

## **CHAPTER 3 DEFINITIONS**

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**3.1.0 PURPOSE.** This chapter provides definitions for terms and phrases used in this ordinance. Where any of the definitions conflict with the definitions used in other Franklin County Ordinances, the definitions in this chapter shall prevail for the purpose of this ordinance.

**3.2.0 INTERPRETATION AND CONSTRUCTION.** For the purpose of this ordinance, certain terms or words herein shall be interpreted or defined as follows: Except where specifically defined in this chapter all words in this ordinance shall carry the customary meanings.

- (a) Words used in the present tense shall include the future;
- (b) Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates otherwise;
- (c) “Person” includes a corporation, a member or members of a partnership or other business organization, a committee, association, board, trustee, receiver, agent, or other representative and all other legal entities;
- (d) “Shall” is mandatory and not directory;
- (e) “May” is permissive;
- (f) “Use”, “used”, or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied;
- (g) “City” means any city in Franklin County;
- (h) “County” means Franklin County;
- (i) Unless otherwise specified, all distances shall be measured horizontally;
- (j) Words not defined herein, but defined within the Uniform Building Code shall have the same meaning as defined within the Uniform Building Code;
- (k) Chapter and section headings contained in this ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this ordinance.

For the purposes of this ordinance, certain terms or words shall be interpreted and defined as in the following sections of this chapter.

**3.3.0 ACCESSORY DWELLING.** “Accessory dwelling” means a second and subordinate dwelling unit added to or created within a single family dwelling that provides basic requirements for living, sleeping, cooking and sanitation (See Chapter 33, Section 33.4.0, Accessory dwellings).

**3.4.0 ACCESSORY USE.** “Accessory use” means a use subordinate to the principal and/or permitted use and located on the same lot with such principal use.

**3.5.0 ADULT ENTERTAINMENT.** “Adult entertainment” means:

- (a) Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
- (b) Any exhibition, performance, or dance intended to sexually stimulate any patron and any conduct in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.
- (c) Any exhibition, performance, display, dance, presentation, or dance of any type conducted in an adult entertainment facility and involving a person who is unclothed or in such attire, costume, or clothing as to expose to view any specified anatomical area, or who touches, caresses or fondles any specified anatomical area of themselves or another person, or permits touching, caressing or fondling of any of their own specified anatomical areas.

**3.6.0 ADULT ENTERTAINMENT FACILITY** “Adult entertainment facility” means any of the following:

- (a) Adult retail establishments are commercial establishments such as a bookstore, video store, or novelty shop in which any one or more of the following constitute more than 20 percent of the establishment’s stock-in-trade for sale, rent, or any other form of consideration:
  - (i) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
  - (ii) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.
- (b) Adult Arcade means a commercial establishment which contains individual viewing areas or booths, where for any form of consideration, including but

not limited to, membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, computer images or pictures, video cassettes, slides, or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

- (c) Adult cabaret means a nightclub, bar, restaurant, tavern, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.
- (d) Other Adult Entertainment Facility means any commercial establishment not defined elsewhere in Franklin County Ordinances where adult entertainment or sexually oriented materials are regularly conducted, displayed, or available in any form, for any type of consideration and which represents more than 20 percent of the businesses' stock-in-trade; provided, however, that a public library, school, university, or similar accredited educational or scientific facility shall not be considered an adult entertainment facility. In addition a commercial establishment which offers access to telecommunication networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.
- (e) Adult motel means a motel, hotel or similar commercial establishment which:
  - (i) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from the public right-of-way that advertises the availability of such sexually-oriented materials; or
  - (ii) Offers a sleeping room for rent on a rental fee period of time that is less than ten (10) hours; or
  - (iii) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (f) Adult mini motion picture theater means a commercial establishment with a capacity for less than fifty persons, where for any form of consideration motion pictures, films, video cassettes, slides or similar visual or sensory representations are shown that are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- (g) Adult motion picture theater means a commercial establishment where for any form of consideration motion pictures, films, video cassettes, slides, or other similar visual or sensory representations are shown that are

distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

- (h) Adult nude photography shop means commercial establishment used for the business of allowing customers to photograph any “specified anatomical areas” of a person or persons, or for the customer to be so photographed with or without other persons.
- (i) Body paint shop. Means a commercial establishment used for the business of allowing customers to paint the body of a person or persons, or to allow the customer’s body to be painted.

