

**ORDINANCE NO. 2017-\_\_\_\_\_**

**An Ordinance updating chapters of Title 9, 14, 32 and 40 related to nuisance cases, dangerous structures, auto repair/wrecking, appeals, and parking, together with the enforcement of these provisions in the unincorporated area of Clark County.**

**WHEREAS, Clark County is authorized, pursuant to RCW 36.32.120(7) with the authority to adopt and enforce police power regulations necessary for the protection of the public health, safety and welfare; and**

**WHEREAS, the provisions contained in Title 9, 14, 32 and 40 related to code enforcement require clarification and, in some instances, modification or repeal; and**

**WHEREAS, the Clark County Planning Commission held a duly advertised public hearing on February 16, 2017, and recommended that the Board of County Councilors approve new code language in Title 40 to be consistent with CCC 8.11.060 (Ord. 2016-11-13); and**

**WHEREAS, this matter is being considered at a duly advertised public hearing; and**

**WHEREAS, the Board finds and concludes that adoption of this Ordinance will further the public health, safety and welfare; now, therefore,**

BE IT ORDERED AND RESOLVED by the Board of County Councilors in and for Clark County, State of Washington, as follows:

**Section 1. Amendatory.**

Sec. 1 of Ord. 1991-11-09; as most recently amended by Sec. 2 of Ord. 1998-11-02 and codified as CCC 9.24.005 is each amended to read:

**9.24.005 Definitions.**

- (1) “Lot line.” See Section [40.100.070](#).
- (2) “Front yard” means the open space extending the full width of a lot from the edge of the improved road surface including any sidewalks, one hundred (100) feet back.
- (3) “Rear yard” means the open space extending the full width of a lot from the rear lot line one hundred (100) feet forward.
- (4) “Side yard” means the open space extending from the front yard to the rear yard along the side lot line, one hundred (100) feet in width.

- (5) “Nuisance weed” includes, but is not limited to noxious weeds such as thistle, nettle, tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, blackberries, or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices.
- (6) “Cultivate” means to prepare and work the land in order to raise crops and to promote or improve the growth of a plant or crop by labor and attention.
- (7) “Recreational vehicle” means a travel trailer, motor home, camper, camping trailer, tent trailer, or horse trailer that can be used and/or is used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, and is not permanently affixed to a manufactured/mobile home lot.

## **Section 2. Amendatory.**

Sec. 1 of Ord. 1988-08-36; as most recently amended by Sec. 1 of Ord. 2014-07-13 and codified as CCC 9.24.010 is each amended to read:

### **9.24.010 Nuisances enumerated.**

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

- (1) On property with a rural zoning classification under Title [40](#) of this code, i.e., agricultural-wildlife district (AG-WL), resource (FR-80, FR-20, AG-10), rural (R-5, R-10, R-20), urban reserve (UR-10, UR-20), rural center residential (RC-1, RC-2.5), rural commercial (CR-1, CR-2):
- (a) The outside accumulation within the front and side yard of two (2) or more cubic yards of waste, rubbish and trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster and other similar abandoned, discarded or unused material, which is visible from an adjacent property or roadway, unless kept in covered bins or receptacles; provided, that nothing herein shall prohibit the maintenance of a compost pile outside the front and side yard as long as the usage of the same is intended for the household's use;
- (b) The outside storage within the front and side yard of abandoned, discarded or unused objects or equipment, excluding farm equipment; including but not limited to household furniture, stoves, refrigerators and freezers which are visible from an adjacent property or roadway;
- (c) The outside storage within the front and side yard for more than sixty (60) days of more than five (5) cubic yards of any used or unused building

materials which are visible from an adjacent property or roadway; provided, that nothing herein shall:

- (i) Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which is being pursued diligently to completion;
  - (ii) Prohibit such storage upon the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws;
  - (iii) Make lawful any such storage when it is prohibited by other ordinances or laws;
- (d) The presence of any unattached vehicle or boat parts or three (3) or more abandoned or inoperable vehicles and/or boats that:
- (i) Have remained in the same location or on the same contiguously owned property for more than thirty (30) consecutive days;
  - (ii) Are within the front, side or rear yard; that are visible from an adjacent property or roadway; and
  - (iii) Meet any of the following criteria:
    - (A) The vehicle is missing a major component such as the engine, transmission, battery, tire(s), u-joint, differential, front suspension; or
    - (B) The vehicle cannot be started and set into motion both forward and reverse for a distance of one hundred (100) feet; or
    - (C) The boat has holes or visible damage that would substantially impair the boat's safe operation.
- (e) Vehicles/boats exempt from enforcement of the nuisance ordinance are limited to:
- (i) Any vehicle or its components to be used as evidence in litigation when stored under a tarp or cover;
  - (ii) Any vehicle or boat screened within the side or rear yard which has a value over five hundred dollars (\$500) and is currently being restored, provided a schedule is submitted and a continuous good

faith effort is shown toward completion every thirty (30) days. A project vehicle must be stored on the property under a tarp or cover. Each parcel is limited to one project vehicle or boat;

