun. 14, 1960)

5.30.030 Exception upon consent of surrounding owners.

This chapter is not intended to prohibit the keeping of any chickens, geese, ducks, pigeons or other domestic fowl as aforesaid where and so long as consent in writing to the keeping thereof, by the owners of all the residences, dwellings, hotels, apartment houses or rooming houses owned by others within 50 feet from the nearest portion of the runway, enclosure or portion of any premises where such chickens, geese, ducks, pigeons or other domestic fowl are kept, is obtained by the person desiring to keep such chickens, geese, ducks, pigeons or other domestic fowl, and filed with the City Clerk. In the case of the keeping of any chickens, geese, ducks, pigeons or other domestic fowl at the time of the passage of this chapter, such consent shall be filed within 30 days. (Ord. 22212 § 18; passed Sept. 30, 1980; Ord. 16586 § 3; passed Jun. 14, 1960)

5.30.040 Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 3; passed Aug. 23, 1994)

Chapter 5.32

HOGS

Sections:

- 5.32.010 Prohibited places.
- 5.32.020 Penalty.

5.32.010 Prohibited places.

The keeping of a hog or hogs within the City of Tacoma is hereby declared to be a public nuisance; provided that this chapter shall not apply in areas in which abattoirs or stockyards are permitted by appropriate ordinance. (Ord. 22212 § 20; passed Sept. 30, 1980; Ord. 4928 § 1; passed Apr. 17, 1912)

5.32.020 Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 4; passed Aug. 23, 1994)

Chapter 5.34

RABBITS

Sections:

5.34.010 Prohibited places.

5.34.020 Penalty.

5.34.010 Prohibited places.

It shall be unlawful for any person to keep rabbits in any rabbitry, building or other enclosure within a distance of 50 feet from the nearest portion of any residence, dwelling, hotel, apartment house or rooming house now existing or hereafter constructed, owned by any other person, in the City of Tacoma; and the keeping of rabbits in violation of the above provisions is hereby declared to be a public nuisance. (Ord. 11342 § 1; passed Oct. 21, 1936)

5.34.020 Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 5; passed Aug. 23, 1994)

Chapter 5.36
RABIES CONTROL

Sections:

- 5.36.010 Definitions.
- 5.36.020 Duty of Health Officer.
- 5.36.030 Quarantine – Notice to owner.
- 5.36.040 Quarantine – Duties of owner.
- 5.36.050 Handling of animals bitten by rabid animals.
- 5.36.060 Publication of notice of outbreak of rabies.
- 5.36.090 Violation – Penalty.
- 5.36.100 Procedures.

5.36.010 Definitions.

Unless specifically indicated otherwise, the following definitions shall apply throughout this chapter:

- A. “Health Officer” shall mean the Director of the Tacoma-Pierce County Health Department and/or his/her authorized representatives.
- B. “City’s animal shelter” shall mean the animal shelter of the City of Tacoma, operated by The Humane Society for Tacoma and Pierce County.
- C. “Quarantine” shall mean the detention or isolation of an animal on account of suspected exposure to or affliction with rabies.
- D. “Unvaccinated animal” shall mean an animal which has either never been vaccinated against rabies or whose vaccination has expired according to the current Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and which has been bitten by a known rabid animal.
- E. “Vaccinated animal” shall mean an animal which has been vaccinated in accordance with the Compendium of Animal Rabies Vaccines published by the National Association of State Public Health Veterinarians, Inc., and has been bitten by a known rabid animal. (Ord. 26584 § 11; passed Mar. 14, 2000: Ord. 26485 § 9; passed Aug. 3, 1999: Ord. 23462 § 2; passed Sept. 10, 1985: Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.020 Duty of Health Officer.

It shall be the duty of the Health Officer to cause to be quarantined any dog or cat within the City of Tacoma which he has grounds to suspect of being infected with the disease of rabies or hydrophobia. The biting of a human being by a dog or cat causing penetration of the skin by the animal’s teeth is specifically declared to be a ground for suspecting that such animal is so infected. (Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.030 Quarantine – Notice to owner.

A quarantine shall be initiated by delivering to the owner or keeper of such suspected animal a written notice of such quarantine which shall prescribe the duration of the quarantine period; provided that the period of the quarantine shall not exceed 10 days unless it is determined that the animal is infected with rabies. The delivery of the notice of quarantine to a responsible person present upon the premises where such animal is kept shall be considered service of the notice upon the owner or keeper. Any such animal so quarantined shall be impounded in the City’s animal shelter or a local veterinary clinic’s kennel; provided that in the discretion of the Health Officer, said animal may be quarantined upon the premises of the owner or any other person so long as the requirements of the quarantine are strictly fulfilled. (Ord. 26584 § 12; passed Mar. 14, 2000: Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.040 Quarantine – Duties of owner.

During the period of any quarantine, the owner or keeper of a quarantined animal shall not allow said animal to come into contact with any other animal or person or permit such animal to run at large outside of the premises where quarantined or upon the premises itself unless said premises be enclosed by a secure fence from which the animal cannot escape. When the fence encloses the access to the premises, the animal must be restricted to leave free access to those persons lawfully entering the premises. The owner or keeper shall not remove or cause said animal to be removed from the premises without the prior consent of the Health Officer. These restrictions shall continue until said animal is released from quarantine. Any animal found running at large or which is removed from the premises where quarantined shall be impounded, and unless claimed and redeemed by its owner or keeper within two days after the expiration of the quarantine period, may be destroyed by the proper authorities. Further, a dog under quarantine which bites a person or domestic animal while running at large shall be

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automatically declared to be a “potentially dangerous dog” under Section 5.27.010.A, and shall be destroyed at the end of the quarantine period. In addition to any other penalties prescribed herein, the owner or keeper or person having care of such dog shall be in violation of Section 5.27.040 of this title and subject to the penalties set forth in Section 5.27.050. Upon redemption of a dog, cat, or other animal released from quarantine from the City's animal shelter, the owner or keeper shall pay the same service fee and board fee for any dog, cat, or other animal quarantined in the City's animal shelter as provided for in Section 5.26.120 of the Tacoma Municipal Code; provided, however, that if the animal is brought to the animal shelter by the owner or keeper, the service fee shall be waived. (Ord. 26584 § 13; passed Mar. 14, 2000; Ord. 24719 § 1; passed Sept. 18, 1990; Ord. 23600 § 16; passed Apr. 29, 1986; Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.050 Handling of animals bitten by rabid animals.

When an animal is known to have been bitten by a rabid animal, the following procedures shall apply:

A. Unvaccinated Animal. The animal shall be destroyed immediately; provided that, upon the election of the owner, said animal may be kept at its owner's expense in strict isolation in a kennel under veterinary supervision for a minimum period of six months following the bite.

B. Vaccinated Animal. The animal shall be handled as follows:

1. The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of 30 days following revaccination; or
2. If the animal is not immediately revaccinated, it shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or
3. The animal shall be destroyed if the owner or keeper does not comply with subsections 1 or 2 above. (Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.060 Publication of notice of outbreak of rabies.

Upon any outbreak of rabies or when rabies has been diagnosed within the City of Tacoma, and when, in the judgment of the Health Officer, there is imminent danger of the spread of the disease, the Health Officer shall publish a notice to that effect in the official newspaper of the City of Tacoma for three successive days. For a period of six weeks following the final publication of said notice, the owner or keeper of a dog shall keep said dog securely confined at all times by leash or in a tight enclosure from which said dog cannot escape. During said period, any dog found running at large in the City of Tacoma shall be impounded and, unless claimed and redeemed by its owner within two days following such impounding, may be destroyed by the proper authorities. Any person charged with the enforcement of this chapter may destroy any dog found running at large within the City of Tacoma when, after reasonable effort, he is unable to impound said dog, or after reasonable investigation he is unable to locate the owner or keeper thereof. The Health Officer shall have authority to extend said six-week period for additional six-week periods by notice given in the manner provided above until in his judgment the imminent danger of the spread of the disease is no longer present. (Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.090 Violation – Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding \$1,000.00 or incarcerated for a period not exceeding six months, or both such fine and imprisonment. (Ord. 23600 § 17; passed Apr. 29, 1986; Ord. 22212 § 23; passed Sept. 30, 1980)

5.36.100 Procedures.

The Health Officer is hereby authorized and directed to develop a quarantine program for dogs, cats, and other household pets, and to otherwise develop procedures for the enforcement of this chapter. (Ord. 22212 § 23; passed Sept. 30, 1980)

Chapter 5.38
RAT PREVENTION

Sections:

- 5.38.010 Storage and keeping of food products.
- 5.38.020 Basement and walls.
- 5.38.030 Duties of owner.
- 5.38.040 Rat traps – Inspection.
- 5.38.050 Protection of food from rats.
- 5.38.060 Docks.
- 5.38.070 Water craft.
- 5.38.080 Gangplanks.
- 5.38.090 Officer responsible for water craft.
- 5.38.100 Slaughterhouses.
- 5.38.110 Violations – Penalties.

