

Chapter 12.02

URBAN FORESTRY COMMISSION

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Section 12.02.010 Establishment of urban forestry commission--Purpose.

There is established a Vancouver urban forestry commission for the purpose of managing, conserving and enhancing the existing trees located in the parks and public areas owned by the city of Vancouver and in public right-of-way, and thereby enhancing the appearance of the city and protecting an important environmental and economic resource for the benefit of the city's residents and visitors, and for the purpose of assisting property owners and public agencies to improve and maintain trees in a manner consistent with adopted city policies. (Ord. M-2726 § 2, 1987)

Section 12.02.020 Definitions.

For the purpose of this chapter, certain terms are defined in this section. When not inconsistent with the context, words in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the masculine includes the feminine. The word "shall" is always mandatory and not merely directory. Other words and terms not herein defined shall have the meaning customarily assigned to them.

1. "Arboriculture" means that part of horticulture which deals with the study and care of trees and other woody plants.
2. "City" means the city of Vancouver.
3. "Commission" means the urban forestry commission.
4. "Director" means the director of the department of Vancouver/Clark Parks and Recreation.
5. "Person" means any individual, firm, association, corporation, agency or organization of any kind.
6. "Plan" means the tree planting and maintenance plan for streets, parks and public areas, also known as the "urban forestry plan."
7. "Pruning" means the cutting or removing of any part of the branching structure of a plant in either the crown, trunk or root areas.
8. "Removal" means the cutting or removing of fifty percent or more of the crown, trunk or root system of a plant.

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9. "Street" means any improved or unimproved public street, including the sidewalk, parking or planting strip, alley and right-of-way, and any pedestrian mall or other public area owned or leased by the city.
10. "Director" means the director of Vancouver/Clark Parks and Recreation or the director's designee.
11. "Tree" includes only those trees which are located on public property or which are otherwise subject to the jurisdiction of the city by virtue of an agreement, conditional use permit, or other similar provisions.
12. "Urban forestry" means the field of study and practice which has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economical well-being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry embraces a multi-managerial system that includes watersheds within the city, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal wastes, and tree care in general.
13. "Utility" means any public utility, public utility district, or regulated private utility which supplies electrical energy, gas, heat or steam, water, telephonic communications, sewage disposal or treatment, and other similar services but does not include transportation services, such as bus transportation, railroad operations or similar services. (Ord. M-2726 § 3, 1987)

Section 12.02.030 Commission--Membership, officers and meetings.

- a. The urban forestry commission shall consist of seven members who have demonstrated an interest in urban forestry and in the preservation of trees and the beautification of Vancouver. Members shall be appointed by the mayor, subject to confirmation by the city council, and shall serve for a term of four years. Members of the commission may be reappointed.
- b. At least one member of the commission shall have experience and expertise in arboriculture, landscape architecture, or urban forestry.
- c. At least one member of the commission shall also be a member of the Vancouver/Clark Parks and Recreation Commission.
- d. The commission shall elect its own chairperson and vice-chairperson. The commission shall promulgate rules of procedure consistent with this chapter for the conduct of its meetings and for the hearing of appeals within its jurisdiction.
- e. The commission shall hold regular quarterly meetings. Such other regular or special meetings may be called as are necessary or desirable and in accordance with law.
- f. All seven members of the Commission on or about February 15, 1994 shall draw lots and as a result of such drawing, two members shall have four years to serve, two member shall have three years to serve, and three members shall have one year to serve on the Commission from February 15, 1994. Thereafter, all appointments to the commission shall be for four years. (Ord. M-3103 § 1, 1993; Ord. M-2994 § 1, 1992; Ord. M-2726 § 4, 1987)

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Section 12.02.040 Commission powers and duties.

