



2012 Critical Areas Ordinance Update

Attachment D:

Chapter 17.30 – Noxious Weed
Containment

July 24, 2012

Board of County Commissioners

Attachment D:

A new chapter shall be added to title 17 TCC, Environment, chapter 17.30 TCC "Noxious Weed Containment" which shall read as follows:

Chapter 17.30

NOXIOUS WEED CONTAINMENT.

Sections:

- 17.30.010 Purpose.**
- 17.30.020 Authority and applicability.**
- 17.30.030 Definitions.**
- 17.30.040 Target species.**
- 17.30.050 Containment areas.**
- 17.30.060 Notice of public hearing.**
- 17.30.070 Permit review by noxious weed control board.**
- 17.30.080 Management standards.**
- 17.30.090 Noxious weed containment - Enforcement and Penalties.**
- 17.30.100 Severability.**

17.30.010 Purpose.

The purpose of this chapter is to limit economic loss and adverse effects to Thurston County's agricultural, natural, and human resources due to the presence and spread of noxious weeds, and to establish measures to contain certain noxious weeds designated by the Thurston County Noxious Weed Control Board.

17.30.020 Authority and applicability.

This chapter shall be administered and enforced by the Thurston County Noxious Weed Control Board created pursuant to RCW 17.10.020, or its designees. The provisions of this chapter shall apply in all unincorporated areas of Thurston County, including designated urban growth areas.

17.30.030 Definitions.

The terms used in this chapter shall have the following meanings:

"Containment area" means an area designated by the noxious weed control board where management standards and practices may be imposed to control and prevent the spread of a target species.

"Noxious weed" means a plant listed on the Thurston County noxious weed list adopted pursuant to RCW 17.10.090.

"Noxious weed control board" means the Thurston County Noxious Weed Control Board created pursuant to RCW 17.10.020 or its designees.

"Project site" means the site or location identified in a permit or project application where development, building, or land use activity is proposed to occur.

“Rules and regulations” means the Thurston County Noxious Weed Control Board Rules and Regulations adopted in accordance with RCW 17.10.060.

“Target species” means a noxious weed listed on the Thurston County noxious weed list that the noxious weed control board has determined may be better controlled by requiring containment measures and/or management standards for areas where the noxious weed has been found to be present.

17.30.040 Target species.

Any species of noxious weed may be designated by the noxious weed control board as a target species in its rules and regulations. Prior to designating a target species, the noxious weed control board shall hold a public hearing and shall comply with the requirements for amending the rules and regulations.

17.30.050 Containment areas.

The noxious weed control board may establish a containment area for any target species in its rules and regulations. Prior to adopting the boundaries of a containment area, the noxious weed control board shall hold a public hearing and shall comply with the requirements for amending the rules and regulations.

17.30.060 Notice of public hearing.

Notice of the public hearing for designating a noxious weed or containment area shall be provided to local media through a news release. A notice of public hearing shall also be provided in the county’s official newspaper of record at least twenty days prior to the public hearing, unless a waiver has been granted by a motion of the Thurston County noxious weed control board or board of commissioners, as applicable, subject to the following criteria:

- A. Publishing the notice within the period of time otherwise required by law will afford adequate notice to the public; and
- B. The waiver is necessary to allow action to be taken in a timely manner.
- C. Notification shall not be less than 10-days if a waiver is granted.

17.30.070 Permit review by noxious weed control board.

- A. Thurston County permit applications requiring a Type II or III review process under Thurston County code chapters 14.48, 18.10, 20.60, 21.81, 22.62, 23.72, and 24.05, and other uses or activities proposed to be located within a containment area, shall be reviewed by the noxious weed control board. The noxious weed control board may add conditions to the permit to prevent the spread of the target species, to otherwise mitigate the effect of the proposal~~ed project or activity~~ on the potential to spread noxious weeds, or that will lead to the eventual eradication of the target species infestation.

- B. The noxious weed control board may review other development permits for the containment of noxious weeds.

17.30.080 Management standards.

The following minimum management standards shall apply within all containment areas:

- A. Removal of soil from any project site is prohibited when conducting any development, building, or land use activities except as approved in writing by the noxious weed control board.
- B. All equipment used in any development or land use activity shall be cleaned before leaving the project site.
- C. Vegetation shall not be removed from the project site, except as approved in writing by the noxious weed control board. Target species and noxious weeds approved for removal shall be transported and disposed of only in a manner approved by the noxious weed control board.
- D. All equipment used in an area infested with noxious weeds shall be cleaned before it enters the county.
- E. Any other requirement to contain or prevent the spread of noxious weeds included as a permit condition.

17.30.090 Enforcement and Penalties.

- A. It is unlawful and a violation of this chapter for any person to fail to comply with the management standards or terms of any approval of the noxious weed control board under this chapter, any requirement included as permit condition in accordance with this chapter, or any cease and desist order issued pursuant to this chapter. Each violation shall be a separate offense, and each day a violation continues shall be a separate and distinct violation. The use of any enforcement method shall not preclude any other means of enforcement.
- B. The owner of any property on which a violation of this chapter has occurred, any person who engages in an activity in violation of this chapter, and any person who, through an act of commission or omission, commits, aids or abets a violation of this chapter, may be considered to have committed a violation of this chapter and may be individually responsible and liable.
- C. The noxious weed control board may issue a cease and desist or stop work order when any person violates this chapter, a permit, condition, or approval issued pursuant to this chapter. The order shall include a description of the nature, extent, and approximate time of the violation, if known, and any damage or potential damage resulting from the violation; a directive to stop work and/or cease and desist in the violation; specific corrective action to be taken; and a deadline to comply. The order issued shall become

effective immediately upon service on the person to whom the order is directed, or upon posting of the order in a conspicuous manner on the property where the violation occurred.

- D. The violation of any provision of this chapter is designated as a Class I civil infraction pursuant to chapter 7.80 RCW. Civil infractions shall be heard and determined according to chapter 7.80 RCW, as amended, and any applicable court rules.
- E. Every violation of this chapter shall be unlawful and a public nuisance.
- F. The prosecuting attorney is authorized to institute legal action to enforce compliance with the provisions of this chapter, and may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute a violation of this chapter.
- G. Any person who violates this chapter or violates a permit condition or approval issued pursuant to this chapter shall be liable for all costs, fees and expenses incurred in connection with enforcement activities.

17.30.100 Severability.

If any provision of this chapter or its application to any person or circumstance is held to be invalid, the remainder of this chapter and the application of the provision to other persons or circumstances shall not be affected.