5.38.010 Storage and keeping of food products.

It shall be unlawful for any person to keep, store or expose for sale any food products or other goods, or to occupy or maintain any dock, building, store room or warehouse or to reside in any residence without complying with the provisions of this chapter. (Ord. 9904 § 1; passed Oct. 15, 1928)

5.38.020 Basement and walls.

All basements and walls of all buildings, store rooms, warehouses and residences within the city shall be so constructed, or repaired by the use of screens, nettings, cement or other material or materials approved by the Director of Health as to prevent rats from gaining entrance to or harboring beneath the same. (Ord. 9904 § 2; passed Oct. 15, 1928)

5.38.030 Duties of owner.

All docks, buildings, store rooms, warehouses and residences within the city shall be forthwith placed in a clean and sanitary condition and rendered free from rats. It shall be the duty of the owner, lessee or occupant thereof to take all necessary steps to that end. (Ord. 9904 § 3; passed Oct. 15, 1928)

5.38.040 Rat traps – Inspection.

All docks, buildings, store rooms, warehouses and residences shall be provided by the owner, lessee or occupant thereof with such number of rat traps of a pattern approved by the Director of Health as may be ordered by him. Said traps shall be freshly baited at such intervals as may be ordered by the Director of Health and shall be inspected by the owner, lessee or occupant daily and any rat or rats caught therein removed therefrom. (Ord. 9904 § 4; passed Oct. 15, 1928)

5.38.050 Protection of food from rats.

All food products or other goods, whether kept for sale or for any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. (Ord. 9904 § 5; passed Oct. 15, 1928)

5.38.060 Docks.

All public and private docks in the City shall be protected by wire screens or netting, or other materials approved by the Director of Health, and so installed as to prevent rats from gaining entrance thereto, at either high or low tide, from vessels anchored or moored alongside, or from other sources, and all food products stored therein shall be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. (Ord. 9904 § 6; passed Oct. 15, 1928)

5.38.070 Water craft.³

All water craft, while lying at any dock or wharf in the City shall, except when loading or unloading, be breasted off from such dock or wharf at least six feet and so remain; and while so remaining metal rat guards shall be placed and kept on each and every line or spar passing from such water craft to such dock or wharf. (Ord. 9904 § 7; passed Oct. 15, 1928)

5.38.080 Gangplanks.

All gangplanks, slings and other appliances running from such water craft to such dock or wharf whereby rats might pass from such water craft to such dock or wharf, shall be withdrawn when not in actual use in loading or unloading freight or

³ See also Section 4.02.190.

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passengers, or shall be suitably guarded to prevent passage of the rats; provided, that water craft plying between ports in the State of Washington only need not comply with the requirements of this Section when at such dock or wharf for less than one hour between the hours of 7:00 a.m. and 6:00 p.m. (Ord. 9904 § 8; passed Oct. 15, 1928)

5.38.090 Officer responsible for water craft.

The captain or other officer in control of such water craft, and the owner, lessee, manager or other person in charge of such dock or wharf, shall be responsible for the breasting of such water craft and the placing of such rat guards and for the compliance of such water craft with all the provisions of this chapter. (Ord. 9904 § 9; passed Oct. 15, 1928)

5.38.100 Slaughterhouses.

All slaughterhouses in the city shall be so protected by wire screens or netting or cement, as to prevent rats from gaining access to the building or buildings thereof and all holes and openings in the building or basement walls shall be thoroughly stopped with cement, or other approved material, and all food products stored in slaughterhouses shall be so kept as to prevent rats from gaining access thereto or coming in contact therewith. (Ord. 9904 § 10; passed Oct. 15, 1928)

5.38.110 Violations – Penalties.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00, or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments. (Ord. 25557 § 6; passed Aug. 23, 1994)

Chapter 5.40

TOILET FACILITIES – SEPARATE FOR MEN AND WOMEN

Repealed by Ord. 25572

(Ord. 25572 § 1; passed Aug 30, 1994)

Chapter 5.42

VITAL STATISTICS – BIRTH, DEATH AND BURIAL

Sections:

- 5.42.010 Vital statistics – Birth, death, and burial.
- 5.42.020 Registration of births required.
- 5.42.030 Certificate of death or fetal death.
- 5.42.040 Certificate without physician in attendance.
- 5.42.050 Permits, for burial, removal, etc., required.

5.42.010 Vital statistics – Birth, death, and burial.

The Director of Health shall be the registrar in and for the registration district under his supervision as Director of Health. (Ord. 22212 § 25; passed Sept. 30, 1980)

5.42.020 Registration of births required.

All births shall be registered immediately. The attending physician or midwife shall file a Certificate of Birth, properly and completely filled out, with the Registrar within 10 days after the birth. If there is no attending physician or midwife, the father or mother of the child or the householder, owner of the premises, manager, or superintendent of the public or private institution shall notify the Registrar within 10 days after the birth. (Ord. 22212 § 25; passed Sept. 30, 1980)

5.42.030 Certificate of death or fetal death.

A certificate of every death or fetal death shall be filed with the Registrar within three days after the occurrence is known, or if the place of death or fetal death is not known, where the body is found, within 24 hours thereafter. In every instance, a certificate shall be filed prior to the interment or other disposition of the body; provided that a certificate of fetal death shall not be required if the period of gestation is less than 20 weeks. (Ord. 22212 § 25; passed Sept. 30, 1980)

5.42.040 Certificate without physician in attendance.

If the death occurred without medical attendance, the funeral director or person in charge of interment shall notify the Coroner. If the circumstances suggest that the death or fetal death was caused by unlawful or unnatural causes, the Coroner shall complete and sign the certificate. If he finds that the death is not due to unlawful or unnatural causes, he may refer the case to the Director, who will complete the certificate, noting thereon that no physician was in attendance at the time of death. (Ord. 22212 § 25; passed Sept. 30, 1980)

5.42.050 Permits, for burial, removal, etc., required.

It shall be unlawful for any person to inter, deposit in a vault, grave, or tomb, cremate, or otherwise dispose of or disinter or remove from one registration district to another, or hold for more than 72 hours after death the body or remains of any person whose death occurred in the City of Tacoma, or any body which shall be found in this City, without obtaining from the Registrar a permit for burial, disinterment, cremation, or removal of such body.

No body of a dead person may be shipped by a common carrier unless it has first been embalmed. Special regulations govern in the case of communicable disease, and the manner of handling all such cases must be cleared with the Director on a case by case basis. These bodies shall be immediately red tagged for the information of mortuary personnel. (Ord. 22212 § 25; passed Sept. 30, 1980)

Chapter 5.44
WHEAT DUST

Repealed by Ord. 25571

(Ord. 25571 § 1; passed Aug. 30, 1994)

Chapter 5.46
MINIMUM HOUSING CODE

Repealed by Ord. 26380

(Ord. 26380 § 2; passed Mar. 16, 1999)

Chapter 5.47

UNDERGROUND STORAGE TANK REMOVAL

Sections:

- 5.47.010 Definitions.
- 5.47.020 Authority.
- 5.47.030 Permits.
- 5.47.040 Application for a permit.
- 5.47.050 Underground storage tank removals.
- 5.47.060 Penalties.
- 5.47.070 Appeals.
- 5.47.080 Severability.

5.47.010 Definitions.

- A. "Board of Health" means the Tacoma-Pierce County Board of Health as established pursuant to Chapter 70.05 RCW.
- B. "Clean fill" means a fill material which contains no contaminants beyond what would normally be expected for that material and meets other Federal, State, and local fill guidelines, if applicable.
- C. "Contamination" means the degradation of any component of the environment by a release in sufficient quantity to impair its usefulness as a resource.
- D. "Department" means the Tacoma-Pierce County Health Department.
- E. "Director" means the Director of the Department or his/her authorized representatives.
- F. "Facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing of, or otherwise handling hazardous material. Use of the term "facility" as described herein includes underground storage tanks, including facilities which otherwise handle, use, dispose of, or store hazardous materials in containers or bulk. For purposes of this chapter, an existing facility means a facility which has been constructed prior to the effective date of this ordinance.
- G. "Groundwater" means any water found beneath the surface.
- H. "Hazardous material" means any liquid, solid, gas, or sludge which, when accidentally or deliberately released or when improperly used, stored, or disposed of, creates a condition which presents or could present a potential risk to human health or the environment.
- I. "Operator" means the person who is responsible for the facility or his/ her authorized representative.
- J. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any public entity.
- K. "Release" means any spilling, leaking, emitting, or discharging of a hazardous material from a facility or other operation or activity into or onto soil, air, water, groundwater, or other natural or manmade structures or materials.
- L. "Tank" means a stationary device designed to contain an accumulation of hazardous material which is constructed of non-earthen materials (steel, plastic, concrete, etc.) which provide structural support.
- M. "Underground storage tank" means any one or a combination of tanks, including underground pipes connected thereto, which is used to contain or disperse an accumulation of hazardous materials, the volume of which, including the volume of underground pipes connected thereto, is 10 percent or more beneath the surface of the ground; however, the following do not fall under the definition of underground storage tank:
 1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes.
 2. Tanks of 1,100 gallons or less capacity used for storing heating oil for consumption on the premises where stored.
 3. Any tank which forms an integral part of an industrial or commercial process (flow-through process tank) through which there is a steady or uninterrupted flow of materials during the operation of the process, subject to proper spill and management practices.
 4. Any on-site sewage disposal system or holding tank which serves as a method of storage, conveyance, treatment, or disposal of human or animal wastes.
 5. Any surface impoundment, pit, pond, or lagoon. (Ord. 24101 § 1; passed May 24, 1988)

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5.47.020 Authority.

