

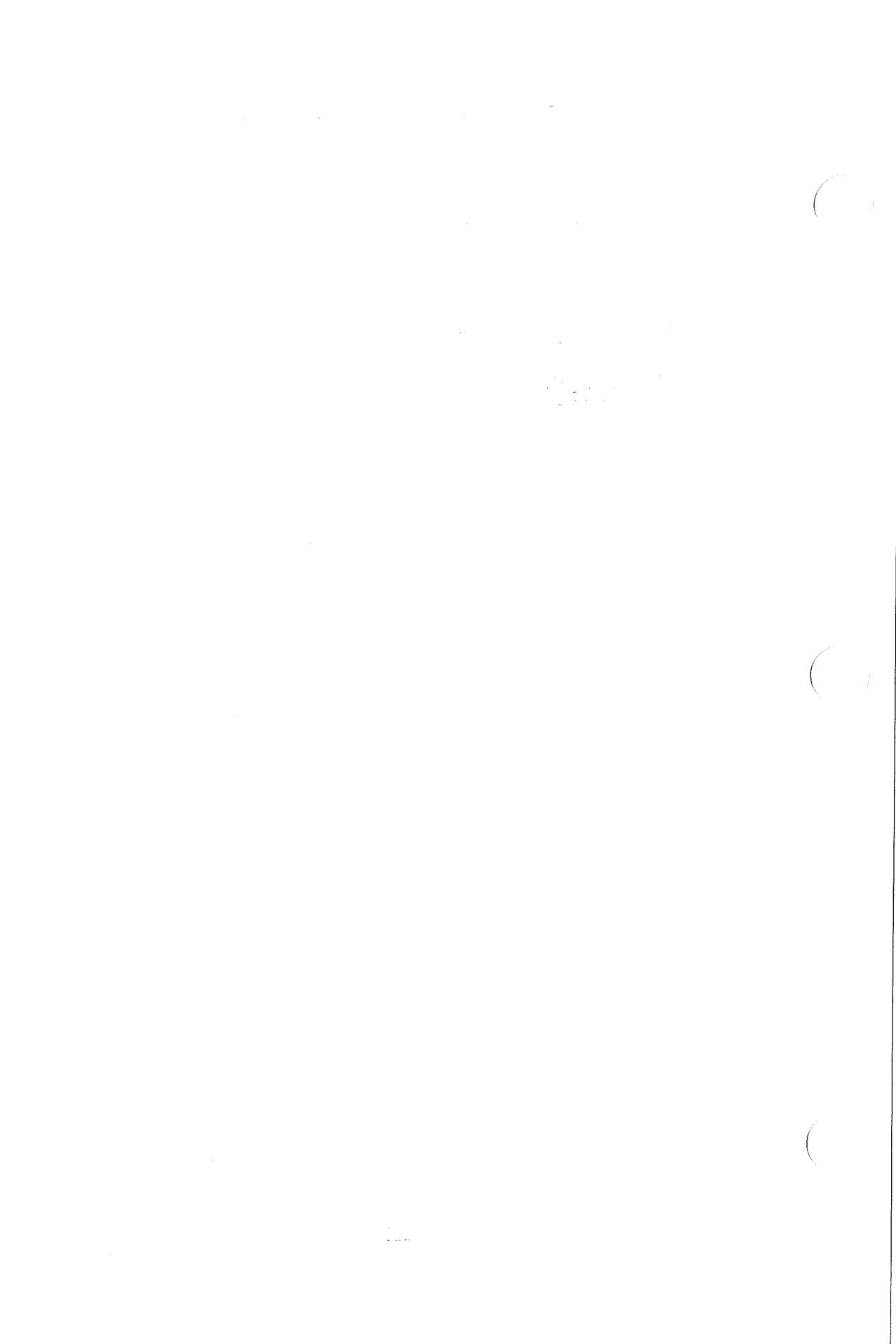
NUISANCES, WEEDS AND PESTS

Title 18

NUISANCES, WEEDS AND PESTS

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- 18.04 Nuisances**
- 18.06 Offensive Businesses**
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Chapter 18.04

NUISANCES*

Sections:

- 18.04.010 Miscellaneous nuisances defined.
- 18.04.030 Loud speaking or outcry by newspaper venders.
- 18.04.040 Unlawful to maintain nuisances.
- 18.04.050 Penalty for violations.
- 18.04.060 Abatement of nuisances.
- 18.04.070 Penalty for failure to abate.
- 18.04.080 Summary abatement of nuisances.
- 18.04.090 Care in abatement of nuisances—Assistance and means.
- 18.04.100 Costs.

