

ORDINANCE NO. 1392

**AN ORDINANCE OF THE CITY OF RUSTON, ESTABLISHING
A NEW CHAPTER 9.25 IN THE RUSTON MUNICIPAL CODE,
ENTITLED "VEGETATION" WHICH SHALL REGULATE
OVERGROWN VEGETATION IN THE CITY, AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, there have been complaints regarding overgrown vegetation on private property that interferes with pedestrian travel or creates an unsafe or unsightly condition; and

WHEREAS, in order to reduce the impacts to public safety of overgrown vegetation, a new chapter 9.25 should be added to the Ruston Municipal Code; and

WHEREAS, RCW 35.21.310 provides authority for the City to abate overgrown vegetation and to bill the property owner or lien the property; and

WHEREAS, the Council finds that it is in the best interests of Ruston to adopt this regulation and procedure into City Code; and

WHEREAS, on January 15, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on February 5, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; NOW, THEREFORE

**THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS
FOLLOWS:**

Section 1. A new section chapter 9.25 entitled "Nuisance Vegetation" is hereby added to the Ruston Municipal Code to read as follows:

CHAPTER 9.25

NUISANCE VEGETATION

Sections:

9.25.010 Obstructing streets and sidewalks.

9.25.020 Abatement by city.

9.25.010 Obstructing streets and sidewalks.

Trees, plants, shrubs or vegetation or parts thereof which so overhang any 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 the public are public nuisances. Grass, weeds, shrubs, bushes, trees or vegetation growing or which have grown and died, and all debris upon any property and which are a fire hazard or menace to public health, safety or welfare, are likewise public nuisances. It is the duty of the owner of the property upon which any such nuisances exist to abate the nuisance by destroying, removing or trimming any such growth, and removing any such debris.

For the purpose of this chapter, the owner of property abutting upon a dedicated street or sidewalk shall be deemed the owner of that portion of such street or sidewalk to which he holds the ultimate title, even though subject to the easement and rights of the city under the dedication; provided, that this chapter shall not be construed so as to require a private property owner to abate any such nuisance which exists because of natural vegetation growing wholly within the limits of the right-of-way of any dedicated street or sidewalk.

9.25.020 Abatement by city.

The city may initiate the process requiring an abutting property owner to remove the nuisance described in RMC 9.25.010 as follows:

- A. A resolution of the city council shall be adopted which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after not less than five days' notice to the abutting property owner.
- B. If any nuisance as defined by this chapter is not abated by removal or destruction by the property owner upon reasonable notice, the city may abate the same and shall render a bill covering the city's cost of such abatement, and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because the property owner cannot be found, the clerk for the city in the name of the city may file a lien therefor against the property with the Pierce County office of records and elections, which 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 is provided by law for labor and materials liens.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or

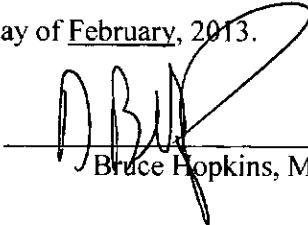
unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.


ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 5th day of February, 2013.

APPROVED by the Mayor this 5th day of February, 2013.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
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