

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

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12.04 Sidewalk Maintenance

12.08 Sidewalk Use Regulations

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Chapter 12.02**CONSTRUCTION STANDARDS¹**

Sections:

- 12.02.010 Adoption of document.
- 12.02.020 Copies on file.
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- 12.02.050 Permit required.
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12.02.010 Adoption of document.

The “Town of Friday Harbor Street and Storm Drainage Standards”, as published by the firm of Gray and Osborne, Inc., is hereby adopted as the conditions and construction standards to be adhered to in any and all extensions to the town of Friday Harbor street and storm drainage systems. (Ord. 1060 § 1, 1998)

12.02.020 Copies on file.

The publication entitled “Town of Friday Harbor Street and Storm Drainage Standards” shall be available for review in the office of the town clerk. (Ord. 1060 § 2, 1998)

12.02.030 Applicability.

A. The standards described in FHMC 12.02.010 shall apply to all construction, reconstruction and remodeling where the value of the construction, reconstruction or remodeling exceeds a total cost of \$50,000 as described on the face of the town building permit, with the exception of single-family residences.

B. The standards as described in FHMC 12.02.010 shall apply to all construction or reconstruction of land surfaces to include, but not be limited to, grading or paving of land surfaces for parking, landscaping and/or drainage where the value of the construction or recon-

struction exceeds \$25,000, with the exception of single-family residences.

C. In the event a series of building permits are issued over a period of 24 months which, in total, exceeds \$50,000, the terms of this chapter shall apply.

D. Street frontage improvements required by this chapter shall be installed prior to the issuance of any building or grading permit; provided, that the administrator shall have authority to authorize issuance of a building or grading permit prior to installation upon posting of a bond or other security to insure compliance. The amount of the bond or security shall be determined by the town, based on an estimate for the cost of such improvements. (Ord. 1060 § 3, 1998)

12.02.040 Administrator.

The town administrator or his/her designee shall administer the provisions of this chapter. (Ord. 1060 § 4, 1998)

12.02.050 Permit required.

A. No person or any other entity shall commence construction, alteration, or repair within the public right-of-way without a right-of-way permit having first been obtained from the town.

B. The nonrefundable right-of-way permit fee shall be reviewed annually by the town council who shall direct the town clerk to adjust the fee appropriately and post said permit application fee in a conspicuous place within Town Hall and make such a list available to the public upon request. (Ord. 1060 § 5, 1998)

12.02.060 Sidewalk reconstruction – Town responsibility.

In the event the town has raised or lowered an existing street so that the existing sidewalk does not match the sidewalk level, in accordance with adopted street and storm drainage standards, the town shall be responsible for the reconstruction of the sidewalk. (Ord. 1060 § 6, 1998)

1. Prior legislation: Ords. 614 and 642.

12.02.070 Improvement construction contracts.

A. Pursuant to the authority granted in RCW 35.72.010, et seq., as amended from time to time, the town may enter into and contract with the owner or owners of real estate within the town for the construction or improvement of street projects, to include design, grading, paving, installation of curbs, gutters, sidewalks, storm drainage, street lighting, traffic controls, and other similar improvements. All such construction or improvements shall be performed in full compliance with the minimum standards established under FHMC 12.02.010.

B. Any contract authorized under this section may provide for the partial reimbursement of the property owner or owners, or their assigns, following the procedures set forth in Chapter 35.72 RCW, as amended from time to time.

C. Any contracts authorized under this section shall contain provisions similar to those set forth in the form water and/or sewer facility contract set forth as an appendix to the "Town of Friday Harbor Water System/Sewer System Extension Requirements" adopted by reference in Chapters 13.08 and 13.24 FHMC. (Ord. 1060 § 7, 1998)

12.02.080 Violation and enforcement.

A. A violation of this chapter shall be and hereby is declared both a public nuisance and a Class 1 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this chapter exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in Chapter 1.18 FHMC. (Ord. 1060 § 8, 1998)

Chapter 12.04**SIDEWALK MAINTENANCE**

Sections:

12.04.010 Unsafe sidewalk – Notice of repair to abutting owner.

12.04.020 Violation and enforcement.

12.04.010 Unsafe sidewalk – Notice of repair to abutting owner.

A. When any sidewalk previously constructed within the corporate limits of the town has become unsafe for public travel in the judgment of the town administrator he or she shall serve notice in writing upon the owners or authorized agent of such owner of each tract or parcel of land immediately abutting upon such sidewalk instructing the owner to clear, repair, or renew such sidewalk, within a reasonable time, not to exceed 30 days from the date of service of the notice.

