

ORDINANCE NO. 344

CITY OF LACEY

AN ORDINANCE DECLARING CONDITIONS, ACTS, OMISSIONS AND ACTIVITIES WHICH ARE HARMFUL TO THE PUBLIC HEALTH, SAFETY, PEACE, COMFORT OR WELFARE, TO BE PUBLIC NUISANCES; PROVIDING FOR THE ABATEMENT OF SAID NUISANCES; DECLARING THE CREATION, PARTICIPATING AND/OR MAINTENANCE OF SAID NUISANCES TO BE A MISDEMEANOR, AND ADDING A NEW CHAPTER TO THE LACEY MUNICIPAL CODE.

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

There is hereby added to the Lacey Municipal Code a new chapter, Chapter 9.52 to read as follows:

"Section 9.52.010. The following conditions, acts, omissions and activities are hereby declared to be harmful to the health, safety, peace, comfort or welfare of the citizens of the City of Lacey and to constitute public nuisances:

(1) The operation of a motorcycle or motor driven cycle or other vehicle in such a manner or in such location either as a single unit or in conjunction with the operation of other motorcycles or motor driven cycles and/or other vehicles so as to create a safety hazard for young children or an unreasonable disruption of the peace and comfort of the occupants of residential dwellings.

(2) The infestation of trees or shrubbery with tent caterpillars.

(3) All unoccupied buildings which have not been securely closed against entry by those having no interest in said property and all buildings or structures which by reason of abandonment, decay, dilapidation, or damage by fire, the elements or any other cause, have become harmful to the health, safety, peace, comfort or welfare of the public, or unsafe for the purpose or purposes for which said buildings or structures are being used.

"Section 9.52.020. It shall be unlawful for any person to participate in, cause, maintain, or allow to exist on property owned or occupied by said person, any of those conditions or activities listed in Section 9.52.010 as public nuisances and any person who participates in, causes, maintains or allows to exist such conditions or activities on the property owned or occupied by said person, shall constitute a misdemeanor.

Section 9.52.030. Whenever the court having jurisdiction of misdemeanor offenses finds that a public nuisance as defined in Section 9.52.010 exists, the court shall, together with the fine or penalty imposed, if any, enter an order of abatement as part of the judgment or sentence in the case, which order shall direct either:

(1) That such nuisance be abated or removed by the defendant within the time limited by the court, but not exceeding thirty days, or

(2) That the nuisance may be abated by the City of Lacey at the cost of the defendant in which case the court shall inquire into and estimate as nearly as may be the sum necessary to defray the expense of such abatement, and shall assess and enter the same as a part of the sentence or judgment in the case, which amount shall be collected and enforced in the same manner that fines and costs are by law collected and enforced by the court; provided that in no case shall the amount of the

"fine imposed together with the amount assessed for abatement purposes, exceed the sume of \$500.00.

Section 9.52.040. All monies collected for abatement purposes as provided in Section 9.52.030 shall be separately stated and itemized by the court, and shall be credited by the City Clerk/Treasurer to the department or division of the city government which shall be actually employed in the abatement of such nuisance.

Section 9.52.050. The provisions of this chapter shall be cumulative and in addition to the provisions of the now existing ordinances of the City of Lacey, and shall not have the effect of repealing any ordinance of the City of Lacey now in effect or revoking any powers of the City of Lacey to require the removal of nuisances.

Section 9.52.060. If any section or provision of this chapter shall be held void or unconstitutional, all other sections and all other provisions of this chapter which are not so held to be void or unconstitutional shall continue in full force and effect.

Section 9.52.070. This ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property and the public peace, and shall be effective upon its adoption by the City Council.

PASSED BY THE CITY COUNCIL THIS 27th DAY OF JUNE, 1974.

W.A. Brown
MAYOR

ATTEST: *Timothy McGuire*
CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

PASSED: 6-27-74

PUBLISHED: 7-3-74