

NEW SECTION

WAC 296-127-01345 Landscape maintenance workers. For the purpose of the Washington state public works law, chapter 39.12 RCW, landscape maintenance involves the tending to and maintenance of an area of land that has been previously landscaped, when the work is not preparatory to construction.

(1) Landscape maintenance includes:

(a) Mowing, weeding, and otherwise performing tasks associated with the maintenance of lawns, yards, gardens, athletic fields, golf courses, parks, trails, or other previously landscaped surfaces.

(b) Pruning, trimming, mulching, and composting.

(c) Maintaining decorative rock including adding material to existing areas.

(d) Incidental hauling or placement of top soil, plants, or other landscaping materials in trucks with only one rear axle.

(e) Reseeding, resodding, replanting, top dressing, aerification, and applying chemicals, fertilizers, and soil amendments.

(f) Use of power tools with a maximum of twenty horsepower such as line trimmers, edgers, mowers, and leaf blowers.

(g) Rehydroseeding using equipment with a maximum capacity of one hundred gallons.

(h) Use of riding mowers which do not exceed fifty horsepower.

(i) Minor, nonconstruction related repair and maintenance of existing irrigation systems.

(j) Debris removal, and clearing of storm drains, catch ponds, and drain grates.

(2) Landscape maintenance does not include:

(a) Any landscape or nonlandscape construction activity or work, other than incidental maintenance and repairs mentioned above.

(b) Any work that is:

(i) On land that has not been previously landscaped;

(ii) Preparatory to construction, alteration, repair, improvement, or demolition;

(iii) Included or required in the process of construction or as a part of a construction project; or

(iv) Required for the restoration of a surface area after construction.

(c) Power line clearance tree trimming or clearing;

(d) Clearing of trees;

(e) Construction or repair of existing irrigation systems other than the minor incidental work identified in subsection (1)(i) of this section;

(f) Tree falling or bucking;

(g) The use of power tools over twenty horsepower;

(h) The use of any other riding equipment regardless of horsepower, other than riding mowers which do not exceed fifty horsepower;

(i) Rehydroseeding using equipment that exceeds a one hundred gallon capacity; and

(j) Any work on backflow protection devices of any kind, when connected to a potable water system.