

ORDINANCE NO. 2520

AN ORDINANCE amending Chapter 8.06 of the Camas Municipal Code by revising definitions, adding provisions relating to nuisance determinations and proscribing a revised penalty.

Section I

Section 8.06.030 of the Camas Municipal Code is hereby amended to delete in total the definition of "civil violation" and the definition of "junk vehicle".

Section II

Section 8.06.040 (b)(2) is hereby amended to provide as follows:

2. Commercial, industrial, military, civic or institutional property which has a solid material or chain link fence no less than six feet in height may be topped with barbed wire.

Section III

Section 8.06.040 H is hereby amended to provide as follows:

H. Maintenance of swimming and landscape pools. All swimming pools, landscape pools/ponds and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create visibly deteriorated or blighted appearance. All landscape pools/ponds shall be maintained at a depth not to exceed two feet. All landscape pools/ponds of a depth greater than two feet shall be secured by a barrier as provided in this subsection. All swimming pools and spas shall provide protection against potential drownings and near drownings by restricting access in compliance with the 2006 International Residential Code, Appendix G, as adopted pursuant to CMC 15.04.010, as amended. Failure to properly maintain or provide appropriate barriers of any swimming pool, landscape pool/pond subject to the provisions of this subsection, and/or spa, is declared to be a public nuisance.

All water utilized in any landscape pool/pond shall be confined on site and barriers shall be erected sufficient to prevent any off site flow to present substantial damage to adjoining properties.

Section IV

Section 8.06.040 J is hereby amended to provide as follows:

J. Open and Abandoned Ground Cavities: With the exception of facilities that have been permitted for the detention/storage of storm water, open holes which may endanger public safety shall be abated, filled or sealed. Holes wider than 12" and deeper than 24", with a

slope of 2 (horizontal) :1(vertical) or greater and that have the capability of retaining water, are presumptively dangerous to public safety. Holes which may endanger the public safety include, but are not limited to, wells, cisterns, open cesspools, septic tanks, excavations, in-ground swimming pools no longer in use, or open foundations. Failure to abate an open hole pursuant to this subsection is deemed to be a public nuisance.

Section V

A new subsection 8.06.040 O is hereby adopted as follows:

O. Insect Breeding and Infestation.

Items that remain outside the confines of a structure or building such as buckets, barrels, flower pots, wheelbarrows, wading pools, bottles, cans, bird baths and other items that routinely hold water shall be maintained to prevent any water accumulation from becoming stagnant and providing a place for mosquitoes or other insects to breed. Failure to comply with the provisions of this subsection is hereby deemed a public nuisance.

Section VI

Section 8.06.060 C is hereby amended to provide as follows:

C. Trash Covered Premises.

1. All premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, household trash, litter, rubble, debris, etc. The causing, maintaining or permitting of trash-covered premises is declared to be a public nuisance. This section does not apply to that portion of the property that cannot be seen from the street, sidewalk, or a neighbor's property.
2. If there is a presence of a threat to public health or safety, this subsection may be deemed to constitute a public health, safety and welfare nuisance under CMC 8.06.04.

Section VII

A new subsection 8.06.060 D 5 and 6 is hereby adopted as follows:

5. No property zoned R1 or MF may be used for the purpose of storing any commercial vehicle (as defined by WSDOT) unless such vehicle is stored within a building or is otherwise screened so as not to be visible from another property or from any public right-of-way.
6. All parking of vehicles and vehicle accessories in properties zoned R1 or MF

will be maintained in compliance with any applicable conditions delineated on the face of the plat.

Section VIII

A new subsection 8.06.060 E, F, G, H, I, J and K is hereby adopted as follows:

E. Weeds, Trees and Other Vegetation.

1. Premises shall be maintained free from uncontrolled or uncultivated Class A, B and C noxious weeds as defined by the State Noxious Weed Control Board, brush, berry vines, poison oak/ivy, and dead, diseased, infested or dying trees.
2. Premises occupied by a dwelling or building shall maintain all grass and plant growth to avoid visual blight upon the area, prevent the harboring of insects or rodent infestations, and/or prevent fire hazard. With the exception of cultivated shrubs, bushes, grasses, trees, flowers and other cultivated plants and crops, all grasses and plant growth shall not exceed eight inches in height.
3. Premises of one acre or less upon which is located no occupied building or structure shall not allow grasses and other plant growth in excess of 12".
4. Undeveloped properties that are one acre or larger in size shall be mowed a minimum of fifty feet from all structures and dwellings, surface improvements and property lines so as to maintain grass and other plant growth at a maximum height of 12" or less.

F. Accumulation of plant trimmings.

Accumulation on premises of any plant trimmings including trimmings from any lawn, hedge, weeds, flowers or trees, is not permitted and is deemed to be a public nuisance. The provisions of this subsection do not apply to any portion of premises maintained as part of any open space designation. The provisions of said subsection further do not apply to any properly maintained compost pile, with the following requirements:

1. Acceptable compost materials: fruit and vegetable scraps, coffee grounds and egg shells may be composted. Yard waste may be composted so long as yard waste does not include grass clippings or hedge or tree trimmings greater than ¼ " in diameter. All composted materials must be generated from the site at which the compost is located.

