

ORDINANCE NO. 667

AN ORDINANCE OF THE TOWN OF ODESSA, WASHINGTON, AMENDING CHAPTER 8.04, WEEDS AND DEBRIS, OF THE ODESSA MUNICIPAL CODE BY ADDING AN OPPORTUNITY FOR PROPERTY OWNER/OCCUPANT TO BE HEARD AT TOWN COUNCIL AND BY ADDRESSING THE PROHIBITING OF NOXIOUS PLANTS/WEEDS

WHEREAS, Ordinance No. 282, O.M.C. Title 8, Health and Safety, Chapter 8.04, Weeds and Debris establishes that the Town may require the owner of any property within the corporate limits of the Town of Odessa to remove or destroy all trees, plants, shrubs or vegetation or parts thereof, which overhang any sidewalk or street or which grow thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and,

WHEREAS, Ordinance No. 282, O.M.C. Title 8, Health and Safety, Chapter 8.04, Weeds and Debris establishes that the Town may require the owner of any property within the corporate limits of the Town of Odessa to remove or destroy all grass, weeds, shrubs, bushes, trees, or vegetation growing or which has grown, or grown and died and to remove or destroy all debris and junk, including any vehicle which does not bear a current license and/or upon which excise tax has not been paid, upon property owned or occupied by them and which is a fire hazard or menace to the public health, safety or welfare; and,

WHEREAS, the Town of Odessa Town Council now deems it necessary to amend O.M.C. Chapter 8.04 to provide for property owner/occupant to be heard and addressing the prohibiting of noxious plants/weed; and,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON, AS FOLLOWS, TO WIT:

Section 1: Purpose.

Chapter 8.04, Weeds/Debris, of the Odessa Municipal Code allows the Town of Odessa for cleanup of private property, which are deemed a fire hazard or menace to public health, safety, or welfare. The purpose of this Ordinance is to amend Chapter 8.04 by adding an opportunity to be heard at Town Council for the owner or occupant of the property and by adding a section addressing the prohibiting of noxious plants/weeds.

Section 2: Section 8.04.25, titled: Noxious plants/weed prohibited.

It shall be unlawful for any owner, lessee, occupant, agent or other person having the care or charge of any lot, lots or parcel of land within the town limits of the town of Odessa to suffer or permit any noxious weeds to grow within and/or from the owner's property.

1. List of noxious weeds

The PWD/Designee is authorized to prepare a list of noxious weeds, which may include utilizing a list of noxious weeds as set forth by the State Noxious Weed Control Board or from Lincoln County Weed Board, with the list being revised as deemed necessary.

2. Inspection by Public Works Director or Designee-Notice of Abate

a. It shall be the duty of the Public Works Director (PWD) or his/her designee to inspect all lots and parcels of land and the streets, alleys and highways of the town of Odessa, and when said noxious weed(s) are found, either on private property on the bordering streets, alleys or highways, the PWD/designee shall cause notice to be given to the owner of such property, or abutting property, to destroy the same and specifying a time for such person to do so.

b. Whenever the PWD/designee becomes aware that noxious weeds are present upon property within the town limits notification to the property owner shall contain the following information:

1. The name of the noxious weed(s) growing on the property
2. The location of the property
3. The type of action necessary to control the noxious weed(s)
4. The time within such action must be completed, (ten (10) days)
5. Signed and dated by the PWD/Designee

Section 3: Section 8.04.040 is amended as follows:

8.04.040 Removal by Town- - ~~Resolution Required~~ Notice to Owner- - ~~Notice to Owner~~ Opportunity for Hearing. Proceedings which carry out the provisions of Sections 8.04.020 and 8.04.030 shall be initiated by a ~~resolution of the town council adopted after not less than five days'~~ written notice to the owner or occupant, which shall describe the property involved in the hazardous condition and require the owner or occupant to make such removal or destruction after notice as required. The owner or occupant shall have ten (10) days to file a request with the Town Clerk for a hearing before the Town Council. Upon request, the Town shall fix a date, time, and place for the hearing of the appeal and provide written notice to appellant.

Section 4: Section 8.04.050 is amended as follows:

8.04.050 Removal by Town- - ~~Costs to become lien when~~ Resolution required- - Costs to become lien when. If such removal or destruction is not made by the owner ~~after notice as set forth in this chapter, the town will cause the removal or destruction thereof and shall provide that the costs to the town~~ and no request is made by the owner within ten days after receipt of such notice, then the Town Clerk will bring this matter before the Town Council, and request the Town Council to pass a resolution authorizing the Town to cause the removal or destruction of the prohibited condition. The costs to the Town including removal fees, labor, recording fees and attorney's fees shall become a charge against the owner of the property and a lien against the property.

Section 5: Nonliability

Nothing contained in this ordinance is intended to be, construed to create or form the basis for any liability on the part of the Town or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implantation or enforcement of this ordinance on the part of the Town and its officers, employees or agents.

Section 6. Severability

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 8: Effective Date

This Ordinance shall become effective after its approval and publication.

PASSED AND APPROVED BY THE ODESSA TOWN COUNCIL ON THIS 9th DAY OF March, 2015.

Douglas Plinski, Mayor

ATTEST:

Gail Kiesz, Clerk-Treasurer

Published: March 12, 2015