

**ORDINANCE NO. 535**

**AN ORDINANCE OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON,  
ADOPTING NEW PROVISIONS RELATED TO NUISANCE ABATEMENT**

WHEREAS, the Town Council wishes to repeal all pre-existing ordinances related to nuisance abatement and enact new provisions superseding these in preparation for the adoption of a new municipal code.

NOW, THEREFORE, the Town Council of the Town of South Prairie does hereby ordain as follows:

**Section 1** The following provisions related to nuisance abatement are adopted:

**Title 6 – Nuisance abatement**

**Chapter 6.01 - False alarms**

**6.01.010 – Intent**

It is the intent of this Chapter to reduce the number of false alarms from automatic alarm systems within the Town, because false alarms constitute a waste of Town resources and risk diverting emergency services from legitimate emergencies.

**6.01.020 – Pierce County Code adopted**

The Chapter of the Pierce County Code (PCC), governing false alarms, PCC Chapter 8.64, is hereby adopted and incorporated by reference in its entirety as if set forth in full, as now or hereafter amended, except that where the PCC says “unincorporated Pierce County,” such phrase shall be read as “the Town of South Prairie.”

**6.01.030 – Service charges**

All service charges collected pursuant to PCC § 8.64.050, as it is incorporated into this Code, shall be paid to the Town Clerk and transferred to Pierce County for deposit into the Alarm Systems Permits Account.

**6.02 – Solid waste collection mandatory**

**6.02.010 – Intent**

The maintenance of health and sanitation require, and it is the intention of the Town to make, the collection, transportation and proper disposal of solid waste within the Town by the garbage contractor compulsory and universal. This section does not apply to portions of the waste stream that are lawfully being recycled through commercial recyclers.

### **6.02.020 – Duty to use garbage service**

It shall be the duty of the owner of any commercial establishment or residence to ensure that all solid waste that is generated or accumulated is deposited into an approved container and is collected no less frequently than on a weekly basis or as may be otherwise specified in the agreement with the garbage contractor. Failure to comply shall constitute a class four civil infraction under RCW 7.80. A civil infraction may be imposed for each week of non-compliance.

### **6.02.030 – Unlawful disposal**

It is unlawful for any person to bury, dump, collect, or in any other manner dispose of solid waste on any property within the Town. Any person violating this section shall be subject to a class one civil infraction under RCW 7.80. Should enforcement agents find within dumped, abandoned, or buried solid waste three items that are traceable to a particular individual, a presumption shall arise that that individual dumped, abandoned, or buried the solid waste, in violation of this Ordinance. Civil penalties under this Ordinance shall not preclude enforcement and sanctions by other agencies, including but not limited to the Tacoma-Pierce County Health Department.

### **6.02.040 – Burning prohibited**

It is unlawful to burn any solid waste. Any person violating this section shall be subject to a class one civil infraction under RCW 7.80. Civil penalties under this Ordinance shall not preclude enforcement and sanctions by other agencies, including but not limited to the Fire Department and Puget Sound Clean Air Agency.

## **6.03 Nuisances**

A. Nuisances defined. A public nuisance is a thing, act, omission to act, occupation, or use of property which shall unreasonably annoy, injure or endanger the safety, health, comfort or repose of the public; or shall unlawfully interfere with, obstruct or render dangerous for public use a public park, square, street, alley or highway; or shall render the public insecure in life or in use of property. Public nuisances include, but are not limited to, the following:

1. Ponds or pools of stagnant water;
2. Carcasses of animals not buried or destroyed within 24 hours after death;
3. Garbage cans which are not fly-tight;
4. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
5. All nuisance vegetation, including noxious weeds; dead, diseased, infested or dying trees; any tree, shrub or foliage which is apt to damage or impair streets, sidewalks, sewers, utilities or other public improvements or impede visibility on public rights-of-way; vines or climbing plants growing into or over any appliance or facility provided for fire protection purposes; and caterpillar infestations;

