



TOWN OF ST. JOHN

PO Box 298 St. John, WA 99171-0298
(509) 648-3905

ORDINANCE NO. 400X

AN ORDINANCE OF THE TOWN OF ST. JOHN, WASHINGTON DECLARING JUNK VEHICLES TO BE PUBLIC NUISANCES, PROVIDING FOR THEIR REMOVAL AND ABATEMENT, DESIGNATING A PROCEDURE TO ABATE JUNK VEHICLE NUISANCES, AUTHORIZING A HEARING BEFORE THE BOARD OF ADJUSTMENT, ASSESSING COSTS OF REMOVAL AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, WASHINGTON, AS FOLLOWS:

Section 1: Purpose. It is the purpose of this ordinance to declare what shall constitute a public nuisance within the Town and to provide for the abatement of such nuisances in order to protect the public health, safety and welfare; to prohibit those conditions that create fire or other safety or health hazards; to prohibit those conditions which interfere with the enjoyment of public or private property; to prevent those conditions that contribute to the degradation of the character of neighborhoods and the depreciation of property values; and to prohibit conditions which degrade the Town's scenic attractiveness, livability and economic welfare.

Section 2: Definitions. The words and phrases used in this ordinance, 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, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
3. "Enforcement officer" means the Mayor or any alternate designated by him.
4. "Junk" includes all appliances or parts thereof, all parts of motor vehicles, tires, all iron or other metal, plastics, glass, paper, cardboard, rubber, lumber, wood, mattresses, disabled trailers or parts thereof, all of which meet one of the following requirements:
 - (a) Are discarded;
 - (b) Are unusable;
 - (c) Are broken; or
 - (d) Have not been used for their primary and original purpose for a period of six months and have no value other than scrap value.

5. "Nuisance Party" means a social gathering or party which is conducted on premises within the Town and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property; disorderly conduct; illegal open container; outdoor urination or defecation in a public place; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession or consumption of beer or intoxicating liquor by an underage person; illegal use or sale of a controlled substance; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.
6. "Premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.
7. "Public Nuisance" means:
 - a. A violation of any Town of St. John health and sanitation ordinance; or
 - b. Doing an act; omitting to perform any act or duty; or permitting or allowing any act or omission which annoys, injures, or endangers the comfort, repose, health, or safety of others; is unreasonably offensive to the senses; or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or
 - c. Other nuisances as expressly defined in this ordinance; or
 - d. A nuisance party as defined in this ordinance; or
 - e. Conditions which are determined by the officer or official responsible for enforcing the St. John Ordinance to be violations of said Ordinance and unreasonably detrimental to the public health and safety, or welfare, so as to constitute a public nuisance. The criteria for determining whether a nuisance exists shall be based on the criteria in subsection (b) of this section and Chapter 7.48 RCW.
8. "Responsible Person" means any agent, lessor, lessee or other person occupying or having charge or control of any premises, except the owner.
9. "Owner" means any person owning property, as shown on the real property records of Whitman County or on the last assessment roll for taxes, and shall also mean any lessee, tenant, occupant or other person having control or possession of the property.

Section 3. Public Nuisances Prohibited. No person owning, leasing, renting, occupying, being in possession or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any

other Town ordinance, any public nuisance, whether visible from any public street or alley, or from any other private property.

Section 4. Other Nuisances Defined. Without limitation of the generality of the definition of public nuisance set forth above, the following acts, omissions, conditions and things are declared to be and constitute public nuisances, subject to abatement as provided in this Ordinance:

1. Storing or accumulating, or permitting the storage or accumulation, of junk on any premises where the junk is exposed to view from any public place;
2. The accumulation, or permitting the accumulation of, tin cans, bottles, trash, litter, waste or refuse of any nature on any premises, except in garbage cans or containers maintained for regular collection;
3. Permitting existing of any dilapidated, abandoned or partially destroyed building or structure; any unused building or structure which is not properly secured from entry; or any building or structure commenced and left unfinished;
4. Storing, or permitting to be stored, any toxic radioactive, caustic, flammable, explosive or other dangerous or hazardous substances, except when stored in compliance with the requirements of all regulatory agencies having jurisdiction;
5. Permitting the existence of any putrid, unsound or unwholesome bones, meat, hides or skins, or the whole or any part of any dead animal, fish or fowl;
6. Privies, vaults, cesspools, sumps, pits, excavations or like places which are not securely protected, or which are foul or malodorous;
7. Any refrigerator, freezer, or other insulated container within which a child could suffocate;
8. The accumulation, or permitting the accumulation, of building materials or objects of any nature where the same endangers property or safety, constitutes a fire hazard, or creates an attractive nuisance.
9. The existence of any offensive or dangerous accumulation of weeds, trashy, dirt, filth, waste shrubs, lawn or yard trimmings, the carcass of any animal or other offensive matter;
10. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;
11. The existence of any tree, shrub or foliage, unless by consent of the Town, which is apt to destroy, impair, interfere or restrict:
 - a. Streets, sidewalks, sewers, utilities or other public improvements.
 - b. Visibility on, or free use of, or access to such improvements.
12. The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole, 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;