B. Said notice may be served by registered mail addressed to the owner as shown on the records of the county assessor, or in any manner lawful for the service of summons in civil action, under the statutes of the state. (Ord. 1061 § 1, 1998)

12.04.020 Violation and enforcement.

A. A violation of this chapter shall be and hereby is declared both a public nuisance and a Class 3 civil infraction, as defined in Chapter 1.18 FHMC and amended from time to time. Each day that a violation of this chapter exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in Chapter 1.18 FHMC. (Ord. 1061 § 2, 1998)

Chapter 12.08**SIDEWALK USE REGULATIONS**

Sections:

- 12.08.010 Placing obstructions on sidewalks.
- 12.08.020 Use of bicycle or other vehicle on sidewalks.
- 12.08.030 Roller skating, inline skating or skateboarding on sidewalks.
- 12.08.040 Negligent use of roller skates, skateboards and inline skates prohibited.
- 12.08.050 Violation and enforcement.

12.08.010 Placing obstructions on sidewalks.

It is unlawful for any person or persons, firm or corporation to place upon the sidewalks, or to allow to maintain thereon, any signs, merchandise or other obstruction. (Ord. 1062 § 1, 1998)

12.08.020 Use of bicycle or other vehicle on sidewalks.

No person shall ride a bicycle, tricycle or other vehicle propelled by pedaling on the public sidewalks of the downtown core area of the town as defined in FHMC Title 17. (Ord. 1062 § 2, 1998)

12.08.030 Roller skating, inline skating or skateboarding on sidewalks.

No person shall roller skate, skateboard or use inline skates on the public sidewalks or in the streets of the downtown core area of the town as defined in FHMC Title 17. (Ord. 1062 § 3, 1998)

12.08.040 Negligent use of roller skates, skateboards and inline skates prohibited.

No person shall roller skate, skateboard or use inline skates in a negligent manner upon any street, public sidewalk or publicly owned property within the town. For the purposes of this section, “negligent manner” means to use or operate in such a manner as to endanger or be likely to endanger themselves or any other person or property. (Ord. 1062 § 4, 1998)

12.08.050 Violation and enforcement.

A. A violation of this chapter shall be and hereby is declared both a public nuisance and a Class 3 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this chapter exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in Chapter 1.18 FHMC. (Ord. 1221 § 2, 2003; Ord. 1062 § 5, 1998)

Chapter 12.12**STREET VACATION FEES**

Sections:

- 12.12.010 Purpose.
- 12.12.020 Direct costs paid by petitioner.
- 12.12.030 Application fees.

12.12.010 Purpose.

The purpose of this chapter is to establish a charge to petitioners requesting the vacation of town streets and alleys so that necessary costs can be defrayed. (Ord. 535 § 1, 1981)

12.12.020 Direct costs paid by petitioner.

Direct costs shall also be paid by the petitioner. Direct costs shall include, but not be limited to, such items as publications, posting of notices, mailing of notices, additional administrative and clerical time and additional engineering and/or legal evaluations when required. (Ord. 535 § 2, 1981)

12.12.030 Application fees.

Application fees for filing a petition for vacation shall be reviewed annually by the town council who shall direct the town clerk to adjust the fee appropriately and post said fee in a conspicuous place within Town Hall and make such list available to the public upon request. (Ord. 968 § 2, 1995; Ord. 535 § 3, 1981)

Chapter 12.16**HAULING SAND, GRAVEL, GARBAGE OR REFUSE ON TOWN STREETS**

Sections:

- 12.16.010 Hauling sand or gravel.
- 12.16.020 Hauling garbage or refuse.
- 12.16.030 Violation and enforcement.

12.16.010 Hauling sand or gravel.

It is unlawful to haul sand or gravel over and across the streets of the town except in a vehicle equipped with tailgate and side boards of sufficient height to confine the contents of said vehicle so the same will not spill out. (Ord. 1063 § 1, 1998)

12.16.020 Hauling garbage or refuse.

It is unlawful to haul garbage or refuse over and across the streets of the town unless the vehicle wherein hauled is equipped with a cover which will prevent the contents from falling out or being blown out, and such cover is used at all times. (Ord. 1063 § 2, 1998)

12.16.030 Violation and enforcement.

A. A violation of this chapter shall be and hereby is declared both a public nuisance and a Class 2 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this chapter exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this chapter shall be as set forth in Chapter 1.18 FHMC. (Ord. 1063 § 3, 1998)

Chapter 12.28**PRIVATE USE OF PUBLIC PROPERTY**

Sections:

Article I. Private Use

- 12.28.010 Declaration of policy.
- 12.28.020 Prohibition.
- 12.28.030 Exemptions.
- 12.28.040 Private uses – Sidewalks.
- 12.28.050 Private uses – Streets and street margins.
- 12.28.060 Private uses – Public places and other public property.
- 12.28.070 Permit procedure.
- 12.28.080 Permit revocation.
- 12.28.090 Fee.
- 12.28.100 Violation and enforcement.