**3.7.0 AGRICULTURAL USES (COMMERCIAL).** “Agricultural uses (commercial)” means agricultural activities carried on as a commercial enterprise with the object of gain, benefit, or advantage, directly or indirectly.

**3.8.0 AGRICULTURAL USE (LIMITED).** “Agricultural use (limited)” means an agricultural operation including the construction of farm buildings and the keeping of farm animals upon the premises.

**3.9.0 ALLEY.** “Alley” means a dedicated narrow service way, not more than twenty feet wide, providing a secondary means of public access to abutting properties.

**3.10.0 ALTERATIONS.** “Alterations” means as applied to a building or structure:

- (a) A change or rearrangement of the structural or non-structural parts in the existing facilities; or
- (b) An enlargement or addition on a building or structure; or
- (c) Moving a building or structure from one location or position to another; or
- (d) A change of use.

**3.11.0 AMUSEMENT GAME DEVICE.** “Amusement game device” means a machine or other device, whether mechanical, electrical, or electronic, to be operated by the public for the purpose of entertainment, amusement or as a game, the object of which is to score high or low by comparison to the score of other players, playing concurrently or not, or to demonstrate skill or competence against an opponent, whether the opponent is the device or another person. It shall include such devices as pool tables, billiard tables, pinball machines, and devices which use a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

This definition shall not apply to vending machines for products unrelated to gaming, a device which does not require active participation by the player in the game, coin-operated machines which only provide music, or gambling devices regulated by state law.

**3.12.0 AMUSEMENT GAME CENTER.** “Amusement game center” means any building or portion thereof which contains more than two amusement game devices

**3.13.0 ANIMAL UNIT.** “Animal unit” includes but is not limited to any one of the following:

- a. One bovine animal (characteristics associated with cows or oxen).
- b. One horse.
- c. One mule/donkey.
- d. One llama.
- e. One alpaca.
- f. One camel.
- g. Two emu/ostrich.
- h. Three goats.
- i. Three sheep.
- j. Twenty chickens.
- k. Twenty fowl.
- l. Twenty rabbits or similar animals.
- m. Swine/Pig standards are described in Chapter 33 Use Regulations.

For the purpose of this definition, any newborn animal listed above shall be excluded until such time as it is weaned. Animals listed above includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal’s appearance, behavior or pedigree. All animal units shall be in compliance with all applicable Federal and/or State of Washington requirements.

**3.13.5 ANIMAL UNIT – EXOTIC OR WILD.** “Animal Unit – Exotic or Wild” includes but is not limited to any one of the following: Lions, tigers, wild cats, wolves, bears, apes, monkeys, raccoons, dangerous reptiles such as alligators, poisonous reptiles, or similar wild and exotic animals. All animal units, including Deleterious Exotic Wildlife, shall be in compliance with all applicable Federal and/or State of Washington requirements. Federal and/or State of Washington approval shall be obtained prior to submitting a Conditional Use (Special Permit) application to Franklin County.

**3.14.0 ANTIQUE.** “Antique” means a piece of furniture, glassware, silverware, art work or other items that are at least sixty years old and are distinguished from general secondhand personal property, and collectibles by educational value, historic value, artistic value, ornamental character or intrinsic aesthetic merits.

**3.15.0 ANTIQUE DEALER.** “Antique Dealer” means an establishment having as its primary stock-in-trade “antiques” as that term is defined in this chapter.

**3.16.0 APARTMENT HOUSE.** “Apartment house” means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.

**3.17.0 AUTO BODY SHOP.** “Auto body shop” means a building or portion of a building wherein there is engaged the business of improvement and restoration of automobiles and other motor vehicles by sanding, priming, painting, straightening and other like repair and restoration.

**3.18.0 AUTO DETAIL SHOP.** “Auto detail shop” means a building or portion of a building wherein there is engaged the business of improvement of the appearance of automobiles or other vehicles by washing, waxing, polishing or other like means not within the definition of an “Auto body shop”

**3.19.0 BILLIARD AND POOL HALLS.** “Billiard or pool halls” means an establishment wherein the principal use or activity is billiards, pool, or snooker, regardless of the number of billiard, pool or snooker tables.