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

B. The Director may, with the consent of the occupant thereof, or pursuant to a lawfully issued warrant, enter any building or premises at any reasonable time to perform any of the duties imposed on him/her by this chapter and the Board of Health standards established in accordance herewith. (Ord. 24101 § 1; passed May 24, 1988)

5.47.030 Permits.

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

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

C. Notification by the permit holder shall be given to the Director at least five days prior to tank removal. (Ord. 24101 § 1; passed May 24, 1988)

5.47.040 Application for a permit.

A. An application shall be made in writing on forms provided by the Department, and shall be accompanied by a fee in accordance with the fee schedule adopted by the Board of Health.

B. The application shall contain the following information, as well as any other information the Director deems necessary:

1. The address and parcel number of the facility;
2. The name, address, and telephone number of the operator;
3. The name, address, and telephone number of the person performing the tank removal;
4. The estimated age, dimensions, and gallonage of the tank and a description of the tank's contents;
5. The use of the facility, past, present, and future;
6. A plot plan with the general facility layout;
7. The approximate date of tank removal. (Ord. 24101 § 1; passed May 24, 1988.)

5.47.050 Underground storage tank removals.

A. The Director shall be present at the facility during any or all of the tank and contamination removal process.

B. The operator shall provide safe access in accordance with Washington State Department of Labor and Industry standards to all areas of the facility necessary for inspection of the tank's removal.

C. The operator of the facility shall demonstrate to the satisfaction of the Director that no contamination has occurred. The Director shall inspect for signs of current or historical contaminant release, such as, but not limited to: holes, punctures, or cracks in the tank, soil staining, discoloration, or sheen. Soil samples shall be taken for all constituents of the previously stored hazardous materials and their transformation or breakdown products.

D. If the Director finds the facility to be:

1. Free of contaminants, the operator shall backfill the tank hole with clean fill material as defined by the Department.
2. Unacceptable, due to contamination, the operator shall be responsible for additional soil and/or water testing, the removal of contaminated soil and its proper disposal, and the treatment of contaminated groundwater, as required by the Director. (Ord. 24101 § 1; passed May 24, 1988)

5.47.060 Penalties.

Anyone violating or failing to comply with any of the provisions of this chapter or lawful order of the Director shall, upon conviction, be deemed guilty of a misdemeanor and be punishable by a fine in any sum not exceeding \$5,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding one year, or by both such fine and imprisonment. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted. Nothing herein shall prevent the Director from utilizing civil remedies available to him/her under state law for enforcement of this chapter. (Ord. 24101 § 1; passed May 24, 1988)

5.47.070 Appeals.

Procedures for appeals to the Hearing Examiner or Board of Health from any ruling or decision of the Health Department shall be taken in accordance with Sections 5.02.160 and 5.02.180 of the Official Code of the City of Tacoma. (Ord. 24101 § 1; passed May 24, 1988)

5.47.080 Severability.

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter or the invalidity of the application thereto to any person or circumstance shall not affect the validity of its application to other persons or circumstances. (Ord. 24101 § 1; passed May 24, 1988)

Chapter 5.50

SWIMMING POOLS

Sections:

5.50.010	Definitions.
5.50.020	Permit to operate.
5.50.030	Appeals.
5.50.040	Plans and specifications for construction, alteration or renovation.
5.50.050	Water supply.
5.50.060	Sewer.
5.50.070	Pool construction materials.
5.50.080	Design detail and structural stability.
5.50.090	Depth markings.
5.50.100	Outlets (drains, gutters, skimmers).
5.50.110	Inlets.
5.50.120	Slope of bottom.
5.50.130	Side walls.
5.50.140	Overflow gutters.
5.50.150	Skimmers.
5.50.160	Recirculation system.
5.50.170	Bather load.
5.50.180	Filtration – Sand filters.
5.50.190	Filtration – Diatomaceous filters.
5.50.200	Ladders, steps, decks, fencing, sand, and grass areas.
5.50.210	Diving area and diving boards.
5.50.220	Disinfectant and chemical feeders.
5.50.230	Lighting, ventilation, and electrical requirements.
5.50.240	Dressing rooms.
5.50.250	Toilets and showers.
5.50.260	Visitor and spectator areas for public pools.
5.50.270	Location.
5.50.280	Disinfection and quality of water.
5.50.290	Cleaning pool and floors.
5.50.300	Maintenance of equipment and supplies.
5.50.310	Showering requirements.
5.50.320	Communicable disease.
5.50.330	Pollution of pool prohibited.
5.50.340	Spectators.
5.50.350	Lifesaving and first aid facilities.
5.50.360	Use of common utensils.
5.50.370	Posting regulations.
5.50.380	Operating records.
5.50.390	Safe storage of chemicals.
5.50.400	Pools not in operation.
5.50.410	Alternate materials, equipment and procedures.
5.50.420	Retroactivity.
5.50.430	Enforcement.
5.50.440	Penalties.
5.50.450	Severability.

5.50.010 Definitions.

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

- A. “Approved” means approved in writing by the Health Officer.
- B. “Board of Health” means the Tacoma-Pierce County Board of Health.
- C. “Department” means the Tacoma-Pierce County Health Department.

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D. "Health Officer" means the Health Officer of the Tacoma-Pierce County Health Department or his/her authorized representative.

E. "NSF" means the National Sanitation Foundation.

F. "Person" means any individual, firm, partnership, company, corporation, trustee, association, or any public or private entity.

G. "Permit holder" means the person to whom permit is issued or his/her authorized agent.

H. "Private pool" means any swimming pool, wading pool or spray pool maintained by an individual, the use of which is confined to members of his/her family or invited guests. Private pools are not subject to the provisions of this chapter.

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

J. "Public swimming pool" means any swimming pool, together with buildings and appurtenances in connection therewith, which is available to the general public with or without payment of an admission charge for the use of same; including any swimming pool, except private pools, where the same is 1,500 square feet or more in surface area whether or not available to the general public; or any swimming pool not otherwise defined in this section.

K. "Semipublic swimming pool" means any swimming pool provided for and used by numbers of persons or multiple family or cooperative groups such as, but not limited to, hotels, motels, condominiums, trailer parks, apartments, subdivision, community clubs, private clubs, institutions, or schools, the use of which is limited to such groups and their invited guests and where the same is less than 1,500 square feet in surface area.

L. "Wading pool" means any artificial pool of water intended and constructed for wading purposes which is less than two feet in depth at its deepest point.

M. "Spray pool" means any pool or artificially constructed depression intended for use by children, into which water is sprayed, but is not allowed to pond in the bottom of the pool. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.020 Permit to operate.

A. It shall be unlawful for any person to open for use, or allow or cause to be used, any public or semipublic swimming pool for swimming or bathing purposes without having a current, valid permit to operate issued by the Health Officer. Application for such permit, accompanied by the annual fee set out herein, shall be made in writing to the Health Department on a form to be provided by the department; provided that the fee for any initial permit to operate shall be prorated to one-twelfth the annual fee for each remaining month in the year. The Health Officer shall inspect the proposed public or semipublic swimming pool, and upon determination that such swimming pool complies with the applicable provisions of this chapter, shall issue a permit to operate to such applicant. Permits shall be valid only for the swimming pool for which issued, but upon application may be transferred without charge from person to person. Permits shall be posted conspicuously on the premises for which issued and shall be protected from the weather.

B. Permit Fees. The annual fees for permits and renewal of permits, which are payable to the Tacoma-Pierce County Health Department prior to issuance of a permit or renewal, are as follows:

Swimming Pools (Includes swimming, spa, wading, and spray pools):

	1993	1994
Open less than 6 months	\$310	\$325
Each additional pool Add	155	165
Open 6 months or more	620	650
Each additional pool Add	190	200

Note: For facilities with pools in both categories, contact Health Department for fee determination.

Plan Review	580.00	610.00
Remodel Plan Review	145.00	150.00

Note: Double plan review fee is charged if construction is started without Health Department approval.

