

Ordinance No. 00112

[\(Council Minutes 97/01/21\)](#)

ORDINANCE NO. 112

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 8.40.020 and 8.52.010 of the Lakewood Municipal Code relating to uncontrolled weeds and property maintenance requirements

WHEREAS, the City Council of the City of Lakewood adopted regulations intended to provide requirements that property owners and occupiers maintain their property to prevent hazardous and unsightly over-growth of weeds; and,

WHEREAS, in order to provide for a standard regarding problematic vegetation growth while recognizing that exceptions exist where the measurable standards should not be applied, it is appropriate to include in the City Code measurement standards which could be applied to vegetation growth and also to provide for variances where necessary to preserve character of land because of unique topography, rural or agricultural use, where vegetation enhances the property, and where the vegetation growth is not visible from other property; and,

WHEREAS, it is also appropriate to provide that the adjacent property owner or occupant is responsible for maintaining that portion of the public right-of-way between the owner's or occupant's property and the paved roadway, since, until it is needed for street or sidewalk purposes, the owner or occupant is generally able to effectively benefit from that portion of the public right-of-way, either from use of such premises, or from the effect of increased set-backs or yard size.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,

WASHINGTON, DO ORDAIN as Follows:

Section 1. That 8.52.010 of the Lakewood Municipal Code relating to uncontrolled weeds and property maintenance requirements

WHEREAS, the City Council of the City of Lakewood adopted regulations intended to provide requirements that property owners and occupiers maintain their property to prevent hazardous and unsightly over-growth of weeds; and,

WHEREAS, in order to provide for a standard regarding problematic vegetation growth while recognizing that exceptions exist where the measurable standards should not be applied, it is appropriate to include in the City Code measurement standards which could be applied to vegetation growth and also to provide for variances where necessary to preserve character of land because of unique topography, rural or agricultural use, where vegetation enhances the property, and where the vegetation growth is not visible from other property; and,

WHEREAS, it is also appropriate to provide that the adjacent property owner or occupant is responsible for maintaining that portion of the public right-of-way between the owner's or occupant's property and the paved roadway, since, until it is needed for street or sidewalk purposes, the owner or occupant is generally able to effectively benefit from that portion of the public right-of-way, either from use of such premises, or from the effect of increased set-backs or yard size.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,

WASHINGTON, DO ORDAIN as Follows:

Section 1. That Section 8.40.020 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

8.40.020 Duty to maintain property.

1. No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City Ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the City, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other City Ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

B. Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

C. Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

D. Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

E. Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flower beds, or trees or shrubbery) which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

F. Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

G. Vehicles or vehicle bodies which are up on blocks and have not been moved for a period of 30 days;

H. Utility trailers or unmounted camper tops located in any front yard except in the driveway;

I. Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of fifteen (15) inches, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard;

J. Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents.

2. For the purposes hereof, the duty to maintain property extends to and includes the area of the public right-of-way adjacent to and between the property of the person owning, leasing, renting, occupying, being in possession or having charge of the private property and the paved roadway. (Ord. 46 ' 1 (part), 1996.)

Section 2. That Section 8.52.010 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

Section 8.52.010 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

8.52.010 Uncontrolled weeds and vegetation.

1. It is unlawful for any person to permit or allow weeds or vegetation to become uncontrolled on any property within the City

over which he or she has ownership, occupancy or control. AUncontrolled weeds or vegetation@ shall be defined as follows:

A. Any undesired, uncultivated and unsightly plants growing in profusion so as to crowd out desired plant growth or disfigure a lawn; or

B. Any vegetation growth, including but not limited to weed, grasses, bushes, hedges and trees or tree branches, which obstructs the vision of people in vehicles or on sidewalks or right-of-ways so as to interfere with the safe, full and free use of any street, sidewalk or right-of-way within the City; or

C. Any vegetation growth that creates a fire or other safety hazard;D. Any accumulation of weeds, brambles, berry vines, or other vegetation which is over-growing any structure or which exceeds an average height of fifteen (15) inches. It is provided, however, that the City Manager or designee is authorized to grant a variance from the provisions of this sub-section D where the accumulation of vegetation does not constitute a fire hazard, does not constitute a safety hazard and does not constitute a harborage of insects, rodents or other pests, and where, because of the unique topographical, agricultural or rural character of the property on which the accumulation is located, the accumulation of vegetation enhances the property or is not visible

from any other property. The granting of any such requested variance shall be conditioned on the accumulation of vegetation not thereafter constituting a fire hazard, a safety hazard or a harborage of insects, rodents or other pests. The decision of the City Manager or designee granting or denying any such requested variance may be appealed within 14 days of the decision as follows: The decision of the City Manager or designee denying any such requested variance may be appealed to the City Council by the person or persons owning, occupying or controlling the property, and the decision of the City Manager or designee granting any such requested variance may be appealed to the City Council only by persons living or owning property in the immediate vicinity of the property on which the accumulation of vegetation is located and where the accumulation of vegetation is visible from the property of such persons.

2. Violation of this Section shall be punishable by a civil fine in the amount of up to five hundred dollars (\$500) per violation, providing that each day of violation shall constitute a separate violation. In addition to the civil fine(s), violations of this Section may be abated by the City in accordance with the provisions of Chapter 8.16 of this Code. (Ord. 45 ' 1, 1996.)

Section 3. If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 4. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, Provided that the provisions that have been added or amended by this Ordinance shall be reviewed six months after the effective date of the Ordinance and again one year after the effective date of the Ordinance for consideration of modifications or changes to the provisions addressing the height of vegetation.

ADOPTED by the City Council this 21st day of January, 1997.

/S/

Attest: Bill Harrison, Mayor

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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