**3.20.0 BOAT.** “Boat” shall mean any type of water craft, whether registered or unregistered, licensed or unlicensed. The term boat shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

**3.21.0 BOARDINGHOUSE.** “Boardinghouse” means any dwelling with less than twenty sleeping rooms in which persons whether individually or as families are housed or lodged and are provided meals at the dwelling. A rooming house or furnished rooming house is a boardinghouse.

**3.22.0 BUILDING.** “Building” is any structure used or intended for supporting or sheltering any use or occupancy.

**3.23.0 BUILDING, ACCESSORY.** “Accessory building” means a supplementary building, the use of which is incidental to that of the main or principal building and which is located on the same lot therewith.

**3.24.0 BUILDING AREA.** “Building area” means the three-dimensional space within which a building is permitted to be built on a lot and which is defined by height regulations, yard setbacks, and building coverage.

**3.25.0 BUILDING, DETACHED.** “Detached building” means a building surrounded by open space as required herein.

**3.26.0 BUILDING HEIGHT.** “Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or finished ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or finished ground surface is not more than ten feet above lowest finished grade.

- (b) An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in Item 1 above is more than ten feet above lowest finished grade.

**3.27.0 CAMP TRAILER/TRAVEL TRAILER/FIFTH WHEEL.** “Camp Trailer/Travel Trailer/Fifth Wheel” shall mean a structure designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

**3.28.0 CAMPER (Pickup).** “Camper (Pickup)” shall mean a structure designed to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for recreational use, camping or vacation use.

**3.29.0 CLUB, MEMBERSHIP.** “Club membership” means an organization catering exclusively to members and their guests in premises and buildings for recreation and athletic purposes.

**3.30.0 COMMUNICATION TOWER.** “Communication Tower” shall mean a free-standing or building mounted structure, including appurtenances and antenna intended for airway communication purposes, such as a television antenna or HAM radio tower. This definition does not include Wireless Communications Towers.

**3.31.0 COMMUNITY SERVICE FACILITIES.** “Community service facilities” includes, but is not limited to, daycare centers, nursery schools, hospitals, sanitariums, churches, drug abuse and alcoholic treatment centers, halfway houses, charitable organizations, nonprofit service groups, juvenile care and treatment centers, governmental and quasi-governmental activities, and other similar uses which provide social, health, and welfare services for citizens; except any such use which limits the activity solely to organizational or administrative office functions, whereby the actual community service is provided elsewhere, shall be excluded from this definition.

**3.32.0 DAY CARE CENTER, NURSERY SCHOOL, PRESCHOOL.** “Day-care center, nursery school, preschool” means any type of group day-care programs, for children or adults, including nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, covering after school care for school children, and programs which provide organized learning and education experiences, provided such establishments are licensed by the state and conducted in accordance with state requirements. For the purpose of this ordinance, the following shall also apply to day-care center, nursery schools or preschools:

- (a) Babysitting care: Means a dwelling which provides occasional custodial care to children, for periods of less than twenty-four hours, who do not

reside within the residence of the person providing the care. Babysitting care is not necessarily provided in exchange for compensation.

- (b) Home based day-care: Means a home receiving pre-approval from the Benton-Franklin District Health Department as to adequate sanitary facilities, and means a home licensed by the Department of Social and Health Services and in which day care is regularly provided for not more than twelve (12) children or adults or for periods of less than 24 hours. Home based day care is allowed in any home regardless of its zoning classification.
- (c) Mini day-care center: Means a place, other than the home of the provider, which provides regular custodial care for one to twelve children or adults for periods of less than 24 hours.
- (d) Day-care center: Means a place which provides regular custodial care for twelve or more children or adults, for periods of less than twenty-four hours.
- (e) Preschool/nursery schools: Means a place that provides regular custodial care and/or organized learning and educational experiences for children.

**3.33.0 DWELLING.** “Dwelling” means a building designed exclusively for residential purposes, including one-family, two-family dwelling, or multiple family dwellings, but not including hotels or motel units.

**3.34.0 DWELLING, MULTIPLE.** “Multiple dwelling” means a building used or designed as a residence for three or more families living independently of each other doing their own cooking therein. This includes apartment houses and, flats.

**3.35.0 DWELLING, ONE-FAMILY.** “One-family dwelling” means a detached dwelling designed for or occupied exclusively by one family.