Late fee charge:		
1 to 30 days late	25% of fee	25% of fee
More than 30 days late	50% of fee	50% of fee
Opening without a permit	50% of fee	50% of fee

Reinspection Fees:		
1st Reinspection	\$ 80	\$ 85
2nd Reinspection	125	130
3rd or more reinspection	165	175
Administrative Fees:		
Administrative Hearings	325	340
1st Probation Inspection	125	130
2nd Probation Inspection	125	130
3rd or more Inspection	125	130
Reinstatement Permit	200	210
Other:		
Variance Requests	150	160
Miscellaneous Fee**	To be determined	
Refund Fee	50	50
Confirmed Illness Outbreak		
Investigation	75/hour	75/hour

**The Health Officer is authorized to establish fees on an individual basis for any services which do not precisely conform to any of the defined categories. Such fees will be determined based on \$75.00/hour cost per service. After hours weekdays and weekends additional charge.

C. Any permit may be suspended by the Health Officer for failure of the permit holder, or of the swimming pool for which issued, to comply with the requirements of this chapter.

Whenever the Health Officer finds that a violation of this chapter has created or is creating an insanitary or hazardous condition he/she shall cause to be issued and served upon the permit holder or posted on the premises an order setting forth the violations creating such insanitary or hazardous conditions, specifying the corrective action to be taken, and the period of time within which such violations shall be corrected. Any permit holder to whom such an order is issued shall, upon written petition to the Health Officer within five days after the issuance of such order, be afforded a hearing thereon within five days of the filing of such petition.

Upon failure of the permit holder to comply with any order issued in accordance with the provisions of this chapter, the Health Officer shall cause to be issued and served upon the permit holder or posted on the premises a notice that such permit is suspended effective upon such service or posting, and that a hearing on such suspension will be provided if a written request therefor is filed within five days after the issuance of such notice by said permit holder with the Health Officer. Upon suspension of any permit in accordance with the provisions of this chapter, all use of the swimming pool for which such permit has been issued shall cease.

Notwithstanding any other provision of this chapter, whenever the Health Officer finds an insanitary or hazardous condition constituting an imminent hazard to health or safety which requires immediate closure of the swimming pool, he/she may, without notice or hearing, suspend with immediate effect the permit to operate such swimming pool, and all use of such swimming pool shall cease immediately; provided that any person whose permit is so suspended shall, upon written petition to the Health Officer filed within five days after such suspension, be afforded a hearing within five days of the filing of such petition.

D. Any person whose permit to operate has been suspended may, at any time, make written application together with the fee indicated in Section 5.50.020 for reinstatement of such permit. Such application shall include a statement, signed by the applicant, that the conditions causing such suspension have been corrected. Within five days after receipt of such application, the Health Officer shall inspect such swimming pool, and if he/she finds that such swimming pool complies with the provisions of this chapter, he/she shall reinstate such permit to operate.

E. For serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Officer in the performance of his/her duties, or for failure to comply with any lawful order issued in accordance with the provisions of this chapter, the Health Officer may revoke any permit to operate by issuing and causing to be served upon the permit holder a notice in writing setting forth the reasons for such revocation and advising that such permit shall be revoked effective five days after service of such notice unless a written request for hearing is filed with the Health Officer within such five-day period. A permit may be suspended if the holder thereof has not paid the fees pursuant to subsection B hereof, pending revocation of such permit or a hearing relative thereto.

F. Hearings on the suspension or revocation of a permit and/or regarding an order of the Health Officer shall be conducted by the Health Officer at such time and place as the Health Officer shall designate. At any such hearing, the permit holder may appear in person, or through a representative, and may testify, call witnesses and cross-examine witnesses testifying against

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him or her. The Health Officer shall make findings and shall sustain, modify or rescind any official notice or order considered at such hearing, and shall furnish a copy of his/her written decision to the permit holder within five working days.

G. Notices required hereunder to be served on the permit holder shall be deemed served when delivered personally to the permit holder or his/her agent, or when sent by certified mail to the address given on the permit. (Ord. 25425 § 3; passed Jan. 11, 1994; Ord. 25225 § 3; passed Dec. 15, 1992; Ord. 25024 § 3; passed Dec. 10, 1991; Ord. 24807 § 3; passed Dec. 18, 1990; Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.030 Appeals.

Any person aggrieved by any decision or final order of the Health Officer shall have the right to appeal such decision or order. Such appeals shall be to the City of Tacoma Hearing Examiner and shall follow the procedure outlined in the Official Code of the City of Tacoma for appeals from orders or decisions of the Health Officer. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.040 Plans and specifications for construction, alteration or renovation.

A. No person shall construct, alter, or renovate, or commence construction, alteration, or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto, without first having obtained the approval of the Health Officer of the plans and specifications therefor. Such plans and specifications shall be submitted to the Health Officer in duplicate, and in the case of new pools shall be prepared by an architect or professional engineer qualified in the proposed work and licensed to practice such profession under the laws of the State of Washington. Such plans shall be accompanied by a plan review fee as set forth in Section 5.50.020.B hereof.

Plans shall be drawn to scale and accompanied by specifications containing details on all recirculation and chemical equipment, including pumps, disinfection equipment, chemical feeders, filters, meters, strainers, overflow channels and/or skimming facilities, and related equipment so as to enable a comprehensive review of such plans and specifications including piping and hydraulic details. If, upon examination of such plans and specifications, the Health Officer finds that the proposed construction, alteration, or renovation will comply with the provisions of this chapter, he/she shall approve the same; provided that such approval may be conditioned upon the making of such modifications in such plans and specifications as the public health or safety may require.

B. The construction, alteration, or renovation of any public or semipublic swimming pool, wading pool, spray pool, or appurtenances thereto shall be made in accordance with approved plans and specifications therefor; provided that changes or modifications in such plans and specifications consistent with the public health and safety may be made with the written approval of the Health Officer. Upon completion of any such construction, alteration, or modification, the owner or operator of such pool, or the agent of either, shall notify the Health Officer of its readiness for inspection, and no such pool shall be opened for use or allowed or caused to be used until inspected by the Health Officer and found to be in compliance with the provisions of this chapter. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.050 Water supply.

A. The water supply serving the pool and all plumbing fixtures, including drinking fountains, lavatories, and showers, shall meet the requirements of the rules and regulations of the Washington State Board of Health.

B. All portions of the water distribution system serving the pool and auxiliary facilities shall be protected against backflow.

1. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap or backflow preventer approved by the Health Officer.

2. In the case of plumbing connections to the potable water distribution system, the supply shall be protected by a suitable air gap whenever possible. When such air gaps are not possible, the supply shall be protected by an approved backflow preventer installed on the discharge side of the last control valve to the fixture, device, or appurtenance. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.060 Sewer.

A. The sewer system shall be adequate to serve the facility, including bathhouse, locker room, and related accommodations.

B. There shall be no direct physical connection between the sewer system and any drain from the pool or recirculation system. Any pool or gutter drain or overflow from the recirculation system, when discharged to the sewer system, shall connect through a suitable air gap so as to preclude the possibility of backup of sewage or waste into the pool piping system.

1. Connections to a sanitary sewer must have the approval of the appropriate City Public Works Division.

C. The sanitary sewer serving the pool and auxiliary facilities shall discharge to the public sewer system whenever possible. Where no such sewer is available, the connection shall be made to a suitable disposal system designed, constructed, and operated in accordance with the requirements of the City Public Works Department. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.070 Pool construction materials.

A. Swimming pools and all appurtenances thereto shall be constructed of materials which are inert, nontoxic to man, water-impervious and durable; which can withstand the design stresses; which will provide a tight tank with a smooth, easily cleaned surface, or to which a smooth, easily cleaned surface finish can be applied, and which may be finished in white or light color.

B. All corners formed by intersection of walls with floors shall be rounded.

C. Sand or earth bottoms are not permitted in pool construction.

D. Pool finish must be of white or light colored material, nontoxic to bathers, with a nonporous, easily cleanable surface.

E. No projections, cavities, indentations, or similar physical features constituting a potential hazard to the bather shall be permitted. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.080 Design detail and structural stability.

A. All pools shall be designed and constructed to withstand all anticipated loadings for both full and empty conditions. The designing architect or engineer shall be responsible for certifying to the structural stability and safety of the pool.

B. The shape of any pool shall be such that the swimmer's safety will not be impaired.

C. The minimum depth of water in the pool should be three feet, except for special instructional pools or for restricted or recessed areas in general pools which are set aside primarily for the use of children. Such areas, when included as part of the pool, shall be separated from the pool proper by means of a safety line supported by buoys and attached to the side walls. Wading pools for children, physically separated from the swimming pool, are preferred. Such facilities may be served by the swimming pool recirculation system.

D. The maximum depth at the shallow end of the pool shall not exceed three feet, six inches, except for competitive or special purpose pools. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.090 Depth markings.

