

## EXHIBIT "B"

### Ordinance 05-155

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**9.10.030 Nuisance--Defined.** Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the Compliance Officer determines that any of these conditions exist upon any premises or in any stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

- A. The existence of any weeds, trash, dirt, filth and carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter;
- B. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul or putrid liquid or substance which poses a health hazard or creates a noxious odor;
- C. Any man-caused pool of standing or stagnant water, except storm drainage systems, which serves as a breeding area for insects;
- D. Accumulation of garbage, decaying vegetation, manure, dead animals or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health (as determined by the Grant County Health District);
- E. All other acts, failure to act, occupations, or use of property which is determined by the Health Officer to be a menace to the health of the public;
- F. All limbs of trees which are less than seven feet above the surface of any public sidewalk, or twelve feet above the surface of any street;
- G. All buildings, other structures, or portions thereof which have been damaged by fire, decay or have otherwise deteriorated so as to endanger the safety of the public;
- H. All explosives, flammable liquids and other dangerous substances stored or used in any manner in violation of the Fire Code;
- I. Making or causing to be made by means of any mechanical device, electrical or otherwise, any unnecessary noise of any kind which annoys the public prior to seven a.m. and after nine p.m. daily;
- J. Dumping, throwing, placing, leaving or causing or permitting to be dumped, thrown, placed or left, any filth, paper, cans, glass, rubbish, trash garbage, grass trimmings, shrub trimmings and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch or public or private property of another in the City;
- K. 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, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:
  - 1. 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 in this chapter shall prevent the temporary retention of waste in approved covered receptacles,
  - 2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous,

3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,
  4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the City,
  5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, whether growing or otherwise; but nothing in this chapter shall prevent the temporary retention of such weeds in approved covered receptacles,
  6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles,
  7. Any trash, litter, rags, accumulations or 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;
- L. The permitting to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling, or other structure, in a place accessible to children, any abandoned, unattended or discarded ice chest, refrigerator or other airtight container, which does not have the door, lid or other locking device removed;
- M. Any pit, hole, basin or excavation which is unguarded or dangerous to life or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances or regulations;
- N. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trapdoor thereto, or without filling or capping any well;
- O. The repair or abandonment of any automobile, truck or other motor vehicle of any kind upon the public streets or alleys of the City;
- P. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public;
- Q. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk or place, which is sagging, leaning, fallen, decayed or is otherwise dilapidated and creating an unsafe condition;
- R. The existence of any vine, shrub or plant growing on, around, or in front of any fire hydrant, utility pole, utility box or any other appliance or facility provided for fire protection, public or private utility purposes in such a way as to obscure from view or impair access thereto;
- S. The keeping or permitting the existence of morning glory, tack weed, Russian thistle or other noxious weed, as defined in RCW 17.10.080, growing or otherwise, which is a health or safety hazard to persons or property;
- T. All grasses, weeds or other vegetation growing or which has grown and died, determined to be a fire or safety hazard or a nuisance to persons, shall not exceed ten inches in height measured above the ground except as follows:
1. Any parcel of land or contiguous segregated parcels of land which when combined represent a parcel larger than one acre in size, may comply with these requirements by providing a firebreak

along that portion of the perimeter of the parcel which abuts developed property or an improved street. The firebreak shall be a minimum of twenty feet in width, within which all weeds and vegetation, except established trees, shall not exceed ten inches in height measured above the ground;

2. Any designated public park land, natural area or environmentally sensitive area, or any large undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes;

Any of the above exceptions may be waived and additional maintenance required by the Compliance Officer if he determines such action is necessary to protect the safety of persons or adjoining property. All maintenance shall be done in a manner so as to minimize disruption of soil stability;

- U. The existence of any dead, diseased, infected or dying tree, shrub or other vegetation which may pose a danger to vegetation, crops, property or persons;
- V. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;
- W. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material;
- X. The storage or keeping on any premises for more than thirty days of any used or unused building materials as defined in Section [9.10.010\(1\)](#), whose retail cost new would exceed one hundred dollars, without a special permit from the Public Works Director; provided, that nothing herein shall:
  1. 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,
  2. Prohibit such storage without a permit upon the premises of a bona fide lumber yard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinances and other applicable laws,
  3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;
- Y. The existence on any premises of any unused and abandoned trailer, house trailer, automobile, boat or other vehicle or major parts thereof;
- Z. The keeping or maintenance in any area on private property which is clearly visible from a public street, sidewalk, park or other public area any accumulation, collection or untidy storage of any of the following: old appliances or parts thereof; old iron, steel, aluminum or other metal; inoperable junk vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags or cloth; straw, packing materials, cardboard or paper, tin cans, wire, bottles, glass, cans, barrels, bins, boxes, containers, ashes, plaster or cement; or wood. This determination shall not apply to conditions completely enclosed within a building or fencing so as not to be visible from public property.
- AA. Any commercial establishment that sells or otherwise distributes books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas, which fail to observe the following regulations:

1. All such items as are described above shall be physically segregated and closed off from other portions of the establishment such that these items are not visible and/or accessible from other portions of the store.
  2. No advertising for such items shall be posted or otherwise visible, except where such items are authorized for display.
  3. Signs readable at a distance of twenty feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of eighteen are not allowed access to the area where such items are displayed.
  4. The manager or attendant shall take reasonable steps to monitor the area where such items are displayed to insure that persons under the age of eighteen years do not access the age-restricted area.
  5. Rental or sale of obscene material (as defined by state law) or material harmful to minors (as defined by state law) to persons under the age of eighteen years is prohibited.
  6. Employees of such establishments shall check identification of persons appearing to be eighteen years of age or under to insure that such items are not rented or sold to persons under the age of eighteen years.
  7. The existence of any graffiti on public or private property.
- BB. The failure to maintain buildings or premises according to the standards established in Chapter 15.36.