The urban forestry commission shall have the following powers and duties:

1. The commission shall develop, renew and update periodically the urban forestry master plan for the city of Vancouver, and shall submit the same to the city council for the council's approval and adoption.
2. The commission shall have authority to review city plans and policies which contain matters relating to urban forestry and arboriculture.
3. The commission shall have authority to provide the city manager with its analysis of the contents of the biennial forestry budget request.
4. The commission shall prepare an annual report on its activities and submit the report to the Vancouver/Clark Parks and Recreation Commission and to the city council.
5. The commission shall consider the development and implementation of a city street tree permit system and make recommendations to the city council on the advisability of adopting such a system.
6. The commission shall consider the development and implementation of a program for identifying and maintaining trees in the city which have significant historical, cultural, environmental or public significance and shall make recommendations to the city council on the advisability of adopting such a program.
7. The commission shall be responsible for coordinating the city's Arbor Day programs.
8. The commission shall have such other and further powers and duties as may be provided by ordinance or resolution. (Ord. M-2726 § 5, 1987)

Section 12.02.050 Commission support--Conflicts of interest.

- a. The director shall assist the commission in the discharge of its duties and the city may contract for services on behalf of the commission.
- b. The city shall not retain the services, directly or indirectly, of any person serving as a member of the commission. (Ord. M-2726 § 6, 1987)

Section 12.02.060 Planning--Approved plantings.

- a. The city council shall adopt an urban forestry master plan with the assistance of the commission, as provided by Section 12.02.040 of this chapter.
- b. Upon adoption of the plan, all tree planting, maintenance and removal undertaken by the city shall be in accordance with the plan.
- c. The commission shall develop a list of recommended varieties of trees that may be planted on streets, or in parks or public areas, consistent with the plan.
- d. The commission shall have authority to recommend to the city council that certain trees be

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regulated or prohibited within the city or specific areas of the city and that Section 12.04.080 of this title be amended to accomplish such regulation or prohibition. (Ord. M-2726 § 7, 1987)

Section 12.02.070 Public duty created.

The provisions of this title are intended by the city council of the city of Vancouver to create only a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. Further, these provisions are not intended to be enforced for the protection of any person or class of persons. (Ord. M-2726 § 8, 1987)

Chapter 12.04

STREET TREES (Repealed and Replaced by Ordinance M-3766)

Sections:

- 12.04.010 Findings and Purpose.**
- 12.04.020 Definitions.**
- 12.04.030 Authority and duties of the City Forester.**
- 12.04.040 Street tree work permit.**
- 12.04.050 City street tree worker license.**
- 12.04.060 Property owner responsibilities.**
- 12.04.070 Utility maintenance responsibilities.**
- 12.04.080 Street tree protection.**
- 12.04.090 Safety provisions.**
- 12.04.100 Enforcement.**

Section 12.04.010 Findings and Purpose.

A. The City Council finds that the protection and proper maintenance of street trees serves to protect the public's health, safety, and welfare; and that street trees constitute a vital environmental, historic, visual, and economic resources for the benefit of the city's residents and visitors.

B. The purpose of this chapter is to:

1. Establish permit requirements for work on street trees; and
2. Establish competency requirements for the major pruning of street trees by requiring major street tree pruning to be done or supervised by a person who has obtained a street tree worker license; and
3. Delegate authority to the City Forester to determine appropriate street tree selection and to determine where street trees should be planted on existing and new streets. The City Forester may also implement administrative regulations to process applications for street tree work permits and street tree worker licenses, so long as such regulations are consistent with the requirements of this chapter; and
4. Regulate appropriate street tree species selection, where street trees must be planted, and how street trees must be maintained and protected.

C. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter. (M-3766, Repealed & Replaced, 10/16/2006, Sec 1.; M-667, Added, 05/21/1963, Sec 1)

Section 12.04.020 Definitions.

“Arboriculture” refers to that part of horticulture which deals with the study and care of trees and other woody plants.

“City” means the incorporated City of Vancouver, Clark County, Washington.

“City Forester” means the City's Urban Forester, or designee.

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“Director” means the city’s Director of Public Works, or designee.

“Dead” means no longer alive.

“Drip line” means that area on the ground below the tree in which the boundary is designated by the edge of the tree’s branches.

“Emergency” means an imminent threat to persons or property.

“Hazard tree” means any street tree, or part thereof, that the City Forester determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to persons or property in the event of failure. Hazard trees are not in danger of imminent failure.

“Imminent” means that a street tree, or part thereof, could fail at any moment.

“Improper pruning” means maintenance practices that do not follow national arborist organization standards and which may result in preventing a street tree from achieving its mature size or full, environmental function. Improper pruning includes, but is not limited to, the removal of more than twenty-five percent of the foliage of any street tree; “topping,” the cutting back of a street tree to buds, stubs or laterals not large enough to assume the role of leader; and “lion tailing,” the pruning practice in which the limbs of a street tree are thinned from the inside of the crown to a clump of terminal foliage.

