

ORDINANCE 730

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 9.52 OF THE LACEY MUNICIPAL CODE DECLARING CERTAIN ACTIONS AND CONDITIONS WITHIN THE CITY TO BE NUISANCES AND PROVIDING FOR THE ABATEMENT OF SAID NUISANCES

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 9.52 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 9.52

NUISANCES

Sections:

- 9.52.010 Nuisances declared.
- 9.52.020 Nuisance maintenance prohibited.
- 9.52.030 Abatement--Generally.
- 9.52.040 Abatement--Moneys disposition.
- 9.52.050 Remedies cumulative.
- 9.52.060 Severability.
- 9.52.070 Effective date.

9.52.010 Nuisances declared. The following conditions, acts, omissions and activities are declared to be harmful to the health, safety, peace, comfort or welfare of the citizens of the city 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 the 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 the buildings or structures are being used.

(4) The accumulation of garbage and refuse not disposed of in accordance with Chapter 8.04 of the Lacey Municipal Code or the accumulation of any other scrap, parts, glass or other junk which is not completely fenced off or enclosed from public view and public access.

(5) The existence of tansy ragwort which is allowed to grow on any property or any road, street or highway abutting said property and which is not controlled prior to ripening and developing seeds.

(6) Loud noise emanating from any source on residentially zoned property which causes disruption of the peace and comfort of the occupants of residential dwellings.

(7) The existence of dry grass, weeds, shrubs, trees or other vegetation on property which because of its height or density constitutes a fire hazard. (Ord. 502 §1, 1978: Ord. 498 §1, 1978: Ord. 360 §1, 1974: Ord. 344 (part), 1974).

9.52.020 Nuisance maintenance prohibited. It is 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 is guilty of a misdemeanor. (Ord. 344 (part), 1974).

9.52.030 Abatement--Generally. 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 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 sum of five hundred dollars. (Ord. 344 (part), 1974).

9.52.040 Abatement--Moneys disposition. All moneys 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. (Ord. 344 (part), 1974).

9.52.050 Remedies cumulative. The provisions of this chapter shall be cumulative and in addition to the provisions of the now existing ordinances of the city and shall not have the effect of repealing any ordinance of the city now in effect or revoking any powers of the city to require the removal of nuisances. (Ord. 344 (part), 1974).

9.52.060 Severability. If any section or provision of this chapter is 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. (Ord. 344 (part), 1974).

9.52.070 Effective date. The ordinance codified in this chapter 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. (Ord. 344 (part), 1974).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 9.52 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.


CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985