18.04.010 Miscellaneous nuisances defined. The following things, places and acts are hereby declared to be public nuisances:

PUTRID SUBSTANCES: The keeping or allowing to be and remain in any building, yard, enclosure, alley, street, avenue, park, public place or in any place within the city limits, any unsound, putrid or unwholesome substance, bones, meat, hides, skins, or the whole or any part of any dead animal or fish, or any unsound, putrid or unwholesome substance, or the offal, garbage or other offensive parts of any animal.

FOUL OR OFFENSIVE PLACES: The suffering or permitting of any cellar, vault, drain, sewer, yard, grounds or premises, or any street, alley or other public place adjacent to any premises, or any street, to become, from any cause, nauseous, foul, offensive or injurious to public health, or unpleasant or disagreeable to adjacent residents or persons.

FOUL LIQUIDS: The causing or permitting of any nauseous, foul or putrid liquor or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, to be discharged, placed or thrown, or to flow from or out of any premises into or upon any adjacent premises or any public street or alley, or to stand, remain or be upon any premises.

OBSTRUCTIONS AND EXCAVATIONS IN PUBLIC PLACES: All obstructions to streets, alleys, crossings or sidewalks of the city, and all excavations in or under the same, which are by ordinance prohibited, or which are made without lawful permission, or which, having been made by lawful permission, are kept and maintained after the purpose thereof has been accomplished, or for an unreasonable length of time.

UNFILLED WELLS, CESSPOOLS, ETC.: Unfilled wells; pits, vaults, cesspools, basins, etc., which have been abandoned or are no longer used for the purpose for which constructed, or which are maintained contrary to law.

* Noise—See Chapter 12.82 of this code.

DEPOSITING OR BURNING RUBBISH IN PUBLIC PLACES: The depositing or burning or causing to be deposited or burned in any street, alley or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, manure or other rubbish or material.

FOUL OR OFFENSIVE STABLES: The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, cattle or fowls may be confined or kept, in such manner as to be nauseous, foul or offensive, or as from any cause to be an annoyance to any community, family or person.

PICKETING ANIMALS IN OR ADJOINING PUBLIC PLACES: The tying or picketing of any animal on any street, alley or other public place, or on any unenclosed lot or premises, and in such a manner and with such length of picket rope that such animal can go upon or into any street, alley or other public place, or upon any adjoining lot or premises owned or controlled by any other person than the person owning or controlling the lot or premises where such animal is picketed.

TAVERNS, DANCE HOUSES, ETC., WHERE WOMEN ARE EMPLOYED: All houses, rooms, taverns, booths, scows, boats or other structures used as a place of public resort, where women are employed to draw custom, and are guilty of lewd or lascivious behaviour, or used as a place of resort for dancing where women or girls solicit for salary or commission the sale of intoxicating liquors, or used as a place of resort for dancing where disorderly persons are allowed to congregate, or used as a resort where drunkenness is carried on or permitted.

DANCING IN TAVERNS, ETC.: The conducting, maintaining, carrying on or in any manner, taking part in any dance in any tavern or other place where intoxicating or malt liquors are sold, given away or otherwise disposed of, or in any room or place connected directly or indirectly therewith, unless expressly permitted by law. (Ord. 15956 § 1, as amended by Ord. 90006; February 9, 1961).

