

**ORDINANCE NO. 85A
CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON RELATING TO
THE DUTY TO CONTROL WEEDS AND VEGETATION ON PROPERTY AND
PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO AND
REPEALING ORDINANCE NO. 85 IN ITS ENTIRETY**

WHEREAS, the City of Liberty Lake as a non-charter code City is vested with the responsibility to protect and promote the public health, safety and welfare of its citizens which includes the proper maintenance of developed and undeveloped property; and

WHEREAS, it is the desire of the City Council to impose duties upon owners of property that relate to the control of weeds and vegetation including declaring a nuisance, providing an abatement procedure and a civil penalty.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. Purpose. The City declares it is in the best interest of the citizens of the City of Liberty Lake to: (1) maintain an environment where trees, plants, shrubs and vegetation do not obstruct or impair the free and full use of the sidewalk or street and (2) control grass, weeds, shrubs, bushes and other vegetation growing on property so that a fire hazard or menace to the public health, safety or welfare is not created.

Section 2. Duty of Property Owner. It is declared to be the duty of a property owner where trees, plants, shrubs, vegetation or parts thereof overhang any sidewalk, or street or obstruct the public right of way by impairing the full use of the sidewalk or street including an obstruction of the view corridor in the right of way, to remove and abate the same by trimming, destroying or removing such growing or dead vegetation.

A property owner has a further duty to remove or destroy all uncultivated grass and weeds, including dead shrubs, bushes and trees which have no appreciable, practical use or value to the property, create a fire hazard or pose a menace to public health, safety or welfare, as required under Section 3. For purposes of this ordinance, the word "weeds" shall refer to noxious weeds regulated pursuant to RCW Chapter 17.10.

Section 3. Maximum Height-Removal. All weeds, grass or other uncultivated vegetation prohibited by this ordinance whether located on developed or undeveloped property shall be cut and removed when any such weeds, grass or vegetation exceed 6 inches in height within thirty (30) feet from the back of a sidewalk, curb, or right-of-way (public or private), as applicable. Native grasses outside the thirty (30) foot line shall be maintained to be free of noxious weeds and it is encouraged for the entire property to be cut and removed to reduce the fire hazard and improve community aesthetics.

Section 4. Abatement. It is the duty of a property owner to immediately remove, destroy or eradicate any condition on property prohibited by this ordinance. Failure to timely and properly abate as identified in this ordinance shall constitute a nuisance with the City authorized to abate the same. Prior to the City abating the condition creating a nuisance, the City shall:

- (1) Serve a written notice either personally or by certified mail upon the owner which states: (a) the description of the property involved and the prohibited

condition; (b) the date by which the prohibited condition is to be corrected, which shall not be less than seven (7) days after receipt of the notice; and (c) that the City Council intends to adopt by Resolution an order authorizing the City to correct the prohibited condition, with all City costs becoming a charge against the owner and a lien upon the property.

Property owners may contest before the City Council the allegations set forth in the notice on the date and time the Resolution is placed on the Council agenda.

Section 5. Abatement By City-Lien. If the nuisance is not abated by the property owner within the time fixed in the resolution and notice, the City shall abate the nuisance and deliver a statement of the cost of such abatement to the property owner. If the property owner fails or refuses to pay the City invoice or if the owner does not respond, the City may cause a lien to be filed against the property and enforced and foreclosed in the same manner as provided for the foreclosure of labor and material liens.

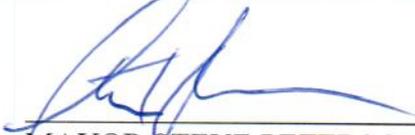
Section 6. Penalty for Noncompliance. In addition to the failure or refusal to comply with a request by the City to abate the conditions identified under this ordinance the City Police Department may issue a Class I civil infraction pursuant to RCW Chapter 7.80.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 8. Repealer. Upon the Effective Date of this Ordinance, Ordinance No. 85 shall be repealed in its entirety and shall have no further force or effect of law.

Section 9. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 7th day of March, 2017.


MAYOR STEVE PETERSON

ATTEST:


ANN SWENSON, City Clerk

APPROVED AS TO FORM:


SEAN P. BOUTZ, City Attorney

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CERTIFICATION

I, Ann Swenson, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true, and correct copy of Ordinance No. 85A duly adopted at a regular meeting of the City Council of said City, duly and regularly held at a the regular meeting place thereof on March 7, 2017 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: unanimous.

AYES, and in favor thereof: Mayor Pro Tem Brickner, Council Members, McGuire, Severs, Dunne, and Kaminskas.

NAYS: None.

ABSENT: Council Members Moore and Langford.

ABSTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK