

Title 7

HEALTH AND SANITATION

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Chapter 7.04

GARBAGE COLLECTION

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7.04.010 License – Required.

It is unlawful for any person to engage in the business of collection and disposal of garbage, refuse, rubbish and ashes in the city without having first secured a license for such collection and disposal. (Ord. 344 § 1, 1971).

7.04.020 License – Fee.

The annual license fee for a person to engage in the business of the collection and disposal of garbage, refuse, rubbish and ashes in the city shall be \$20.00 per year. (Ord. 439 § 1, 1975; Ord. 344 § 2, 1971).

7.04.030 License – Application.

Application for a license for the collection and disposal of garbage, refuse, rubbish and ashes shall be made to the clerk-treasurer, who shall refer the application to the council. No license shall be issued except by resolution of the city council. (Ord. 344 § 3, 1971).

7.04.040 Rates – Compliance with state law required.

The rates to be charged by any licensee under this chapter shall be governed by those tariffs approved by the Utilities and Transportation Commission of the state of Washington in and around the city; provided, that the licensee shall pick up and dispose of all garbage, refuse, rubbish and ashes emanating from the Stanwood City Hall, fire hall, library, city parks and other city premises at the rate set by the licensing resolution. (Ord. 525 § 1, 1979; Ord. 344 § 4, 1971).

7.04.050 License – Term.

In order to promote efficiency in the removal of wastes, and to make the regulation thereof more concentrated and effective, there shall be no more than one licensee for the collection of garbage, refuse, rubbish and ashes at any one time and any such license shall not be granted for a period to exceed five years from date of issue. (Ord. 525 § 2, 1979; Ord. 344 § 5, 1971).

7.04.060 License – Nonassignable.

Any license granted under the terms of this chapter shall not be assignable, either voluntarily or by operation of law, without the approval of the council. (Ord. 344 § 6, 1971).

7.04.070 Penalty for violations.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001).

7.12.010

Chapter 7.12

LITTER CONTROL

Sections:

- 7.12.010 Washington State Uniform Litter Control Code Ordinance – Adopted.
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- 7.12.050 Penalties for violation.

7.12.010 Washington State Uniform Litter Control Code Ordinance – Adopted.

The city adopts and, by this reference, makes a part of this chapter the Washington State Uniform Litter Control Code Ordinance, as recommended by the State Department of Ecology in its entirety as read and passed by the city council as Ordinance No. 398, three copies of which compilation and Uniform Litter Control Code Ordinance have been and are on file in the office of the city clerk-treasurer for examination by the public during the consideration of the ordinance codified herein. (Ord. 398A § 1, 1973).

7.12.020 Authentication – Recording litter control code.

The city clerk-treasurer is directed to authenticate and record the original copy of Ordinance No. 398 in the form passed by the city council, and recorded by him with the adopting ordinance codified herein. (Ord. 398A § 2, 1973).

7.12.030 Littering prohibited.

No person shall throw, drop, deposit, discard or otherwise dispose of refuse by allowing that refuse to be placed into receptacles that are not clearly marked with the anti-litter symbol as designed and adopted by the State of Washington Department of Ecology. (Ord. 711 § 1, 1986).

7.12.040 Litter control.

Identification of the owner at the location of any refuse found upon said properties shall be considered as prima facie evidence of its having been illegally deposited by the identified owner of the refuse. (Ord. 711 § 1, 1986).

7.12.050 Penalties for violation.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001; Ord. 711 § 1, 1986).

Chapter 7.16

NUISANCES

Sections:

- 7.16.010 Definitions.
- 7.16.020 Conditions constituting a public nuisance.
- 7.16.025 Public nuisance.
- 7.16.030 Prohibited conduct.
- 7.16.040 Disposal of diseased animal carcass – Violation a misdemeanor.
- 7.16.050 Municipal ordinance – Declaration of nuisance – Notice and hearing.
- 7.16.060 Penalty for violations.
- 7.16.070 *Repealed.*
- 7.16.080 *Repealed.*
- 7.16.090 *Repealed.*

7.16.010 Definitions.

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

- (1) “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, determines is necessary in the interest of the general health, safety and welfare of the community;
- (2) “Building materials” means and includes lumber, plumbing materials, wall-board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials;
- (3) “Enforcement officer” means the city mayor or any alternate designated by him;
- (4) “Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips;
- (5) “Responsible person” means any agent, lessee or other person occupying or having charge or control of any premises, except the owner. (Ord. 671 § 1, 1985).

7.16.020 Conditions constituting a public nuisance.

Each of the following conditions, unless otherwise permitted by law, is declared to con-

stitute a public nuisance in the city of Stanwood, and whenever the enforcement officer determines 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 section:

- (1) The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;
- (2) The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict:
 - (a) Streets, sidewalks, sewers, utilities or other improvements,
 - (b) Visibility on, or free use of, or access to such improvements;
- (3) 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, stand-pipe, 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;
- (4) The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard, or interferes with access to any public utility connection, drain, outlet or other use needed by those responsible to check, service, repair or use;
- (5) 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;
- (6) 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, unsani-

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tary, fly-producing, rat-harboring, disease causing places, conditions, or things:

(a) 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, or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles;

(b) Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous;

(c) Any poison oak or poison ivy, Canadian thistle, night shade, water hemlock or other noxious weeds, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles;

(d) Accumulation of 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 it is kept in covered bins or galvanized iron receptacles;

(e) Accumulation of trash, litter, rags, 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;

(7) The depositing 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, lawn clippings, manure or other rubbish or material;

(8) The existence of any fence or other structure or thing on private property which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