A. The depth of the water in public pools shall be plainly marked at or above the water surface on the vertical pool wall and should be installed on the edge of the deck or walk next to the pool, at maximum and minimum points, at the points of break between the deep and shallow portions, and at intermediate one-foot increments of depth, spaced at not more than 25-foot intervals, measured peripherally. Where depth markers cannot be placed on the vertical walls above the water level, other means shall be used, said marking to be plainly visible to persons in the pool. The depth in the diving areas will be appropriately marked. Semipublic pools shall be plainly marked on the edge of the deck or walk next to the pool.

2. Depth markers shall be in numerals of four inches minimum height and a color contrasting with the background. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.100 Outlets (drains, gutters, skimmers).

A. Main drains shall be provided at the deepest point of the pool. Openings must be covered by a proper grating. Grates shall be designed to prevent finger entrapment. Net area of outlet openings of the grating in the floor of the pool shall be such as to preclude the possibility of developing a suction dangerous to bathers' safety, and shall be at least four times the area of the discharge pipe or provide sufficient area so the maximum velocity of the water passing the grate will not exceed 1-1/2 feet per second or shall be a safely designed and sized antivortex drain. Main drain piping shall be separately valved and shall discharge to the recirculation pump suction and have a capacity equal to 100 percent of the recirculation pump capacity.

B. Where the width of the pool is more than 30 feet, multiple main drain outlets shall be provided. In such cases, outlets shall be spaced not more than 20 feet apart, nor more than 10 feet from side walls.

C. Spray pools shall be equipped at their low point with an unvalved trapped drain of sufficient capacity and design to prohibit accumulation of any water in the pool. (Ord. 24602 § 1; passed Apr. 3, 1990)

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5.50.110 Inlets.

A. Inlets for fresh and/or repurified water shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool, without existence of dead spots. Inlets from the circulation system shall be flush with the pool wall and submerged at least 12 inches below the water level.

B. Wall inlets shall be designed as an orifice capable of a deflection adjustment of 45 degrees or must be provided with an individual gate or similar valve to permit balancing of water volume to obtain the best circulation, and shall be a minimum of 12 inches below the surface.

C. Floor inlets shall have flow-adjusting plates so as to permit a full range of flow adjustment from closed to full open. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.120 Slope of bottom.

The slope of the bottom of any portion of a public pool having a water depth of less than five feet shall not be more than one foot in 15 feet, and said slope shall be uniform. In portions with a depth greater than five feet, the slope shall not exceed one foot in three feet. All portions of the pool bottom shall have definite and continuous slope toward the bottom drains.

5.50.130 Side walls.

A. Walls of a public pool shall be either vertical for water depth of at least six feet, or vertical for a distance of 2-1/2 feet below the water level below which the wall shall be curved to the bottom with a radius not to exceed:

1. At three-foot depth, a six-inch radius cove at the base of a two-foot, six-inch vertical section.
2. At three-foot, six-inch depth, a one-foot radius cove at the base of a two-foot, six-inch vertical section.
3. At five-foot depth, a one-foot, six-inch radius cove at the base of a three-foot, six-inch vertical section. From this point the spring line or point of departure from vertical may rise through an eight-foot transitional zone, measured horizontally, to a typical deep end wall design consisting of at least a two-foot, six-inch vertical section with a curved section from that point meeting the floor of the pool.

B. When a moveable bulkhead is used, it shall be positioned so that swimmers cannot swim under or be entrapped under the bulkhead, and be so secured that swimmers cannot move it. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.140 Overflow gutters.

A. Overflow gutters shall be required on all pools having a surface area of over 2,500 square feet. (Pools having a surface area of less than 2,500 square feet shall be provided either with overflow gutters or skimming devices.)

B. Overflow gutters shall extend completely around the pool, except at steps or recessed ladders in the shallow portion. The overflow gutter shall also serve as a handhold. This gutter shall be capable of continuously removing 100 percent of the recirculation pump capacity plus one-fifth of the balancing tank capacity expressed in gallons per minute. All overflow gutters shall be connected to the recirculation system through a properly designed surge tank. The gutter, drains, and return piping to the surge tank shall be designed to rapidly remove overflow water caused by recirculation displacement, wave action, or other causes produced from the maximum pool bathing load. Gutters (roll out) shall be adequately sloped to provide rapid drainage to drains not more than 15 feet apart, and such drainage shall be returned to the filters. The opening into the gutter beneath the coping shall not be less than four inches, and the interior of the gutter shall not be less than three inches wide, with a depth of at least three inches and designed to be easily cleanable. Where large gutters are used, they shall be designed to prevent entrance or entrapment of bathers' arms or legs. The overflow edge or lip shall be rounded and not thicker than 2-1/2 inches for the top two inches. The outlet fittings shall have a clear opening in the grating at least equal to 1-1/2 times the cross-sectional area of the outlet pipe.

C. Balancing tanks shall be required where overflow gutters or channels are used. The capacity in gallons shall be equal to the maximum bathing load expressed. If the balancing tank is designed to serve as a makeup water tank or to prevent air lock in the pump Section line, or both, the capacity shall be increased sufficiently to accommodate these uses. Filter pits for vacuum type filters may serve as balancing tanks if properly designed to accommodate this additional volume.

D. Nothing in this Section shall preclude the use of roll-out or deck-level type pools. Such designs shall conform to the general provisions relating to overflow rates. The design of the curbs and handholds shall conform to accepted standards, and the approval of the Health Officer shall be based on detailed review of this feature of construction and evaluated in the light of proposed use of pool. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.150 Skimmers.

A. Skimmers are permitted on public and semipublic swimming pools with not more than 2,500 square feet of surface area. At least one skimming device shall be provided for each 500 square feet of surface area or fraction thereof, plus one additional device when considered necessary, with a minimum of two skimmers per pool. They shall be so located as to insure proper skimming of the entire pool surface. The deck must be no more than nine inches above the normal water line. Skimming devices shall be built into the pool wall, shall be valved at the device or individually at the pump. If adjusted at the device there must be a master valve at the pump. The device(s) shall develop sufficient velocity on the pool water surface to induce floating oils and wastes into the skimmer from the entire pool area.

B. General Specifications.

1. The piping and other pertinent components of skimmers shall be designed for a total capacity of at least 100 percent of the required filter flow of the recirculation system, and no skimmer shall be designed for a flow-through rate of less than 30 gallons per minute or 3.7 gallons per minute per lineal inch of weir. All equipment shall be NSF approved.
2. The skimmer weir shall be automatically adjustable and shall operate freely with continuous action to variations in water level over a range of at least four inches. The weir shall operate at all flow variations as described in Section 5.50.160.A.2. The weir shall be of such buoyancy and design so as to develop an effective velocity.
3. An easily removable and cleanable basket or screen through which all overflow water must pass shall be provided to trap large solids.
4. The skimmer shall be provided with a device to prevent air-lock in the suction line. If an equalizer pipe is used, it shall provide an adequate amount of water for pump suction should the water of the pool drop below the weir level, provided that, if any other device, surge tank, or arrangement is used, a sufficient amount of water for pump suction shall be assured.
5. Where the equalizer pipe is used, it shall be sized to meet the capacity requirements of the filter and pump. This pipe shall be located at least one foot below the lowest overflow level of the skimmer. It shall be provided with a valve or equivalent device that will remain tightly closed under normal operating conditions, but will automatically open when the skimmer becomes starved and the water level drops two inches below the lowest weir level.
6. The skimmer shall be of sturdy, corrosion-resistant materials.
7. Prevailing winds in outdoor pools shall be considered in placement of skimmers to assure removal of windblown material. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.160 Recirculation system.

A. A recirculation system, consisting of pumps, piping, filters, water conditioning, and disinfection equipment and other accessory equipment shall be provided at all pools, except spray pools, which will clarify and disinfect the pool volume of water in six hours or less in a public pool and 12 hours or less in a semipublic pool. However, for semipublic pools, it is recommended that the pool volume of water be recirculated in eight hours or less. Not less than 60 percent of the recirculated water shall be returned through the overflow channels or skimming devices.

B. All piping shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed eight feet per second.

C. On systems where the pump is located before the filter, the recirculation system shall include a strainer to prevent hair, lint, etc., from reaching the pump and filters. Strainers shall be corrosion-resistant with openings which will provide a free flow area at least four times the area of pump suction line and shall be readily accessible for frequent cleaning.

D. A vacuum-cleaning system shall be provided. When the vacuum-cleaning system is an integral part of the recirculation system, sufficient connections shall be located in the walls of the pool, at least eight inches below the water line, or may be a component part of the skimmer.

E. A rate-of-flow indicator, reading in gallons per minute, shall be installed and located on the pool return (inlet) line. The indicator shall be capable of flows measuring at least 1-1/2 times the design flow rate, shall be accurate within 10 percent of true flow, and shall be easy to read.