- (iii) Any vehicle or boat which has been moved into an enclosed structure or that is moved to an area that is not visible from adjacent roads or properties; or
  - (iv) Any farm machinery or equipment.
- (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:
- (a) The outside accumulation of more than one (1) cubic yard of waste, rubbish and trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster and any other similar abandoned, discarded or unused material, which is visible from an adjacent property or road, unless kept in covered bins or receptacles; PROVIDED, that nothing herein shall prohibit the maintenance of a compost pile outside of the front or side yards as long as the usage of the same is intended for the household's use.
  - (b) The outside storage of abandoned, discarded or unused objects or equipment, including but not limited to tires, household furniture, stoves, refrigerators and freezers, which are visible from an adjacent property or road.
  - (c) The outside storage for more than sixty (60) consecutive days of more than five (5) cubic yards of any used or unused building materials which are visible from an adjacent property or road; PROVIDED, that nothing herein shall:
    - (i) Prohibit such storage when done in conjunction with a construction project for which a building permit has been issued and which is being pursued diligently to completion;
    - (ii) Prohibit such storage upon the premises of a bona fide lumberyard, dealer in building materials, or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable law;
    - (iii) Make lawful any such storage when it is prohibited by other ordinances or laws.
  - (d) The presence of any unattached vehicle or boat parts or abandoned or inoperable vehicles and/or boats that:

- (i) Have remained in the same location or on the same contiguously owned property for more than thirty (30) consecutive days;
- (ii) Are within the front, side or rear yard; that are visible from an adjacent property or roadway; and
- (iii) Meet any of the following criteria:
  - (A) The vehicle is missing a major component such as the engine, transmission, battery, tire(s), u-joint, differential, front suspension;
  - (B) The vehicle cannot be started and set into motion both forward and reverse for a distance of one hundred (100) feet; or
  - (C) The boat has holes or visible damage that would substantially impair the boat's safe operation.
- (e) Not more than one (1) boat or (1) trailer containing personal watercraft (as defined by state law) may be parked or stored within the required front or side yard zoning setback as established in Title 40. In all urban residential districts, the parking or storage of the second or subsequent boat or trailer containing personal watercraft is limited to the rear yard only. This restriction shall not apply to the storage of a boat in a fully enclosed building.
- (f) Vehicles/boats exempt from enforcement of the nuisance ordinance are limited to:
  - (i) Any vehicle or its components to be used as evidence in litigation when stored under a tarp or cover;
  - (ii) Any vehicle or boat screened within the side or rear yard which has a value over five hundred dollars (\$500) and is currently being restored, provided a schedule is submitted and a continuous good faith effort is shown toward completion every thirty (30) days. A project vehicle or boat must be stored on the property under a tarp or cover. Each parcel is limited to one (1) unenclosed project vehicle or boat;
  - (iii) Any vehicle or boat which has been moved into an enclosed structure or that is moved to an area that is not visible from adjacent roads or properties;

- (iv) Any farm machinery or equipment.
- ~~((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 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.))~~
- (g) Motor vehicles and recreational vehicles not parked on permitted all-weather surfaces.
- (h) Truck tractors 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.
- (i) All grasses and nuisance weeds greater than twelve (12) inches on any property within the front, side, and rear yards; including vacant lots. Nothing herein shall prohibit the growth of berry vines or grass which are cultivated and used for agricultural purposes
- (3) In all urban and rural zoning classifications:
  - (a) With the exception of collection day, ((A))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, public sidewalks, or within Clark County's 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.
- (4) Any condition that exists due to an act or omission constituting a nuisance as defined in Section [32.04.010](#)(6).