18.04.030 Loud speaking or outcry by newspaper vendors. The loud speaking or outcry of any newspaper vendor, except between the hours of seven-thirty a.m. and eleven p.m. on Monday, Tuesday, Wednesday, Thursday and Friday; seven-thirty a.m. and twelve o'clock midnight on Saturday, and eight-thirty a.m. and eleven o'clock p.m. on Sunday within the district bounded by Spokane Street and West Spokane Street on the south; the waterfront on the west; Virginia Street on the north, and the following described boundary, to-wit: beginning at Fourth Avenue and Virginia Street; thence northerly to the north margin of Pine Street; thence easterly to the east margin of Eighth Avenue; thence southerly to the south margin of Union Street; thence westerly to the east margin of Fourth Avenue; thence southerly to the north margin of Jackson Street; thence easterly

to Seventh Avenue South; thence southerly to the north margin of King Street; thence westerly to the north margin of Fourth Avenue South, and thence southerly to Spokane Street, on the east; and between the hours of seven-thirty a.m. and eleven p.m., on any day of the week outside of the above described district, is hereby declared to be a nuisance. (Ord. 15956 § 1½, as amended by Ord. 46011; November 14, 1943).

18.04.040 Unlawful to maintain nuisances. It shall be unlawful for any person, firm or corporation, by themselves or by their 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 they have 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, cause, permit, 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. (Ord. 15956 § 2; May 10, 1907).

18.04.050 Penalty for violations. Any person violating the provisions of this chapter, or who shall create, keep or maintain any nuisance as herein defined, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars, or imprisoned in the City Jail for a period not exceeding ninety days, or be both so fined and imprisoned, and for any act herein prohibited of a continuing nature, each day shall be considered a separate offense. (Ord. 15956 § 3, as amended by Ord. 45820; October 3, 1923).

18.04.060 Abatement of nuisances. When judgment shall be rendered against any person, persons, firm or corporation, finding them guilty of creating, keeping or maintaining a nuisance, as herein provided, it shall be the duty of the court before whom the conviction is had, in addition to imposing the penalty or penalties hereinabove provided, to order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within twenty-four hours, the same shall be abated and removed by authority of the Chief of Police of the City of Seattle, or by any other officer authorized by the order of said court, which said order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. (Ord. 15956 § 4; May 10, 1907).

18.04.070 Penalty for failure to abate. Any person found guilty of creating, keeping or maintaining any nuisance, who shall neglect or fail to abate and remove such nuisance within twenty-four hours next after his conviction therefor, shall, for each twenty-four hours thereafter in which

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said nuisance is continued, be subject to a like penalty as that originally incurred. (Ord. 15956 § 5; May 10, 1907).

18.04.080 Summary abatement of nuisances. Whenever any nuisance is of such a character, and is so situated that the same can be abated without the invasion or destruction of private property, and the further continuance is likely to result in expense to the city or injury to any person, it shall be the duty of the Chief of Police to abate and remove the same summarily without waiting for the conviction of the author thereof. (Ord. 15956 § 6; May 10, 1907).

18.04.090 Care in abatement of nuisances—Assistance and means. In any case where a nuisance is to be abated by the Chief of Police, or any other officer thereto lawfully authorized, it shall be the duty of such officer to proceed with due care, and without any unnecessary destruction

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of property, and he shall in all cases be authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the evil in question. (Ord. 15956 § 7; May 10, 1907).

18.04.100 Costs. Every person, firm or corporation, found guilty of maintaining a nuisance, as hereinabove provided, shall be liable for all costs and expenses for abating the same, when such nuisance has been abated by any officer of the City of Seattle, which said costs and expenses shall be taxed as a part of the costs of any prosecution against the party liable, and to be recovered as other costs are recovered, after the same shall have been ascertained; provided, that in such cases the City shall be liable in the first instance to pay the same, and in all cases where the Chief of Police, or other officer, shall abate any such nuisance, he shall keep an account of all expenses attending such abatement, and in addition to other powers herein given, to collect such other costs and expenses, may forthwith bring suit for the same in any court of competent jurisdiction in the name of the City of Seattle, against the person maintaining, keeping or creating the nuisance so abated, and upon the collection of the same by such suit, he shall pay the same to the City Treasurer. (Ord. 15956 § 8; May 10, 1907).

Chapter 18.06

OFFENSIVE BUSINESSES

Sections:

- 18.06.010 Businesses creating offenses or becoming nuisances.
- 18.06.020 Offensive odors, gases and fumes—Preventing escape.
- 18.06.030 Building permit—Approval of plans.
- 18.06.040 Penalty for violations.

