

Clark County Code Enforcement

Public Hearing
Proposed Nuisance Code
Amendments
2017

A. PROHIBIT NUISANCE FOWL WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF VANCOUVER

The Board will consider a Planning Commission recommendation to amend Clark County Code Section 40.260.235 and 8.11.060 regarding the prohibition of roosters, peacocks and turkeys within the city of Vancouver's Urban Growth Boundary.

- B. WITHIN URBAN ZONES, PROHIBIT ALL GRASSES AND NUISANCE WEEDS GREATER THAN TWELVE (12) INCHES ON ANY FRONT, SIDE OR REAR YARDS; INCLUDING VACANT LOTS; CCC 9.24.010(2)g**
- C. WITHIN URBAN ZONES, PROHIBIT VEHICLES FROM NOT PARKING ON ALL-WEATHER SURFACES; CCC 9.24.010(2)h**
- D. WITHIN URBAN RESIDENTIAL ZONES, PROHIBIT PARKING OR STORAGE OF TRUCK TRACTORS OR SEMI-TRUCKS; CCC 9.24.010(2)i**
- E. WITHIN URBAN AND RURAL ZONES, RESTRICT THE TIME WHICH GARBAGE CONTAINERS MAY BE STORED ON PUBLIC SIDEWALKS, ON THE TRAVEL PORTIONS OF THE ROADWAY, OR WITHIN CLAR COUNTY'S RIGHT-OF-WAY; CCC 9.24.010(3)a**
- F. WITHIN URBAN AND RURAL ZONES, PROHIBIT UNATTENDED BASKETBALL HOOPS STORED ON PUBLIC SIDEWALKS, ON THE TRAVEL PORTION OF THE ROADWAY, OR WITHIN CLARK COUNTY'S RIGHT-OF-WAY; CCC 9.24.010(3)b**
- G. IN ALL ZONES, ANY VACANT BUILDING OR STRUCTURE LOCATED ON LANDS PROPOSED FOR DEVELOPMENT, NOT INTENDED FOR USE IN THE DEVELOPMENT, SHALL BE DEMOLISHED WITHIN SIX (6) MONTHS OF PRELIMINARY APPROVAL; CCC 14.14A.040(4)**
- H. INCREASE THE FIRST VIOLATION FOR AUTO WRECKING FROM \$100 TO \$250, AND FOR SUBSEQUENT VIOLATIONS FROM \$250 TO \$500; Table 32.04.050**

Revision to Clark County Land Use Code – Section 40.260.235

BACKGROUND:

Clark County land use code does not currently restrict owning poultry in most zones in the county. As residential infill, diminished lot sizing and population growth occur, the number of complaints about noise from poultry increases.

The city/county line is nearly impossible to discern. The streets look the same. The houses look the same. The density is similar. Citizens routinely believe they reside within the City of Vancouver – where roosters, peacocks and turkeys are prohibited.

As the United States is also seeing an increase in recycling, sustainability, green living and farm-to-table, more and more citizens are moving towards home gardens, backyard bee hives and poultry husbandry. Owning roosters, peacocks and turkeys then lead neighbors to complain about noise, smell and fear of the birds themselves should they leave the owner's yard.

In November 2016, the Board of County Councilors adopted Title 8.11.060, which addressed this exact issue. Although restricting the possession of roosters, peacocks and turkeys, Title 8 does not address land use. Title 40 is the appropriate place for this prohibition because it does affect the use of the land.

On February 2, 2017 the Clark County Planning Commission reviewed and approved this suggested update to Title 40.

PUBLIC OUTREACH:

Several public hearings preceded the adoption of code language into CCC 8.11.060(1), which is identical to the suggested amendment to Title 40.

RECOMMENDATION:

Code Enforcement staff recommends amendment of 40.260.235 and 8.11.060 as follows:

40.260.235 Urban Livestock

G. Prohibited Animals: Turkeys, peacocks and roosters are prohibited within the urban growth zone for the city of Vancouver. Individuals found to be in possession of such birds subsequent to this ordinance, are required to remove them from the property within thirty (30) days of notice.

8.11.060 Animal Nuisances

(1) Any animal which by habitual howling, yelping, barking or other noise disturbs or annoys any person or neighborhood to an unreasonable degree, taken to be continuous noise for a period of ten (10) or more minutes or intermittent noise for a period of thirty (30) or more minutes, except: such noises made by livestock, whether from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in facilities licensed under and in compliance with the provisions of this title. Livestock on properties inside of urban growth boundaries may be subject to the provisions of Section 40.260.235. ~~Additionally, turkeys, peacocks or roosters are prohibited within the urban growth boundary for the city of Vancouver.~~ It shall be an affirmative defense under this subsection that the animal was intentionally provoked to make such noise; provided, that enactment of this provision shall in no way abrogate any other provision under this code concerning animal noise.

(22) Turkeys, peacocks and roosters are prohibited within the urban growth boundary for the city of Vancouver, as outlined in CCC 40.260.235.

Revision to Clark County Code – Section 9.24.010

BACKGROUND:

Clark County Code 9.24.010(2)g defines the following as a nuisance:

“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.”

Code Enforcement staff routinely take complaints from citizens about properties that have maintained front yards and unmaintained side and/or back yards, to the extent that plants are coming over or through the fence and into the neighboring yard. Current code does not prohibit this situation.

PUBLIC OUTREACH:

A work session on this subject was held on Wednesday, March 22nd, where this proposed amendment was approved to come forward to a public hearing.