### **Section 3. Amendatory.**

Sec. 4 of Ord. 1990-02-23, codified as CCC 14.14A.040 is amended to read:

#### **14.14A.040 Definitions.**

- (1) General. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code. Where terms are not defined, they have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, unabridged, copyright 1981, shall be construed as providing ordinary accepted

meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- (a) Building Code. Building code is the International Building Code promulgated by the International Conference of Building Officials, as adopted in [Chapter 14.05](#) of this title.
  - (b) Dangerous Building. A dangerous building is any building or structure deemed to be dangerous under the provision of subsection (2) of this section.
- (2) Dangerous Building. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:
- (a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
  - (b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
  - (c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stress allowed in the building code for new buildings of similar structure, purpose or location.
  - (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
  - (e) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
  - (f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one and one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

- (g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Whenever the building or structure or any portion thereof because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- (l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants or criminals; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful acts.
- (m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this county as set forth in [Chapter 14.05](#) of this title, or any law or ordinance of this state or county relating to the condition, location or structure of buildings.
- (n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the (i) strength, (ii) fire resisting qualities or characteristics, or (iii) weather resisting qualities or characteristics required by the law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (o) Whenever a building or structure used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the district health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.



- (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
  - (q) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
  - (r) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period of in excess of six months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
- (3) Exception. Buildings or structures designed, constructed and used solely to house farm implements, hay, grain, poultry, livestock or other horticultural products are hereby exempt from the provisions herein; provided, that said structures shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.
- (4) 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.

**Section 4. Amendatory.**

Sec. 5 of Ord. 1977-12-51; as most recently amended by Sec. 9 of Ord. 2014-01-08 and codified as CCC 32.04.050 is each amended to read:

**32.04.050 Civil penalty.**

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates any land use or public health ordinance, or rules and regulations adopted thereunder, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty as provided in Table 32.04.050, however, civil infractions of Chapter [17.10](#) RCW shall be subject to civil penalty as provided in WAC [16-750-020](#) and shown in Table 32.04.050-1. Each day may constitute a new violation. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title or as authorized by law.

TABLE 32.04.050		
The penalties assessed against the violations are grouped for first and subsequent violations within any five (5) year period as follows:		
<b>Violation</b>	<b>First Violation</b>	<b>Subsequent Violation</b>

Building without permit	\$250	\$500
Occupancy without approval	250	500
Dangerous structure	250	500
Grading without permit	100	250
No erosion control	500	1,000
Wetland protection	500	1,000
Surface mining	500	1,000
Water quality controls	250	500
Site plan	250	500
Auto wrecking	<del>((400))</del> 250	<del>((250))</del> 500
Setback	100	250
Sign	100	250
Occupancy of travel trailer	100	250
Nuisance	100	250
Home business/occupation	250	500
Shoreline	500	1,000
Habitat	250	500
Violation of stop work order	500	1,000
All other violations	250	500

TABLE 32.04.050-1

Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control the noxious weeds will be assessed the following monetary penalties. The penalties are assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW [17.10.170](#):

Any Class A noxious weed:

	1st offense within five (5) years	750
	2nd and any subsequent offense	1,000

Any Class B designate noxious weed in the noxious weed control region in which the land lies:

	1st offense within five (5) years	500
	2nd offense	750
	3rd and any subsequent offense	1,000

Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

	1st offense within five (5) years	250
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	2nd offense	500
	3rd offense	750
	4th and any subsequent offense	1,000

**Section 5. Amendatory.**

Sec. 1 of Ord. 2009-10-04; as most recently amended by Sec. 1 of Ord. 2012-02-03 (Attachment A, pp. 6-10) and codified as CCC 40.260.235 is each amended to read:

**40.260.235 Urban Livestock**

A. Purpose.

The purpose of this section is to allow for the protection and preservation of livestock within urban growth areas of the county through the use of best management practices while protecting the uses on neighboring parcels.

B. Applicability.

1. This section shall apply to new livestock uses begun after January 1, 2008, on all parcels in the county within urban growth boundaries outside city limits. Existing livestock uses begun on any parcel prior to January 1, 2008, are exempt from all provisions in this section. A change in livestock type from the original exempt livestock use shall continue to be exempt.

2. Agricultural uses, including livestock use, are allowed in all zoning districts in the county; nothing in this section precludes those uses; provided, that livestock uses subject to this section shall employ best management practices.