6. The existence of any trash, dirt, filth, spilled garbage, waste, accumulation of lawn or yard trimmings or other offensive matter, except in a compost process;

7. Any litter, unless it is kept in approved covered bins or galvanized receptacles;

8. All buildings, walls and other structures which have been damaged by fire, decay or otherwise so as to endanger the safety of the public;

9. All places, other than those zoned and licensed as wrecking yards or repair shops, used or maintained for the storage of unlicensed vehicles or for wrecking or disassembling of vehicles or machinery of any kind; or storage of any parts thereof except within an enclosed garage or building. For the purposes of this chapter, all vehicles not bearing a current vehicle license within 90 days of the beginning of any license year shall be deemed unlicensed, and the restrictions in this chapter shall not apply to any resident repairing a licensed vehicle registered in his name; provided, that all such work shall be accomplished on his property and shall be completed within 30 days, and during such time all body and mechanical parts and tools shall be stored in a neat and orderly manner not in public view;

10. Highly flammable or explosive liquids, solids or gases unless stored in bulk aboveground. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision;

11. Outdoor storage of fuel containers and construction materials unless screened from view of the adjacent property by a fence, greenbelt or wall. Construction materials stored outside for up to 60 days as part of an active construction project are excluded from this provision;

B. Nuisance abatement. Nuisances shall be Class 1 civil infractions under Chapter 7.80 RCW. Each day of violation shall be deemed a separate infraction.

C. If the same violator has been found, in any court of competent jurisdiction, to have previously committed an infraction for the same or similar conduct three or more separate times, with the infraction violations occurring at the same location and involving the same or similar sections of the Code, the violator shall be charged with a misdemeanor. For the purposes hereof, it shall be prima facie evidence that the same violator has previously been found to have committed any infraction if a certified copy of the judgment, docket or other court document showing that such violation was found committed is filed with the court.

D. The provisions of Chapter 7.80 RCW are incorporated by reference, except as modified in this Chapter.

## **6.04 – Nuisance vehicles**

### **6.04.010 – Definitions**

For purposes of this Code, “nuisance vehicle” shall be defined as a vehicle which meets three of the four following criteria: (1) is apparently inoperable, (2) is extensively damaged, (3) is three years or older; (4) has an approximate market value equal to its scrap value. Chapter 8.10 of the Pierce County Code, pertaining to nuisance vehicles, is adopted and incorporated by reference as if set forth in full herein, as now or hereafter amended.

An “unauthorized vehicle” is a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time: (1) Immediately if the vehicle constitutes an accident or traffic hazard in a public location, is parked in violation of postings at a publicly owned or controlled parking facility, is parked on residential property without the property owner’s consent, or is parked on private nonresidential property in violation of postings without the property owner’s consent; (2) After 24 hours if the vehicle is on a public street and tagged by a law enforcement officer as per RCW 46.55.085, or is parked on private nonresidential property with no postings without the property owner’s consent. Unauthorized vehicles within the Town limits are subject to abatement pursuant to the provisions of State law.

## **6.05 – Outdoor fires**

### **6.05.010 – Prohibited**

Outdoor fires are prohibited in the Town of South Prairie as defined in the regulations of the Puget Sound Air Pollution Control Agency (PSAPCA), Section 8.02, which is incorporated by reference as if set out in full, except as exemptions apply under Section 8.06 of the PSAPCA regulations, which is incorporated by reference as if set out in full.

### **6.05.020 – Penalty for violation**

Anyone who violates this ordinance shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a \$1,000 fine.

**Section 2** All pre-existing ordinances related to any subject covered in this Ordinance, including but not limited to Ordinance Nos. 262, 370, 482, and 491, are hereby superseded in their entirety and shall be of no further effect.

**PASSED IN REGULAR AND OPEN SESSION this 4<sup>th</sup> day of June 2013**