Individuals may add commercially available ingredients specifically designed to speed or

enhance decomposition.

2. Prohibited compost materials: Unshredded branches or logs, meat, bone, fat, oil, whole eggs, dairy products, weeds heavily laden with seeds, plastics, synthetic fibers, human or pet waste, diseased plants or any other garbage or refuse shall not be composted.
3. Composting method: Material shall be contained in a bin or composted in a manner which provides for rapid and odorless composting.
4. Location of composting structures: Compost structures shall be placed in the rear yard of a property in such a location as to avoid impacts on neighboring properties such as odors, vermin, and insects.
5. Compost management: Persons who compost according to the requirements of this subsection shall use standard compost practices, which shall include providing adequate air circulation to prevent combustion and objectionable odors to adjacent properties.

Composting that results in objectionable odors or includes prohibited materials, or both, is prohibited. Any violation of the regulations concerning the maintenance of a compost pile as described herein is deemed to be a public nuisance.

G. Unattended personal property.

1. No household good, furniture, appliance or other tangible item of personal property shall be placed in any yard or driveway indicating by sign or notice that the item is "free" or otherwise for sale when said item is not attended to or monitored by the party providing or selling the item. To do so is declared to be a public nuisance.
2. No household good, furniture, appliance or other item of personal property shall be placed upon a sidewalk, street, or right-of-way indicating by sign or notice that the item is "free" or otherwise for sale. To do so is declared to be a public nuisance.

H. Excessive dust blowing:

1. The maintenance of any premises in such a manner that permits dust or blowing soil or blowing sand to be deposited on other property or which is deposited upon or within any public street, public highway or public way, is deemed to be a public nuisance.

I. Yard debris disbursal.

1. The disbursal of yard debris by lawn blowers or other means into the city streets or

rights-of-way including, but not limited to, any lawn clippings, leaves, tree limbs, and other vegetation is deemed to be a public nuisance.

2. The disbursal of any yard debris as defined herein so as to fill in or obstruct any gutter or storm water outlet is deemed to be a threat to public health or safety and is hereby declared to be a public health, safety and welfare nuisance enforceable under CMC 8.06.040.

J. Rodent/insect infestations

Premises shall be kept free from rodent, insect and vermin harborage and/or infestation as determined by the County health officer. Infestations shall be promptly exterminated by methods that ensure the public's health, safety and welfare. Owner shall take preventative measures to protect buildings and premises from future infestations. Failure to comply with the provisions of this subsection is deemed to be a public nuisance.

K. Beekeeping

Beekeeping, where permitted, is subject to the following requirements:

1. No more than four hives per lot shall be allowed in areas zoned R1 or MF.
2. Colonies shall be maintained in small, immoveable framed hives.
3. Adequate space shall be maintained in the hives to prevent overcrowding and swarming.
4. Colonies shall be re-queened with a young hybrid queen annually or as often as necessary to prevent any swarming or aggressive behavior.
5. All colonies shall be registered with the Washington State Department of Agriculture in accordance with the apiary law, RCW 15.60.030, as amended.
6. A hive shall not be located within twenty-five feet of any property line, except under the following conditions:
 - a. When situated eight feet or more above adjacent ground level; or
 - b. When there is a solid fence at least six feet high separating the hive from the property line, extending at least twenty feet from the hive along the property line in both directions.
7. Bees living in trees, buildings or any other space (except immoveable frame hives), abandoned colonies, or diseased bees, or any bees kept in violation of this subsection shall

constitute a public nuisance.

Section IX

Section 8.06.070 B 3 is hereby amended to provide as follows:

3. Owners, agents and/or tenants failing to comply will be subject to the following penalties:
 - a. For violation of CMC 8.06.040, a monetary penalty in the amount of four hundred fifty dollars shall be imposed.
 - b. For a violation of CMC 8.06.060, a monetary penalty of three hundred dollars shall be imposed.

Section X

Section 8.06.070 F 1 is hereby amended to provide as follows:

F. Enforcement--Failure to Abate Nuisance.

1. In the event that any person is issued a citation pursuant to subsection B herein, and fails within fifteen days of the Notice of Infraction to abate the nuisance, then the City may file a complaint with the Camas Municipal Court alleging the maintenance of a public nuisance in violation of this chapter. Upon filing of the complaint, the municipal court shall issue a show cause order directing the defendant to appear at a time and place certain and then show cause, if there be any, why an order should not be entered directing abatement of the public nuisance. A copy of the show cause order shall be served upon the defendant not less than five days prior to the show cause hearing.

10. Section 8.06.070 H is hereby amended to provide as follows:

H. Abatement by the City. In the event any person fails to comply with an order of abatement issued under the provisions of this chapter, then the city may abate such nuisance. The cost of abatement incurred by the city shall be assessed against the person failing to comply with the order of abatement, and shall, in addition, upon petition to the Clark County Superior Court, be assessed as a lien for recovery against the subject real property. Penalties provided herein shall be in addition to any other penalty or fine assessed for failure to comply with the order of abatement.

Section XI

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 17th day of Sept., 2008.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:


City Attorney