RECOMMENDATION:

Code Enforcement recommends amendment of CCC 9.24.010(2)g as follows:

9.24.010 Nuisances enumerated.

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

...

(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:

...

(g) 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 or rear 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.



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CDE2010-482

JUN 30 2010



02/24/2017



07/06/2016



06/14/2016



07/06/2016

Revision to Clark County Code – Section 9.24.010

BACKGROUND:

Clark County Code 9.24.010 does not address parking or storage of motor or recreational vehicles in urban zones. Code Enforcement has received numerous complaints regarding the parking of these vehicles on unimproved surfaces.

PUBLIC OUTREACH:

A work session on this subject was held on Wednesday, March 22nd, where this proposed amendment was approved to come forward to a public hearing.

RECOMMENDATION:

Code Enforcement staff recommends the following amendment to 9.24.010(2)(h, i):

9.24.010 Nuisances enumerated.

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

...

(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:

...

(h) Motor and recreational vehicles parked in front yards on pervious surfaces.

(i) Truck tractor and semi-trucks as defined by RCW 45.04.655 or RCW 46.04.530 parked or stored in residentially zoned areas, on residential property in other zones or on sites that have not been permitted, improved and approved for such use.



CDE2016-900

10/26/2016



09/28/2016



12/06/2016



03/13/2017



12/13/2016



01/06/2017



01/06/2017



W 131st St
NW 36th Ave

STOP

11/18/2016

BACKGROUND:

On property zoned urban or rural, Clark County code CCC 9.24.010(3) defines the following as a nuisance:

All garbage containers with a capacity of 32 gallons 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.

In other words, county code does not allow the placement of garbage receptacles off of private property. Garbage companies, almost exclusively, use mechanical pick-up systems to collect the garbage, which requires garbage receptacles to be placed in the travel portion of the road way and/or the County right-of-way. This practice is ubiquitous and appears to be beneficial to all. However, it is an obvious code violation.

The practice, though beneficial, does result in some receptacles being left in the travel portion of the road way and/or the County right-of-way for extended periods of time. The untended receptacles can be unsightly and unduly risky for citizens that use the roads and right-of-way. Untended receptacles have been the focus of numerous citizen complaints.

A minor code modification could reflect the generally accepted practice of citizens and garbage companies while prohibiting the neglect of receptacles that might otherwise be a nuisance to citizens.

With regard to roadways and public right-of-ways, Code Enforcement also routinely addresses complaints about untended basketball hoops on sidewalks and roads. The presence of the untended basketball hoops is similar to garbage receptacles when it comes to being a nuisance.

PUBLIC OUTREACH:

A work session on this subject was held on Wednesday, March 22nd, where this proposed amendment was approved to come forward to a public hearing.

RECOMMENDATION:

Code Enforcement staff recommends the following coding be amended in 9.24.010(3):

9.24.010 Nuisances enumerated.

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

(3) ~~All garbage containers with a capacity of one half (1/2) 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.~~

WITHIN URBAN AND RURAL ZONES,

- (a) With the exception of collection day and the night prior, all garbage containers with a capacity of thirty-two (32) gallons or more and all containers used to hold or recycle newspaper, glass or cans that are present on the travel portion of the roadway, public sidewalks, or within Clark County right-of-way.
- (b) Unattended basketball hoops stored on public sidewalks, on the travel portion of the roadway, or within Clark County's right-of-way.





Revision to Clark County Code - Section 14.14A

BACKGROUND:

Clark County code CCC 14.14A.050 does not address vacant buildings slated for destruction due to planned development.

County Code allows buildings to be vacant and/or abandoned as long as they are not open and accessible. Despite numerous complaints, that include: unsightliness, vagrancy, public danger, excessive debris and increased rodent populations, vacant structures are allowed to remain standing as long as a property owner makes efforts to curtail unpermitted access to the building.

The complaints require continuous monitoring to prevent illegally occupancy and damage frequently tied to vagrant presence. To mitigate this issue, Code Enforcement suggests that building located on land proposed for development, where the building is not in use or intended for use, be demolished within six (6) months of preliminary development approval.

PUBLIC OUTREACH:

A work session on this subject was held on Wednesday, March 22nd, where this proposed amendment was approved to come forward to a public hearing.

RECOMMENDATION:

Code Enforcement staff recommends amending 14.14A.050 as follows:

14.14A.050 Notices and orders of building official.

...

(5) Any parcel with a vacant building or structure located on lands proposed for development, not intended for use in the development, shall be demolished within six (6) months of preliminary approval, unless under the supervision of a resident of the property, a resident care taker or regularly monitored by bonded security.

Revision to Clark County Code – Section 32.05.050

BACKGROUND:

Clark County code CCC 32.04.050 – Civil Penalty lists the First Violation for Auto Wrecking as \$100, and each Subsequent Violation as \$250. All other zoning violations carry a \$250/\$500 price. Home Business Occupation also has \$250/\$500 violations, which auto wrecking understood to be a business. Staff recommends that given the intrusive nature of these violations on neighbors, and the time spent by staff to rectify, the values be increased to \$250 for First Violation and \$500 thereafter.

PUBLIC OUTREACH:

A work session was held with the Clark County Board of County Councilors on March 22, 2017, where they recommended this item be brought to public hearing.

RECOMMENDATION: Code Enforcement staff recommends the following coding be amended in Table 32.04.050:

Violation	First Violation	Subsequent Violation
Auto Wrecking	\$100 \$250	\$250 \$500