

CITY OF SNOHOMISH
Snohomish, Washington

ORDINANCE 2374

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO PUBLIC SAFETY AND VEGETATION MANAGEMENT; AMENDING SNOHOMISH MUNICIPAL CODE SECTION 8.20.112 ENTITLED OWNER TO MAINTAIN PREMISES FREE OF CERTAIN VEGETATION AND SECTION 9.94.030 ENTITLED NUISANCES DECLARED; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 8.20 Snohomish Municipal Code, Uniform Litter Control Code, includes section 8.20.112 which requires property owners to maintain their property to be free of certain vegetation including grass and weeds over six inches in height; and

WHEREAS, Chapter 9.94 Snohomish Municipal Code, Public Nuisances, includes section 9.94.030(H)(9) which states that allowing grass and weeds to attain a height of six inches to be a public nuisance; and

WHEREAS, administering and enforcing regulations that require growing vegetation to be kept under a specific height is problematic; and

WHEREAS, in the interest of the efficient use of staff resources the City Council desires to amend SMC 8.20.112 and 9.94.030(H)(9) to remove regulations that regulate the height of grass and weeds to a specific height; and

WHEREAS, the City Council has determined that it is still in the public interest to regulate vegetation growth to insure public safety, health and welfare, especially as it relates to fire prevention;

NOW THEREFORE, the City Council of the City of Snohomish, Washington, do ordain as follows:

Section 1. SMC 8.20.112 Amended. SMC 15.04.143, entitled "Owner to Maintain Premises Free of Certain Vegetation" is hereby amended to read as set forth below:

8.20.112 Owner to Maintaining Premises to be Free of certain Vegetation that Creates a Public Safety Hazard.

- A. Trees and shrubs, grass, weeds, and other landscaping shall not overhang the public sidewalk by less than ~~nine~~9 feet or grow in such a manner as to impede pedestrian circulation.**
- B. Trees and shrubs, grass, weeds, and other landscaping shall not overhang the public street by less than ~~twelve~~12 feet. Grass or grow in such a manner as to impede vehicular circulation.**
- C. Brush, grass, weeds, and ~~weeds~~ other landscaping on private property shall not be allowed to attain a height reach a condition so that it constitutes a fire hazard or otherwise constitutes a menace to the public safety, health or welfare.**
- D. Areas within 5 feet of ~~over six inches~~ on private property, an emergency vehicle access road or driveway shall be kept clear of non-fire-resistant vegetation growth.**

E. The owner and the occupant of private property shall be responsible for compliance with these requirements. The owner and the occupant of property abutting a public street shall be responsible for compliance with these requirements upon any property lying between the private property line and the paved portion of a public right of way.

Section 2. SMC 9.94.030(H) Amended. SMC 9.94.030, entitled “Nuisances Declared”, subsection “H”, is hereby amended to read as set forth below. All other subsections of SMC 9.94.030 shall remain in effect.

9.94.030 Nuisances Declared.

The following specific acts, omissions, places, and conditions are declared to be public nuisances:

...

- H. Placing, depositing, keeping, having, or leaving in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, park, parkway, or public or private place in the City any one or more of the following conditions, places, or things:
 - 1. Any putrid, unsound, or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish, or fowl.
 - 2. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous.
 - 3. Filthy or littered trash-covered cellars, house yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings, or premises.
 - 4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinances of the City.
 - 5. Poison oak or poison ivy (whether growing or otherwise), liquid household waste, human excreta, garbage, butcher’s trimmings and offal, parts of fish, or any other vegetable or animal matter in any quantity; provided nothing in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the City or the dumping of non-putrifying waste in a place and manner approved by the City.
 - 6. Tin cans, bottles, glass cans, small pieces of scrap iron, wire, material, bric-a-brac, broken crockery, broken glass, broken plaster, scrap building materials, and all such trash or abandoned material unless the same be kept in covered bins or galvanized iron receptacles approved by the City.
 - 7. Trash, litter, weeds or grass, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, or other packing materials, lumber not piled, scrap iron, abandoned stoves, kitchen appliances, tin and other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger.
 - 8. Any abandoned unattended or discarded icebox, refrigerator, freezer, or other container having an air-tight door or lid and a snap lock or other locking device which may not be easily released from the inside when such lid or door is in a closed position.
 - 9. Allowing trees and shrubs to overhang the public sidewalk with less than nine9 feet of vertical clearance; or allowing trees and shrubs to overhang the public street with less than twelve12 feet of vertical clearance; or allowing brush, grass and, weeds and other landscaping to attain reach a height condition so that it constitutes a fire hazard

or otherwise constitutes a menace to the public safety, health or welfare; or allowing non-fire-resistant vegetation to grow within 5 feet of ~~over six inches on private property~~ an emergency vehicle access road or driveway, pursuant to section 8.20.112 of the Snohomish Municipal Code.

10. Allowing trees, shrubs, or other objects, improvements, or obstructions to exist in visibility triangles to be kept clear to preserve sight clearance for vehicular and pedestrian travel. A visibility triangle shall be maintained for all corner lots in all residential districts. If the property corner does not have a radius, the visibility triangle shall be determined by measuring lines from the intersection of the property lines abutting two intersecting streets, or an intersecting alley and street, for a distance of fifteen (15) feet in both directions. The terminus of the two line segments shall be connected by a third line to complete the area of the triangle in which sight obstruction shall be prohibited and be a public nuisance. If the property does have a radius, the visibility triangle shall be determined by extending the opposing lines from their points of curvature creating a point of intersection, then measuring from said intersection of the property lines abutting two (2) intersecting streets, or an intersecting alley and street, for a distance of fifteen (15) feet in both directions. The terminus of the two line segments shall be connected by a third line to complete the area of the triangle in which sight obstruction shall be prohibited and be a public nuisance.
11. Discharging, directly or indirectly, into the City's storm drain system or into the waters of any stream, lake, wetland, or similar area within the City, any material that shall cause or tend to cause a polluted condition of such system or waters, including but not limited to any organic substance or chemical compound which causes or contributes to the violation of applicable state water quality standards, as set forth in Chapter 173-201A WAC, which is hereby adopted by reference, except that the following discharges shall not be considered nuisances:
 - a. Flushing of water lines or other potable water sources;
 - b. Flushing of residential hot tubs or residential swimming pools;
 - c. Landscape irrigation or lawn watering;
 - d. Diverted stream flows pursuant to required permits;
 - e. Crawl space pumping;
 - f. Non-commercial washing of vehicles;
 - g. Fire-fighting activities;
 - h. Discharges specified in writing of the City to be necessary to protect the public health and safety;
 - i. Dye-testing that is verbally authorized by the City before the test; and
 - j. Discharges permitted under an NPDES permit and in compliance with all permit requirements.
12. Causing or allowing any other nuisance as defined in section 9.94.030 or other provision of the Snohomish Municipal Code.
13. Any other act, omission, condition, or thing which:
 - a. Unreasonably injures or endangers the comfort, repose, health, or safety of others;
or
 - b. Offends public decency; or
 - c. is offensive to the senses of reasonable persons; or
 - d. In any way renders other persons insecure in life or use of property.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 4. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 18th day of June, 2019.

CITY OF SNOHOMISH

By John T. Kartak

John T. Kartak, Mayor

ATTEST:

By Pat Adams

Pat Adams, City Clerk

Approved as to form:

By Grant Weed

Grant Weed, City Attorney

Date of Publication: June 22, 2019

Effective Date: June 27, 2019