

ORDINANCE NO. 154

AN ORDINANCE AMENDING SECTIONS 3 AND 5 OF ORDINANCE NO. 152 REGARDING THE HAULING OF MATERIALS ON AND OVER CITY STREETS; REGULATING WORK ON CITY RIGHT-OF-WAY; AND DECLARING AN EMERGENCY.

THE CITY COUNCIL OF THE CITY OF LACEY DOES ORDAIN AS FOLLOWS:

Section 1. Section 3. of Ordinance No. 152 is amended to read as follows:

"Section 3. If any person in violation of this ordinance permits loose material to fall on or accumulate on public property, he shall immediately abate such condition or shall be deemed to have created a public nuisance. Such a nuisance shall be abated with or without legal action and such other proceedings shall be taken with respect thereto as authorized by law and the ordinances of the City for the prevention, abatement and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public property. Failure to abate such nuisance which results in action being taken by the City of Lacey for such abatement shall result in the violator being liable for all expenses incurred by the City in its abatement action."

Section 2. Section 5. of Ordinance No. 152 is amended to read as follows:

"Section 5. Any person, who in the course of actions described in Section 4. of this ordinance, causes damage to any public property, including roadways and rights-of-way over which control and use has not been exercised, shall restore such public property to a condition at least equal to the condition immediately prior to the person's action that resulted in the damage to the public property. Such



restoration will be to the satisfaction of the City Engineer, within a time frame stipulated by the City Engineer, and further conditioned that the person causing or responsible for such damage will maintain such public property for a period of one (1) year; failure to effect such restoration within the time frame presented by the City Engineer, or to maintain such restoration for a period of one (1) year from the date of restoration which results in the necessity for the City to undertake such restoration and/or maintenance in the public interest shall cause the violator to be deemed to have created a public nuisance and shall cause the violator to be liable for all costs incurred by the City incident to the abatement of the public nuisance. Such a nuisance shall be abated with or without legal action and such other proceedings shall be taken with respect thereto as are authorized by law and the ordinances of the City for the prevention, abatement, and punishment of nuisances; and it shall be no defense to any prosecution or proceeding under this section that the person violating the same has a franchise to use or occupy such public property. Failure to abate such nuisance which results in action being taken by the City of Lacey for such abatement shall result in the violator being liable for all expenses incurred by the City in its abatement action."

Section 3. This ordinance is necessary for the immediate preservation of the health, welfare and safety of the Citizens of Lacey and shall go into effect immediately upon its passage, approval and publication in the manner prescribed by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this

24<sup>th</sup> day of September, 1970.

A. G. Homann  
MAYOR

ATTEST:

C. R. Heston  
CITY CLERK

APPROVED AS TO FORM

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CITY ATTORNEY