

**CITY OF ORTING  
WASHINGTON  
ORDINANCE NO. 2024-1121**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO NUISANCES, AMENDING  
ORTING MUNICIPAL CODE TITLE 5, CHAPTER 1;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the current provisions of the Orting Municipal Code (“OMC”) include enumeration of public nuisances; and

WHEREAS, it is in the best interest of the City to declare all violations of City ordinances to be nuisances.

**NOW, THEREFORE**, the City Council of the City of Orting, Washington, do ordain as follows:

**Section 1. OMC Title 5, Chapter 1, Section 2, Amended.** Orting Municipal Code Title 5, Chapter 1, Section 2, is hereby amended to read as follows:

**5-1-2: DEFINITIONS:**

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

**ABATE:** 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 Enforcement Officer, or designee(s) in his or her judgment, 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 materials, paint, solvents, fuel, cleaners, and similar materials.

**CONSIDERABLE NUMBER OF PERSONS:** Three (3) or more persons from different households.

**ENFORCEMENT OFFICER:** The building inspector of the City of Orting or his or her designee.

**PERSON:** An individual, group of individuals, corporation, government or governmental agency, business trust, estate, trust, partnership or association, two (2) or more persons having a joint or common interest, or any other legal or commercial entity.

**PREMISES:** Any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips, planting strips, and permanent BMPs (see section 9-5A-4 of this code for definition of BMP).

**PROPERTY:** Any object of value that a person may lawfully acquire and hold, and/or any land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, grounds, vacant lots, facilities, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent.

**PUBLIC NUISANCE:** A thing, act, omission to act, occupation, or use of property which:

- A. Annoys, injures or endangers the comfort, repose, health or safety of the public;
- B. Offends public decency;
- C. Unlawfully interferes with, obstructs, or renders dangerous for passage any stream, river, channel, public park, square, street, alley, highway or sidewalk;
- D. In any way renders the public insecure in life or use of property.

**RESPONSIBLE PERSON:** Unless otherwise defined, any of the following: any person who has titled ownership of the property or structure which is subject to this chapter; an occupant in control of the property or structure which is subject to this chapter; a developer, builder, or business operator or owner who is developing, building, or operating a business on the property or in a structure which is subject to this chapter; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least ninety (90) days; and/or any person who has control over the property and/or who has created, caused, participated in, or has allowed a violation to occur.

**VINES:** Any Plant with a growth habit of trailing or climbing stems, lianas or runners.

**Section 2. OMC Title 5, Chapter 1, Section 3, Amended.** Orting Municipal Code Title 5, Chapter 1, Section 3, is hereby amended to read as follows:

**5-1-3: PUBLIC NUISANCES DECLARED:**

A. Declaration Of Nuisance: Each of the conditions listed in subsection B of this section, unless otherwise permitted by law, is declared to constitute a public nuisance.

B. Nuisances Enumerated: Whenever the Enforcement Officer determines that any of these conditions exist upon any premises, the officer may require or provide for the abatement thereof pursuant to this chapter: the erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway or other public or private place in the City, any one or more of the following places, conditions, things or acts to the prejudice, danger, or annoyance of others:

1. Manure Or Rubbish Accumulations: Accumulations of manure or rubbish except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining property;
2. Burning Refuse Or Hay:
  - a. Burning or disposal of refuse, sawdust or other material in such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the City, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising from such burning to become annoying or injurious to the health, comfort, or repose of the general public;
  - b. 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, any hay, straw, grass, grass clippings, paper, wood, boards, boxes, leaves, manure, or other rubbish or material;
3. Animal Carcasses: Carcasses of animals not buried or destroyed within twenty four (24) hours after death;
4. Stagnant Water: Ponds or pools of stagnant water;
5. Snow And Ice On Sidewalks: All snow and ice not removed from public sidewalks within a reasonable time after the snow and ice have ceased to be deposited thereon;
6. Tree Limbs Overhanging Sidewalks: All limbs of trees overhanging a public sidewalk which are less than ten feet (10') above the surface of said sidewalk, or overhanging a City street which are less than twelve feet (12') above the surface of said street;
7. Vines Or Climbing Plants Growing Into Streets: The existence of any vines or climbing plants growing into or over any street, public hydrant, pole or elect roller, 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; or obstruct or interfere with the proper diffusion from the light from any streetlamp;
8. Obstructing Streets: Any use of property abutting on a public street or sidewalk or any use of public street or sidewalk which causes any obstructing of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the City Council;
9. Poisonous Substances: Any poisonous or harmful substance which is reasonably accessible to persons or to animals;
10. Nauseous Pens Or Stables: The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, sheep, goat, cattle, mink, fox, chinchilla, nutria, fowl or in which any other animal or bird may be confined or kept, in such a manner as to be nauseous, foul or offensive to any considerable number of persons, or violates the city's animal control chapter;
11. Animals Making Noises: See section 5-8-5 of this title;
12. Dead Or Diseased Trees And Shrubs:

a. The existence of any dead, diseased, infested or dying tree that may constitute a danger to property or persons;

b. All shrubs, bushes, trees or vegetation which has grown and died and which is a fire hazard;

13. Weeds: All grass and/or weeds which exceed twelve inches (12") in height in a nonagricultural use;

14. Horticultural Pests: The existence of caterpillar infestations or other horticultural pests;

15. Blackberry or other vines that encroaches onto, within five feet of, or traverses any property line or boundary line, whether physically divided or otherwise, shared by or between adjoining landowners or the premises or property of another;

