

ORDINANCE NO. 2015-_____

An Ordinance updating Chapter 24 of Title 9 to clarify the definition of weeds, appropriate management of weeds in specific areas and controlling obstacles in the right-of-way, to include disposal receptacles and basketball hoops.

WHEREAS, Clark County is authorized, pursuant to RCW 36.32.120(7) with the authority to adopt and enforce police power regulations necessary for the protection of the public health, safety and welfare; and

WHEREAS, the provisions contained in Chapter 24 of Title 9 related to weeds and encumbrances to the right-of-way require clarification; and

WHEREAS, this matter is being considered at a duly advertised public hearing; and

WHEREAS, the Board finds and concludes that adoption of this Ordinance will further the public health, safety and welfare; now, therefore,

BE IT ORDERED AND RESOLVED by the Board of County Councilors in and for Clark County, State of Washington, as follows:

Section 1. Amendatory.

Sec. 1 of Ord. 1991-11-09 as most recently amended by Sec. 2 of Ord.1998-11-02 and codified by CCC 9.24.005 is each amended to read:

9.24.005 Definitions.

(1) "Lot line." See Section 40.100.070.

(2) "Front yard" means the open space extending the full width of a lot from the edge of the improved road surface including any sidewalks, one hundred (100) feet back.

(3) "Rear yard" means the open space extending the full width of a lot from the rear lot line one hundred (100) feet forward.

(4) "Side yard" means the open space extending from the front yard to the rear yard along the side lot line, one hundred (100) feet in width. (Sec. 1 of Ord. 1991-11-09; amended by Sec. 2 of Ord. 1998-11-02)

(5) "Nuisance weeds" includes, but is not limited to noxious weeds such as thistle, nettle, tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, blackberries, or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices.

(6) “Cultivate” means to prepare and work the land in order to raise crops and to promote or improve the growth of a plant or crop by labor and attention.

Section 2. Amendatory.

Sec. 1 of Ord. 1988-08-36 as most recently amended by Sec. 1 of Ord. 2007-11-13 and codified by CCC 9.24.010 is each amended to read:

9.24.010 Nuisances enumerated.

Each of the following conditions, unless otherwise expressly permitted by law, is declared to constitute a public nuisance:

(1) On property with a rural zoning classification under Title 40 of this code, i.e., agricultural-wildlife district (AG-WL), Resource (FR-80, FR-40, AG-20), Rural (R-5, R-10, R-20), Urban Reserve (UR-10, UR-20), Rural Center Residential (RC-1, RC-2.5), Rural Commercial (CR-1, CR-2):

(a) The outside accumulation within the front and side yard of two (2) or more cubic yards of waste, rubbish and trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster and other similar abandoned, discarded or unused material, which is visible from an adjacent property or roadway, unless kept in covered bins or receptacles; provided, that nothing herein shall prohibit the maintenance of a compost pile outside the front and side yard as long as the usage of the same is intended for the household’s use;

(b) The outside storage within the front and side yard of abandoned, discarded or unused objects or equipment, excluding farm equipment; including but not limited to household furniture, stoves, refrigerators and freezers which are visible from an adjacent property or roadway;

(c) The outside storage within the front and side yard for more than sixty (60) days of more than five (5) cubic yards of any used or unused building materials which are visible from an adjacent property or roadway; provided, that nothing herein shall:

(i) Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which is being pursued diligently to completion,

(ii) Prohibit such storage upon the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws,

(iii) Make lawful any such storage when it is prohibited by other ordinances or laws;

(d) The presence of any unattached vehicle or boat parts or three (3) or more abandoned or inoperable vehicles and/or boats that have remained in the same location or on the same contiguously owned property for more than thirty (30) consecutive days,

within the front, side or rear yard; that are visible from an adjacent property or roadway; and that meet any of the following descriptions;

