

Ordinance No. 3111

(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Passed 5/18/1993
Public Nuisances, Litter Control, and Civil Penalties

Amended by Ord. 3849 (Sec. 8.01.030)

ORDINANCE NO. 3111

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to public nuisances as the same constitutes a fire, safety or health hazard, amending Chapter 8.04 of the Kent City Code relating to litter control by repealing section relating to abatement and by providing for civil penalties; repealing Chapter 8.01 of the Kent City Code in its entirety and adding a new chapter to be titled "Public Nuisances".

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code (KCC) Section 8.04.110 entitled "Clearing of Litter from Open Private Property by City" is repealed in its entirety.

Section 2. KCC Section 8.04.120 entitled "Alternative or Accumulative Methods of Collection of Charge" is repealed in its entirety.

Section 3. There shall be a new section added to Chapter 8.04 of the Kent City Code (KCC) which shall read as follows:

8.04.190. Violation - Penalty.

A. Every person, entity, or corporation violating or failing to comply with any of the provisions of this chapter shall be subject to a civil penalty, deemed to be an infraction, in the amount of one hundred dollars (\$100.00) for each such violation.

Repeals Ords.
2154, 2182,
2315 + 1970

Each day the violation exists shall be considered a separate violation.

B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor pursuant to Section 1.01.140 of the Kent City Code.

Section 4. Kent City Code (KCC) Chapter 8.01 (Ord. 1970 as codified by Ord. 3080) is repealed in its entirety:

Section 5. There is hereby added a new chapter to the Kent City Code, Chapter 8.01, as follows:

CHAPTER 8.01
PUBLIC NUISANCES

Sec. 8.01.010. Definitions.

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes violation of this chapter by such means and in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

C. "Director" means the director of the department in charge of code enforcement or his or her designee or any designated alternate who is empowered by ordinance or by the

Mayor to enforce this chapter including assigned code enforcement officials.

D. "Person" means any individual firm, association, partnership, corporation or any other entity, public or private.

E. "Premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, public rights of way, and parking strips and any lake, river, stream, drainage way or wetland.

8.01.020. Prohibited Conduct.

It is a violation of this chapter for any person to permit, create, maintain, or allow, upon any premises, any of the acts or things declared in Section 8.01.030 to be a public nuisance.

8.01.030. Types of Nuisances.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the director determines that any of these conditions exist upon any premises, the director may provide for the abatement thereof and monetary penalties may be assessed pursuant to Kent City Code 1.04, Civil Violations, Enforcement and Abatement:

A. The existence of any trash, dirt, filth, the carcass of any animal, manure or rubbish, accumulation of yard trimmings, excluding properly maintained yard compost, or other matter which is offensive to a reasonable person; except for such yard debris that is properly contained and concealed as not to affect the health, safety or depreciation of adjoining property for the purpose of composting; or

B. Erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any premises, which may be viewed or smelled from without the premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the City, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles; or

2. Any privies, vaults, cesspools, open containers of stagnant water, sumps, pits or like places which are not securely protected from flies and rats, or which are malodorous; or

3. An accumulation of material including, but not limited to bottles, cans, glass, plastic, ashes, scrap metal, wire bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing hay, straw or other packing material or building materials on any premises which not properly stored or neatly piled or is offensive to a reasonable person or in which flies or rats may breed or multiply; or

4. Accumulation of any litter, garbage, trash, refuse and/or rubbish.

5. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, cattle or fowl may be confined or kept in such a manner as to be nauseous, foul or offensive.

C. The existence of any fence or other structure on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition; or

D. The existence of wrecked or disassembled trailers, house trailers, boats, tractors or other vehicle, appliance or machinery of any kind, or any major parts thereof; or

E. The existence on any premises of any abandoned or unused well, pit, shaft, cistern or storage tank without first demolishing or removing from the premises such storage tank, or securely closing and barring any entrance or trapdoor thereto or without filling any well, pit, shaft or cistern or capping the same with sufficient security to prevent access thereto; or

F. The existence in a place accessible to children of any attractive nuisance dangerous to children, including but not limited to any abandoned, broken or neglected equipment, machinery, refrigerator, freezer, or other large appliance.

G. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

H. All snow and ice not removed from public sidewalks within a reasonable time after the snow and ice has ceased to be deposited thereon.

I. All trees, hedges, billboards, fences or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a legal speed to a full stop before the intersection is reached.

J. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks. This subsection shall not

apply to events, programs or parades authorized by the city council.

K. Any poisonous or harmful substance which is reasonably accessible to persons or to animals.

L. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking or the making of other noises, or the keeping or harboring of any fowl which by frequent habitual crowing or the making of other noises shall annoy or disturb a neighborhood or any considerable number of persons.

M. Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing or giving away any controlled substance as defined in Chapter 69.50 RCW, legend drug as defined in Chapter 69.41 RCW, or imitation controlled substance as defined in Chapter 69.52 RCW, and every building or unit within a building wherein or upon which such acts take place.

N. Soils contaminated by dangerous wastes, hazardous substances or hazardous wastes as those terms are defined in RCW 70.105.010.

8.01.040. Authorized Act Not a Public Nuisance.

No act which is done or maintained under the express authority of a statute or ordinance can be deemed a public nuisance.

8.01.050. Violation - Penalty.

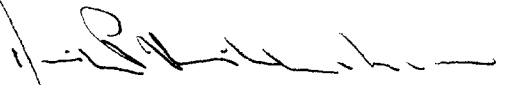
A. Any violation of any provision of this chapter constitutes a civil violation under Kent City Code Chapter 1.04 for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor pursuant to Section 1.01.140 of the Kent City Code.

C. As an alternative to any other penalty provided in this chapter, pursuant to a violation of Kent City Code 8.01.030(M), abatement proceedings may be instituted under Chapter 7.43 RCW.


Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.



DAN KELLEHER, MAYOR

ATTEST:



BRENDA JACOBER, CITY CLERK

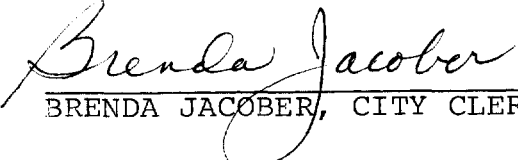
APPROVED AS TO FORM:



ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 18 day of May, 1993.
APPROVED 19 day of May, 1993.
PUBLISHED 21 day of May, 1993.

I hereby certify that this is a true and correct copy of Ordinance No. 3111, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.


BRENDA JACOBER, CITY CLERK