(9) The existence on any premises of any abandoned, unusable trailer, house trailer, automobile, boat or other vehicle or major parts thereof;

(10) 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;

(11) The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator, other large appliances and attractive nuisances;

(12) The existence on any premises of abandoned, wrecked, dismantled, or inoperative vehicles which are not properly cared for, stored, licensed, or maintained and which constitute an attractive nuisance to children on public or private property except as provided for elsewhere in this chapter are declared a public nuisance and may be abated. It is unlawful for any person, firm or corporation to place or keep an abandoned vehicle, abandoned automobile hulk, wrecked, dismantled or inoperative vehicle or parts thereof upon any public or private property in the city or as owner, occupier or partly in control of any real property within the city to permit or allow any such automobile or portion thereof to be placed or kept on said property;

(13) The existence on any premises of any items of personal property which are not properly stored and maintained and which constitute junk and trash;

(14) Buildings which are in a state of disrepair which do not meet state, county or city codes for habitability, use, or occupancy and which could constitute an attractive nuisance to children;

(15) Any weeds growing on lots within the city, including blackberry bushes, which the law enforcement officer determines to be unsightly, harbor vermin or present a fire hazard;

(16) Any toxic substance or hazardous waste as defined in Chapter 70.105 RCW et seq., Hazardous Waste Management, and in WAC 173-303-080, 173-303-081, 173-303-082, 173-303-083 and 173-303-084, Dangerous Waste Regulations, and as hereinafter amended, which is improperly stored or discharged upon the ground, into the air or into the water within the city limits;

(17) Smoke, odors and/or noxious fumes which may be detrimental to the health of a number of people within the city limits;

(18) Any unlawful obstruction of the city streets or sidewalks, curbs, gutters or parking strips;

(19) Fruit trees or other trees, bushes, or shrubs which are infested with insects;

(20) Deposit of Unwholesome Substance. Every person who shall deposit, leave or keep on or near a highway, street or route of public travel on land or water any unwholesome substance or who shall establish, maintain or carry on, upon or near a highway, street or route of public travel on land or water, any business, trade or manufacture which is noisome or detrimental to the public health or who shall deposit or cast into or near any lake, creek, drainage ditch, road, or river wholly or partly in this city the offal from or the dead body of any animal shall be guilty of a gross misdemeanor. (Ord. 863 § 1, 1993; Ord. 671 § 1, 1985).

7.16.025 Public nuisance.

(1) Everything done or being done within the limits of the city of Stanwood, which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all action and proceedings.

All remedies given by law for the provision and abatement of nuisances shall apply thereto.

(2) The public nuisance is a crime against the order and economy of the city. Every act unlawfully done and every omission to perform a duty, which act or omission (a) shall annoy, injure, or endanger the safety, health, comfort and repose of any considerable number of persons; or (b) shall offend public decency; or (c) shall unlawfully interfere with, defoul, obstruct, or tend to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal, or in or public park, square, street, alley, highway or sidewalk; or (d) shall in any way render a considerable number of persons insecure in life or use of property shall be a public nuisance.

Any building or structure erected, constructed, altered, or maintained or any use of

property contrary to the provisions of this chapter is unlawful and is a public nuisance. Any failure, refusal or neglect to obtain a permit as required by city ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building, or structure erected, constructed, altered, or maintained or used contrary to the provisions of this chapter. (Ord. 863 § 3, 1993).

7.16.030 Prohibited conduct.

(1) It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on 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.

(2) 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. (Ord. 671 § 1, 1985).

7.16.040 Disposal of diseased animal carcass – Violation a misdemeanor.

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 under ground 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 is a misdemeanor. (Ord. 671 § 1, 1985).

7.16.050 Municipal ordinance – Declaration of nuisance – Notice and hearing.

On the determination by the police chief of the city of Stanwood that a nuisance exists that is subject to summary abatement, such official shall give notice to the person or persons responsible for creation of the nuisance or for its continuance together with the demand that such nuisance be abated.

Such notice shall state the statutory or other basis for declaration that a public nuisance

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exists, the necessity that such nuisance be abated, acts to be done on the part of the person responsible for creating or maintaining the public nuisance, to abate such nuisance, acts to be undertaken by public authorities in the event the person responsible for the public nuisance does not abate it, and the approximate costs of abatement to be assessed against the person responsible for creating or maintaining the nuisance.

The notice shall also state that in the event the person responsible for creating or maintaining the asserted nuisance wishes to dispute the determination that a public nuisance exists and responds within 10 days following receipt of the notice, a hearing would be had before the city council at their regular meeting period.

The City Council of the City of Stanwood declares _____

_____ activities to be a public nuisances subject to abatement by the Stanwood Police Chief by summary procedures including but not limited to _____

_____ all costs of abatement procedures shall be born by the party responsible for the nuisance or responsible for its continuation. On the failure of the Stanwood Police Chief to satisfactorily abate the nuisance by summary procedures the City Attorney is authorized to institute the suit against the parties or party responsible for the nuisance, to enjoin such nuisance and to recover damages occasioned by the existence of the nuisance. Nothing in this ordinance shall preclude a private party from abatement of the same nuisance as a private nuisance.

(Ord. 863 § 2, 1993).

7.16.060 Penalty for violations.

Violation of this chapter shall constitute a Class B infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001; Ord. 671 § 1, 1985).

7.16.070 Abatement by owner or other responsible person.

Repealed by Ord. 1112. (Ord. 671 § 1, 1985).

7.16.080 Immediate danger – Summary abatement.

Repealed by Ord. 1112. (Ord. 671 § 1, 1985).

7.16.090 Violation a gross misdemeanor.

Repealed by Ord. 1112. (Ord. 863 § 4, 1993).