**3.36.0 DWELLING, TWO-FAMILY.** “Two-family dwelling” means a building designed for or occupied exclusively by two families living independently of each other, except that common laundry facilities are allowed.

**3.37.0 DWELLING UNIT.** “Dwelling unit” means a building or portion thereof providing complete housekeeping facilities for one family.

**3.38.0 FACTORY ASSEMBLED HOME.** “Factory Assembled Home” is defined as either:

- (a) A factory built structure that was constructed in accordance with the U.S. Department of Housing and Urban Development requirements and bearing an appropriate Department of Labor and Industries insignia indicating such compliance, or
- (b) A factory built structure designed for human occupancy, which is entirely or substantially prefabricated or assembled at a place other than a building site and is transported to a building site on streets or highways and there affixed to a permanent foundation. A factory assembled home must be

constructed to Uniform Building Code standards as adopted by Franklin County for on-site construction, the Washington State Energy Code and all other uniform codes adopted by Franklin County governing the construction of residential structures.

**3.39.0 FAMILY.** “Family” means one or more persons related by blood, marriage, or adoption, or five or less unrelated persons over the age of sixteen years occupying a dwelling and living together as a single housekeeping unit as distinguished from a group home, group care facility, lodging house, boarding home or fraternity.

**3.40.0 FARM.** A viable farm would constitute a lot, tract, or parcel of land that is in compliance with the minimum lot size within the Agricultural Production Zoning Districts (excluding the Special Provision and Exceptions).

**3.41.0 GARAGE, RESIDENTIAL.** “Residential garage” means a structure on the same lot with and accessory to a principally permitted use, used for storage only.

**3.42.0 GARAGE, PUBLIC.** “Public garage” means any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

**3.43.0 GROUP CARE FACILITY.** “Group care facility” means any number of unrelated persons living together as a single housekeeping unit sponsored by a public or private service entity whether supervision of the residents is provided on a full or part-time basis.

**3.44.0 GROUP HOME.** “Group home” means more than six unrelated persons over the age of sixteen years living together as a single housekeeping unit.

**3.45.0 HOME OCCUPATION.** “Home occupation” means a profession, trade, skill or service possessed and utilized, in whole or in part, by a family member(s) for monetary gain within or upon the premises of a permanent dwelling units in a residential district. A home occupation shall not involve wholesale or retail sales of any general or specific line of merchandise, products, goods or wares upon said premises, unless such articles are produced thereon in the conduct of the profession, trade, skill or service.

**3.46.0 JUNK YARD.** “Junk yard” means the use of any lot, portion of a lot or tract of land for the abandonment, collecting, storage and/or dismantling, demolition, or salvaging of automobiles, other vehicles, machinery or parts thereof. Also, the collecting, storage and/or abandonment of junk, including but not limited to scrap metals, waste paper, rags, appliances, old furniture and other discarded materials. This definition applies to both commercial and non-commercial operations.

**3.47.0 KENNEL.** “Kennel” means a place where four or more dogs and/or four or more cats over the age of six months are kept, whether by owners or the dogs or cats or by persons providing facilities and care, whether or not for compensation. This definition shall include boarding kennels, but not pet shops, animal hospitals, or veterinarian clinics.

**3.48.0 LOT.** “Lot” means a designated parcel, tract or area of land established by final plat, short plat, binding site plan, or as otherwise permitted by law.

**3.49.0 LOT AREA.** “Lot area” means the total horizontal area within the boundary lines of a lot exclusive of street, road, canal, and alley rights-of-way regardless of whether such right-of-way is improved (i.e. net acreage).

**3.50.0 LOT, CORNER.** “Corner lot” means a lot at the junction of and abutting two or more intersecting street rights-of-way.

**3.51.0 LOT, CORNER, DEPTH OF.** “Depth of corner lot” means a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

**3.52.0 LOT, COVERAGE.** “Lot coverage” means that percentage of the lot area covered by all buildings, including accessory buildings and patio covers or sun screens.

**3.53.0 LOT DEPTH.** “Lot depth” means the horizontal distance between the front and rear property in the mean direction of the side lot lines.