- (i) The vehicle is missing a major component such as the engine, transmission, battery, tire(s), u-joint, differential, front suspension,
- (ii) The vehicle cannot be started and set into motion both forward and reverse for a distance of one hundred (100) feet,
- (iii) Vehicles exempt from enforcement of the nuisance ordinance shall include:
 - (A) Any vehicle or its components to be used as evidence in litigation when stored under a tarp or cover,
 - (B) Any vehicle which has a value over five hundred dollars (\$500) and is currently being restored, provided a schedule is submitted and a continuous good faith effort is shown toward completion every thirty (30) days. A project vehicle must be stored on the property under a tarp or cover. Each parcel is limited to one project vehicle,
 - (C) Any vehicle which has been moved into an enclosed structure or that is moved to an area that is not visible from adjacent roads or properties,
 - (D) Any farm machinery or equipment.

(2) On property zoned in an urban classification under Title 40, i.e., all zoning classifications other than those provided for in subsection (1) of this section:

- (a) The outside accumulation of more than one (1) cubic yard of waste, rubbish and trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster and any other similar abandoned, discarded or unused material, which is visible from an adjacent property or road, unless kept in covered bins or receptacles; PROVIDED, that nothing herein shall prohibit the maintenance of a compost pile outside of the front or side yards as long as the usage of the same is intended for the household's use.
- (b) The outside storage of abandoned, discarded or unused objects or equipment, including but not limited to tires, household furniture, stoves, refrigerators and freezers, which are visible from an adjacent property or road.
- (c) The outside storage for more than sixty (60) consecutive days of more than five (5) cubic yards of any used or unused building materials which are visible from an adjacent property or road; PROVIDED, that nothing herein shall:

- (i) Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which is being pursued diligently to completion;
- (ii) Prohibit such storage upon the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable law;
- (iii) Make lawful any such storage when it is prohibited by other ordinances or laws.

(d) The presence of any unattached vehicle or boat parts or abandoned or inoperable vehicles and/or boats that have remained in the same location or on the same contiguously owned property for more than thirty (30) consecutive days within the front, side or rear yard; that are visible from an adjacent property or roadway; and that meet any of the following descriptions:

- (i) The vehicle is missing a major component such as the engine, transmission, battery, tire(s), u-joint, differential, front suspension;
- (ii) The vehicle cannot be started and set into motion both forward and reverse for a distance of one hundred (100) feet;
- (iii) Vehicles exempt from enforcement of the nuisance ordinance shall include:

(A) Any vehicle or its components to be used as evidence in litigation when stored under a tarp or cover,

(B) Any vehicle which has a value over five hundred dollars (\$500) and is currently being restored, provided a schedule is submitted and a continuous good faith effort is shown toward completion every thirty (30) days. A project vehicle must be stored on the property under a tarp or cover. Each parcel is limited to one project vehicle,

(C) Any vehicle which has been moved into an enclosed structure or that is moved to an area that is not visible from adjacent roads or properties,

(D) Any farm machinery or equipment,

~~((E) The presence of uncontrolled and uncultivated weeds, brush, berry vines, poison oak/ivy; or grasses not maintained to a height of twelve (12) inches on any property within the front yard or front and side yards if the property is a corner lot; provided, that nothing herein shall prohibit the~~

~~growth of berry vines or grass which are grown and used for agricultural purposes.))~~

(e) All grasses and nuisance weeds shall be maintained at a height no greater than twelve (12) inches on any property within the front, side, and rear yards; including vacant lots. Nothing herein shall prohibit the growth of berry vines or grasses which are cultivated and used for agricultural purposes.

~~((3) All garbage containers with a capacity of one half cubic yard or more and all containers used to hold or recycle newspaper, glass or cans that are present on the travel portion of the roadway or within Clark County's right of way.))~~

(3) In all urban and rural zoning classifications:

(a) All garbage containers with a capacity of one-half cubic yard or more and all containers used to hold or recycle newspaper, glass or cans that are present on the travel portion of the roadway or within Clark County's right-of-way.

(b) Basketball hoops shall not be stored in public sidewalks, on the travel portion of the roadway, or within Clark County's right-of-way.

(4) Any condition that exists due to an act or omission constituting a nuisance as defined in Section 32.04.010(6).