Article II. Private Structures

- 12.28.110 Declaration of policy.
- 12.28.120 Prohibition.
- 12.28.130 Exemption.
- 12.28.140 Private uses – Authorized.
- 12.28.150 License procedure.
- 12.28.160 License revocation.
- 12.28.165 Fee.
- 12.28.170 Violation and enforcement.

Article I. Private Use**12.28.010 Declaration of policy.**

The council recognizes and declares that all public streets, sidewalks, unopened rights-of-way, parks, and other public property are intended primarily to serve the uses and needs of the public in general and that private uses by individual members of the public for private purposes should be permitted only where specifically authorized by the town after a determination that such private use is in the best interests of the general public and will not materially interfere with the public's use and enjoyment. (Ord. 1064 § 1, 1998)

12.28.020 Prohibition.

Except as exempted under FHMC 12.28.030, it shall be unlawful for any person to make private use of any sidewalk, street, unopened street right-of-way, public place or other publicly owned property, except under authority of a permit issued under FHMC 12.28.070. (Ord. 1064 § 2, 1998)

12.28.030 Exemptions.

A. Public streets may be used for the following private purposes:

1. State-licensed public convenience transit systems may make use of those areas designated by the town administrator as bus stops on a first-come, first-served basis;

2. State-licensed for-hire transit systems may make use of those areas designated by the town administrator as taxi stands on a first-come, first-served basis; and

3. Horse-drawn carriages or similar conveyances that are used for transporting members of the public over and along the town streets may stand, on a first-come, first-served basis, in those areas designated by the town administrator for such purpose, subject to such time limitations as the town administrator may indicate on appropriate signage in those areas.

B. The owner of any property which abuts an unopened street may use the unopened portion, to the center thereof, which immediately abuts their property for any use that is not inconsistent with the public's easement for street purposes. Such use shall not include the placement of any structure for which a building permit is required unless the abutting owner shall first have obtained a license under Article II of this chapter. (Ord. 1284 § 2, 2005; Ord. 1064 § 3, 1998)

12.28.040 Private uses – Sidewalks.

Sidewalks may, by permit issued under FHMC 12.28.070, be used for nonprofit or charitable activities, such as bake sales or raffles. (Ord. 1064 § 4, 1998)

12.28.050 Private uses – Streets and street margins.

Streets, to include the unimproved margin thereof, may, by permit issued under FHMC

12.28.070, be used for nonprofit or charitable activities, such as parades or special event gatherings. (Ord. 1064 § 5, 1998)

12.28.060 Private uses – Public places and other public property.

Public places, such as parks and vacant publicly owned land, may, by permit issued under FHMC 12.28.070, be used for nonprofit or charitable parades or special event gatherings, to include food concessions and/or merchan-

dise concessions if operated during and in conjunction with such events. (Ord. 1064 § 6, 1998)

12.28.070 Permit procedure.

A. Any person may apply for a permit to authorize a private use as set forth above. Any use which involves the construction or installation of a structure which will require the issuance of a building permit shall be authorized only by a license issued under Article II of this chapter.

B. The town administrator shall review the application, inspect the site of the proposed use, if necessary, and either deny the application or approve it, with or without conditions.

C. No permit shall be approved other than upon a finding that the requested use is consistent with the policy set forth in FHMC 12.28.010.

D. No permit shall be issued until the applicant has signed an agreement to indemnify and hold the town harmless from any claim or loss arising from or in any way connected with the issuance and/or use of the permit.

E. Any permit issued hereunder may contain such conditions as the administrator shall deem necessary or appropriate, including, but not limited to, the posting of a bond. (Ord. 1064 § 7, 1998)

12.28.080 Permit revocation.

The town administrator may at any time revoke any permit hereunder, without cause. Upon receipt of notice, written or verbal, the permittee shall cease all activities authorized by the permit. (Ord. 1064 § 8, 1998)

12.28.090 Fee.

The nonrefundable fee for all permits governed by this article shall be reviewed annually by the council who shall direct the town clerk to adjust the fee appropriately and post such list of permit application fees in a conspicuous place within Town Hall and make such list available to the public upon request. (Ord. 1064 § 9, 1998)

12.28.100 Violation and enforcement.

A. A violation of this article shall be and hereby is declared both a public nuisance and a Class 4 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this article exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this article shall be as set forth in Chapter 1.18 FHMC. (Ord. 1064 § 10, 1998)