**3.54.0 LOT, FLAG.** “Flag lot” means a large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

**3.55.0 LOT, INTERIOR.** “Interior lot” means a lot other than a corner lot.

**3.56.0 LOT, KEY.** “Key lot” means a lot in which the front half of the side lot line forms the rear lot line of an adjoining lot.

**3.57.0 LOT LINE.** “Lot line” means any line dividing a lot from a public street or alley right-of-way or dividing one lot from another.

**3.58.0 LOT, THROUGH.** “Through lot” means an interior lot having frontage on two parallel or approximately parallel streets.

**3.59.0 LOT, WIDTH OF.** “Width of lot” means the average width measured at right angles to the depth.

**3.60.0 MASSAGE PARLOR.** “Massage parlor” means a business principally used for the purpose of providing massage in an enclosed building.

**3.61.0 MICRO-BREWERY.** “Micro-Brewery” means a business engaged in the production of beer and licensed by the Washington State Liquor Board as a B1 Domestic Brewery, producing less than 60,000 barrels annually.

**3.62.0 MICRO-WINERY.** “Micro-Winery” means a business licensed by the Washington State Liquor Board as a W1 Winery, producing less than 99,999 liters annually.

**3.63.0 MINI-STORAGE FACILITY.** “Mini-Storage Facility” means a building or group of buildings consisting a small, self contained units for the storage of household or business goods, provided no hazardous substances or conditions are maintained within the facility.

**3.64.0 MOBILE HOME.** “Mobile home” means a single-family dwelling, thirty-two body feet or more in length and eight body feet or more in width, designed for transportation, after fabrication, on streets and highways on its own wheels, and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and having an insignia issued by the Department of Labor and Industries and constructed before June 15, 1976.

**3.65.0 MOTOR HOME.** “Motor home” means a vehicular type of unit or device, whether licensed or unlicensed, primarily designed as a temporary living quarters for recreation, camping, or travel use, which contains its own motive power.

**3.66.0 MOTOR VEHICLE REPAIR SHOP.** “Motor vehicle repair shop” means a building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

**3.67.0 NON-CONFORMING USE.** “Non-conforming use” means a use of land existing at the time of the enactment of this title and which does not conform to the regulations of the district or zone in which it is situated.

**3.68.0 NURSERY SCHOOL.** See definition Day Care.

**3.69.0 NURSING OR CONVALESCENT HOME.** “Nursing or convalescent home” means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the State of Washington.

**3.70.0 OPEN SPACES.** “Open spaces” means an unoccupied space open to the sky on the same lot with a building.

**3.71.0 OUTDOOR STORAGE.** “Outdoor storage” means any materials, equipment, merchandise, objects, artifacts or other substance kept or placed on the lot, but not within an enclosed structure, for preservation or later use or disposal.

**3.72.0 PARCEL.** See definition for lot.

**3.73.0 PAWN SHOP.** “Pawn shop” means an establishment wherein a person, firm or corporation is engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property.

**3.74.0 QUARRY, SAND PIT, GRAVEL PIT, OR TOPSOIL STRIPPING.** “Quarry, sand pit, gravel pit, or topsoil stripping” means a lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a building permit has been made.

**3.75.0 RECREATIONAL VEHICLE.** See definition under “Recreational Vehicle Parks.”

**3.76.0 RIDING ACADEMY.** “Riding academy” means any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

**3.77.0 SANITARIUM OR SANITORIUM.** “Sanitarium” or “sanatorium” means a private hospital whether or not such facilities are operated for a profit.

**3.78.0 SECONDHAND DEALER.** “Secondhand dealer” means an establishment having any portion of its stock-in-trade “secondhand personal property” as that term is defined in this chapter.

**3.79.0 SECONDHAND PERSONAL PROPERTY.** “Secondhand personal property” means any item (or part thereof) of secondhand personal property, regardless of condition, age or value; including scrap and melted metals. EXCEPTING the following: stamps, coins, books, reconditioned appliances, empty food containers, compact discs, computer software, goods used in trade-ins on the purchase of other merchandise of the same or greater value, used automobiles, unclaimed goods sold to collect mechanics liens and antiques.

**3.80.0 SEXUALLY-ORIENTED MATERIALS** “Sexually-Oriented Materials” mean any books magazines, periodicals, or other printed materials, or any photographs, films, motion pictures, video cassettes, slides or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

**3.81.0 SNOWMOBILE.** “Snowmobile” means a vehicle with a continuous tread and runner type steering device used primarily for over-snow travel.

