



ORDINANCE NO. 2014-07-13

An ordinance related to land use in zoning, amending CCC 9.24.010 and, including within the enumerated nuisances, the category of “inoperable boats.”

1 WHEREAS, the current Clark County Code prohibits the possession of excessive
2 inoperable vehicles and designates the same to be a nuisance; and

3 WHEREAS, this ordinance also discusses possession of boats as nuisances but lacks
4 necessary criteria for implementation; and

5 WHEREAS, the presence of multiple inoperable boats can have the same negative
6 neighborhood impact as inoperable vehicles; and

7 WHEREAS, the Board wishes to consider amendment of the Code for the inclusion
8 of inoperable boats as a nuisance;

9 WHEREAS, the Board is considering this matter at a duly advertised public hearing
10 and finds that adoption of this ordinance will further the public health, safety and welfare;
11 now, therefore,

12 BE IT ORDERED, RESOLVED AND DECREED by the Board of County
13 Commissioners of Clark County, State of Washington, as follows:

14 **Section 1. Amendatory.** Sections 1 of Ordinance 1988-08-36, as most recently
15 amended by Section 1 of Ordinance 2007-11-13 and codified as CCC 9.24.010, are each
16 amended to read:

17 **9.24.010 Nuisances Enumerated.**

18
19 Each of the following conditions, unless otherwise expressly permitted by law, is declared to
20 constitute a public nuisance:

- 21 (1) On property with a rural zoning classification under Title 40 of this code, i.e.,
22 agricultural-wildlife district (AG-WL), Resource (FR-80, FR-40, AG-20), Rural (R-5,
23 R-10, R-20), Urban Reserve (UR-10, UR-20), Rural Center Residential (RC-1, RC-
24 2.5), and Rural Commercial (CR-1, CR-2):

- 25 (a) The outside accumulation within the front and side yard of two (2) or more
26 cubic yards of waste, rubbish and trash, including but not limited to bottles,
27 cans, glass, wire, broken crockery, broken plaster and other similar
28 abandoned, discarded or unused material, which is visible from an adjacent
29 property or roadway, unless kept in covered bins or receptacles; provided,
30 that nothing herein shall prohibit the maintenance of a compost pile outside
31 the front and side yard as long as the usage of the same is intended for the
32 household's use;
- 33 (b) The outside storage within the front and side yard of abandoned, discarded or
34 unused objects or equipment, excluding farm equipment; including but not
35 limited to household furniture, stoves, refrigerators and freezers which are
36 visible from an adjacent property or roadway;
- 37 (c) The outside storage within the front and side yard for more than sixty (60)
38 days of more than five (5) cubic yards of any used or unused building
39 materials which are visible from an adjacent property or roadway; provided,
40 that nothing herein shall:
- 41 (i) Prohibit such storage when done in conjunction with a construction
42 project for which a building permit has been issued and which is
43 being pursued diligently to completion,
- 44 (ii) Prohibit such storage upon the premises of a bona fide lumberyard,
45 dealer in building materials, or other commercial enterprise when the
46 same is permitted under the zoning ordinance and other applicable
47 laws,
- 48 (iii) Make lawful any such storage when it is prohibited by other
49 ordinances or laws;
- 50 (d) The presence of any unattached vehicle or boat parts or three (3) or more
51 abandoned or inoperable vehicles and/or boats that:
- 52 (i) have remained in the same location or on the same contiguously
53 owned property for more than thirty (30) consecutive days,
- 54 (ii) are within the front, side or rear yard; that are visible from an adjacent
55 property or roadway, and
- 56 (iii) meet/s any of the following criteria (~~descriptions~~);
- 57 ((+)) (A) The vehicle is missing a major component such as the
58 engine, transmission, battery, tire(s), u-joint, differential, front
59 suspension, or
- 60 ((+)) (B) The vehicle cannot be started and set into motion both
61 forward and reverse for a distance of one hundred (100) feet,
62 or

63 (C) the boat has holes or visible damage that would
64 substantially impair the boat's safe operation.

65
66 (e) ~~((iii))~~ Vehicles/boats exempt from enforcement of the nuisance ordinance are
67 limited to ~~((shall include))~~:

68
69 (i) ~~((A))~~ Any vehicle or its components to be used as evidence in litigation
70 when stored under a tarp or cover,

71
72 (ii) ~~((B))~~ Any vehicle or boat screened within the side or rear yard which
73 has a value over five hundred dollars (\$500) and is currently being
74 restored, provided a schedule is submitted and a continuous good
75 faith effort is shown toward completion every thirty (30) days. A
76 project vehicle must be stored on the property under a tarp or cover.
77 Each parcel is limited to one project vehicle or boat,

78
79 (iii) ~~((C))~~ Any vehicle or boat which has been moved into an enclosed
80 structure or that is moved to an area that is not visible from adjacent
81 roads or properties, or

82 (iv) ~~((D))~~ Any farm machinery or equipment.