“Knowingly” means that a person knows or acts knowingly or with knowledge when he or she is aware of a fact, circumstance or result which is described by this chapter as being a violation, whether or not the person is aware that the fact, circumstance or result is a violation of this chapter.

“Maintenance” or “Maintain” means to plant, prune, trim, water, feed, protect or any other activity intended to help a street tree achieve its mature size and full, environmental function.

“Major pruning” means the pruning or cutting out of branches three inches in diameter or greater; root pruning; or cutting out of branches and limbs constituting greater than fifteen percent of the tree’s foliage bearing area and retaining the tree’s natural form.

“Minor pruning” means pruning or cutting out of water sprouts, suckers, twigs, or branches less than three inches in diameter; or cutting out of branches and limbs constituting less than fifteen percent of the tree’s foliage bearing area and retaining the tree’s natural form. Removal of dead wood, broken branches and stubs are also considered minor pruning.

“National arborist organization standards” means nationally recognized arborist association standards including those of the International Society of Arboriculture, Tree Care Industry Association and the American National Standards Institute.

“Permit holder” means that person who is issued a street tree work permit under this chapter.

“Person” includes any individual, business, firm, association, corporation, agency, or organization of any kind.

“Planting” means necessary steps taken during the installation of trees and shrubs within the right-of-way to ensure survival.

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“Planting strip” means that area between the back of a street curb to the front of a sidewalk or the area in a raised median, used for street trees, grass and approved landscaping plants.

“Private tree” means a tree in which the trunk wholly resides on a property owner’s parcel outside of the right-of-way.

“Property owner” means a person, or agent thereof, who owns, leases or manages real property adjacent to or within the right-of-way.

“Removal” means the act of taking out or reducing a part of an entire tree or shrub so that the tree or shrub will not regain its mature size or function.

“Right-of-way” means property subject to public use for existing or future streets, curbs, planting strips, or sidewalks. Property subject to a right of way may be through an express, implied, or prescriptive easement granted to or controlled by the city or other public entity or may be owned by the city or other public entity in fee simple or other freehold interest.

“Sidewalk” means a facility made of concrete or other approved material for the conveyance of pedestrians adjacent to a street.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes the loss or impairment of the function of any body part or organ for a protracted period of time.

“Severely damaged” means a street tree that has been harmed by people or nature, including, but not limited to, storms, disease or insect infestation so that the street tree will not achieve its mature size or full, environmental function.

“Street” means a right-of-way which is the public’s principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, but not including alley.

“Street tree” means a tree in which the trunk is wholly or partially located within the right-of-way. A “street tree” may also be the portions of a private tree residing in the right-of-way.

“Street Tree Manual” means a publication that contains the City Forester’s list of approved street tree species; standards of practice for the planting, pruning, removal and maintenance of street trees; and a program for developing and improving the street tree resources of the community.

“Topping” means cutting back a tree to buds, stubs or laterals not large enough to assume the role of leader.

“Tree” means any self-supporting perennial woody plant, generally single-stemmed, that matures at a height of at least twenty feet and is recognized by the city as a tree.

“Urban Forestry” means the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well-being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes and tree care in general.

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“Utility” means any business, organization or entity that legally uses the public right-of-way to deliver electrical, telephone, water, sewer, natural gas, and cable television services. “Utility” also means the actual commodity delivered or sold by the business, organization or entity.

(M-3766, Repealed & Replaced, 10/16/2006, Sec 1; M-667, Added, 05/21/1963, Sec 2)

Section 12.04.030 Authority and duties of the City Forester.

A. The City Forester is that person designated by the director who is responsible for the administration and enforcement of this chapter. No person may prevent, delay or interfere with the City Forester or any city employee in the administration or enforcement of this chapter.

B. The City Forester shall publish and regularly update a Street Tree Manual (“Manual”) that includes a list of approved street tree species. Any person who plants a non-approved street tree species in the right-of-way may be subject to enforcement action, as authorized in VMC 12.04.100.

