

Ordinance No. 00359

[Council meeting minutes of Nov 1 2004](#)

ORDINANCE NO. 359

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 8.40 of the Lakewood Municipal Code relating to Property Maintenance

WHEREAS, under LMC 8.40.020 the citizens of the City of Lakewood are strictly obligated to maintain public rights of way located adjacent to and between private property and paved public roadways; and,

WHEREAS, maintenance of rights of way may cause extraordinary expense and/or hardship to citizens in some circumstances; and,

WHEREAS, to allow flexibility for City staff to evaluate said circumstances attendant to this duty and equitably resolve issues related to the hardship this duty may impose upon citizens;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That Chapter 8.40 of the Lakewood Municipal Code be amended, and is to read as follows:

08.40.010 - Definitions

The definitions set forth herein shall apply to this chapter:

- A. Junk. "Junk" means discarded, broken or disabled material including, but not limited to: furniture; appliances; toys; or other items that are not in functioning condition.
- B. Litter. "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.
- C. Owner. "Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.
- D. Property. "Property" means land and any buildings or structures located thereon.
- E. Trash. "Trash" means waste food products and other household garbage

08.40.020 - Duty to Maintain Property

1. No person owning, or responsible for any property by virtue of leasing, renting, occupying, or being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City Ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

- A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;
- B. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;
- C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;
- D. Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;
- E. Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flower beds, or trees or shrubbery) which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;
- F. Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;
- G. Vehicles or vehicle bodies which are up on blocks and have not been moved for a period of 30 days;
- H. Utility trailers or unmounted camper tops located in any front yard except in the driveway;
- I. Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of fifteen (15) inches, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard;
- J. Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents.

2. For the purposes hereof, the duty to maintain property extends to and includes the area of the public right-of-way adjacent to and

between the property of the person owning, leasing, renting, occupying, being in possession or having charge of the private property and the paved roadway. The City Manager, or the designee thereof, may make exceptions subject to available budget funds as deemed necessary and appropriate under circumstances such as accident, extreme danger, or Acts of God, but in no case for routine maintenance.

08.40.030 - Declaration of Public Nuisance

Any property found to be maintained in violation of Section 8.40.020 is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition or repair.

08.40.040 - Enforcement - Penalty

The provisions of this chapter shall be enforced pursuant to Chapter 8.16 of this Code. In addition to being subject to abatement as a nuisance, violations of this Chapter shall constitute civil infractions punishable by a fine in the amount of \$500 per violation. Each day during which a violation occurs constitutes a separate violation.

08.40.050 - Third Party Liability

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the ordinance summary.

ADOPTED by the City Council this 1st day of November, 2004.

CITY OF LAKEWOOD

Attest:

Douglas R. Richardson, Mayor

Alice M. Bush, CMC/AEE, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney