

ORDINANCE NO. 06-014

**AN ORDINANCE AMENDING BGMC 8.12 BY
DECLARING GRAFFITI A NUISANCE.**

WHEREAS, as the City of Battle Ground grows the incidences of graffiti vandalism has increased and has an affect on the quality of life in the Community through a reduction in aesthetics and an increase in maintenance ; and

WHEREAS, the most effective method to reduce graffiti is to quickly remove any graffiti that does occur; and

WHEREAS, the City Council finds that not all property owners are willing to voluntarily remove graffiti and current code provisions do not allow the City to require removal; and

WHEREAS, the City Council finds that it is appropriate to declare graffiti to be a nuisance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1: New. Subsection (N) is hereby added to Section 8.12.010, to read as follows:

8.12.010 Designated.

The following places, things and acts are nuisances:

A. The keeping, accumulating, maintaining or allowing to keep, accumulate or remain in any place within the limits of the city any pile, mound or accumulation of sawdust, shavings, debris, refuse, rubbish, weeds, grass or other waste or unsightly material or inflammable material of any sort; provided, that such accumulation is permissible if contained in a suitable bin or structure so as not to be a menace to public safety or a fire hazard;

B. Any building, structure, burner, accumulation of sawdust, shavings, wood, lumber or refuse in the city which is or may hereafter become dangerous or hazardous to persons or property by reason of fire, age, decay, deterioration, unsafe construction or by any other cause whatsoever, which for any reason constitutes an imminent fire risk;

C. 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 limits of the city any unsound, putrid or unwholesome 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 animals;

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

E. 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;

F. 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 may be 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 any unreasonable length of time;

G. 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, leaves, grass or other rubbish material;

H. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any hog, cattle or fowl may be confined or kept, in such manner as to be nauseous, foul or offensive, or from any cause to be annoying to any community, family or person;

I. 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 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 person other than the person owning or controlling the lot or premises where such animal is picketed;

J. The going in or to private residences by solicitors, hawkers, itinerant merchants and transient vendors of merchandise, when not having been requested or invited to do so by the owner or owners, occupant or occupants of the private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of disposing of and bartering or hawking the same;

K. The keeping and maintaining of any bulls and stallions within the city unless the same are kept within the confines and enclosures of any fair, show, exhibition or circus or exhibition if such keeping is approved by the council of the city;

L. The keeping, maintaining or allowing to be kept and maintained of any vicious or barking dog within the city;

M. The allowing or permitting of dogs to trespass upon private property owned by a person or person other than the owner or custodian of the dog within the corporate limits of the city, such nuisance shall subject the person, firm or corporation owning such dog or being the custodian of such dog to prosecution and punishment as provided in Chapter 8.34 BGMC.

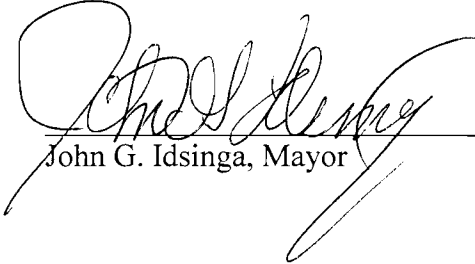
N. Allowing, permitting or maintaining any writing, painting or drawing upon any wall, rock, bridge, building, fence, gate or other structure, tree, or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" within the City. "Graffiti" means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures and places.

Section 2. Severability. If any provision of this Ordinance is found to be invalid or unenforceable for any reason such finding shall not affect the validity of the enforceability of any other provision of this Ordinance.

Section 3: Effective Date. This Ordinance shall be in full force and effect thirty (30) days after passage by the City Council and its publication according to the law.

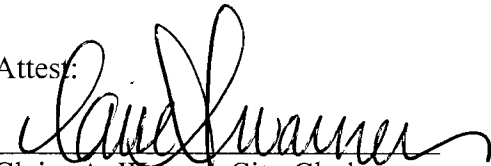
BEING PASSED BY THE CITY COUNCIL OF THE CITY OF BATTLE
GROUND, WASHINGTON AT A REGULAR MEETING THEREOF THIS
5th DAY OF September, 2006.

CITY OF BATTLE GROUND



John G. Idsinga, Mayor

Attest:



Claire A. Warner, City Clerk

Approved as to form:



Brian H. Wolfe, City Attorney