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ORDINANCE NO. 405

An Ordinance relating to the regulation control of weeds and other vegetation as a nuisance and prohibiting the same.

The Town Council of the Town of Coupeville, Washington, do ordain as follows:

SECTION 1 - DEFINITIONS: In this Ordinance the terms designated in this section will be defined as follows:

- A) "Abate" means to destroy, remove, correct or terminate.
- B) "Continue" means not to destroy, remove, correct or terminate.
- C) "Owner" and "occupant" includes any natural person, corporation, or unincorporated association having by deed, contract, assignment, lease or by permission of the same the right to enjoy, use or occupy the premises.
- D) "Weeds" include but not limited to, noxious weeds, thistles, nettles or other plants that are a nuisance, hazard, tend to overgrow or choke out more desirable plants, or cause injury to man, animal or a desired crop, flower, garden plant or lawn cover.

SECTION 2 - PROHIBITED CONDITIONS -- UNLAWFUL: It is unlawful and a nuisance for the owner or occupant of a lot or parcel of land within the corporate limits to allow or continue a prohibited condition on property under the control of the owner or occupant.

SECTION 3- PROHIBITED CONDITIONS -- DESIGNATED: The following conditions are prohibited:

- A) Grass or weeds growing, or which have grown and died, exceeding the height of twelve inches and which are a fire hazard or menace to public health, safety or welfare;
- B) Trees, plants, shrubs or vegetation of any kind or parts thereof which overhang a sidewalk or street, or which are growing thereon in such a manner as to obstruct or impair the free and full use of the sidewalk, or street by the public.

SECTION 4 - INSPECTION: It shall be the duty of the Mayor or his designee to inspect lots and parcels of land, streets, alleys and highways of

1 the Town of Coupeville, and when said noxious weeds, thistles, nettles or
2 prohibited conditions are found either on private property or bordering streets,
3 alleys or highways, give written notice to the owner, lessee, occupant, agent
4 or other person having care, custody or control of such property or abutting
5 property, to destroy or correct the prohibited condition within ten (10) days
6 after receipts of the notice.

7 SECTION 5 - SERVICE OF NOTICE: Notices shall be in writing and served
8 upon the owner, lessee, occupant, agent or other persons in charge of such
9 property on which weeds, thistles, nettles or prohibited conditions are found,
10 in person or by leaving the same with a person of suitable age and discretion
11 residing at the owner's usual place of abode or by certified mail to the owner's
12 last known address, or if his address is unknown, by posting a copy of the
13 notice on the property. The owner or occupant shall have ten (10) days after
14 receipt of the notice to abate the conditions causing the violation. The owner
15 or occupant shall be deemed to be in receipt of the notice prescribed herein
16 six (6) days after posting or mailing.

17 SECTION 6 - REMOVAL BY TOWN - LIEN: After receiving a report of a
18 prohibited condition as set out in Section 3, the Town Council may initiate an
19 abatement of condition by resolution; provided, that prior to passage of such
20 resolution notice has been sent to the property owner which shall describe the
21 property involved and the prohibited condition. The resolution may require the
22 owner to make such removal or destruction. Notice of passage of the resolution
23 shall be posted on the property and one copy sent to the last known address of
24 the property owner. Thereafter, the Town may abate the said condition if the
25 owner has not abated the condition. Any cost of abatement to the Town for the
26 abatement of the condition, including administrative charge of \$25.00, shall be
27 a charge against the owner of the property and a lien against the property in
28 those cases specified under RCW 35.21.310. Notice of lien shall as nearly as
29 practicable, be in substantially the same form, filed with the same officer,
30 done within the same time and manner, and enforced and foreclosed as is
31 provided by law for liens for labor and materials.

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SECTION 7: If any provision of this Ordinance, or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 8: This Ordinance shall be in full force and effect after its passage, posting and publication as required by law.

PASSED by the Town Council and APPROVED by its Mayor this 9th day of December, 1985.

THE TOWN OF COUPEVILLE

By: Lew S. Kaddy
MAYOR

ATTEST:

Davis G. Ward
TREASURER-CLERK