18.06.010 Businesses creating offenses or becoming nuisances.* It shall be unlawful for any person, firm or corporation within the limits of the City of Seattle to conduct any of the following businesses or to use any building or premises for any of the following uses, unless said businesses shall at all times be so conducted as to create no offense or nuisance:

- (1) Cement, lime, gypsum or plaster of paris manufacture.
- (2) Chlorine or hydrochloric, nitric, picric, sulphurous, or sulphuric acid manufacture.
- (3) Distillation of bones.
- (4) Fat, tallow, or lard rendering.
- (5) Fertilizer manufacture from organic materials or minerals.

*Sections 4 and 5 of this ordinance from which this chapter is derived restricted the location of businesses and were superseded by the Zoning Code (Title 26).

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- (6) Glue, size or gelatine manufacture.
- (7) Hair factory.
- (8) Petroleum refining.
- (9) Potash refining.
- (10) Reduction of garbage, offal, dead animals or refuse.
- (11) Slaughter houses or packing plants.
- (12) Smelting of copper, tin, zinc, or iron ores.
- (13) Stock yard.
- (14) Tannery.
- (15) Wool pulling or scouring.
- (16) Any other trade, industry or use which is or is likely to become similarly objectionable by reason of the emission of dangerous, unwholesome, foul, nauseous or offensive gases, odors or fumes.
(Ord. 45312 § 1; June 21, 1923).

18.06.020 Offensive odors, gases and fumes—Preventing escape. All dangerous, unwholesome, nauseous or offensive odors, gases or fumes arising from or incidental to any of the businesses or uses hereinabove enumerated or any part thereof shall be condensed or destroyed by some effective means and no such odors, gases or fumes shall be allowed to escape into the open air in such amounts as to be at any time disagreeably noticeable more than two hundred (200) feet from the building or premises whence said odors, gases or fumes emanated.

No animal matter shall be rendered after it becomes spoiled or putrid, nor shall any animal matter be rendered on any premises except such animal matter as shall be produced or accumulated from slaughtering or packing operations conducted upon such premises. (Ord. 45312 § 2; June 21, 1923).

18.06.030 Building permit—Approval of plans. No permit for construction, reconstruction or repair of any building or structure used for any of the businesses hereinabove enumerated shall be issued by any department of the city until the plan therefor shall show adequate means for carrying out the provisions of this chapter and until said plan shall have been approved by the Director of Health of the City of Seattle. (Ord. 45312 § 3; June 21, 1923).

18.06.040 Penalty for violations. Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding three hundred dollars (\$300.00), or imprisoned in the city jail for a term not exceeding ninety (90) days, or both so fined and imprisoned, and each day said person, firm or corporation shall continue to violate or fail to comply with any of the provisions of this chapter, shall be deemed and considered a separate of-

fense, and in addition to the penalty hereinabove provided for the violation of this chapter, any failure, neglect or refusal to comply with any of the terms of this chapter, shall be deemed a nuisance and may be abated in the manner provided by the ordinances of the city of Seattle for the abatement of nuisances. (Ord. 45312 § 6 as amended by Ord. 45820 § 1; Oct. 3, 1923).

Chapter 18.12
WEEDS AND VEGETATION

Sections:

- 18.12.010 Obstructing sidewalks or streets—Fire hazard or menace.
- 18.12.020 Penalty for failure to abate nuisances.
- 18.12.030 Enforcement—Resolution ordering abatement.
- 18.12.040 Notice of proposed resolution.
- 18.12.050 Abatement by city—Costs.
- 18.12.060 Authority for chapter.

18.12.010 Obstructing sidewalks or streets—Fire hazard or menace.

Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public are public nuisances. Grass, weeds, shrubs, bushes, trees or vegetation growing or which have grown and died, and all debris upon any property and which is a fire hazard or a menace to public health, safety or welfare, are likewise public nuisances. It is the duty of the owner of the property wherein or whereon any such nuisances exist to abate the nuisance by destroying, removing or trimming any such growth and removing or destroying any such debris. (Ord. 78076 § 1 as amended by Ord. 98149 and by Ord. 98365 § 1; Nov. 19, 1969).

18.12.020 Penalty for failure to abate nuisances. The failure or refusal to comply with any of the provisions of Section 18.12.010 shall subject the offender to a fine not exceeding three hundred dollars, or imprisonment in the city jail for not exceeding ninety days, or both. (Ord. 78076 § 2; June 23, 1949).