F. Pumps shall be of adequate capacity to provide the required number of turnovers of pool water as specified in Section 5.50.170.A, and whenever possible shall be so located as to eliminate need for priming. If the pump or suction piping is located above the overflow level of the pool, the pump shall be self-priming. The pump or pumps shall be capable of providing flow adequate for the backwashing of filters.

G. All electrical components of the recirculation system shall be approved by the electrical inspection authority having jurisdiction. (Ord. 24602 § 1; passed Apr. 3, 1990)

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5.50.170 Bather load.

A. For purposes of computing swimmer and bather capacity, pool areas shall be determined as follows, where A equals the surface area of the pool and S equals the surface area of the pool less than 5 feet deep.

1. Outdoor swimming pools with a surface area of more than 2,000 square feet.

Maximum Bathing Load = $((A-S) - 27) + (S - 15)$

2. Outdoor swimming pools with a surface area of less than 2,000 square feet.

Maximum Bathing Load = $A - 24$.

3. Indoor swimming pools.

Maximum Bathing Load = $A - 24$.

4. Spray pools, wading pools.

Maximum Bathing Load = $A - 24$.

B. 1. In outdoor pools greater than 2,000 square feet of surface area, 15 square feet of pool surface shall be provided for each bather in that portion having five feet or less in depth. In that portion having more than five feet in depth, 27 square feet of surface area shall be provided for each bather.

2. For outdoor swimming pools with a surface area of less than 2,000 square feet, indoor swimming pools, spray pools, and wading pools, a minimum of 24 square feet shall be provided for each swimmer.

3. When bather safety is in question, the Health Officer may limit the maximum number of bathers in a pool to less than the maximum bather loads prescribed in this section. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.180 Filtration – Sand filters.

A. Sand filters shall meet the requirements of the National Sanitation Foundation or equivalent.

B. Sand filters shall be designed for a filter rate of not more than three gallons per minute per square foot of bed area with sufficient area to meet the design rate of flow required by the prescribed turnover.

C. Filtering material shall consist of at least 20 inches of screened, sharp filter sand with an effective size between 0.4 and .55 mm and a uniformity coefficient not exceeding 1.75, supported by at least 10 inches of graded filter gravel. Anthracite of appropriate size and uniformity coefficient of 0.6 to 0.8 mm with a uniformity coefficient of not greater than 1.8 may be used in lieu of the sand. The gravel shall effectively distribute water uniformly during filtration and backwashing. A reduction in this depth or an elimination of gravel may be permitted where equivalent performance and service are demonstrated.

D. The underdrain system shall be of corrosion-resistant and enduring material, so designed and of such material that the orifices or other openings will maintain approximately constant area. It shall be designed to provide even collection or distribution of the flow during filtration and backwashing.

E. The freeboard space shall be sufficient to allow for 50 percent expansion of the media to prevent loss of media through the lowest portion of the pipes which serve as overflows during backwashing.

F. Pressure filter systems shall be provided with influent and effluent pressure gauges, or loss of head gauges, and backwash sight glass on the waste discharge line. Air relief valves at or near the high point of the filter must be provided.

G. Vacuum filter systems shall provide a vacuum gauge between the filter and the motor.

H. The filter system shall be designed with necessary valves and piping to permit:

1. Filtering to pool:

- a. Individual backwashing of filters to waste at a rate of not less than 15 gallons per minute per square foot of filter area;
- b. Pressure systems to be backwashed at six to nine pounds pressure differential between the influent and effluent lines.

2. Vacuum systems to be backwashed at 10 to 15 inches of mercury between the filter and the pump.

3. Isolation of individual filters for repairs while other units are in service.

4. Complete drainage of all parts of the system.

5. The overall layout shall permit necessary maintenance, operation and inspection in a convenient manner.

- I. Each pressure sand filter shall be provided with an access opening of not less than a standard 11-inch by 15-inch manhole and cover.
- J. Aluminum sulfate (alum) or other compounds which have received approval from the Health Officer may be used as coagulants. Devices with reasonably accurate dosage control features shall be provided for adding coagulants ahead of the filter.
 - 1. Alum application for pre-coat must be a minimum of 2 ounces/square foot.
 - 2. Use of other compounds will require that manufacturer's specifications be submitted to the Health Officer for review and approval.
- K. The tank and its integral parts shall be constructed of material capable of withstanding continuous, anticipated usage, and pressure tanks shall be designed for a pressure safety factor of four based on the maximum shutoff head of the pump. This shutoff head for design purposes shall in no case be considered less than 50 pounds per square inch. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.190 Filtration – Diatomaceous filters.

- A. Diatomite-type filters shall meet the requirements of the National Sanitation Foundation or equivalent.
- B. Sufficient filter area shall be provided to meet the design pump capacity as required by Section 5.50.170.A and Section 5.50.170.F.
- C. Rate of Filtration. The design rate of filtration shall not be greater than 2 gallons per minute per square foot of effective filtering surface.
- D. Where a body feeding device is provided, the device shall be accurate (+10 percent) and dependable, and shall be capable of continually feeding within a calibrated range, adjustable from two to six ppm, at the design capacity of the recirculation pump.
- E. Filter area, where fabric is used, shall be determined on the basis of effective filtering surfaces as created by the septum supports with no allowances for areas of impaired filtration, such as broad supports, folds, or portions which may bridge.
- F. The filter and all component parts shall be of such materials, design, and construction as to withstand normal continuous use without significant deformation, deterioration, corrosion, or wear which could adversely affect filter operation.
- G. The tank containing the filter elements shall be constructed of steel, concrete, plastic, or other suitable material which will satisfactorily provide resistance to corrosion, with or without coating. Pressure filters shall be designed for a minimum working pressure of 50 pounds per square inch with a four-to-one safety factor. Vacuum filters shall be designed to withstand the pressure developed by the weight of the water contained therein and closed vacuum filters shall, in addition, be designed to withstand the crushing pressure developed under a vacuum of 25 inches of mercury with a safety factor 1.5 in both instances. The septa shall be constructed to be resistant to rupture under conditions of the maximum differential pressure between influent and effluent which can be developed by the circulating pump, and of adequate strength to resist any additional stresses developed by the cleaning operation.
- H. The filter shall be so designed and constructed, or provision made, to preclude the introduction of filter aid into the pool during pre-coating operations. Public pools, during precoat, shall recirculate first-filtered water to filter or discharge to waste.
- I. Where dissimilar metals, which may set up galvanic electric currents, are used in the filters, provision shall be made to resist electrolytic corrosion. The filters shall be designed in such a manner that they may be easily disassembled with allowances made for adequate working space above and around the filter to allow the removal and replacement of any part and for proper maintenance.
- J. All pressure-type filters shall be piped so the flow of water can be reversed for backwashing.
- K. Provision shall be made for completely and rapidly draining the filter.
- L. Pressure filter systems shall be provided with influent and effluent pressure gauges, or loss of head gauges, and backwash sight glass on the waste discharge line. Air relief valves at or near the high point of the filter must be provided.
- M. Vacuum filter systems shall provide a vacuum gauge between the filter and the motor. (Ord. 24602 § 1; passed Apr. 3, 1990)

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5.50.200 Ladders, steps, decks, fencing, sand, and grass areas.

A. Steps, Ladders, and Step Holes. Steps, ladders and step holes for entering and leaving the pool shall be of such construction as to minimize danger of accidents. Treads shall be of nonslip material. Where step holes are provided, they shall be of such design that they may be readily cleaned and be provided with drains into the pool to prevent accumulation of dirt. In public swimming pools, stairs shall be recessed into the wall of the pool and walkway of the pool, and a guard rail shall be provided in the walkway around the stairwell. In semipublic swimming pools, stairs may be constructed so as to extend into the pool, provided that the stair tread edge is constructed of a material so colored as to contrast with the color of the stairs and be clearly visible and evident to bathers.

B. Decks. A continuous deck at least four feet wide shall extend completely around the pool. The deck shall be sloped to drain away from the pool at a grade of at least 1/4 inch per foot, be provided with adequate drains, unless specifically exempted by the Health Officer, and shall have a nonslip surface. For public swimming pools, total walkway area shall not be less than 16 square feet per bather, based on the bather load as computed in Section 5.50.180.

C. Fencing. Nonswimmers and animals shall be excluded from the swimming pool area. Fencing requirements shall be those required by Section 2.02.490 of the Official Code of the City of Tacoma; provided that those provisions mandate, as a minimum standard, the requirements outlined in the following paragraph. If no local requirements exist, or if they are less stringent, the following shall apply:

At outdoor swimming pools, the entire area shall be enclosed by a fence having a minimum height of five feet with a lockable, self-closing, self-latching gate, with the latch no less than 42 inches from the ground. Fencing shall be constructed to prohibit children or animals from accessing the pool by climbing over, under, or through the fence. There may be no gaps more than four inches. Spray pools and wading pools shall be fenced so as to prevent the entrance of animals and minimize the entrance of persons not actively utilizing the pool facilities.

