Ordinance No. 3849

(Amending or Repealing Ordinances)

CFN= 122 – Police/Fire Departments
Passed – 8/7/2007
Declare Graffiti a Public Nuisance (Sec. 8.01.030)

Amends Ord. 3111
ORDINANCE NO. 3849

AN ORDINANCE of the city council of the city of Kent, Washington, amending section 8.01.030 of the Kent City Code to declare graffiti a public nuisance.

RECITALS

A. The Federal Bureau of Justice reports that graffiti is the most common type of property damage.

B. Graffiti has increased significantly within the City of Kent over the past several years, and damages both the quality of life and the economic health of our community by creating the appearance of blight in commercial districts and raising concerns over safety among residents and visitors. Research by the Justice Department suggests that criminals perceive the tolerance of graffiti as signaling that other crime is also tolerated, leading to increased criminal activity.

C. Crime data supports that removal of graffiti within 48 hours is key to suppressing the spread of graffiti within a community and will be especially effective in deterring “tagger” graffiti by denying the opportunity for the tagger’s markings to be seen.

D. The existing provisions of chapter 8.01 KCC do not specifically identify graffiti as a public nuisance; explicitly identifying graffiti as a nuisance will enable the city to take the steps necessary to address the problem.

1 Declare Graffiti a Public Nuisance
THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment. Section 8.01.030 of the Kent City Code, entitled "Types of nuisances," is amended to add a new subsection (15) as follows:

Sec. 8.01.030. Types of nuisances. Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the director determines that any of these conditions exist upon any premises, the director may provide for the abatement thereof and monetary penalties may be assessed pursuant to Ch. 1.04 KCC, Civil Violations, Enforcement, and Abatement:

1. The existence of any trash, dirt, filth, the carcass of any animal, manure or rubbish, accumulation of yard trimmings, excluding properly maintained yard compost, or other matter which is offensive to a reasonable person; except for such yard debris that is properly contained and concealed as not to affect the health, safety, or depreciation of adjoining property for the purpose of composting.

2. Erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any premises, which may be viewed or smelled from without the premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the city, any one (1) or more of the following disorderly, disturbing, unsanitary, 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, vegetable, or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles; or
   b. Any privies, vaults, cesspools, open containers of stagnant water, sumps, pits, or like places which are not securely protected from flies and rats, or which are malodorous; or

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c. An accumulation of material including, but not limited to bottles, cans, glass, plastic, ashes, scrap metal, wire bnc-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing hay, straw, or other packing material or building materials on any premises which not properly stored or neatly piled or is offensive to a reasonable person or in which flies or rats may breed or multiply; or
d. Accumulation of any litter, garbage, trash, refuse, and/or rubbish; or
e. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, cattle, or fowl may be confined or kept in such a manner as to be nauseous, foul, or offensive.

3. The existence of any fence or other structure 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.

4. The existence of wrecked or disassembled trailers, house trailers, boats, tractors, or other vehicle, appliance, or machinery of any kind, or any major parts thereof.

5. The existence on any premises of any abandoned or unused well, pit, shaft, cistern, or storage tank without first demolishing or removing from the premises such storage tank, or securely closing and barring any entrance or trapdoor thereto or without filling any well, pit, shaft, or cistern or capping the same with sufficient security to prevent access thereto.

6. The existence in a place accessible to children of any attractive nuisance dangerous to children, including but not limited to any abandoned, broken, or neglected equipment, machinery, refrigerator, freezer, or other large appliance.

7. Dense smoke, noxious fumes, gas, and soot, or cinders, in unreasonable quantities.

8. All snow and ice not removed from public sidewalks within a reasonable time after the snow and ice have ceased to be deposited thereon.

9. All trees, hedges, billboards, fences, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a legal speed to a full stop before the intersection is reached.

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10. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks. This subsection shall not apply to events, programs, or parades authorized by the city council.

11. Any poisonous or harmful substance which is reasonably accessible to persons or to animals.

12. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking, or the making of other noises, or the keeping or harboring of any fowl which by frequent habitual crowing or the making of other noises shall annoy or disturb a neighborhood or any considerable number of persons.

13. Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance as defined in Chapter 69.50 RCW, legend drug as defined in Chapter 69.41 RCW, or imitation controlled substance as defined in Chapter 69.52 RCW, and every building or unit within a building wherein or upon which such acts take place.

14. Soils contaminated by dangerous waste, hazardous substances, or hazardous wastes as those terms are defined in RCW 70.105.010.

15. The existence of graffiti on public property or on private property where the graffiti is visible from any vantage point located on public property, a railway, or any property open for business to the public. As used in this subsection, “graffiti” shall mean any unauthorized inscription, word, figure, picture, graphics, or design that is sprayed, painted, posted, pasted, drawn, or otherwise affixed to or upon any surface of public or private property. Signs regulated by Chapter 15.06 KCC shall not constitute graffiti under this section.

SECTION 2. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

APPROVED: 7 day of August, 2007.

I hereby certify that this is a true copy of Ordinance No. 3849 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK