

Ordinance No. 00046

[Council Minutes 96/01/22](#)

ORDINANCE NO. 46

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AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating and establishing a new Chapter 8.40 of the Lakewood Municipal Code providing for property maintenance

WHEREAS, in addition to the various areas of code enforcement responsibility for which the City of Lakewood will become responsible upon incorporation, and in addition to the ordinances for litter control, weed control, junk vehicle control and general nuisance abatement, it is appropriate for standards and duties to be identified regarding maintenance of property; and,

WHEREAS, because the impacts of a poorly or improperly maintained piece of property may be felt more generally through the neighborhood and through the community with increased safety concerns, diminished property values and a reduced quality of life, it is important for standards for property maintenance to be identified and to be enforced; and,

WHEREAS, because violation of the standards of the community for property maintenance do have wide-sweeping impacts, it is likewise appropriate for those violations to be declared public nuisances and to be subject to abatement procedures; and,

WHEREAS, because of the legitimate interests that the City Council of the City of Lakewood has in protecting the community in general and preserving and enhancing the quality of life within the City, it is appropriate to clearly identify the standards and duties for property maintenance within the City.

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

Section 1. Adoption of Property Maintenance Standards.

A new Chapter 8.40 of the Lakewood Municipal Code providing for property maintenance be, and the same hereby is, created and established to read as follows:

Chapter 8.40

PROPERTY MAINTENANCE

Sections:

8.40.010 Definitions.

8.40.020 Duty to maintain property.

8.40.030 Declaration of public nuisance.

8.40.040 Enforcement - Penalty.

8.40.050 Third party liability.

8.40.010 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.

8.40.020 Duty to maintain property.

No person owning, leasing, renting, occupying, 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 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.

8.40.030 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.

8.40.040 Enforcement - Penalty.

The provisions of this chapter shall be enforced pursuant to Ordinance No. 32. 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.

8.40.050 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.

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 3. 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 4. Effective Date.

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

ADOPTED by the City Council this 22nd day of January, 1996.

CITY OF LAKEWOOD

/S/

Attest: Bill Harrison, Mayor

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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