3. Livestock uses subject to this section as determined by Section [40.260.235\(B\)\(1\)](#) shall meet the standards and follow the applicable best management practices for livestock listed in Section [40.260.235\(D\)](#). Livestock management plans containing the applicable elements of Section [40.260.235\(D\)\(2\)\(a\)](#) are not required to be filed with the county unless substantiated complaints are received under Section [40.260.235\(F\)](#).

C. Definitions.

For purposes of this section, the following definitions shall apply:

Livestock	“Livestock” means any horse, mule, burro, dairy or beef animal, camelid, goat, sheep, swine, rabbit and poultry.
Livestock, large	“Large livestock” means any livestock weighing more than five hundred (500) pounds.
Livestock, small	“Small livestock” means: <ul style="list-style-type: none"> <li>• Hogs, excluding pigs weighing under one hundred twenty (120) pounds</li> </ul>

	and standing twenty (20) inches or less at the shoulder which are kept as household pets; or • Any livestock weighing less than five hundred (500) pounds.
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D. Development Standards.

1. The development standards of the underlying zone shall apply, except that the setbacks for new structures used for large livestock shall be twenty (20) feet from all property lines.

2. Livestock Plans.

a. Pursuant to Section ~~40.260.235(F)~~(G), a livestock plan that addresses the following shall be developed and implemented:

- (1) Housing and confinement;
- (2) Animal husbandry;
- (3) Manure management; and
- (4) Odor and noise management. Noise from urban livestock shall be managed so that it does not unreasonably disturb the peace, quiet, comfort and repose of others.

b. Urban livestock owners may create their own plans or seek assistance from livestock management organizations such as Clark Conservation District to create a plan.

c. Urban livestock owners shall manage livestock according to best management practices. Information on best management practices, including but not limited to the following, will be used as the basis for livestock plans:

- (1) Healthy Horses, Clean Water, Clark Conservation District, 2006;
- (2) Tips on Land and Water Management for Small Acreages in Southwest Washington, Clark Conservation District, 2001;
- (3) Small Livestock Management, Clark Conservation District, 2012;
- (4) The Backyard Livestock Management Series, Clark Conservation District, 2012;
- (5) From the WSU Extension Service Small Acreage Program:

- (a) Keeping Clean Water Clean and Reducing Mud: Managing Roof Runoff;
- (b) Reduce Mud and Keep Water Clean: Sacrifice Areas;
- (c) Self-Assessment Guide for Small Acreages;
- (d) How Green Is Your Grass: Five Steps to Better Pasture and Grazing Management; and
- (e) Composting Manure on Your Property.

d. Plans, when required under Section [40.260.235\(F\)](#), shall be filed with the responsible official through a Type I process.

3. Buildings used for urban livestock shall comply with the applicable requirements of Title [14](#).

E. Prohibited Animals: Turkeys, peacocks and roosters are prohibited within the urban growth boundary for the City of Vancouver.

~~(E-)~~F. Education and Technical Assistance. All urban livestock owners are encouraged to use guidance documents and work with the Clark Conservation District, WSU Extension, or USDA Natural Resources Conservation Service for implementing best management practices related to livestock and livestock waste management.

~~(F-)~~G. Enforceability.

1. Substantiated complaints from two (2) separate households shall require the complainants to attempt mediation with the livestock owner to resolve issues related to livestock. If the livestock owner fails to participate, or if mediation fails to resolve the dispute, or if the result of the mediation requires it, the livestock owner shall file a livestock management plan with the county. The plan shall contain the applicable requirements within Section [40.260.235\(D\)\(2\)](#).

2. Failure to provide and comply with a livestock plan constitutes a nuisance violation and shall be enforced in accordance with the civil provisions of Title [32](#).

**Section 6. Instructions to the Clerk.** The Clerk of the Board shall:

- (1) Transmit a copy of this ordinance to the state within ten days of its adoption pursuant to RCW 36.70A.106;
- (2) Record a copy of this ordinance with the Clark County Auditor; and,

(3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

**Section 7. Effective Date.** This ordinance shall go into effect immediately upon its approval.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017

BOARD OF COUNTY  
COUNCILORS  
FOR CLARK COUNTY,  
WASHINGTON

Attest:

\_\_\_\_\_  
Clerk of the Board

By: \_\_\_\_\_  
Marc Boldt, Chair

By: \_\_\_\_\_  
Jeanne E. Stewart, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

Approved as to form only:  
Anthony F. Golik  
Prosecuting Attorney

By: \_\_\_\_\_  
William Richardson  
Deputy Prosecuting Attorney