Article II. Private Structures

12.28.110 Declaration of policy.

The council recognizes and declares that unopened street rights-of-way and the unimproved margins of any street that is opened and maintained by the town are intended primarily to serve the transportation uses and needs of the public in general and that private uses by individual members of the public for private purposes should generally be allowed only where specifically authorized by the council after a determination that such private use is in the best interests of the general public and will not materially interfere with the public's use and enjoyment. (Ord. 1065 § 1, 1998)

12.28.120 Prohibition.

Except as exempted under FHMC 12.28.130, it shall be unlawful for any person to place a structure on an unopened street right-of-way or the unimproved margin of any street that is opened and maintained by the town, except under authority of a license issued under FHMC 12.28.150. (Ord. 1065 § 2, 1998)

12.28.130 Exemption.

The owner of any property which abuts a street that is not opened to its full width may use the unopened portion, to the center thereof, which abuts their property for the placement of

structures which do not require the issuance of a building permit, so long as it is not inconsistent with the public's easement for street purposes. (Ord. 1065 § 3, 1998)

12.28.140 Private uses – Authorized.

An unopened street, to the center thereof, or the unimproved margin of any street that is opened and maintained by the town may, by license issued under FHMC 12.28.150, be used by the abutting property owner for:

A. Construction of stairways, ramps, or similar structures where, because of a unique circumstance of topography, such a structure is reasonably necessary to provide safe access to the abutting property; or

B. Construction of bulkheads, railings, fences or similar structures where, because of a unique circumstance of topography, such a structure is reasonably necessary to protect the abutting property; or

C. Placement of other structures when the topography or other circumstances make the area unsuitable for the public to use it safely for its intended purpose and the town has little or no intention to alter that topography in the foreseeable future. (Ord. 1065 § 4, 1998)

12.28.150 License procedure.

A. Any person may apply for a license to authorize a private use as set forth above. Any use which does not involve the construction or installation of a structure which will require the issuance of a building permit may be authorized by permit issued under Article I of this chapter.

B. The town administrator shall review the application, inspect the site of the proposed use, if necessary, and forward the application to the council with a recommendation to either deny the application or approve it, with or without conditions.

C. No license shall be issued other than upon a finding that the requested use is consistent with the policy set forth in FHMC 12.28.110. No license shall be issued until the applicant has signed an agreement to indemnify and hold the town harmless from any claim or loss arising from or in any way con-

nected with the issuance and/or use of the license.

D. Any license issued hereunder may contain such conditions as the council shall deem necessary or appropriate, including, but not limited to, the posting of a bond or the assessment of a use fee.

E. Any license issued hereunder shall be expressly revokable at the will of the town, except as may be otherwise set forth in such license. (Ord. 1065 § 5, 1998)

12.28.160 License revocation.

The council may at any time revoke any license hereunder, without cause. Upon receipt of notice, written or verbal, the licensee shall cease all activities authorized by the license. (Ord. 1065 § 6, 1998)

12.28.165 Fee.

The nonrefundable fee for all licenses governed by this article shall be reviewed annually by the council who shall direct the town clerk to adjust the fee appropriately and post such list of license application fees in a conspicuous place within Town Hall and make such list available to the public upon request. (Ord. 1303 § 2, 2006)

12.28.170 Violation and enforcement.

A. A violation of this article shall be and hereby is declared both a public nuisance and a Class 2 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of this article exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under this article shall be as set forth in Chapter 1.18 FHMC. (Ord. 1065 § 7, 1998)

Chapter 12.32**STREET UTILITY**

Sections:

- 12.32.010 Creation of street utility – Purpose and authority.
- 12.32.020 Governing body and management of street utility.
- 12.32.030 Ownership of street facilities.
- 12.32.040 System of charges.
- 12.32.050 Use of street utility funds.
- 12.32.060 Use of other proceeds by street utility.
- 12.32.070 Traffic volume monitoring.

12.32.010 Creation of street utility – Purpose and authority.

A. There is created and established a street utility, a separate enterprise and facility. The utility is authorized to own, construct, maintain, operate, and preserve all town streets as now exist and as may be added to in the future by the addition of other existing or construction of new streets. In addition to its authority over streets, the utility is authorized to own, construct, maintain, operate, and preserve street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities, and drainage facilities.

