

1 **MICC 8.24.020 Types of nuisances.**

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3 Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to
4 constitute a public nuisance, and is subject to criminal enforcement and penalties as provided in this
5 chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of these
6 conditions, actions or activities exist upon any premises or in any lake, river, stream, drainage way or
7 wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:
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9 A. The existence of any offensive or dangerous accumulation of weeds, trash, dirt, filth, waste shrubs,
10 lawn or yard trimmings, the carcass of any animal or other offensive matter;

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12 B. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees,
13 streets or portions thereof;

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15 C. The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair,
16 interfere or restrict:

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18 1. Streets, sidewalks, sewers, utilities or other public improvements,

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20 2. Visibility on, or free use of, or access to such improvements;

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22 D. The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant,
23 pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any
24 hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire
25 protection purposes in such a way as to obscure the view thereof or impair the access thereto;

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27 E. The existence of any accumulation of materials or objects in a location when the same endangers
28 property, safety or constitutes a fire hazard;

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30 F. The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair,
31 and in a condition to endanger persons or property, or in a condition to interfere with the public
32 convenience in the use of such sidewalk;

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34 G. The dumping or otherwise unlawful depositing of refuse, sawdust or any other material without a
35 permit;

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37 H. The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under
38 any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful
39 permission, or which, having been made by lawful permission, is kept and maintained after the purpose
40 thereof has been accomplished, and for an unreasonable length of time;

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42 I. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon
43 any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or
44 other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary,
45 fly-producing, rat-harboring, disease-causing places, conditions or things:

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47 1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any
48 dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity, but

1 nothing in this subsection shall prevent the temporary retention of waste in approved covered
2 receptacles,

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4 2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from
5 flies and rats, or which are foul or malodorous,

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7 3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards,
8 factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,

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10 4. Any animal manure in any quantity which is not securely protected from flies or weather
11 conditions, or which is kept or handled in violation of any ordinance of the city,

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13 5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, whether growing or
14 otherwise, but nothing in this subsection shall prevent the temporary retention of such weeds in
15 approved covered receptacles,

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17 6. Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or
18 paper products, small pieces of scrap iron, wire, metal articles, household appliances, bric-a-brac
19 or cement, broken concrete, broken glass, broken plaster and all such trash or abandoned
20 material unless it is kept in approved covered bins or appropriate containers,

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22 7. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses,
23 bedding, excelsior, packing hay, straw or other packing materials, lumber not neatly piled, scrap
24 iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed
25 or multiply or which may be a fire hazard;

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27 J. The depositing, or causing to be deposited in any street, alley, sidewalk, park, parkway or other public
28 place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other
29 rubbish or material;

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31 K. The storage or keeping on any premises in public view for more than 30 days of any used or unused
32 building materials as defined in MICC [8.24.010](#), whose retail cost new would exceed \$100.00 without a
33 special permit from the building official; provided, that nothing in this subsection shall:

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35 1. Prohibit such storage without a permit when done in conjunction with a construction project
36 for which a building permit has been issued and which is being prosecuted diligently to
37 completion,

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39 2. Prohibit such storage without a permit upon the premises of a bona fide lumberyard, dealer in
40 building materials or other commercial enterprise when the same is permitted under the zoning
41 ordinance and other applicable laws,

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43 3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

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45 L. The existence of any fence or other structure or thing or private property abutting or fronting upon any
46 public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or otherwise dilapidated or
47 unsafe condition;

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1 M. The existence or maintenance on any premises of a storage area, junkyard or dumping ground for the
2 wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle
3 or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned
4 automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of
5 any major parts thereof;

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7 N. The existence on any premises of any abandoned or unused well, cistern or storage tank without first
8 demolishing or removing from the city such storage tank or securely closing and barring any entrance or
9 trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to
10 prevent access thereto by children;

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12 O. The existence on any premises, in a place accessible to children, of any unattended and/or discarded
13 icebox, refrigerator or other large appliance;

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15 P. The existence of any drainage onto or over any sidewalk or public pedestrianway;

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17 Q. *Sounds.*

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19 1. *Sounds regulated by this section.*

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21 a. The intent of this section is to regulate sounds heard beyond the property line of the
22 source;

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24 b. The following sounds are explicitly regulated by this section:

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26 i. Sounds caused by the construction or repair of any building or structure;

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28 ii. Sounds caused by construction, maintenance, repair, clearing or landscaping;

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30 iii. Sounds created by the installation or repair of utility services; and

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32 iv. Sounds created by construction equipment including special construction
33 vehicles.

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35 2. Sounds related to activity authorized by a permit from the city of Mercer Island are limited as
36 follows:

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38 a. Sounds shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays
39 through Fridays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.

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41 b. Sounds shall be prohibited at any time of day on Sunday and legal holidays.

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43 3. Sounds related to activity that does not require a permit from the City of Mercer Island and
44 are not caused by landscaping as described in subsection 4, shall only be allowed between the
45 hours of 7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m.
46 and 8:00 p.m. on Saturdays, Sundays, and legal holidays.

1 4. Sounds caused by landscaping, including sounds caused by lawnmowers, leaf blowers
2 and other landscaping equipment, shall only be allowed between the hours of 8:00 a.m.
3 to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 6:00
4 p.m. on Saturdays, Sundays, and legal holidays.

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6 45. The enforcement officer may authorize a variance to this section pursuant to WAC
7 Chapter 173-60.”

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9 R. Production at any time of any of the following sounds or noises, which by reason of their intensity,
10 frequency, duration, volume, pitch or any other reason, disturb the peace, quiet, repose or comfort of any
11 person or persons:

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13 1. The sounding of any horn, siren or other signaling device except as a warning of danger, or as
14 specifically permitted or required by law,
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16 2. Sounds in connection with the starting, operation, repair or rebuilding, or testing of any motor
17 vehicle or internal combustion engine within a residential district,
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19 3. The use of a sound amplifier or other device capable of producing or reproducing amplified
20 sound upon public streets for the purpose of commercial advertising for sales or for attracting the
21 attention of the public to any vehicle structure, or property or the contents therein, except as
22 permitted by law, and except that vendors whose sole method of selling is from a moving vehicle
23 shall be exempt from this subsection,
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25 4. The use of a musical instrument, whistle, radio, sound amplifier or other device capable of
26 producing or reproducing sound,
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28 5. Sounds produced by any vehicle which is so loaded, or has any defect or is not equipped with
29 a proper muffler so as to cause loud and unnecessary grating, grinding, rattling or other noise,
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31 6. Any other unreasonably loud, disturbing, continuous, irritating, or unnecessary noise, whether
32 emanating from a human, animal or mechanical source.
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