18.12.030 Enforcement—Resolution ordering abatement. The city engineer shall enforce this chapter and if any property owner fails or refuses to abate any such nuisance as contemplated by Section 18.12.010, the city council may, after report filed by the city engineer, by resolution require such property owner, in addition or alternative to the penalties prescribed by Section 18.12.020, to abate the nuisance by removal or destruction, at his cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the city engineer may abate the same as provided in Section 18.12.050. (Ord. 78076 § 3; June 23, 1949).

18.12.040 Notice of proposed resolution. The resolution mentioned in Section 18.12.030 shall not be passed until the property owner is given at least five days notice of the pendency of the proposed resolution; such notice shall be given by the city engineer by mailing a copy of the notice

to the owner as shown upon the records of the county treasurer and at the address shown thereon; and if no owner and address is shown on such records, a copy of the notice shall be posted upon the property, and shall also be published in one issue of the official newspaper. The mailing, posting and publication shall be made at least five days before the resolution is adopted and proof shall be made by affidavit of the city engineer filed with the city clerk. The notice shall include the resolution number and both shall describe the property involved and the nature of the hazardous condition constituting the nuisance. (Ord. 78076 § 4; June 23, 1949).

18.12.050 Abatement by city—Costs. If the nuisance is not abated by removal or destruction by the property owner within the time fixed in the resolution, the city engineer may abate the same and he shall render a bill covering the cost to the city of such abatement, including the engineer's expense, and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because he cannot be found, the city engineer in the name of the city may file a lien therefor against said property which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material. (Ord. 78076 § 5; June 23, 1949).

18.12.060 Authority for chapter. This chapter is enacted pursuant to the authority granted by Section 35.21.310, Chapter 7, Laws of 1965 as amended by Chapter 20, Laws of 1969 of the state of Washington. (Ord. 78076 § 6 as amended by Ord. 98149 § 2; Sept. 17, 1969).

Chapter 18.16 CATERPILLARS

Sections:

- 18.16.010 Duty to destroy caterpillars.
- 18.16.020 Penalty for violations.

18.16.010 Duty to destroy caterpillars. It shall be the duty of every person owning any premises in the city of Seattle on which there is growing any fruit, shade or forest trees, or shrubbery of any kind, to keep the same free from caterpillars, and in the event it is found that any fruit, shade or forest trees or shrubbery have become infected with caterpillars it is unlawful for the owner of any such premises on which there shall be growing any such trees or shrubbery to fail or neglect to promptly take and use such methods as may be necessary to effectually destroy such caterpillars, or to in lieu thereof destroy such trees or shrubbery. (Ord. 29485 § 1; May 24, 1912).

18.16.020 Penalty for violations. Any person found guilty of a violation of the provisions of Section 18.16.010 shall be fined in any sum

not exceeding three hundred dollars, or imprisoned in the city jail for a term not exceeding ninety days, or may be both fined and imprisoned. (Ord. 29485 § 2; May 24, 1912).

Chapter 18.20

EARWIGS

Sections:

- 18.20.010 Earwig baiting permit—Requirement—Fee—Identification card.
- 18.20.020 Application for permit—Issuance.
- 18.20.030 Violation of chapter or rules and regulations—Revocation of permit.
- 18.20.040 Reports of earwig baiting to be filed.
- 18.20.050 Earwig baiting by owner or occupant excepted.
- 18.20.060 Penalty for violations.

18.20.010 Earwig baiting permit — Requirement — Fee—Identification card. It is unlawful for any person, firm or corporation to engage for hire or compensation in the business of baiting for the control of earwigs without first procuring a “dealers’ earwig baiting permit” or an “earwig baiter’s permit.” The fee for a dealers’ earwig baiting permit shall be five dollars per year, and the holder thereof may employ as many persons as necessary in baiting for earwigs, provided however, that each person so employed must carry on his person an identification card which must be shown upon demand to any member of the Bureau of Earwig Control of the State of Washington. Such card must contain the following information: name of employee; number of permit; date of expiration thereof, and the signature of the employer. No such card shall be issued to an employee unless he possesses a certificate from an inspector of the Bureau of Earwig Control of the State of Washington, setting forth that such employee has been examined by said inspector and found to possess the qualifications and knowledge essential for the proper preparation and application of bait for the control of earwigs.