B. It is the intent of this chapter to implement and maintain transportation facility management regulations that are consistent with and support the goals and policies of the town of Friday Harbor comprehensive plan and which fulfill the statutory requirements pursuant to the State of Washington Growth Management Act, Chapter 36.70A RCW. After adoption of the comprehensive plan the town is required by RCW 36.70A.070(6) to ensure that transportation facilities are provided concurrently with development. (Ord. 1066 § 1, 1998)

12.32.020 Governing body and management of street utility.

The town council shall be the governing body of the street utility. Management of the utility shall be provided by the town adminis-

trator or his/her designee. (Ord. 1066 § 2, 1998)

12.32.030 Ownership of street facilities.

Title and all other incidents of ownership of the following assets are hereby vested in the utility: all properties, interests, and physical and intangible rights of every nature, owned or held by the town, however acquired, insofar as they relate to:

- A. Street and alleys;
- B. Street lighting;
- C. Traffic control devices;
- D. Sidewalks;
- E. Curbs;
- F. Gutters;
- G. Parking facilities; and
- H. Drainage facilities. (Ord. 1066 § 3, 1998)

12.32.040 System of charges.

At such time as the state shall grant local government authority to institute a system of charges, the town shall exercise that authority in a manner which shall not exceed the capacity of the town and/or its residents, individually or collectively, to pay. (Ord. 1066 § 4, 1998)

12.32.050 Use of street utility funds.

A. Street utility funds shall be used for transportation purposes only, including but not limited to:

1. Operation and preservation of street and other transportation improvements; and
2. New construction, reconstruction, and expansion of town streets and other transportation improvements.

B. Use of the proceeds from street utility charges shall be consistent with the requirements of RCW 82.80.070. (Ord. 1066 § 5, 1998)

12.32.060 Use of other proceeds by street utility.

The street utility may finance the construction, operation, maintenance, and preservation of streets and related facilities through local improvement districts and utility local improvement districts, or with the proceeds of

general obligation or revenue bonds, or any combination thereof. In addition, the utility, through appropriation by the town council, may use funds from general taxation, money received from the federal, state, or other local governments, and other funds made available to it. (Ord. 1066 § 6, 1998)

12.32.070 Traffic volume monitoring.

A. Pursuant to adoption of the comprehensive plan, the town shall monitor and maintain a database of vehicular traffic counts at the intersections of all major and minor arterials. Traffic monitoring pursuant to this section shall be monitored concurrently, in the first quarter and the third quarter of alternate years.

B. The town shall maintain a database of the nature and magnitude of nonvehicular traffic, including but not limited to:

1. Ferry pedestrian traffic;
2. Ferry bicycle traffic; and
3. Port of Friday Harbor pedestrian traffic.

Nonvehicular traffic counts shall be taken concurrently with vehicular traffic counts as defined in subsection A of this section. The town shall coordinate with the Port of Friday Harbor and the State Department of Transportation to obtain the required nonvehicular traffic data.

C. The town shall implement a pavement management system for acquiring and maintaining information about the condition of the town's streets and sidewalks. Said pavement management system shall comply with Washington State Department of Transportation Standards. (Ord. 1066 § 7, 1998)

Chapter 12.36

PUBLIC PARKS

Sections:

12.36.010 Purpose.

12.36.020 Maintenance and improvement.

12.36.030 Management.

12.36.040 Violation and enforcement.

12.36.010 Purpose.

The purpose of this chapter is to provide for the management and administration of Sunken Park, Cahail Park, Memorial Park, Evergreen Park, and West Street Park. (Ord. 1067 § 1, 1998)

12.36.020 Maintenance and improvement.

The town shall maintain public park facilities as listed in FHMC 12.36.010. Maintenance requirements for public parks shall include but not be limited to:

A. Parks shall be kept free of litter and debris; and

B. Parks shall be provided with appropriate trash receptacles. (Ord. 1067 § 2, 1998)

12.36.030 Management.

Where any public park or playing field is used by any organized group for any purpose that group shall obtain a permit. Any organized group using any public park or playing field shall be responsible for leaving said park or playing field in a clean and orderly condition and free of litter and debris. (Ord. 1067 § 3, 1998)

12.36.040 Violation and enforcement.

A. A violation of FHMC 12.36.030 shall be and hereby is declared both a public nuisance and a Class 4 civil infraction, as defined in Chapter 1.18 FHMC as amended from time to time. Each day that a violation of said section exists may be treated as a separate infraction.

B. Except in circumstances where there is a serious and imminent threat to public health or safety, prior to filing a public nuisance abatement action in San Juan County superior court, the town shall attempt to gain compliance by

use of the civil infraction procedures set forth in Chapter 1.18 FHMC.

C. The penalty for committing a civil infraction under subsection A of this section shall be as set forth in Chapter 1.18 FHMC. (Ord. 1067 § 4, 1998)