C. The Manual shall also include educational information regarding tree selection among approved street tree species, planting, protection, pruning, removal and other maintenance standards that are in compliance with the requirements of this chapter and the best management practices adopted by national arborist organizations. The manual’s educational provisions are not subject to enforcement action, as authorized in VMC 12.04.100.

D. The City Forester may direct where a street tree must be planted so that a street tree achieves its mature size or full, environmental function. Any person who violates this subsection may be subject to enforcement action, as authorized in VMC 12.04.100.

E. The City Forester may also specify the procedures for accepting and processing applications for street tree work permits and street tree worker licenses.

(M-3766, Repealed & Replaced, 10/16/2006, Sec 1)

Section 12.04.040 Street tree work permit.

A. Street tree work permit required. No person may plant, perform major pruning, or remove any street tree, or disturb the area within the drip line of a street tree, or cause or authorize another person to do so, unless the person obtains a street tree work permit from the City Forester. Unless otherwise provided in this section, a separate permit is required for each work location. No permit is required for minor pruning of street trees.

1. Annual or individual permit for utilities. Utilities shall apply for an annual permit to perform planting, major pruning or removal of street trees. The permit application must include an annual plan that identifies work that will be done during the year. The permit holder must file quarterly reports which will identify all work done on street trees. As an alternative to an annual permit, public agencies and utilities may choose to apply for individual work permits as needed.

2. Permit requirements for city departments. Annual or individual street tree work permits for city activities will not be required. City departments shall obtain approval from the City Forester for any city project that requires planting, pruning or removal of street trees, or disturbance of the area within the drip line of a street tree.

B. Emergency pruning and removal. No street tree work permit is required to prune or remove a

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street tree that is in imminent danger of failing. Any individual, acting under this subsection, must notify the City Forester of the emergency pruning or removal within one working day of the action.

C. Permit application data. The applicant must provide the location, number and kind of trees to be pruned or removed and planted; the kind of work to be done; the reasons for the requested activity; and any other information required by the City Forester to ensure compliance with the provisions of this chapter.

D. Standards for permit issuance. The City Forester shall issue a permit if, in the City Forester's judgment, the proposed work and methods are consistent with the requirements of this chapter.

E. Time. Any permit issued shall contain a date of expiration and the work must be completed within (90) ninety days of permit issuance.

F. Notice of Completion. The permit holder shall notify the City Forester of completed work within five days upon completion of said work.

G. City street tree worker license required for major pruning. The city requires that major pruning be performed by a person who has a current city street tree worker license, pursuant to the requirements contained in VMC 12.04.050.

(M-3766, Repealed & Replaced, 10/16/2006, Sec 1)

Section 12.04.050 City street tree worker license.

A. Any person who performs major pruning on street trees must obtain a street tree worker license from the City Forester, unless such person is properly supervised by the holder of a license. Proper supervision shall require the holder of the license to inspect any street tree subject to major pruning, prior to, during, and after major pruning. The requirement for a street tree worker license shall become effective on May 15, 2007.

B. No business may engage in the major pruning of street trees unless a holder of a street tree worker license completes or properly supervises the major pruning.

C. A license to perform street tree work shall be issued to each person who:

1. Is a certified arborist through the International Society of Arboriculture; and
2. Has not violated any requirement of this chapter within the six months prior to an individual's application for a street tree worker license; and
3. Maintains liability insurance in the amount determined by the Risk Manager; and
4. Provides proof of a valid Vancouver business license, if the applicant for a street tree worker license seeks the license in the furtherance of a business enterprise.

D. The street tree worker license expires one year from the date of issuance or on the day the holder of the licenses no longer has liability insurance, whichever day is sooner.

E. The city may suspend the license when the licensee commits any of the following acts or omissions:

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1. Knowingly violates any of the provision of this chapter; or
2. Knowingly conspires with another person by permitting one's license to be used by such other person.

F. Suspension periods. First and second violations may subject a licensee to a (30) thirty day license suspension. Third and fourth violations may subject a licensee to a (90) ninety day license suspension. Subsequent violations shall result in a (1) one year license suspension. For the purposes of VMC Title 22, Uniform Enforcement Code, "license" shall have the same meaning as "permit."
(M-3766, Repealed & Replaced, 10/16/2006, Sec 1)

Section 12.04.060 Property owner responsibilities.

