

**ORDINACE 276**  
**AMENDING THE NUISANCE CHAPTER 8.12 TO INCLUDE THE FOLLOWING**  
**DEFINITIONS REGARDING ABANDONED, DANGEROUS OR BUILDINGS**  
**CONSIDERED TO BE AN ATTRACTIVE NUISANCE**

**WHEREAS** the town of Lyman did adopt Title 8, Chapter 8.12 Nuisances, and

**WHEREAS** new circumstances provide a reason for the chapter to be amended, and

**WHEREAS** the town council finds that changes recommended will, promote public health and safety and are in the best interests of the residents

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LYMAN AS FOLLOWS**

Section 1 The nuisance chapter will add the following definitions, and regulations contained in **EXHIBIT "A "**

Section 2 All other provisions of chapter 8.12 nuisances shall remain in force and effect except as specifically amended above.

Section 3 the ordinance will take effect after publication.

**PASSED** by the Town Council of Lyman on this 10 day of August 2021

\_\_\_\_\_  
Edward E Hills, Mayor

ATTEST

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Debora E Boyd, Clerk/Treasurer

## EXHIBIT A

Unless specifically defined below or unless context clearly requires a different meaning, terms used in this chapter have the meaning given them by the currently adopted edition of the International Building Code and the Uniform Code for the Abatement of Dangerous Buildings. Gender and number are interchangeable.

“Abandoned” refers to any property, real or personal, which is unattended and either open or unsecured so that access may be gained without damaging any portion of the property, or which looks like no person is presently in possession, such as disconnected utilities, accumulated debris, uncleanliness, disrepair and, in the case of chattels, location.

“Attractive nuisance” means the circumstance or condition which may reasonably be expected to attract young children, and which constitutes a danger to such children. Attractive nuisances include but are not limited to unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any sizeable collection of scrap lumber, trash, debris vegetation, or other similar items.

“Boarded-up structure” means any structure having exterior openings which are closed by devices or materials designed or calculated to be in place indefinitely, giving to the structure the appearance of non-occupancy or nonuse for an indefinite period.

“Dangerous building” is a structure in which: the structural deterioration is of such degree that thirty-three percent of the supporting members show damage or deterioration; or  
The cost of restoration exceeds 60 percent of the value of the structure; or  
Fire or other calamity has caused damage to the extent that restoration cost exceeds 30 percent of the value of the structure, and it has remained vacant for six months or more.

A. It is a public nuisance for any vacant, unused, or unoccupied building or structure within the city to have any broken, missing, or open doors, windows, or other openings, allows access by unauthorized persons or the general public.

B. A building or structure, whether occupied or not, will also be considered a public nuisance if it has exterior elements that are defective, decayed or will in any way contribute to the significant degradation of the building, and if those exterior elements are not repaired or otherwise abated, the building, within a relatively short period of time, will become unsafe or make the building or structure uninhabitable

The Washington Supreme Court slowly evolved the limits of the attractive nuisance doctrine and in a 1940 case, *Schock v. Ringling Bros.*, 5 Wn 2d 599 (1940), the court listed five elements that must be present to make the "attractive nuisance" doctrine applicable to a given case:

1. The instrumentality or condition must be dangerous in itself; that is, it must be an agency which is likely to, or probably will, result in injury to those attracted by, and coming in contact with, it;
2. It must be attractive and alluring, or enticing, to young children;
3. The children must have been incapable, by reason of their youth, of comprehending the danger involved;
4. The instrumentality or condition must have been left unguarded and exposed at a place where children of tender years are accustomed to resort, or where it is reasonably to be expected that they will resort, for play or amusement, or for the gratification of youthful curiosity; and
5. It must have been reasonably practicable and feasible either to prevent access to the instrumentality of condition, or else to render it innocuous, without obstructing any reasonable purpose or use for which it was intended.