

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO NUISANCES AND AMENDING CHAPTER 11.24 OF THE KIRKLAND MUNICIPAL CODE TO EXPRESSLY INCLUDE WRITING GRAFFITI OR ALLOWING IT TO REMAIN IN PLACE AS A VIOLATION OF THAT CHAPTER.

Whereas, the incidence of those engaging in the act of writing graffiti or allowing it to remain in place are increasing; and

Whereas, this often offends public decency and annoys and injures the welfare, comfort and repose of members of the public; and

Whereas, the City of Kirkland wishes to expressly designate such acts as constituting a nuisance,

Now therefore, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 11.24.010 is hereby amended to read as follows:

**11.24.010 Definitions.**

(a) "Costs" means, but is not limited to, contract expense and City employee labor expense incurred in abating a nuisance, a rental fee for City equipment used in abatement, costs of storage, disposal or destruction, legal expenses and attorneys fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders, and any other costs incurred by the City excluding, however, fees and expenses associated with appeals authorized by this Chapter or by state law.

(b) "Director" means Kirkland's Director of Planning and Community Development, the Chief of Police or either of their designees.

(c) "Graffiti" means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, dye or any other substance capable of marking property.

(d) "Responsible Parties" means, as applicable, the owners of the property constituting the nuisance, the owners of the property upon which the nuisance is occurring and any other persons, corporations or other entities responsible for creating, allowing, maintaining or continuing the nuisance.

Section 2. Kirkland Municipal Code Section 11.24.020 is hereby amended to read as follows:

**11.24.020 Public nuisance defined.**

Every act done, every omission to perform a duty and any property allowed to remain in place which unreasonably:

(1) Annoys, injures or endangers the health, welfare, safety, comfort or repose of members of the public in any manner, including but not limited to:

(a) Depositing or disposing of any garbage, waste, litter, or other offensive material in any public park, street, alley, highway or other private or public area within the city;

(b) Performing any trade, employment, or manufacture in the city which results in offensive odors, hazardous wastes, or other annoyances and which annoys, injures or is offensive or detrimental to the health, welfare or safety of employees or to members of the public;

(c) Burning any material so as to cause or permit the smoke, ashes, soot, or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health, welfare or safety of any person or neighborhood;

(d) Maintaining or using any building, house, room, or other structure or vehicle for the purpose of lewd acts or prostitution as defined in Chapter 11.20;

(e) Maintaining or using any house, room, booth, or other structure as a place of resort where disorderly persons are allowed to congregate, or in which drunkenness is carried on or permitted;

(f) Beginning, maintaining permitting or abandoning any excavation which is detrimental to the health, welfare or safety of the public;

(g) Storing, maintaining, or using, in or upon any public or private place in the city so as to be offensive or injurious to the health, welfare or safety of the public, or unpleasant or disagreeable to the adjacent residences or persons, any unsound, putrid or unwholesome substance; any structure, drain, sewer or septic tank; or any noxious, offensive, hazardous or otherwise dangerous chemicals or substances;

(h) Maintaining or operating premises, buildings and vehicles whereon or wherein intoxicating liquor is manufactured, sold, furnished, consumed, in violation of the laws of the state or the ordinances of the city;

(i) Permitting or maintaining vacant, unused or unoccupied buildings and structures within the city in a manner detrimental to the health, welfare or safety of the public;

(j) Discarding, abandoning or leaving in any place accessible to children any refrigerator, icebox or deep-freeze locker having a capacity of one and one-half cubic feet or more, or any other container manufactured, custom-made or homemade, designed for storage, which has not had the door or latching mechanism removed to prevent the latching or locking of the door;

(k) Placing or maintaining any sign, poster or other advertising matter of any nature upon a telephone or other poles, trees, sidewalks, streets, signs, traffic signs or other traffic-control devices or other structures or places within streets, alleys or other public places or rights-of-way;

(l) Maintaining buildings, vehicles or other structures, or any parts thereof, wherein any gambling, as defined by RCW 9.46.020, may be found, and any gambling device, as defined by RCW 9.46.020, may be found, except as licensed and within the scope of the license required under state or city law; ~~or~~

(m) Permitting irrigation or other water to run by or on any street, alley or other public place so as to cause settling or damage to the street, alley or other public place, or to cause annoyance, damage or hazard to any user of the street, alley or other public place; or

(n) Writing graffiti or allowing graffiti to remain in place:

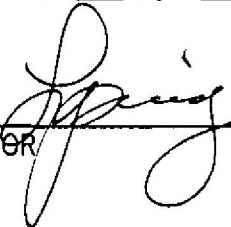
(2) Offends public decency; or

(3) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a public park, street, alley, highway, or other public area, shall constitute a public nuisance. Where the meaning of any of the foregoing terms is not obvious, they shall have that meaning as provided under the common law.


Section 3. This Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of March, 2003.


Signed in authentication thereof this 4th day of March, 2003.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
Deputy City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney  
Ord/Graffiti