D. Sand and Grass Areas. Sand and grass areas shall not be allowed inside a public pool enclosure unless properly separated to prevent direct access on the part of bathers and unless satisfactory facilities are provided for the proper cleansing of bathers before they again enter the bathing area. Separation in semipublic pools may consist of any barrier so designed and constructed as to prevent the free and easy passage of persons to the bathing area. The provisions of this paragraph shall not apply to spray pools and wading pools. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.210 Diving area and diving boards.

A. The minimum dimensions for public pools in the diving area and diving board installation shall conform to requirements A-1 through A-6 established by the American Public Health Association and shown in Appendix A.

B. The Health Officer shall recommend that diving boards not be installed on semipublic pools which do not meet the requirements in Appendix A, including free-form pools and pools with hopper or spoon-type bottoms. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.220 Disinfectant and chemical feeders.

A. Public and semipublic pools shall be equipped with a chlorinator, hypochlorinator, or other disinfectant feeder or feeders which:

1. Shall meet the requirements of the National Sanitation Foundation or equivalent.
2. Shall be of sturdy construction and materials which will withstand wear, corrosion, or attack by disinfectant solutions or vapors, and which are not adversely affected by repeated adjustments or other conditions anticipated in the use of the device. The feeder shall be capable of being easily disassembled for cleaning and maintenance. The design and construction shall be such as to preclude stoppage from chemicals intended to be used or foreign materials that may be contained therein. The feeder shall incorporate failure-proof features so that the disinfectant cannot feed directly into the pool, pool piping, water supply system, or pool enclosure under any type of failure of the equipment or its maintenance.
3. When chlorinators are used for public pools, the capacity shall be sufficient to feed at the rate of at least three pounds of chlorine per 24 hours per 10,000 gallons of pool capacity; and for semipublic pools the capacity shall be sufficient to feed at the rate of at least one pound of chlorine per 24 hours per 10,000 gallons of pool capacity.
4. Shall have a graduated and clearly marked dosage adjustment to provide flows from full capacity to 25 percent of such capacity. The device shall be capable of continuous delivery within 10 percent of the dosage at any setting.
5. When the disinfectant is introduced at the suction side of the pump, a device or method shall be provided to prevent air lock of the pump or recirculation system.
6. When compressed chlorine gas is used, the following additional features shall be provided:

- a. The chlorine and chlorinating equipment shall be in a separate, well-ventilated room. Such room shall not be below ground level and shall be provided with vents near the floor which terminate out of doors. The door of the room shall not open to the pool, but shall open to the outside and in a direction away from prevailing winds or ventilation systems.
 - b. The chlorinator equipment shall be of rugged design, capable of withstanding wear without developing leaks.
 - c. Chlorine cylinders shall be anchored in a manner to prevent their falling over. A valve stem wrench shall be maintained on any chlorine cylinders in use so the chlorine can be shut off quickly in the case of an emergency. Valve protection hoods shall be kept in a separate place except when the cylinders are connected to the chlorinator system. Weight scales or some other means of measuring the amount of chlorine remaining in the cylinders shall be provided.
 - d. The chlorine feeding device shall be designed so that during accidents or interruptions of the water supply, leaking chlorine gas will be conducted to the out-of-doors.
 - e. Chlorinator shall be a solution feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
 - f. The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.
 - g. Chlorine leak detector, such as bottled ammonia, shall be provided in the chlorinator room.
 - h. An emergency plan for a chlorine gas leak, in accordance with Chapter 4, Section 3 of the National Fire Protection Handbook and the Uniform Fire Code (1982 ed., Article 75), and approved by the Tacoma Fire Department, shall be posted outside the chlorine cylinder room. Designated personnel shall be trained in the implementation of such a plan.
7. When a hypochlorite solution is used, it shall be fed through hypochlorination equipment. Such equipment shall also provide the following additional features:
- a. Feed shall be positive under all conditions of pressure in the circulating system.
 - b. Dosage adjustment shall be provided to insure constant feed with varying supply or back pressure.
 - c. Positive features to prevent backflow from recirculation system to the solution container, and provision for reducing to a minimum the entry into pool of calcium released from calcium hypochlorite.
 - d. Provision to prevent siphoning of hypochlorite solution when the recirculation pump and hypochlorinator are both turned off. (This applies to above-pool-level installations only.)
- B. Equipment and piping used to apply chemicals to the water shall be of such size, design, and material that they may be cleaned and will be free from clogging, preferably of the positive displacement type. All material used for such equipment and piping shall be resistant to the action of chemicals to be used therein.
- C. Methods other than use of a positive displacement-type pump of disinfectants will be allowed in semipublic pools if capable of maintaining the minimum required chlorine content at all times the pool is in use. Hand feeding may be used in public pools on an emergency basis only. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.230 Lighting, ventilation, and electrical requirements.

- A. Pool and Pool Enclosure. All pools at which night bathing is permitted shall be provided with lighting fixtures of such number and design as to light all parts of the pool enclosure and the water in the pool. The lighting intensity measured at a point 30 inches above any part of the pool walkway shall be not less than 15 footcandles. Arrangements and design of lighting fixtures shall be such that bather and/or attendant may see clearly every part of the pool waters, pool bottom, walkways, springboards, and other appurtenances without being blinded by light. When underwater pool lighting is provided, such lights shall be installed with ground fault interrupters. Lighting fixtures must be approved by the electrical inspection authority having jurisdiction.
- B. Shower rooms and dressing rooms, where provided, shall have lighting fixtures of such number and design, and be so located, as to provide lighting intensity of not less than 25 footcandles measured at a point 30 inches above any part of the shower room or dressing room floor. Location and construction of lighting fixtures and control switches shall be protected by ground fault interrupters.
- C. Indoor public pools which permit night bathing shall provide emergency lighting capable of a minimum of 15 minutes.
- D. Indoor pools and any auxiliary pool buildings will be well ventilated to preclude the presence of noxious or irritating odors and excess condensation. (Ord. 24602 § 1; passed Apr. 3, 1990)

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5.50.240 Dressing rooms.

- A. Bathhouses to be used simultaneously by both sexes shall be divided into two parts separated by a tight partition, each designed for men or women. The entrances and exits shall be screened to break line of sight.
- B. Floors of bathhouses shall be of smooth, finished material with nonslip surface, impervious to moisture, and sloped to a drain. Junctions between walls and floor shall be coved. Floors shall be maintained in a clean and sanitary manner.
- C. Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Partitions in each dressing room shall terminate at least 10 inches above the floor or shall be placed on continuous raised masonry or concrete bases at least four inches high. Lockers shall be set either on solid masonry bases four inches high or on legs with bottom of locker at least 10 inches above the floor. Lockers shall be properly vented.
- D. The requirement relating to bathhouse, dressing rooms, toilet facilities, wash basins and showers may be waived when such facilities are within 300 feet of semipublic, wading, and spray pools. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.250 Toilets and showers.

A. Toilet, wash basin and shower facilities, except as exempted under Section 5.50.240.D, shall be provided on the basis of the following schedule:

Plumbing Fixture Schedule¹		
	Males	Females
Water closets	1-60	1-40
Urinals ³	1-60	-
Lavatories	1	1
Showers ²	2-40	2-40

1. Fixture schedules should be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use.

2. Minimum of two.

3. Urinals shall be so constructed that urine does not splash onto the floor or bathers' legs.

B. The layout of the bathhouse shall be such that the bathers, on leaving the dressing room, pass the toilets and then the showers en route to the pool.

C. Showers shall be supplied with water at a temperature of a minimum of 90 degrees Fahrenheit and maximum 110 degrees Fahrenheit at a rate of at least three gallons per minute. Thermostatic, tempering, or mixing valves shall be installed if necessary. Hot water tanks shall be set at 120 degrees Fahrenheit.

D. Wash Basins. Where toilets are provided, a minimum of one wash basin shall be provided for each sex and be located adjacent to the toilets. Paper towels or hot air drying devices shall be provided in a ratio of one towel dispenser or one hot air drying device per three wash basins.

E. Soap. Liquid or powdered soap in suitable dispensing equipment shall be provided at each shower head and each wash basin, and soap dispensers shall be kept clean and filled at all times the pool is in use.

F. Toilet Tissue. Toilet tissue in suitable dispensers shall be provided at each toilet. Dispensers shall be kept filled at all times the pool is in use.

G. Hose Bibs. Hose bibs shall be provided at convenient locations within the dressing rooms and adjacent to the pool walkways at all public and semipublic pools and wading pools. All hose bibs must be provided with approved anti-siphon devices. Freeze proof units should be utilized in areas subject to freezing.

H. An angle-jet drinking fountain shall be provided at a convenient location within public pool enclosures. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.260 Visitor and spectator areas for public pools.

