

ORDINANCE NO. 47

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,  
WASHINGTON, ADOPTING BY REFERENCE CHAPTER 12.40,  
REGARDING REFUSE ON RIGHT-OF-WAY, OF THE PIERCE  
COUNTY CODE AS A REGULATION OF THE CITY

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

WHEREAS; the City will be contracting with Pierce County to provide police  
services to residents of the City at least on an interim basis during the post incorporation  
period; and

WHEREAS, Pierce County deputy sheriffs are familiar with the Pierce County  
Code; and

WHEREAS, allowing Pierce County deputy sheriffs to continue to enforce certain  
Pierce County Code provisions within the City after incorporation both promotes the  
public welfare and allows police officers to make an orderly transition to the enforcement  
of criminal codes which the City of University Place will enact after incorporation; and

WHEREAS, the City wishes needs to have prohibit the deposit of refuse on right  
of ways; NOW, THEREFORE,

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

Section 1. Authority to adopt Pierce County Code. Pursuant to RCW  
35A.12.140 and 35A.13.180, the City adopts by reference Chapter 12.40, Refuse on  
Right of Ways, of the Pierce County code, as presently constituted or hereinafter  
amended, as a regulation of the City.

Section 2. Adoption of Administrative Rules. There are hereby further  
adopted by reference any and all implementing and administrative rules and  
enforcement's remedies now in effect regarding Refuse On Right-Of-Way that have been  
adopted pursuant to Pierce County code Chapters 2.06 and 12.40 except that, unless the  
unless the context requires otherwise, any reference to the "County" or to "Pierce  
County" shall refer to the City of University Place, and any reference to County staff  
shall refer to the City Manager or designee.

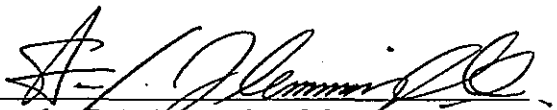
Section 3. Adoption of Certain Other Laws. To the extent that any provision  
of the Pierce county Code, or any other law, rule or regulation referenced in the attached  
chapter is necessary or convenient to establish the validity, enforceability of the Refuse

Of Right-Of-Way chapter, then such provision of the Pierce County Code and Chapter, or other law, rule or regulation, is hereby adopted by reference.

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

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

**PASSED BY THE CITY COUNCIL ON AUGUST 21, 1995**

  
Stanley L.K. Flemming, Mayor

**ATTEST:**

  
Susan Matthew, Interim City Clerk

**APPROVED AS TO FORM:**

  
Robert J. Backstein, Interim City Attorney

Date of Publication: August 24, 1995

Effective Date: August 31, 1995

## Chapter 12.40

### REFUSE ON RIGHT-OF-WAY

#### Sections:

- 12.40.010 Vehicles - Escape of Load.
- 12.40.020 Unlawful to Deposit Material on Right-of-Way.
- 12.40.030 Identification of Owner - Evidence of Dumping Material.
- 12.40.040 Violation - Penalty.

#### 12.40.010 Vehicles - Escape of Load.

No vehicle shall be driven or moved on an public highway of Pierce County unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water may be sprayed on roadways in the cleaning and maintaining of such roadways by public authority having such jurisdiction. Any person operating a vehicle from which any objects have fallen or escaped shall immediately cause the highway to be cleaned of all such objects. (Ord. 84-123 § 1 (part), 1984; prior Code § 46.15.010)

#### 12.40.020 Unlawful to Deposit Material on Right-of-Way.

It is unlawful for any person to deposit or allow to be deposited any material upon any public right-of-way of Pierce County or upon private or public property adjoining the highway on either side of the right-of-way, except at duly designated dumping places as set out and so marked and authorized by the County Council or otherwise permitted by the owners of adjoining private property or by constituted public authority. Any person violating this Section shall be responsible for the removal of the material within twenty-four hours of the receipt of written notice from Pierce County. If the materials are not removed within twenty-four hours, the violator shall be responsible for all costs incurred by Pierce County in removing the materials. (Ord. 84-123 § 1 (part), 1984; prior Code § 46.15.020)

#### 12.40.030 Identification of Owner - Evidence of Dumping Material.

Identification of the owner and location of any material of any nature found upon private or public property adjoining or on any public highway of this County shall be considered as prima facie evidence of its having been illegally deposited upon the public or private property or public highway by the identified owner of the material, as designated in Section 12.40.020. (Ord. 84-123 § 1 (part), 1984; prior Code § 46.15.040)

#### 12.40.040 Violation - Penalty.

Any violation of the provisions of this Chapter shall constitute a misdemeanor. (Ord. 84-123 § 1 (part), 1984; prior Code § 46.15.050)