Property owners shall have the following responsibilities regarding street trees within the property owner's portion of right-of-way:

- A. Dead and severely-damaged street trees. Dead or severely-damaged street trees shall be removed and replaced with an approved street tree species.
- B. Hazard trees. Hazardous street trees shall be removed or reduced. In the event of removal, the street tree shall be replaced with an approved street tree species.
- C. Right-of-way obstructions. Street trees shall be maintained so that they do not obstruct the free use of the right of way, including, but not limited to, clearance for sight visibility, traffic signage and signals, as well as pedestrian and vehicular use of streets and sidewalks.
- D. Protection of utilities, streets, and sidewalks. Street trees must be planted and maintained so that they do not damage utilities, streets or sidewalks.
- E. Improperly pruned street trees. No person may engage in improper pruning of street trees. The City Forester may require a property owner to remove and replace improperly pruned street trees, if the City Forester determines that the improperly pruned street tree will not be able to achieve its mature size or full, environmental function.
- F. Clean right-of-way. The right-of-way must be kept reasonably clean from street tree debris, including, but not limited to, branches, leaves, flowers, and fruit.
- G. Disease or insect infestations. Street trees must be maintained free of disease or insect infestation. Street trees that are infected with disease or insects shall be replaced, if deemed necessary by the City Forester, with an approved street tree species.
(M-3766, Repealed & Replaced, 10/16/2006, Sec 1)

Section 12.04.070 Utility maintenance responsibilities.

In addition to the requirements contained in VMC 12.04.060, utilities shall maintain their utility system in the right-of-way to prevent any light, pole, wire, cable, appliance or apparatus, used in connection with or as a part of the utility system, from unduly interfering with any street tree.
(M-3766, Added, 10/16/2006)

Section 12.04.080 Street tree protection.

A. All street trees that may be adversely impacted by any excavation, demolition, construction or utility work must be sufficiently guarded and protected by those responsible for such work to minimize potential injury to street trees. Any work which requires a city permit and which may adversely impact street trees requires approval by the City Forester. In order to protect street trees, the City Forester may require protective measures consistent with national arborist organizations standards.

B. No person may destroy, injure, or deface any street tree by any means, including, but not limited to, the following methods:

1. By impeding the free passage of water, air, or fertilizer to the roots of any street tree by depositing concrete, asphalt, plastic sheeting, or other material on the ground immediately surrounding any street tree;

2. By pouring any toxic material on any street tree or on the ground near any street tree;

3. By causing or encouraging any fire near or around any street tree;

4. By severely reducing a street tree's crown by removing more than twenty-five percent of the tree's foliage, except when pruning under utility wires or when eliminating obstructions of the right-of-way, as required by this chapter. Removal and replacement is preferred to severe crown reduction; or

5. By carving, attaching any sign, poster, notice, or other object, on any street tree, or by fastening any rope, wire, cable, nail, screw, staple or other device to any street tree, except as used to support a young or broken tree or as used to support heritage tree signage, where heritage trees are defined in VMC Title 20. Nothing in this section shall be construed in such a manner that forbids lighting of a decorative or seasonal nature, provided that such lighting is draped or wrapped around a street tree and maintained without causing permanent damage to the street tree; or

6. By using equipment that is not generally accepted by the tree care industry.
(M-3766, Repealed & Replaced, 10/16/2006, Sec 1)

Section 12.04.090 Safety provisions.

No person may work on street trees in such a manner that may result in serious bodily injury to any individual.

(M-3766, Added, 10/16/2006, Sec 1)

Section 12.04.100 Enforcement.

A. The enforcement of this chapter shall be governed by the provisions contained in VMC Title 22, Uniform Enforcement Code. No provision of this section, nor any provision in Title 22, shall prevent the city from seeking relief from a court of competent jurisdiction without having first issued a Correction Notice, Notice of Civil Violation and Order, or Stop Work Order.

B. In addition to the penalties and remedies contained in VMC Title 22, a person shall also incur restoration costs, provided the person removes a street tree without an approved street tree work permit or damages a street tree, through improper pruning or improper street tree protection, to such an extent that the City Forester requires the street tree's replacement. Restoration costs, imposed by this section, shall

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equal the value of the removed or damaged street tree, as determined by the latest edition of The Guide for Plant Appraisals, published by the International Society of Arboriculture. Actual costs for the purchase, installation, and maintenance of a replacement street tree shall count as a dollar for dollar credit against imposed restoration costs. Maintenance costs shall be limited to the estimated expenses for the watering and pruning of a replacement street tree for the first three years after planting.