13. 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;
14. The dumping or otherwise unlawful depositing of refuse, sawdust or any other material without a permit;
15. 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;
16. 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 otherwise dilapidated or unsafe condition;
17. Existence or maintenance on any premises of a storage area, junkyard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of any kind or of any major parts thereof;
18. Visible vehicle tires not mounted on a vehicle, vehicle bodies or parts, bed mattresses or springs, water heaters or other furniture or other household goods or items including indoor furniture left outdoors in a residential zone or other zone within the Town where such items are inconsistent with permitted uses authorized within the zone;
19. Any unsightly building, billboard, fence or other structure, or any old, abandoned or partially destroyed building left unfinished or any of the same that may be dangerous to life or property;
20. The existence or maintenance of graffiti, and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates, vehicles, signs, road surfaces and other structures, trees, and all other real and personal property within the Town.
21. All vacant, unused, or unoccupied buildings and structures within the Town, which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broken, missing, or open doors, windows, or other openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the Town.

Section 5. Prohibited Conduct.

- (1) It is unlawful for any Responsible Person or owner to permit, maintain, suffer, carry on or allow, upon any premises located within Town limits, any of the acts or things declared by this ordinance to be a public nuisance.

- (2) It is unlawful for any person, firm or corporation, by itself or by its agents or employees, or as the agent or employee of another person, firm or corporation, to do or permit to be done upon any premises over which it has control, or to maintain, carry on, suffer or allow, at any place or places in the preceding sections mentioned, any of the acts or things herein declared to be nuisances, or to do or cause, or permit or suffer to be done, or maintain any act or thing which shall be detrimental or injurious to public health or offensive to the senses or contrary to public decency or morality.
- (3) In case the owner or agent of any premises is found to have had actual or constructive knowledge of the maintenance on or in said premises of any nuisances as herein defined, he or she shall, for the purposes of this ordinance, be deemed in violation of this ordinance.

Section 6. Violation of Civil Infraction. Upon determination by a code enforcement officer or other responsible official of the Town that a nuisance exists, a Notice of Civil Infraction shall be issued to a Responsible Person or Owner. Any person violating any of the provisions of this ordinance shall be subject to a \$250.00 fine. A person cited for violation of this ordinance for a second or subsequent incident shall be subject to a \$500.00 fine. No part of these fines shall be deferred or reduced.

If the code enforcement officer has been previously notified that a property at which a nuisance exists is managed by a property manager or a property management company, the code enforcement officer will attempt to also provide a copy of the notice to such property manager or property management company via United State mail. Notification to a property manager or property management company will not excuse the cited person from his or her obligation to immediately abate or to appear in court. The lack of courtesy notice to a property manager or property management company shall not prevent the issuance of an infraction to any person for any continuing or subsequent nuisance at said property.

Section 7. Abatement Procedure. If a condition deemed a nuisance by the code enforcement officer or other responsible official of the Town has not been voluntarily abated by a Responsible Person or Owner, the Town may proceed with abatement of the condition. The following procedures for notice and hearing shall be followed for all abatements except a Summary Abatement.

1. Notice
 - a. On determination by the code enforcement officer, or other responsible official of the Town, that a nuisance exists despite prior enforcement activities, he/she shall cause a notice to be posted on the premises or at the site of the nuisance, directing the Owner or other Responsible Person to abate the condition within seven (7) days after notice or other reasonable period.

- b. At the time of the posting, the code enforcement officer shall also cause a copy of the notice to be mailed by United States mail to the owner of the property as listed in the tax records of Whitman County. If the code enforcement officer has been previously notified that a property is managed by a property manager or a property management company, the code enforcement officer will attempt to also provide a courtesy copy of the notice to such property manager or property manager company via United States mail.
- c. The notice to abate shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, Responsible Person, 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 Ordinance 400X has determined that there exists upon or adjoining said premises the following condition _____:

You are hereby notified to abate said condition to the satisfaction of the undersigned within seven (7) days of the date of this notice. If you do not abate such condition within the seven (7) days the Town will abate the condition at your expense.

Abatement is to be accomplished in the following manner:

(Insert description of necessary action _____). This Notice may be appealed to the Town Council of the Town of St. John, Washington within (5) days of the date of this Notice.

Dated: _____

By: _____ (Name of enforcement officer).

- d. If the Notice to Abate is issued to a person other than the property owner, an additional notice shall be sent via U.S. mail to the last known owner as listed in the tax records of Whitman County, stating that any cost of abatement accrued to the Town and not paid by the Responsible Person, may be assessed to and become a lien on the property.
 - e. Upon completion of the posting and mailing, the person posting and mailing shall execute and file a certificate stating the date and place of the mailing and posting.
2. Abatement by the Responsible Person.
- a. Within seven (7) days after the posting and mailing of notice, the Responsible Person and/or the Owner shall remove the nuisance unless a protest has been filed.

