Assignment for Today

Grad: Chapter 9 - Abatement of Nuisances and Dangerous Conditions, pp. 167-177.

Statutes & Regulations:
- 173 WAC 304 - Minimum Functional Standards for Solid Waste Handling
- King Co. Food Code, Parts 92 & 96.
- 29 USC 658 - Occupational Safety and Health Act §9.

Assignment for Today continued

Required Readings:
- Reading #23 - PHS Food Service Sanitation Manual, Chapter 10.
- Reading #25 - Marshall v. B.W. Harrison Lumber, 6 OSHC 1446 (Group C)
Lesson Objectives

Understanding the difference between an order and a citation; understand the purpose and use of an administrative order; and be able to write a lawful order, consistent with the requirements of the applicable statute, ordinance or rule and regulation.
Orders

- Citations
  - Notice of violation
  - Law or Ordinance
  - Imposition of penalty

Authority

1. Statutory Delegation
   - Authority delegated to agency by statute or ordinance

2. Limits
   - Whatever the statute says
   - Constitutional protections

Contents of an Order

- Legal authority
- Description of location
- Description of problem
- Requirement to abate
- Time limit(s)
- Authorized signature & Date
- Right to appeal
Lesson 8. Orders & Citations

Service of an Order
- In person
- By mail
- Posting
- Publication

Marshall v. Harrison Lumber
- Facts & Arguments
  - Who’s suing whom, for what?
- Court History
- Legal Issues
  - Why?
- Decision
- Concurrence and/or Dissent
- Application

Next Lesson
Embargoes, Seizures and Condemnations
Assignment for Lesson 9

- Grad: Chapter 8 - Embargo, Seizure, Condemnation and Destruction of Articles Endangering Public Health, pp.146-161.
- Statutes & Regulations:
  - 246 WAC 215 - Food Service Sanitation §240
- Required Readings:
  - Reading #23 - USPHS Food Service Sanitation Manual, Chapter 10.

Cases:

- Reading #26 - Adams v. Milwaukee, 228 US 572 (1913), [Group A]
- Reading #27 - North American Cold Storage Co. v. City of Chicago, 211 US 306 (1908), [Group B]
- Reading #28 - Provimi v. United States, 690 F.2d. 111 (1982), [Group C]
- Due: February 19, 2004