83 (2) On property zoned in an urban classification under Title 40, i.e., all zoning
84 classifications other than those provided for in subsection (1) of this section:

85 (a) The outside accumulation of more than one (1) cubic yard of waste, rubbish and
86 trash, including but not limited to bottles, cans, glass, wire, broken crockery,
87 broken plaster and any other similar abandoned, discarded or unused material,
88 which is visible from an adjacent property or road, unless kept in covered
89 bins or receptacles; PROVIDED, that nothing herein shall prohibit the
90 maintenance of a compost pile outside of the front or side yards as long as the
91 usage of the same is intended for the household's use.

92 (b) The outside storage of abandoned, discarded or unused objects or equipment,
93 including but not limited to tires, household furniture, stoves, refrigerators
94 and freezers, which are visible from an adjacent property or road.

95 (c) The outside storage for more than sixty (60) consecutive days of more than
96 five (5) cubic yards of any used or unused building materials which are
97 visible from an adjacent property or road; PROVIDED, that nothing herein
98 shall:

99 (i) Prohibit such storage when done in conjunction with a construction
100 project for which a building permit has been issued and which is
101 being pursued diligently to completion;

102 (ii) Prohibit such storage upon the premises of a bona fide lumberyard,
103 dealer in building materials, or other commercial enterprise when the
104 same is permitted under the zoning ordinance and other applicable
105 law;

- 106 (iii) Make lawful any such storage when it is prohibited by other
107 ordinances or laws.
- 108 (d) The presence of any unattached vehicle or boat parts or more abandoned or
109 inoperable vehicles and/or boats that:
- 110 (i) have remained in the same location or on the same contiguously
111 owned property for more than thirty (30) consecutive days,
- 112 (ii) within the front, side or rear yard; that are visible from an adjacent
113 property or roadway, and
- 114 (iii) that meet/s any of the following criteria (~~descriptions~~):
- 115 (~~(i)~~) (A) The vehicle is missing a major component such as the
116 engine, transmission, battery, tire(s), u-joint, differential, front
117 suspension, or
- 118 (~~(ii)~~) (B) The vehicle cannot be started and set into motion both
119 forward and reverse for a distance of one hundred (100) feet,
- 120 (C) or the boat has holes or visible damage that would
121 substantially impair the boat's safe operation.
- 122 (e) (~~(iii)~~) Not more than one (1) boat or (1) trailer containing personal
123 watercraft (as defined by state law) may be parked or stored within the
124 required front or side yard zoning setback as established in Title 40. In all
125 urban residential districts, the parking or storage of the second or subsequent
126 boat or trailer containing personal watercraft is limited to the rear yard only. .
127 This restriction shall not apply to the storage of a boat in a fully enclosed
128 building.
- 129
- 130 (f) Vehicles/boats exempt from enforcement of the nuisance ordinance are
131 limited to (~~include~~):
- 132 (i) (~~(A)~~) Any vehicle or its components to be used as evidence in litigation
133 when stored under a tarp or cover,
- 134 (ii) (~~(B)~~) Any vehicle or boat screened within the side or rear yard which
135 has a value over five hundred dollars (\$500) and is currently being
136 restored, provided a schedule is submitted and a continuous good
137 faith effort is shown toward completion every thirty (30) days. A
138 project vehicle or boat must be stored on the property under a tarp or
139 cover. Each parcel is limited to one unenclosed project vehicle or
140 boat,

141 (iii) ~~((C))~~ Any vehicle or or boat which has been moved into an enclosed
142 structure or that is moved to an area that is not visible from adjacent
143 roads or properties,

144 (iv) ~~((D))~~ Any farm machinery or equipment.

145
146 (g) ~~((E))~~ The presence of uncontrolled and uncultivated weeds, brush, berry vines,
147 poison oak/ivy; or grasses not maintained to a height of twelve (12) inches on
148 any property within the front yard or front and side yards if the property is a
149 corner lot; provided, that nothing herein shall prohibit the growth of berry
150 vines or grass which are grown and used for agricultural purposes.

151 (3) All garbage containers with a capacity of one-half cubic yard or more and all
152 containers used to hold or recycle newspaper, glass or cans that are present on the
153 travel portion of the roadway or within Clark County's right-of-way.

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155 (4) Any condition that exists due to an act or omission constituting a nuisance as defined
156 in Section 32.04.010(6).

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158 **Section 2. Amendatory.** Section 4 of Ordinance 1988-08-36 as most recently amended
159 by Ordinance 2010-08-06 and codified as 40.530.010 are each amended to read:

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162
163 H. Nonconforming Vehicles/Boats.
164 On any lawfully developed property which is nonconforming based on the presence
165 of inoperable boats in violation of CCC 9.24.010, after the July 15th 2014, the owner and
166 persons occupying the property must bring the property into conformance with current
167 code within six months.
168

ADOPTED on this 15th day of July, 2014.

Attest:

Rebecca J. Giltner
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Tom Mielke
Tom Mielke, Chair

APPROVED AS TO FORM ONLY:
Anthony F. Golik, Prosecuting Attorney

David Madore, Commissioner

By: Christopher Horne
Christopher Horne
Deputy Prosecuting Attorney

Edward L. Barnes, Commissioner