- b. A Responsible Person and/or the Owner, protesting that no nuisance exists, shall file with the Town Clerk a written statement within five (5) days of the notice specifying the basis for the appeal.
- c. The appeal shall be referred to the Town Council which shall set a time for hearing the appeal as soon as practicable, but no more than thirty (30) days after the date of the Notice to Abate.

Section 8. Abatement by the Town.

1. If the nuisance has not been abated or appealed by the Responsible Person within the time allowed, the code enforcement officer or other responsible official may cause the nuisance to be abated.
2. The officer charged with abatement of the nuisance shall have the right to enter into or upon the property at reasonable times to investigate or cause the removal of such nuisance.
3. In all cases of summary abatement pursuant to this ordinance, the Town's costs of abatement, including labor, materials and reasonable value of Town equipment employed, shall be a debt owing to the Town jointly and severally by all owners and Responsible Persons to whom notice to abate was given, for which the Town shall have a lien on the real property. In the event sums due the Town shall not be paid forthwith, or in the event the owner cannot be found, the Clerk may record a notice of claim of lien in the name of the Town. The notice of claim of lien shall be in the same form, and recorded with the same filing officer, and be enforced and foreclosed as provided by law for liens for labor and materials as provided in Chapter 60.04 RCW, as the same exists or may be amended at or after the effective date of the ordinance.

Section 9. Assessment of Costs for Town Abatement.

1. In the event the Town takes action to abate a public nuisance, the Clerk shall send to the Owner and the Responsible Person, by U.S. mail, postage prepaid, a notice stating:
 - a. The total cost of abatement including the administrative costs;
 - b. The cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
 - c. That if the Owner or Responsible Person objects to the cost of the abatement as indicated, a Notice of Objection may be filed with the Clerk not more than ten (10) days from the date of notice.
2. If a notice of Objection is filed, at the next available Town Council meeting, the Council in the regular course of business, shall make a decision on the objections to the costs assessed. The Council may uphold or waive the costs assessed in whole or in part.

3. If the Council upholds all or part of the assessed costs, said costs shall be paid within thirty (30) days after Council action on the Notice of Objection. If the costs remain unpaid after thirty (30) days, an assessment of the costs as stated or decided by the Council shall be made by Council resolution and shall be recorded as a lien upon the property. Notification of the recording shall be mailed to the Owner, postage prepaid, or may be by personal service.
4. The lien shall be enforced and shall bear interest at the rate of seven (7) percent per annum. The interest shall begin to run from the date of recording.
5. A failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

Section 10. Summary Abatement. The code enforcement officer, fire chief or chief of police may proceed summarily to abate a health or other nuisance 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 Town shall have the authority to summarily and without notice abate the same. The provisions of this ordinance shall be cumulative and in addition to the provisions of the now existing ordinances of the Town of St. John.

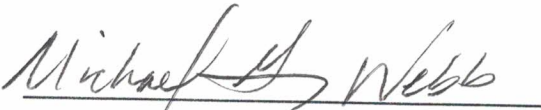
Each day that a nuisance continues shall constitute a separate offense hereunder and shall subject the person cited to continuing daily penalties for each and every day that a nuisance continues unabated.

Section 11. Third Party Liability.

1. 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 benefitted by the terms of this ordinance.
2. It is the specific intent of this ordinance to place the obligation of complying with its requirements upon the individual or entity responsible for the premises and no provisions nor term used this ordinance is intended to impose any duty whatsoever upon the Town or any of its officers and employees, for whom the implementation or enforcement of this ordinance shall be discretionary and not mandatory.
3. Nothing contained in this ordinance is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the Town related in any manner to the enforcement of this ordinance by its officers, employees, or agents.

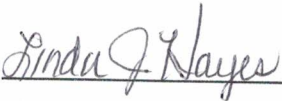
Section 12. This ordinance shall be in full force and effect after it is published in the official newspaper of the Town of St. John as required by law.

PASSED by the Town Council in regular meeting held on the 12th day of February, 2018 and signed by the Mayor and attested by the Town Clerk in authentication thereof.



MAYOR

ATTEST:

By 

TOWN CLERK

ORDINANCE 400X

An Ordinance of the Town of St John, Washington declaring Junk Vehicles to be public nuisances, providing for their removal and abatement, designating a procedure to abate junk vehicle nuisances, authorizing a hearing before the Board of Adjustment, assessing costs of removal, and providing an effective date.

If anyone wants to review the Ordinance in its entirety, it can be seen at St. John City Hall.

Linda J. Hayes, Clerk – Treasurer

Michael G. Webb - Mayor