

# Ordinance No. 00032

[\(Council Minutes 96/01/03\)](#)

## ORDINANCE NO. 32

AN ORDINANCE of the City of Lakewood, Washington, providing for identification, enforcement and abatement of public nuisances

WHEREAS, on February 28, 1996, the City of Lakewood will be officially incorporated; and,

WHEREAS, among its municipal duties and responsibilities will be those involving enforcement of laws to protect the general health and welfare of people in Lakewood; and,

WHEREAS, in order to address those responsibilities, it would be appropriate to identify types of conduct that should be abated as public nuisances, and to provide procedures for enforcement, including abatement by the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

### Section 1. Nuisances Affecting Public Health.

The following specific acts, omissions, places, conditions and things are declared to be nuisances: the erecting, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, or other public or private place in the City, any one or more of the following places, conditions, things or acts to the prejudice, danger, or annoyance of others:

- A. Privies, vaults, cesspools, sumps, pits, wells or cisterns or like places which are not securely protected from flies or rats;
- B. Filthy, littered or trash-covered premises, including all buildings and structures thereon and areas adjacent thereto;
- C. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal, articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash or abandoned material unless the same are kept in covered bins or metal receptacles approved by the City, provided that any such receptacles approved by the Pierce County Health Officer or designee shall be deemed approved by the City;
- D. Trash, litter, rags, debris, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin and other metal not neatly piled which provides harborage for rodents, or other pests;

E. Any unsightly and dangerous building, billboard or structure;

F. All places used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to provide harborage for rodents excluding properly zoned and licensed wrecking yards, junkyards or machinery being used;

G. Garbage disposed of in any manner other than provided in the Sanitary Code;

H. Garbage cans which are not impervious to rodent gnawing or do not have tight-fitting lids;

I. Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish or fowl, butchers' trimmings or offal, or any waste vegetable or animal matter in any quantity, garbage human excreta or other offensive substance; provided, nothing in this Subsection shall prevent the temporary retention of waste in a manner approved by the City Manager;

J. Blackberry vines or any tall grass or weeds over two feet in height which is rodent infested;

K. Grass clippings, cut brush or cut weeds which may create a fly or rodent harborage;

L. Nests, colonies, hives or apiaries of bees, Africanized honey bees, yellow jacket, hornets or wasps which are not in full compliance with Chapter 15.60 RCW or Chapter 16-602 WAC; and,

M. Any accumulation of combustible, explosive or flammable substances which are stored in a way that poses a threat or danger to life or property.

## Section 2. Yard Maintenance.

Every occupant of a dwelling unit located in the City shall keep the yard space thereof reasonably neat and clean and free of uncut grass, weeds, blackberry vines, bushes and debris, so as to prevent rodent, insect or other pest infestation, and so as to prevent a fire hazard.

## Section 3. Vacant Lot or Building.

Every owner of a vacant lot or building located in close proximity to another occupied dwelling unit shall keep the premises reasonably neat and clean and free of uncut grass, weeds, blackberry vines, bushes and debris, so as to prevent rodent, insect or other pest infestation, and so as to prevent a fire hazard.

## Section 4. Statutes Incorporated by Reference.

The following statutes are incorporated in this Ordinance by reference:

RCW 9.66.010 (Public Nuisance.)

RCW 9.66.020 (Unequal Damages.)

RCW 9.66.030 (Maintaining or Permitting Nuisance.)

RCW 9.66.040 (Abatement of Nuisance.)

RCW 9.66.050 (Deposit of Unwholesome Substance.)

## Section 5. Authority for Enforcement.

Whenever any declared nuisance, source of filth or cause or probable cause of injury to health shall be found to exist on any private or public property, the City Manager or designee shall have the power and authority to order verbally and/or in writing the owner or occupant or user thereof, by appropriate action, at the expense of such owner, occupant, or user to correct and remove such nuisance, source of filth or cause or probable cause of injury to health within such time as the City Manager or designee may order. In the event of the refusal or failure to remove such nuisance within said time, the City Manager or designee may cause such nuisance to be abated at the expense of such person or persons, which cost may be recovered by the City from such person or persons in an action brought in the name of the City to recover the same in any court of competent jurisdiction. The City Manager or designee is also authorized to file a lien against the property on which the nuisance was abated in the amount of the City's costs in abating the nuisance, and to enforce said lien against the property. In any such abatement by the City, the City shall also be entitled to interest accruing at the rate of twelve percent (12%) per annum from the time of the expenditure of funds by the City for such abatement.

## Section 6. Serving of Orders.

A. Any order described in Section 4 of this Ordinance required to be served on a person, owner, agent or occupant of a premises, shall be deemed to have been served under any of the following conditions:

1. Such order is delivered to such person by any authorized representative of the City Manager or designee;
2. Such order is mailed (by registered mail) to the owner, representative of the owner, or the last known occupant of the premises;
3. Such order, properly signed, is posted by an authorized representative of the City Manager or designee upon any portion of such premises visible from a public place.

B. If the whereabouts of such persons are unknown and the same cannot be ascertained by the City Manager or designee in the exercise of reasonable diligence and the City Manager or designee shall make an affidavit to that effect, then the order shall be served by publishing the same twice, once each week for two consecutive weeks, in the official newspaper of the City.

## Section 7. Contents of Order.

The order shall contain, among other things, the following information:

- A. Name of owner or other persons interested;
- B. Street address and legal description of the premises;
- C. General description of the premises considered a nuisance;
- D. A statement or list of items in violation of this Chapter;
- E. A reasonable time for correction of the violation;
- F. A copy of the order shall be filed with County Auditor, which filing shall have the same force and effect as other lis pendens orders provided by law.

Section 8. Inspections.

The City Manager or designee and all inspectors or employees of the City shall at all reasonable times have and be granted access to any premises, dock, building, storeroom, warehouse or residence for the purpose of inspecting same and of ascertaining whether the provisions of this Ordinance have been complied with.

Section 9. Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.

Section 10. Effective date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996, the official date of incorporation.

ADOPTED by the City Council this 3rd day of January, 1996.

/S/ Bill Harrison

Mayor

Attest:

/S/ Alice M. Bush

City Clerk

Approved as to Form:

/S/ Daniel B. Heid

City Attorney

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