ORDINANCE NO. 16-0466

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING TITLE 8 EMC BY THE ADDITION OF A NEW CHAPTER 8.15 REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND DEBRIS PURSUANT TO RCW 35.21.310; REQUIRING LANDOWNERS TO REMOVE TREES, OTHER VEGETATION AND DEBRIS THAT OVERHANGS OR ENCROACHES UPON PUBLIC STREETS AND SIDEWALKS AND/OR THAT POSES A FIRE HAZARD OR A MENACE TO PUBLIC HEALTH, SAFETY OR WELFARE; PROVIDING FOR PROCEEDINGS SPECIFIC TO INDIVIDUAL LANDOWNERS TO BE INSTITUTED BY CITY COUNCIL RESOLUTION; AUTHORIZING THE CITY TO REMOVE SUCH VEGETATION AND/OR DEBRIS AND CHARGE THE INCURRED COSTS THEREFORE TO THE LANDOWNER, ENFORCEABLE BY RECORDED LIEN AGAINST THE SUBJECT PROPERTY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, protecting and maintaining public streets and sidewalks and ensuring the public health, safety and welfare represent basic governmental priorities for the City of Edgewood; and

WHEREAS, state law, including RCW 35.21.310, authorizes cities to adopt local ordinances requiring landowners to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and also to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation which has grown and died; and further to remove or destroy all debris upon the property that poses a fire hazard or menace to public health; and

WHEREAS, upon the adoption of such local ordinances, cities may initiate local proceedings by resolution requiring landowners to remove or destroy such vegetation and/or debris, and upon the landowner’s failure to timely remove or destroy the same, cities may cause such removal or destruction, and charge all incurred expenses against the landowner as well as file a lien therefore against the property; and
WHEREAS, the City Council discussed this issue, extensively at several Council Study Sessions and held a Public Hearing on this issue at its’ May 24, 2016 Council meeting to receive Public input; and

WHEREAS, the City Council desires to adopt a local ordinance authorizing the above-referenced procedure in accordance with RCW 35.21.310, and the same will serve and protect the public interest; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDGEOOOD, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Amendment of Title 8 EMC. Title 8 of the Edgewood Municipal Code is hereby amended by the addition of a new Chapter 8.15 Removal of Obstructing, Overhanging, Dead or Hazardous Vegetation and Debris to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force thirty (30) days after passage.

Presented to Council for its First Reading on May 10th, 2016

Presented to Council for a Public Hearing and Second Reading on May 24th, 2016

PASSED BY THE CITY COUNCIL ON THE 24th DAY OF MAY, 2016

Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk
APPROVED AS TO FORM:

Zack Lell, City Attorney

Date of Publication: May 26, 2016
Effective Date: June 23, 2016
LEGAL NOTICE

Date: May 25, 2016

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 24th day of May, 2016, and shall take effect and be in full force on the 23rd day of June, 2016.

ORDINANCE NO. 16-0466

AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING TITLE 8 EMC BY THE ADDITION OF A NEW CHAPTER 8.15 REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND DEBRIS PURSUANT TO RCW 35.21.310; REQUIRING LANDOWNERS TO REMOVE TREES, OTHER VEGETATION AND DEBRIS THAT OVERHANGS OR ENCROACHES UPON PUBLIC STREETS AND SIDEWALKS AND/OR THAT POSES A FIRE HAZARD OR A MENACE TO PUBLIC HEALTH, SAFETY OR WELFARE; PROVIDING FOR PROCEEDINGS SPECIFIC TO INDIVIDUAL LANDOWNERS TO BE INSTITUTED BY CITY COUNCIL RESOLUTION; AUTHORIZING THE CITY TO REMOVE SUCH VEGETATION AND/OR DEBRIS AND CHARGE THE INCURRED COSTS THEREFORE TO THE LANDOWNER, ENFORCEABLE BY RECORDED LIEN AGAINST THE SUBJECT PROPERTY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk’s office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

Rachel Pitzel, City Clerk

Published in the Tacoma News Tribune on: May 26, 2016
Chapter 8.15

REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND DEBRIS

Sections:

8.15.010 Purpose; authority.
8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.
8.15.030 Proceedings; resolution.
8.15.040 Completion of work by city.
8.15.050 Cost recovery; lien.
8.15.060 Remedies nonexclusive.

8.15.010 Purpose; authority.
The provisions of this chapter are enacted pursuant to RCW 35.21.310 and other applicable state law. The purpose of this chapter is to ensure that the condition and location of trees, shrubs and other vegetation or debris does not obstruct or impair the use of public streets or sidewalks by members of the public, or otherwise pose a hazard to the public health, safety or welfare. It is the further purpose and intent of this chapter that landowners should bear the primary responsibility for and cost of maintaining their own property, including without limitation all trees and vegetation growing thereupon, in a properly confined, compliant and nonhazardous manner. The provisions of this chapter shall be liberally construed in furtherance of said purposes and in accordance with RCW 35.21.310.

8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.
All landowners within the city shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare. Without prejudice to the foregoing, landowners shall be responsible for the following:

1. Removing or destroying all trees, plants, shrubs or vegetation, or parts thereof, located upon their property which overhang any public sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by public.

2. Removing or destroying all dead grass, weeds, shrubs, bushes, trees or vegetation located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.

3. Removing or destroying all debris located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.
8.15.030 Proceedings; resolution.  
Whenever a condition violating EMC 8.15.020 exists upon property located within the city, the city council may initiate proceedings against the landowner by resolution, passage of which shall not occur until at least five days’ written notice has been provided to the landowner. The resolution shall describe the subject property and the hazardous condition(s), and shall require the landowner to remove or destroy the same by the deadline established therein, which shall be no less than 10 days from the date of passage of the resolution. A copy of the resolution shall be provided to the landowner following passage.

8.15.040 Completion of work by city.  
If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s).

8.15.050 Cost recovery; lien.  
The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials.

8.15.060 Remedies nonexclusive.  
The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty and/or procedure available to the city with respect to the subject matter hereof.