

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2090

AN ORDINANCE relating to the keeping or permitting of nuisances, adding a new chapter to Title 6 of the Bellevue City Code and repealing Chapters 7.24 and 7.25 of the Bellevue Penal Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Title 6 of the Bellevue City Code is hereby amended by adding the following new chapter:

Chapter 6.10 Nuisances

Sections:

- 6.10.010 Definitions
- 6.10.020 Type of Nuisances--Authority to Abate
- 6.10.030 Prohibited Conduct
- 6.10.040 Enforcement
- 6.10.050 Abatement by City
- 6.10.060 Abatement by Owner or Other Responsible Person
- 6.10.070 Immediate Danger--Summary Abatement
- 6.10.080 Appeal
- 6.10.090 Penalty for Violations

Sections:

6.10.010 Definitions. The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

ABATE means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, shall determine is necessary in the interest of the general health, safety and welfare of the community.

ENFORCEMENT OFFICER means the City Manager, or an alternate designated by him.

PREMISES means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

RESPONSIBLE PERSON as used in this chapter means any agent, lessee, or other person occupying or having charge or control of any premises, except the owner. (Ord. 936 §1 (part); November 15, 1966).

BUILDING MATERIALS as used herein, means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

6.10.020 Types of Nuisances. Each of the following conditions, unless otherwise permitted by law, is hereby declared to constitute a public nuisance, and whenever the enforcement officer shall determine that any of these conditions exist upon any premises or in any lake, river, stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

- A. the existence of any weeds, trash, dirt, filth, the carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings, or other offensive matter;
- B. the existence of any dead, diseased, infested or dying tree, that may constitute a danger to street trees, streets, or portions thereof;
- C. the existence of any tree, shrub, or foliage, unless by consent of the city, which is apt to destroy, impair, interfere, or restrict:
 - 1. streets, sidewalks, sewers, utilities or other public improvements,
 - 2. visibility on, or free use of, or access to such improvements;
- D. the existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto;
- E. the existence of any accumulation of materials or objects in a location when the same endangers property, safety, or constitutes a fire hazard;
- F. the existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;
- G. the existence of caterpillar infestation;
- H. the burning or disposal of refuse, sawdust, or any other material without a permit.
- I. the existence of any obstruction to a street, alley, crossing, or sidewalk, and any excavation in or under any street, alley, crossing, or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished, and for an unreasonable length of time;

- J. the erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any private lot, building, structure or 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.
 2. any privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies and rats, or which are foul or malodorous.
 3. any filthy, littered, or trash covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings, or premises.
 4. any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city.
 5. any poison oak or poison ivy, Russian thistle, or other noxious weeds, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles.
 6. any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all such trash, or abandoned material, unless they shall be kept in approved covered bins or galvanized iron receptacles.
 7. any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

- K. the depositing of or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure, or other rubbish or material;
- L. the storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in 6.10.010 whose retail cost new would exceed one hundred dollars, without a special permit from the building official provided that nothing herein shall:
 - 1. prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion.
 - 2. prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials, or other commercial enterprise, when the same is permitted under the zoning ordinance and other applicable laws.
 - 3. make lawful any such storage or keeping when it is prohibited by other ordinances or laws;
- M. the existence of any fence or other structure or thing 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;
- N. the existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof;
- O. the existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children (Ord. 198; May 14, 1957).
- P. the existence on any premises, in a place accessible to children, unattended and or discarded icebox, refrigerator or other large appliance.
- Q. the existence of any drainage onto or over any sidewalk or public pedestrian way.

6.10.030 Prohibited conduct.

- a) It is unlawful for any responsible person or owner to permit, maintain, suffer, carry one, or allow, upon any premises or in any lake, river, stream, drainage way or wetlands - any of the acts or things declared by this Chapter to be a public nuisance.
- b) It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this Chapter to be a public nuisance.

6.10.035 Disposal of diseased animal's carcass.

Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground at a place approved by the City Health Officer, or cause the same to be consumed by fire. No person shall sell or offer to sell or give away the carcass of any animal which died or was killed on account of disease. Every violation of any provision of this section shall be a misdemeanor. (Ord. 43 §6.10; November 10, 1953).

6.10.040 Enforcement. An enforcement officer appointed by the City Manager having knowledge of any public nuisance shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice or other reasonable period. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Chapter 6.10 of Bellevue City Code has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection _____ of Section 6.10.020:

You are hereby notified to abate said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not abate such condition within _____ days the city will abate the condition at your expense.

Abatement is to be accomplished in the following manner:

Dated: _____ (Name of enforcement officer)

By _____

6.10.050 Abatement by the City. In all cases where the enforcement officer has determined to proceed with abatement, ten days after giving notice, the city shall acquire jurisdiction to abate the condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing to the city.

6.10.060 Abatement by owner or other responsible person. If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It shall be unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement.

6.10.070 Immediate danger--Summary abatement. Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in 6.10.050.

6.10.080 Penalty for violations. Any person violating this chapter shall be guilty of a misdemeanor.

Section 2. The following chapters of the Bellevue City Code are hereby repealed:

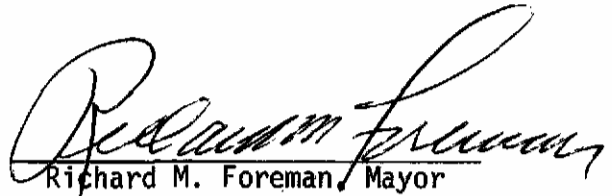
Chapter 7.24, Ordinance 43, §§ 6.1, 6.2, 6.3, 6.4, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13 as amended by Ordinances 340, 198; Ordinance number 920 § 1 as amended by Ordinance 955; Ordinance

16 §§ 1 and 2; Ordinance 1454 § 1; and Chapter
7.25, Ordinance 936 § 1.

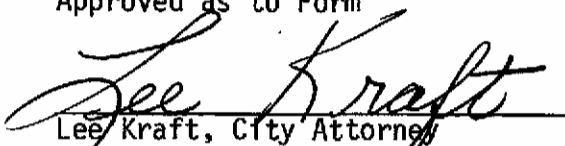
Section 3. This ordinance shall take effect and
be in force five (5) days after its passage, approval
and legal publication.

PASSED by the City Council this 10 day of
June, 1974, and signed in authentication of
its passage this 10 day of June, 1974.


(SEAL)


Richard M. Foreman, Mayor

Approved as to Form


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published June 20, 1974