**3.82.0 SPECIFIED ANATOMICAL AREAS.** “Specified anatomical areas” means:

- (a) Less than completely and opaquely covered.
  - (i) Human genitals, pubic region.
  - (ii) Anus, buttock, and
  - (iii) Female breast below a point immediately above the top of the areola, and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**3.83.0 SPECIFIED SEXUAL ACTIVITIES.** “Specified sexual activities” means:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Act of human masturbation, actual or simulated.
- (c) Sex acts, normal or perverted, actual or simulated, including sexual intercourse, oral copulation or sodomy.
- (d) Fondling or other erotic touching of human genitals, pubic region, anus, buttocks or female breast.
- (e) Excretory function as part of, or in connection with, any sexual activities specified in this definition.

**3.84.0 STABLE, PRIVATE.** “Private stable” means an accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

**3.85.0 STABLE, PUBLIC** “Public Stable” means a building in which horses are kept for remuneration, hire, or sale.

**3.86.0 STOCK-IN-TRADE** “Stock-in-trade” means all books, magazines, posters, pictures, periodicals, other printed material, items, products, equipment, pre-recorded video tapes, discs or other similar materials readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

**3.87.0 STORAGE, CONTAINER.** “Container storage” means a unit originally or specifically used or designed to store goods or merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers or multi-modal shipping containers.

**3.88.0 STREET.** “Street” means a public or private way that affords a principal means of access to abutting properties.

**3.89.0 STRUCTURE.** “Structure” is that which is built or constructed, and edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**3.90.0 TATTOO PARLOR.** “Tattoo parlor” means an enclosed building used for the business of tattooing a customer’s body.

**3.91.0 TAVERN.** “Tavern” means an establishment licensed by Washington State to dispense beer, wine or other alcoholic beverage for consumption on the premises, the provision of which is not in any way dependent upon food sales to retain said license. Such places may also provide packaged alcoholic products for off-site consumption.

**3.92.0 THEATER, MOTION PICTURE.** “Motion picture theater” means a building or part of a building devoted to the showing of moving pictures on a paid admission basis. This does not include adult entertainment facilities.

**3.93.0 URBAN AREA.** “Urban area” means the area within a City limits and the unincorporated portion of Franklin County within the Urban Growth Boundary established and adopted in the Comprehensive Plan.

**3.94.0 UTILITY TRAILER.** “Utility trailer” shall mean a vehicular structure or device with or without its own mode of power, licensed or unlicensed, designed and/or used for the transportation of goods, equipment, other vehicles or devices, and materials.

**3.95.0 VEHICLES.** “Vehicles” means motorized mechanical devices designed for movement by means of wheels, skids or runners of any kind, and specifically including all such automobiles, buses, trucks, cars, vans, and motor homes even though they may be at any time immobilized in any way for any period of time for whatever duration; and also including boats and such recreational vehicles as defined herein.

**3.96.0 VEHICLE, INOPERABLE.** “Inoperable vehicle” means any vehicle which is apparently inoperable, unlicensed (not currently licensed by the State), abandoned, wrecked, disassembled, or is extensively damaged. Further evidence of inoperability includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a non-functioning motor or transmission, missing bumpers, missing license plates, or a vehicle or part thereof which may be placed upon jacks, blocks, or other support.

**3.97.0 WINERY (COMMERCIAL).** “Commercial winery” is a facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes. A commercial winery produces less than 50,000 cases of wine a year.

**3.98.0 WIRELESS COMMUNICATION FACILITY.** “Wireless Communication Facility” (WCF) is any un-staffed facility for the transmission and/or reception of wireless communication services, including support structures, transmission

cables, equipment facilities, and antenna arrays. A “wireless communication service” means any personal wireless service as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television and similar services that currently exist or that may in the future be developed.

**3.99.0 YARD, FRONT.** “Front yard” means an open and unoccupied space, extending the full width of the lot between the front lot line and the structure.

**3.100.0 YARD, REAR.** “Rear yard” means an open and unoccupied space, extending the full width of the lot between the rear lot line and the structure.

**3.101.0 YARD, SIDE.** “Side yard” means an open and unoccupied space, between the side wall line of the structure and the side line of the lot.