

ORDINANCE NO. 1687

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to removal and destruction of nuisance vegetation and debris; and adding and codifying a new chapter to Title 7 DMMC entitled "*Overhanging, Obstructing, and Nuisance Vegetation*".

WHEREAS, promoting safe and unimpeded passage on public roads and sidewalks and protecting the health, safety, and welfare of its citizens are priorities for the City of Des Moines, and

WHEREAS, the duty and responsibility to prevent vegetation from growing on private property in a manner that obstructs public roadways or sidewalks or in a manner that constitutes a danger to public health, safety, or welfare should lie with the owner or occupier of that property, and

WHEREAS, when code enforcement efforts fail to obtain abatement of overgrown and nuisance vegetation through existing means due to absentee or unwilling property owners, the City may have no speedy and adequate remedy, and

WHEREAS, if a remedy exists, the City may not recover its costs of abatement for a significant period of time, if at all, and

WHEREAS, RCW 35.21.310 authorizes cities to adopt local ordinances requiring property owners to remove or destroy obstructing or nuisance vegetation on their property, providing that the City may cause such removal or destruction upon the property owner's failure to timely comply with a resolution of the City Council requiring such removal or destruction with adequate notice, and assessing the City's expenses as costs against the owner and a lien on the property, and

WHEREAS, the City council finds that adopting this ordinance under the authority granted by RCW 35.21.310 is appropriate and necessary to promote safe and unimpeded passage on public roads and sidewalks and protect the public health, safety, and welfare; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

A new chapter shall be added to Title 7 DMMC to read as follows in sections 1 through 11 of this Ordinance:

OVERHANGING, OBSTRUCTING, AND NUISANCE VEGETATION

Sec. 1. Title. This chapter shall be entitled "Overhanging, Obstructing, and Nuisance Vegetation".

Sec. 2. Application. This chapter shall apply to real property located in the City of Des Moines and the owners of real property located in the City of Des Moines.

Sec. 3. Purpose. These regulations are adopted to promote the public health, safety and general welfare of the citizens of Des Moines and to provide for enforcement, abatement, and recovery of City costs for abatement, requiring property owners to remove vegetation that obstructs the free use of the sidewalk or public street and vegetation on the owner's property which is a fire hazard or a menace to public safety, health, or welfare; providing a procedure for the City Council to order removal of nuisance vegetation by resolution after notice of the condition to the property owner; allowing the City to cause the removal of nuisance vegetation following passage of the resolution should the property owner fail to remove the nuisance vegetation; and providing that the City's costs in removing the nuisance vegetation shall become a charge against the property owner and a lien against the property.

Sec. 4. Authority. This chapter is adopted pursuant to the authority set forth in RCW 35.21.310.

Sec. 5. Removal of overhanging or obstructing vegetation. The owner or occupant or other person in control of real property within the City shall remove or destroy all trees, plants, shrubs or vegetation, or any parts thereof, which overhang any sidewalk or which are situated on the property or on the portion of the street or sidewalk abutting thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians or persons operating vehicles thereon, or interfering with sidewalks, streets, poles, wires, pipes, fixtures or any other part of any public utility situated in the street.

Sec. 6. Removal of nuisance vegetation and debris. The owner or occupant or other person in control of real property

within the City shall remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died, and to remove or destroy all debris, upon property owned or occupied by them and which are a fire hazard or a menace to public health, safety or welfare.

Sec. 7. Nuisance declared. It is unlawful and a nuisance for the owner or occupant or other person in control of any real property in the City to maintain or allow the property in violation of this chapter.

Sec. 8. Notice.

(1) If real property within the City is allowed or maintained in violation of this chapter, the City Manager or the City Manager's designee may serve notice upon the property owner identifying the property involved; describing the condition to be corrected; requiring the owner to correct the condition within the time specified in the notice; and notifying the owner that if the condition is not corrected within the time specified, that after the termination of such period of time and on a date specified in the notice, a resolution will be presented to the City Council to provide for the removal or destruction of the grass, weeds, shrubs, bushes, trees, vegetation, and/or debris, and the cost of that removal or destruction become a charge against the owner and a lien against the property.

(2) Notice under this section shall be served on the property owner personally or by certified mail, with a five-day return receipt requested, sent to the property address and the owner's address on file with the King County Treasury. Notice by certified mail will be effective on the fifth day after mailing.

Sec. 9. Resolution. The City Council may adopt by resolution a declaration that real property within the City is in violation of this chapter; identifying the specific property and the specific grass, weeds, shrubs, bushes, trees, vegetation and/or debris to be removed or destroyed; and requiring the property owner to remove or destroy the grass, weeds, shrubs, bushes, trees, vegetation, and/or debris within a specific time. The resolution shall be passed after not less than five days' notice to the owner as described in Section 8 of this Ordinance and an opportunity for the owner to be heard and show cause why the grass, weeds, shrubs, bushes, trees, vegetation and/or debris should not be removed or destroyed.

Sec. 14. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

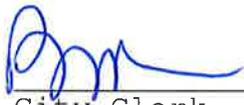
PASSED BY the City Council of the City of Des Moines this 3rd day of August, 2017 and signed in authentication thereof this 3rd day of August, 2017.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Effective Date: September 2, 2017

Published: August 8, 2017

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1687, Adopted August 3, 2017.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to removal and destruction of nuisance vegetation and debris; and adds and codifies a new chapter to Title 7 DMMC entitled "*Overhanging, Obstructing, and Nuisance Vegetation*".

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins, CMC
City Clerk

Published: August 8, 2017