The fee for an earwig baiter’s permit shall be one dollar per year. (Ord. 55273 § 1; May 14, 1928).

18.20.020 Application for permit—Issuance. Every person, firm or corporation desiring to obtain a permit to engage in the business of earwig baiting for hire or compensation shall file with the director of health an application in writing which shall set forth the name, residence and place of business of such applicant, and the name and residence of the person who shall have direct charge of the baiting apparatus of such applicant while such apparatus shall be engaged in public baiting work. Such application shall be accompanied by a certificate from an inspector of the Bureau of Earwig Control of the Horticultural Division of the Department of Agriculture of the State of Washington, setting forth that the

applicant, and in case the application is for a dealers' earwig baiting permit, those in direct charge of baiting work for such applicant, have been examined by said inspector and found to possess the qualifications and knowledge essential for the proper preparation and application of bait for the control of earwigs. No application for a permit hereunder shall be considered or granted by the director of health unless accompanied by said certificate. If upon investigation the director of health is satisfied that such applicant has complied with the provisions of this chapter, and is qualified to bait for earwigs, the director shall issue a permit to such applicant upon his exhibiting a receipt from the city treasurer showing that the fees provided for herein have been paid. Such permit shall entitle the permittee named therein to engage in the business of baiting for the control of earwigs for a period of one year, unless said permit shall be sooner revoked. (Ord. 55273 § 2; May 14, 1928).

18.20.030 Violation of chapter or rules and regulations—Revocation of permit. It shall be the duty of the permittee to comply with all lawful rules and regulations promulgated or prescribed by the director of health, the Bureau of Earwig Control of the Horticultural Division of the Department of Agriculture of the state of Washington, so far as such rules and regulations relate to the materials to be used, and the method of application thereof, in baiting for earwig control. The director of health may, after a hearing upon notice at which the permittee may produce his evidence, revoke any permit issued hereunder for failure to comply with the lawful rules and regulations herein mentioned, or for any violation of this chapter, provided however, that an appeal from such revocation will lie to the city council. (Ord. 55273 § 3; May 14, 1928).

18.20.040 Reports of earwig baiting to be filed. It shall be the duty of every permittee under this chapter to file with the Bureau of Earwig Control of the state of Washington a written report showing the names and addresses of the persons for whom baiting has been done during the period covered by said report, together with the location of the property upon which such baiting was done. (Ord. 55273 § 4; May 14, 1928).

18.20.050 Earwig baiting by owner or occupant excepted. Nothing herein contained shall be construed as prohibiting any person, firm or corporation from baiting property owned or under lease or control by him or it. (Ord. 55273 § 5; May 14, 1928).

18.20.060 Penalty for violations. Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding three hundred dollars, or by imprisonment in the city jail for a period not exceeding ninety days, or by both such fine and imprisonment. (Ord. 55273 § 6; May 14, 1928).

Chapter 18.24
BEEKEEPING

Sections

18.24.010 Colony requirements.

18.24.020 Nuisance when.

18.24.010 Colony requirements. It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera* on its property to maintain each colony in the following condition:

(a) Colonies shall be maintained in movable-frame hives;

(b) Adequate space shall be maintained in the hive to prevent overcrowding and swarming;

(c) Colonies shall be re-queened following any swarming or aggressive behavior.

All colonies shall be registered with the county agricultural extension agent prior to April 1st of each year.

Activities or places not meeting these standards shall be deemed public nuisances. The corporation counsel shall maintain a civil action to abate and prevent such nuisances. Upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court or released upon such conditions as the court in its discretion may impose to secure that the nuisance will be abated; the owner of such nuisance shall be liable for a fine not to exceed one hundred dollars. (Ord. 101531 § 1; October 26, 1972).

18.24.020 Nuisance when. Bees living in trees, buildings, or any other space except in movable-frame hives; abandoned colonies; or diseased bees shall constitute a public nuisance and subject the owner to the penalties imposed by Section 18.24.010 (Ord. 101531 § 2; October 26, 1972).