C. Any civil penalties or restoration costs received under the authority of this chapter shall be placed in the city's tree account.

D. Violations of this chapter constitute a public nuisance.
(M-3766, Repealed & Replaced, 10/16/2006)

Chapter 12.08

HAZARDOUS VEGETATION

Sections:

- 12.08.010 Nuisance declared.**
- 12.08.020 Responsibility of property owner.**
- 12.08.030 Notification of violation.**
- 12.08.040 Hearing--Request and procedure.**
- 12.08.050 Hearing--Decision.**
- 12.08.060 Nuisance abatement and lien therefore.**
- 12.08.070 Abatement of immediate hazard.**
- 12.08.080 Intent of provisions.**

Section 12.08.010 Nuisance declared.

Trees, plants, shrubs or vegetation which are on either public or private property and situated so that they interfere with the free and safe use of any street or sidewalk are public nuisances. Any vegetation which interferes with vision at any intersection so as to violate Section 20.93.240 of this code also is a public nuisance. (Ord. M-2804 § 1, 1989)

Section 12.08.020 Responsibility of property owner.

No one shall maintain or allow public nuisances, such as are defined in Section 12.08.020, on any property which he or she owns or allow vegetation which has there grown and died to remain on such property if it interferes with free and safe use of any street or sidewalk. (Ord. M-2804 § 2, 1989)

Section 12.08.030 Notification of violation.

The director of public works or his designate may make inspections to enforce this chapter and may notify any property owner that he or she is in violation of this chapter. Notice to the property owner shall be accomplished by a letter mailed to the address and by posting of one notice on the address or on public property abutting it. Such notice shall notify the property owner that he or she is in violation of the ordinance codified in this chapter and instruct him or her to abate such nuisance, by removing or pruning such vegetation as the department finds most appropriate and as it shall instruct in such notice. The director shall issue any written rules which are consistent with the ordinance and which he finds are necessary for good administration thereof. (Ord. M-2804 § 3, 1989)

Section 12.08.040 Hearing--Request and procedure.

The notice shall give the property owner not less than ten days' such notice. Within that time he or she may in writing filed with the office of city clerk request a public hearing. The hearing shall be held by the city council or a committee thereof or by a neutral officer designated by the council and shall be held within twenty-one days after receipt of such request unless the property owner shall in writing agree to a delay. (Ord. M-2804 § 4, 1989)

Section 12.08.050 Hearing--Decision.

At the hearing the property owner may contend that he or she has no ownership interest in the property, or

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that no nuisance exists, as defined herein, or that some other reason exists why the nuisance ought not to be abated, or why he or she should not be liable for the cost of abatement. At the conclusion of the hearing the council or committee or presiding officer shall either order that the nuisance be abated by the property owner or by the city at his/her expense, or by the city at the city's own expense, or that it not be abated, or that new proceedings be commenced by the city. (Ord. M-2804 § 5, 1989)

Section 12.08.060 Nuisance abatement and lien therefore.

Unless the order to abate has been appealed and set aside as provided in Section 12.08.050, if the property owner does not abate the nuisance, the city shall abate the nuisance by use of city forces, and the amount of cost thereof shall be billed and if not paid shall be filed as a lien against the property as contemplated by RCW 35.21.310. (Ord. M-2804 § 6, 1989)

Section 12.08.070 Abatement of immediate hazard.

If the director of public works finds there is an immediate hazard to public safety he may abate any nuisance as herein defined without following the procedures of this chapter. In such a case a hearing may be held or offered after the abatement, after notice, and if the council, committee or examiner finds that a nuisance existed and that its immediate removal was necessary, the amount of the cost shall be billed and if not paid shall be filed as a lien against the property. (Ord. M-2804 § 7, 1989)

Section 12.08.080 Intent of provisions.

Nothing in this chapter shall create a standard of care for city officers or employees and the intention of the chapter is to protect the safety of the general public and not of any class of persons. (Ord. M-2804 § 8, 1989)