A. There shall be adequate separation between the spaces used by visitors and spectators from spaces used by bathers.

B. Where toilet facilities are provided for spectators, such facilities must be separate from those provided for bathers, and the approaches to spectators' toilet facilities shall not include areas where bathers pass in bare feet. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.270 Location.

Outdoor pools shall be located where they will not be exposed to excessive pollution by dust, smoke, soot, surface drainage from surrounding areas, or other undesirable substances. Swimming pools shall not be located within 15 feet of any structure, object, or land formation (i.e., pumphouse, tree etc.) which could provide a bather with the opportunity to attempt to jump into the pool from such a structure, object, or land formation. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.280 Disinfection and quality of water.

A. A disinfection process or procedure shall be used at all pools subject to this chapter for the purpose of insuring continuous disinfection of the water throughout the pool during the period the pool is in use. When chlorine or chlorine compounds are used as the disinfectant, the water in the pool at all times while in use shall contain a free chlorine residual of not less than 1.0 parts per million as measured by the DPD method, or shall contain a free chlorine residual of a higher value to be determined by the Health Officer. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained. A testing kit for measuring the concentration of disinfectant, accurate within 0.1 ppm, shall be provided at each pool.

B. When cyanuric acid compounds are used as a disinfectant, or where cyanuric acid is added, the cyanurate concentration shall not exceed 90 parts per million, and the free chlorine residual shall be at least 1.5 parts per million. Where water quality and clarity is in question, the Health Officer may decrease the maximum allowed cyanurate concentration. A test kit to monitor cyanuric acid shall be kept and used at each facility where cyanuric acid compounds are used.

C. The Health Officer may accept other disinfecting materials or methods when they have been adequately demonstrated to provide a satisfactory residual effect and to otherwise be equally as effective under conditions of use as the chlorine concentration required herein, and shall not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water.

D. The swimming pool water shall be maintained in an alkaline condition as indicated by a pH of between 7.2 and 8.0, or as otherwise allowed by the Health Officer. When chlorine is used as the disinfectant, and when the pH is maintained between 7.6 and 8.0, the minimum free chlorine residual shall be no less than 2.0 ppm. A pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each swimming pool. The total alkalinity of the water in pools shall be at least 80 ppm. Suitable equipment for the feeding of pH regulating chemicals at such points that their use will be most effective shall be provided in public pools.

E. The water shall have sufficient clarity at all times so that the main drain is clearly visible from the farthest end of the pool or the appropriate life guarding station if provided. Failure to meet this requirement shall constitute grounds for immediate closure of the pool.

F. Pool water shall be maintained free of eye- and skin-irritating substances.

G. Not more than 15 percent of the samples covering any considerable period of time, no more than two consecutive samples, shall either (1) contain more than 200 bacteria per milliliter, as determined by the standard (35,C) agar plate count, or (2) show positive test (confirmed test) for coliform organisms in any of the five 10-milliliter portions of a sample or more than 1.0 coliform organisms per 50 ml when the membrane filter test is used. All samples shall be collected, dechlorinated, and examined in accordance with the procedures outlined in the latest edition of Standard Methods for the Examination of Water Waste-Water (APWA). The Health Officer shall prescribe the type and frequency of collection and examination of samples to assure water quality meets minimum requirements.

H. The presence of *Pseudomonas aeruginosa* or other pathogenic organisms in the pool water shall be justification for closure of any pool until subsequent sampling shows the water to be free of such organisms.

I. An adequate test kit shall be kept and maintained on the premises which can measure the following chemical parameters:

1. Free chlorine residual by the DPD method.
2. Total chlorine residual by the DPD method.
3. pH as in Section 5.50.280D.
4. Total alkalinity.
5. Cyanuric acid, if such compounds are used in the water.
6. Where disinfectants other than chlorine are used and approved by the Health Officer, the test kit requirements shall be determined by the Health Officer.

J. The chemical parameters listed in subsection I of this Section shall be measured and recorded with an adequate frequency as determined by the Health Officer. (Ord. 24602 § 1; passed Apr. 3, 1990)

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5.50.290 Cleaning pool and floors.

A. Visible dirt on the bottom of the pool shall be removed every 24 hours or as otherwise permitted or required by the Health Officer.

B. Visible scum or floating matter on the pool surface shall be removed by flushing or other effective means.

C. Floors in bathhouse and appurtenances as well as pool decks and walkways shall be scrubbed to insure cleanliness at all times. Disinfection with chlorine solution or other germicides shall be accomplished at least daily. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.300 Maintenance of equipment and supplies.

All equipment and supplies required by these rules and regulations shall be maintained in working, functional condition. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.310 Showering requirements.

All persons using public or semipublic pools shall be required to take a cleansing bath, using warm water and soap, and to rinse off all soap suds before entering the pool. In the case of semipublic pools, the requirement of this Section will be posted in a prominent location within each living unit, or on a prominent sign adjacent to the pool. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.320 Communicable disease.

No person having skin lesions; sore or inflamed eyes; mouth, nose, or ear discharges; or who is a carrier of any communicable disease shall use any pool subject to this chapter. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.330 Pollution of pool prohibited.

A. Urinating, expectorating, blowing the nose, or depositing any deleterious matter in any pool subject to this chapter is prohibited.

B. Tobacco, food, and drink shall be completely banned from the enclosure of any public swimming pool. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.340 Spectators.

The general public not dressed for bathing shall not be allowed on walks immediately adjacent to the public pools. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.350 Lifesaving and first aid facilities.

Every public and semipublic swimming pool shall be equipped with one or more light but strong, non-telescoping poles with blunt ends and not less than 12 feet in length for making reaching assists or rescues; one or more throwing buoys, approved by the U.S. Coast Guard or equivalent, and not more than 15 inches in diameter, having 60 feet of 3/16 inch rope attached, placed in easily accessible racks adjacent to the pool; an adequate first aid kit, which shall be kept filled and readily accessible for emergency use; and two or more blankets reserved for emergency use. In addition, there shall be prominently displayed immediately adjacent to the telephone, a telephone number list to include the nearest available doctor, ambulance service, hospital, and police or fire department rescue unit. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.360 Use of common utensils.

Common towels, bathing suits, caps, combs, brushes and drinking cups are prohibited. Bathing suits, towels, and bathing caps furnished patrons at any pool subject to this chapter shall be laundered with soap and hot water, and thoroughly rinsed and dried before reuse. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.370 Posting regulations.

Placards reciting Sections 5.50.320 through 5.50.360 shall be posted conspicuously at the pool or enclosure and in the dressing rooms and offices of all pools subject to the provisions of this chapter. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.380 Operating records.

At all public or semipublic swimming pools and wading pools, complete daily records shall be kept and maintained on the pool premises for at least one year. These records shall be made available at any reasonable time for examination by the Health Officer. Records shall include at least the following:

A. Daily attendance (for public pools);

- B. Amounts and types of chemicals added to pool;
- C. Results of chemical tests on pool water;
- D. Date and time of filter backwash;
- E. Dates that the pool was emptied and/or cleaned;
- F. Periods of recirculation equipment operation and/or malfunction and repair. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.390 Safe storage of chemicals.

All chemicals used in conjunction with the pool operation shall be stored in such a manner as to preclude chemical spills and or accidents. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.400 Pools not in operation.

- A. In the off season, seasonal pools shall be covered with a safety cover; adequately fenced or locked to prevent entrance of persons into the pool area; or the water maintained with sufficient clarity at all times so that the main drain is readily visible.
- B. Swimming pools and wading pools which are not in use and where attendants are not present on a long-term basis shall be closed in a manner to protect the public's safety; if the pool remains filled with water or is not completely drained, the water shall be maintained with a sufficient clarity at all times so that the main drain is readily visible; shall be adequately fenced and locked to prevent the entrance of persons into the pool area. Drained pools shall also be adequately fenced and locked to prevent the entrance of persons into the pool area. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.410 Alternate materials, equipment and procedures.

For the purpose of evaluating equipment, materials, or procedures, or to meet any temporary emergency condition, the Health Officer may, consistent with the public health and safety, permit the use of materials, equipment, and procedures not specifically prescribed by this chapter. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.420 Retroactivity.

The provisions of this chapter shall apply equally to new and existing public or semipublic swimming pools, wading pools, and spray pools. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.430 Enforcement.

- A. This chapter shall become effective May 1, 1990.
- B. The Health Officer shall enforce this chapter. The Health Officer may, with the consent of the occupant thereof or pursuant to a lawfully issued warrant, enter any building or premises at any reasonable time to perform any of the duties imposed on him by this chapter. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.440 Penalties.

Anyone violating or failing to comply with any of the provisions of this chapter or lawful order of the Health Officer pursuant hereto shall, upon conviction thereof, be punished by a fine not to exceed \$300.00. Anyone found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted. (Ord. 24602 § 1; passed Apr. 3, 1990)

5.50.450 Severability.

The several provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons and circumstances. (Ord. 24602 § 1; passed Apr. 3, 1990)