16. Building Materials Storage; Permit: The storage or keeping on any premises for more than sixty (60) days of any used or unused building materials, without a special permit from the building inspector; provided, that nothing herein shall:

a. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion;

b. Prohibit such storage without a permit on the premises of a bona fide lumberyard, dealer of building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable ordinances;

c. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

17. Dilapidated Fence: 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 other dilapidated or unsafe condition;

18. Drainage Onto Sidewalk: The existence of any drainage onto or over any sidewalk or public pedestrian way;

19. Privies And Cesspools: Privies, vaults, cesspools, sumps, pits, or like places;

20. Trash Or Abandoned Materials:

a. Any tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the building inspector;

b. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, pipe, and other metal not neatly piled;

21. Dangerous Buildings: Any unsightly and dangerous building, billboard or other structure, or any old, abandoned or partially destroyed building or structure, or any building or structure commenced and left unfinished;

22. Junkyards Or Dumping Grounds Not Properly Fenced: All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others;

23. Discarded Vehicles: Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to children, or in any place viewable from a public street or alley, any abandoned, unused, nonrunning or discarded automobile, truck or other such vehicle, or any vehicle hulk or any part thereof. For the purposes of this subsection "abandoned, unused, nonrunning" refers to a vehicle which is not movable under its own power and which has been in a stationary position for more than fourteen (14) days;

24. Repairing Vehicles On Streets: Repair of an automobile, truck or other motor vehicle of any kind upon the public streets, alleys or other public property of the City;

25. Unwholesome Meat Or Hides: Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta or other offensive substance; provided, nothing contained in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the building inspector of the City;

26. Offensive Businesses: The erection, continuance or use of any building, room or other place in the City for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public;

27. Playing Mechanical Musical Instrument To Attract Customers: The playing or causing to be played, in front of any building where any show, moving picture exhibition or theatrical performance is given, or in the open vestibule or area of any building, of any automatic or mechanical musical instrument for the attraction of customers;

28. Loudspeakers, Unnecessary Use: Making, causing or permitting to be made by means of any speaker or other sound amplifying device, or horn or other mechanical device, or by outcry, loud speaking, singing or by any other means of discordant and unnecessary noise of any kind which annoys any considerable number of persons lawfully in the immediate area;

29. Abandoned Excavations: Any unguarded or abandoned excavation, pit, well, or holes which would endanger safety.

## C. Graffiti

### A. Definitions.

1. "Abate" means to remove the graffiti by such means, in such a manner and to such an extent and within the time frame as the enforcement officer, as defined in SMC 8.16.020(D), reasonably determines is necessary to remove the graffiti from public view.
2. "Graffiti" means any unauthorized writing, painting, drawing, inscription, figure, or mark of any type that has been placed upon any property through the use of paint, ink, chalk, dye, markers, objects, adhesive material, or any other substance capable of marking property.
3. "Graffiti nuisance property" means property upon which graffiti has not been abated after the abatement date established by the enforcement officer.
4. "Owner" means any entity or entities having a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.
5. "Premises open to the public" means all public spaces, including, but not limited to, streets, alleys, sidewalks, parks, and public open space, as well as private property onto which the public is regularly invited or permitted to enter for any purpose, the doorways and entrances to those buildings or dwellings, and the grounds enclosing them.
6. "Property" means any real or personal property and that which is affixed, incidental or appurtenant to real property, including but not limited to any structure, fence, wall, sign, or any separate part thereof, whether permanent or not.
7. "Responsible party" means an owner, or an entity or person acting as an agent for an owner by agreement, who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular property.
8. "Unauthorized" means without the consent of a responsible party.

#### B. Violation.

1. Any property located in the city of Orting that becomes a graffiti nuisance property is in violation of this chapter and is subject to its remedies.
2. Every responsible party who permits a property to become a graffiti nuisance property is in violation of this chapter and subject to its remedies.

C. Removal of Graffiti. Notwithstanding the remedies available under this chapter, whenever graffiti exists upon the property owned by a public agency, or a private property owner, the city may remove it with the consent of the public entity or private property owner owning such property. However, nothing in this chapter imposes a duty on the city to abate any nuisance graffiti on any property other than that which is owned and controlled by the city.

D. **Prevention Of Nuisances:** In addition to the nuisances declared in subsection B of this section, all violations of City of Orting ordinances are found and declared to be detrimental to the public health, safety, and welfare and are further found and declared to be nuisances. It is unlawful and a violation of this chapter, whether by act or omission, to cause, create, maintain, suffer, or allow a nuisance to occur, exist, or remain. Nuisances create public harm. Prevention and correction of nuisances are necessary to prevent public harm.


**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Codification of Amendments.** The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

**Section 5. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 31<sup>ST</sup> DAY OF JANUARY, 2024.**


CITY OF ORTING

  
Joshua penner (Feb 1, 2024 16:46 PST)  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
Kim Agfalvi (Feb 1, 2024 19:42 PST)  
Kimberly Agfalvi, CMC, City Clerk

Approved as to form:

  
Charlotte Archer  
Inslee Best  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Date of Publication:  
Effective Date:















# Ord No 2024-1121 -Clean Copy Amending Nuisance Code


Final Audit Report

2024-02-02


Created:	2024-02-01
By:	City Clerk (clerk@cityoforting.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAwIhuzR77oFfIbA0ZTC2D5mLRJbCtQ-Pj

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-  Document emailed to penner@cityoforting.org for signature  
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-  Email viewed by penner@cityoforting.org  
2024-02-02 - 0:46:34 AM GMT
-  Signer penner@cityoforting.org entered name at signing as Joshua penner  
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-  Document e-signed by Joshua penner (penner@cityoforting.org)  
Signature Date: 2024-02-02 - 0:46:49 AM GMT - Time Source: server
-  Document emailed to Kim Agfalvi (kagfalvi@cityoforting.org) for signature  
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 Document e-signed by Charli Archer (carcher@insleebest.com)

Signature Date: 2024-02-02 - 3:49:05 AM GMT - Time Source: server

 Agreement completed.

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