

## Chapter 9.94

### PUBLIC NUISANCES

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**9.94.010 Definitions.** The following words and phrases used in this Chapter, unless the context otherwise clearly indicates, shall have the following meanings:

“Abate” means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a 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.

“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.

“Enforcement Officer” means the City Manager of the City of Snohomish or his or her designee.

“Owner” means and includes any agent, lessee, owner, tenant, or other person occupying or having charge or control of any premises. An owner or agent is deemed to have control if he or she has actual or constructive knowledge of the maintenance upon the premises of any nuisance as defined in this Chapter.

“Person” means and includes, individual, firm, partnership, corporation, and all associations of natural persons, whether acting by themselves or by an agent or employee.

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

(Ord. 2155, 2008)

**9.94.020 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 9.94.030 to be a public nuisance or to fail to abate such a nuisance pursuant to lawful notice given under section 1.14.020 of the Snohomish Municipal Code.

**9.94.030 Nuisances Declared.** The following specific acts, omissions, places, and conditions are declared to be public nuisances:

- A. Erecting, continuing, or using any building or other place in the City for the exercise of any trade, employment, or manufacture, which by occasioning noxious exhalation, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
- B. Causing or allowing any offal, filth, poison, or noisome substance to be

collected or to remain in any place, street, highway, or alley in the City to the prejudice of others.

- C. Building or maintaining any structure in such condition as to be dangerous to the health of the citizens of the City.
- D. Obstructing or encroaching upon or rendering unsafe for passage any public highway, private way, street, alley, park, square, driveway, lake, or stream in the City.
- E. Carrying on, within the City limits, a business of manufacturing gunpowder, nitroglycerin, or other highly explosive substance, or mixing or grinding the materials therefore, in any place within two hundred fifty yards of any building in existence at the time such business may be commenced.
- F. Any wrecked, inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor, automobile, or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a non-functional motor or transmission, missing bumpers, or missing license plates; provided nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view.
- G. Camping, placing, standing, or locating any occupied trailer, house car, camp car, or mobile home on any street, alley, or highway, within the City, except within a trailer camp. Trailers, house cars, camp cars, or mobile homes shall not be located for more than twenty-four

hours on any street, alley, or highway within the City, subject to any other regulations or restrictions for that street, alley, or highway, and may not be used for living and/or sleeping accommodations.

- H. Placing, depositing, keeping, having, or leaving in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, park, parkway, or public or private place in the City any one or more of the following conditions, places, or things:
  - 1. Any putrid, unsound, or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish, or fowl.
  - 2. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous.
  - 3. Filthy or littered trash-covered cellars, house yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings, or premises.
  - 4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinances of the City.
  - 5. Poison oak or poison ivy (whether growing or otherwise), liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any other vegetable or animal matter in any quantity; provided nothing in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the City or the dumping of non-putrifying waste in a place and manner approved by the City.

6. Tin cans, bottles, glass cans, small pieces of scrap iron, wire, material, bric-a-brac, broken crockery, broken glass, broken plaster, scrap building materials, and all such trash or abandoned material unless the same be kept in covered bins or galvanized iron receptacles approved by the City.
7. Trash, litter, weeds or grass, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, or other packing materials, lumber not piled, scrap iron, abandoned stoves, kitchen appliances, tin and other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger.
8. Any abandoned unattended or discarded icebox, refrigerator, freezer, or other container having an air-tight door or lid and a snap lock or other locking device which may not be easily released from the inside when such lid or door is in a closed position.
9. Allowing trees and shrubs to overhang the public sidewalk with less than nine feet of vertical clearance; allowing trees and shrubs to overhang the public street with less than twelve feet of vertical clearance; or allowing grass and weeds to attain a height of over six inches on private property pursuant to section 8.20.112 of the Snohomish Municipal Code.
10. Allowing trees, shrubs, or other objects, improvements, or obstructions to exist in visibility triangles to be kept clear to preserve

sight clearance for vehicular and pedestrian travel. A visibility triangle shall be maintained for all corner lots in all residential districts. If the property corner does not have a radius, the visibility triangle shall be determined by measuring lines from the intersection of the property lines abutting two intersecting streets, or an intersecting alley and street, for a distance of fifteen (15) feet in both directions. The terminus of the two line segments shall be connected by a third line to complete the area of the triangle in which sight obstruction shall be prohibited and be a public nuisance. If the property does have a radius, the visibility triangle shall be determined by extending the opposing lines from their points of curvature creating a point of intersection, then measuring from said intersection of the property lines abutting two (2) intersecting streets, or an intersecting alley and street, for a distance of fifteen (15) feet in both directions. The terminus of the two line segments shall be connected by a third line to complete the area of the triangle in which sight obstruction shall be prohibited and be a public nuisance. (Ord. 2074, 2005; Ord 2076, 2005)

11. Discharging, directly or indirectly, into the City's storm drain system or into the waters of any stream, lake, wetland, or similar area within the City, any material that shall cause or tend to cause a polluted condition of such system or waters, including but not limited to any organic substance or chemical compound which causes or contributes to the violation of applicable state water quality standards, as set forth in Chapter 173-201A WAC, which is hereby adopted by reference, except that the

following discharges shall not be considered nuisances: (Ord. 2074, 2005; Ord. 2076, 2005)

- a. Flushing of water lines or other potable water sources;
- b. Flushing of residential hot tubs or residential swimming pools;
- c. Landscape irrigation or lawn watering;
- d. Diverted stream flows pursuant to required permits;
- e. Crawl space pumping;
- f. Non-commercial washing of vehicles;
- g. Fire-fighting activities;
- h. Discharges specified in writing of the City to be necessary to protect the public health and safety;
- i. Dye-testing that is verbally authorized by the City before the test; and
- j. Discharges permitted under an NPDES permit and in compliance with all permit requirements.

12. Causing or allowing any other nuisance as defined in section 9.94.030 or other provision of the Snohomish Municipal Code. (Ord. 2074, 2005; Ord. 2076, 2005)

13. Any other act, omission, condition, or thing which: (Ord. 2074, 2005; Ord. 2076, 2005)

- a. Unreasonably injures or endangers the comfort, repose, health, or safety of others; or
- b. Offends public decency; or
- c. Is offensive to the senses of reasonable persons; or
- d. In any way renders other persons insecure in life or use of property.

**9.94.040 Abatement Procedure.** Repealed (Ord. 2055, 2008)

**9.94.050 Liability for Continuing Nuisance.** Every successive owner or occupant of property who neglects to abate a continuing nuisance upon or in the use of such property caused by a former owner, is liable in the same manner as the owner who created it.

**9.94.060 Money Collected for Abatement – Disposition.** Repealed (Ord. 2055, 2008)

**9.94.070 Civil Penalties.** Any person, firm, corporation, their agents, or servants, who shall violate any of the provisions of this Chapter, has committed a civil violation for which civil penalties may be assessed for each day or part of day that the violation continues, pursuant to section 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 2155, 2008)

**9.94.080 Criminal Penalties.** Repealed (Ord. 2055, 2008)

**9.94.090 Right of Entry.** Repealed (Ord. 2055, 2008)

**9.94.100 Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**9.94.110 No Special Duty Created.** It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited a by the terms of this ordinance.

No provision or term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officer, agents, or employees for whom the implementation or enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this Ordinance is intended nor shall he construed to create or form the basis of any liability on the part of

the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees, or agents.

(Ord. 1911, 1999)