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Document Titles (i.e.: type of document)

**Ordinance No. 399 – Approving a request to amend Walla Walla County Code Chapter 8.24, Debris and Excess Vegetation, to consider land uses or conditions within the incorporated and unincorporated areas of the County that have been declared a nuisance by Courts with jurisdiction to also be considered a violation of County Code, and to add references to the Walla Walla Joint Community Development Agency**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

Additional legal is on page \_\_\_\_ of document.

Assessors Parcel Number

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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 399**

APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE CHAPTER 8.24, DEBRIS AND EXCESS VEGETATION, TO CONSIDER LAND USES OR CONDITIONS WITHIN THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY THAT HAVE BEEN DECLARED A NUISANCE BY COURTS WITH JURISDICTION TO ALSO BE CONSIDERED A VIOLATION OF COUNTY CODE, AND TO ADD REFERENCES TO THE WALLA WALLA JOINT COMMUNITY DEVELOPMENT AGENCY.

**Whereas**, Article 11, section 11, of the Washington State Constitution provides that the County “may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws;” and

**Whereas**, RCW 36.32.120(10) authorizes the Board of County Commissioners, in their legislative capacity, to enumerate nuisances within the County;

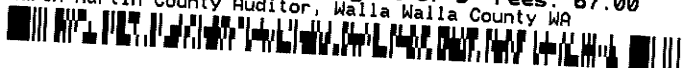
**Whereas**, the Walla Walla County Board of Commissioners passed County Resolution 10-253 on October 4, 2010 and the Walla Walla City Council passed City Resolution 2010-71 on September 28, 2010 approving and authorizing an intergovernmental agreement creating the Walla Walla Joint Community Development Agency, and the parties entered into such an intergovernmental agreement which, in part, combined County and City nuisance abatement, a/k/a code compliance, activities; and

**Whereas**, County Resolution Number 10-340A authorized the Director of the Walla Walla Joint Community Development Agency to fulfill the roles outlined in the Walla Walla County Code (WWCC) for the Director of the Community Development Department; and

**Whereas**, the following findings of fact and conclusions of law are hereby made:

**Findings of Fact:**

1. On August 29, 2011, the Walla Walla Joint Community Development Agency issued a SEPA Determination of Non-Significance for the proposed code changes.
2. On October 6 and 13, 2011, Notices of Public Hearing were published in the Waitsburg Times.



3. Nuisances within incorporated city limits are harmful to County residents and the County as a whole.
4. A public hearing was held on October 17, 2011.

Conclusions of Law:

1. Regulation of nuisances is necessary to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values. It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rodent-harboring, and/or disease-causing places, conditions, or objects. It is also necessary for the public social and economic welfare to regulate, prevent, and prohibit conditions which degrade the County's scenic attractiveness and livability and its economic development.
2. The proposed amendment to WWCC Section 8.24.020 codifies the Walla Walla Joint Community Development Agency's authority to enforce the provisions of Chapter 8.24.
3. The proposed new section, WWCC 8.24.25, regulates conditions within incorporated or unincorporated areas of the County that have been proclaimed a public nuisance by a court with jurisdiction.
4. The proposed amendment to WWCC Section 8.24.030 clarifies the authority of the County to correct and abate nuisances.
5. The proposed amendments to WWCC Chapter 8.24 are necessary to regulate public health, safety and welfare in Walla Walla County.

**NOW THEREFORE,**

**BE IT ORDAINED,** by the Walla Walla County Board of County Commissioners that:

**Section 1. Amendment of Walla Walla County Code Sections 8.24.020 and 8.24.030 and adoption of new Section 8.24.025.** Chapter 8.24 of the Walla Walla County Code is amended as shown on Exhibit A.

**Section 2. Effective Date.** This ordinance is effective October 17, 2011.


**Section 3. Savings and Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.



**Section 4. Publication.** This ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 17<sup>th</sup> day of October, 2011.

Approved this 17<sup>th</sup> Day of October, 2011.



Perry L. Dozier  
Perry L. Dozier, Chairman

Gregg C. Loney  
Gregg C. Loney, Commissioner

Gregory A. Tompkins  
Gregory A. Tompkins, Commissioner

Constituting the Board of County Commissioners of Walla Walla County, Washington

Attest:

Connie R. Vinti  
Connie R. Vinti, Clerk of the Board

Approved as to form

Jesse D. Nolte  
Jesse D. Nolte, Deputy Prosecuting Attorney

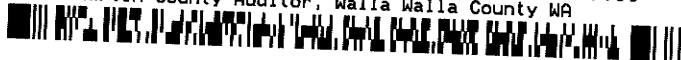


Exhibit A

**8.24.020 - Violation—Enforcement and penalty.**

A. If the violation of Section 8.24.010 constitutes a fire hazard as declared by the county fire marshal or a fire district chief or is injurious to the public health, such violation shall constitute a misdemeanor and shall be punishable as specified in RCW 9A.20.021. Each day a violation exists may constitute a separate violation.

B. Any violation of Section 8.24.010 not constituting a violation of subsection A of this section shall constitute a civil infraction punishable by the following fines:

First offense	\$ 75.00
Each subsequent offense	\$ 250.00

Notices of civil infraction may be issued by the Walla Walla County sheriff, the public health administrator or designee, the director of the Walla Walla Joint Community Development Agency ~~community development department~~ or designee, or the Walla Walla County prosecuting attorney. Each day a violation exists may constitute a separate violation.

C. In addition to or in lieu of the penalties listed above, the Walla Walla Joint Community Development Agency ~~county community development department~~ may, at its discretion, enforce the provisions of this chapter utilizing the procedures set forth in WWCC Chapter 14.13 for repeat or large-scale violators. The failure to obey a notice of violation and order shall continue to constitute a gross misdemeanor pursuant to WWCC Section 14.13.100. (Ord. 363 § 1(part), 2008)

**8.24.025 – Other Nuisances Enumerated:**

In addition to the nuisances enumerated in Section 8.24.010, any other use or condition of property, within the incorporated or unincorporated areas of the County, which has been declared a Public Nuisance by a Court with jurisdiction, shall be deemed a nuisance and a violation of this Chapter.

**8.24.030 - Abatement.**

A. Whenever any violation of this chapter constitutes an immediate and emergent threat to the public health, safety, welfare, or environment, the county, after approval by the board of county commissioners, may summarily and without prior notice abate the condition. In accord with RCW 36.32.120(10) the board county commissioners may levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.



B. With owner consent, and after approval by the board of county commissioners, the county may enter unsecured property and may remove, abate, or correct any the condition that is a violation of this chapter which is subject to abatement. If the person in control or ownership of the premises does not consent to entry and abatement, the county may seek such judicial process in the Walla Walla County Superior Court, as it deems necessary, to effect the removal, correction or abatement of such condition. In the event of any abatement proceedings, judicial or otherwise, in accord with RCW 36.32.120(10) the board of county commissioners may levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. (Ord. 363 § 1(part), 2008)