

Chapter 8.12

PUBLIC NUISANCES

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8.12.010 **Definitions.**

- A. “Abate” means 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 applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.
- B. “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.
- C. “Director” means the director of public works or his or her designee or a designated alternate who is empowered by ordinance or by the mayor to enforce this chapter.
- D. “Person” means any individual, firm, association, partnership, corporation or any other entity, public or private.
- E. “Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, public rights-of-way, and parking strips and any lake, river, stream, drainage way or wetland. (Ord. 833 § 2, 1997).

8.12.020 **Prohibited conduct.**

It is a violation of this chapter for any person to permit, create, maintain, or allow, upon any premises, any of the acts or things declared in Section [8.12.030](#) to be a public nuisance. (Ord. 833 § 2, 1997).

8.12.030 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 Chapter [1.24](#) AMC:

- A. 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 and/or depreciation of adjoining property for the purpose of composting.
- B. 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 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 such vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles; or
 2. 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
 3. An accumulation of material including, but not limited to, bottles, cans, glass, plastic, ashes, scrap metal including vehicle parts, wire, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, litter, printed matter, wrapping, rags, empty barrels, boxes, crates, packing cases, pallets, mattresses, bedding, packing hay, straw or other packing material or building materials on any premises which are not properly stored or neatly piled or is offensive to a reasonable person or in which flies or rats may breed or multiply; or
 4. Accumulation of any litter, garbage, trash, refuse and/or rubbish; or
 5. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, cattle, or fowl may be confined in such a manner as to be nauseous, foul, or offensive.
- C. 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.
- D. 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.
- E. 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.

- F. 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.
- G. Dense smoke, noxious fumes, gas and soot, or cinder, in unreasonable quantities.
- H. All snow and ice not removed from public sidewalks within a reasonable time after the snow and ice has ceased to be deposited thereon.
- I. 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.
- J. 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.
- K. Any poisonous or harmful substance which is reasonably accessible to persons or to animals.
- L. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking or the making 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 of any considerable number of persons.
- M. 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.
- N. Soils contaminated by dangerous wastes, hazardous substances or hazardous wastes as those terms are defined in RCW [70.105.101](#). (Ord. 833 § 2, 1997).

8.12.040 Violation – Penalty.

Any violation of any provision of this chapter constitutes a civil violation under Chapter [1.24](#) AMC for which a monetary penalty may be assessed. (Ord. 833 § 2, 1997).

The Algona Municipal Code is current through Ordinance 1231-23, passed December 11, 2023.

Disclaimer: The city clerk's office has the official version of the Algona Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.algonawa.gov](http://www.algonawa.gov)

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