

## **Title 17 WEED CONTROL**

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Chapter 17.05 - WAHIAKUM COUNTY NOXIOUS WEED CONTROL BOARD

### **Chapter 17.05 WAHIAKUM COUNTY NOXIOUS WEED CONTROL BOARD**

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#### **17.05.010 WAHIAKUM COUNTY NOXIOUS WEED CONTROL BOARD ESTABLISHED.**

There is hereby established and activated pursuant to RCW 17.10.020 and RCW 17.10.040 a noxious weed control board to be known hereafter as the WAHIAKUM COUNTY NOXIOUS WEED CONTROL BOARD.

#### **17.05.020 JURISDICTION.**

The jurisdictional boundaries of the Wahkiakum County Noxious Weed Control Board shall be coextensive with the boundaries of Wahkiakum County, Washington.

#### **17.05.030 WEED CONTROL DISTRICTS ESTABLISHED.**

(a) For the purposes of the administration of the provisions of this Chapter, the following Weed Control Districts are hereby established:

- (1) Weed Control District No. 1. The following described portion of Wahkiakum County, Washington, shall constitute Weed Control District No. 1:

Beginning at the Northwest corner of Section 6, T10N, R8W, W.M., the same being the Northwest corner of Wahkiakum County; thence East on the county line to the section line between Sections 1 and 2, said Township and Range; thence South on the Section line between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24 to the point where the Grays River intersects the Section line between said Sections 23 and 24; thence Southerly and Westerly down mid-channel of said Grays River across Sections 23, 22, 27, 28 and 33 to a point near the common corner of Sections 32 and 33, T10N, R8W and Sections 4 and 5, T9N, R8W where said Grays River enters the Columbia River; thence Westerly along the Columbia River to the County line between Wahkiakum and Pacific Counties; thence North along said county line to the place of beginning, all of said land in Weed Control District No. 1, lying and being in Townships 9 and 10 North of Range 8 West, W.M.

- (2) Weed Control District No. 2. The following described portion of Wahkiakum County, Washington, shall constitute Weed Control District No. 2:

Beginning at a point on the County line between Pacific and Wahkiakum Counties on the Section line between Sections 1 and 2, in T10N, R8W, W.M.; thence South on the Section line between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24 to the point where the Grays River intersects the Section line between said Sections 23 and 24; thence Southerly and Westerly down mid-channel of said Grays River across Sections 23, 22, 27, 28 and 33 to a point near the common corner of Sections 32, 33 T10R, R8W Sections 4 and 5, T9N, R8W, where said Grays River enters the Columbia River; thence Southerly and Easterly along the Columbia River in front of Sections 33, T10N, R8W and Sections 4, 9, 16, 15, 14 and 13, T9N, R8W and 18, 17, 16 and 15, T9N, R7W, W.M.; to a point on the Section line between Sections 14 and 15; thence North on the Section line between Sections 14 and 15, 10 and 11, 2 and 3, T9N, R7W, Sections 34 and 35, T10N, R7W, to the common corner of Sections 26, 27, 34 and 35; thence Easterly along the Section line between Sections 35 and 26 to the common corner of Sections 35, 36, 25 and 26; thence North on the Section line between Sections 25 and 26, 23 and 24, 13 and 14, 11 and 12, and 1 and 2 to a point on the County line between Pacific and Wahkiakum Counties on the Section line between Sections 1 and 2 in T10N, R7W W.M.; thence West on said County line to the point of beginning, all of said land in Weed Control District No. 2, lying and being in Townships 9 and 10 North of, Ranges 7 and 8 West, W.M.

- (3) Weed Control District No. 3. The following described portion of Wahkiakum County, Washington, shall constitute Weed Control District No. 3:

Beginning at a point on the County line between Pacific and Wahkiakum Counties on the Section line between Sections 1 and 2 in T10N, R7W, W.M.; thence South on the Section line between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, 25 and 26, to the common corner of Sections 25, 26, 35 and 36, thence Westerly along the Section line between Sections 35 and 26 to the common corner of Sections 26, 27, 34 and 35; thence South along the Section line between Sections 34 and 35, T10N, R7W and Sections 2 and 3, 10 and 11, 14 and 15, T9N, R7W to a point in the Columbia River on the State boundary line between Washington and Oregon; thence in an Easterly and Southerly direction on said State boundary line to a point on the line between Sections 21 and 28, T9N, R6W, W.M.; extended into the Columbia River; thence Easterly on said line extended to the common corner of Sections 21, 22, 27 and 28; thence northerly along the Section line between Sections 21 and 22, 15 and 16, to the common corner of Sections 15, 16, 9 and 10; thence Easterly along the Section line between Sections 15 and 10 to the common corner between Sections 10, 11, 15 and 14; thence North on Section line between Sections 10 and 11 to common corner of Sections 10, 11, 2 and 3; thence Easterly on the Section line between Sections 2 and 11, 1 and 12 of T9N, R6W, W.M.; and between Sections 6 and 7, 5 and 8 of T9N, R5W, to the common corner of Sections 4, 5, 8 and 9; thence Northerly on the Section line between Sections 4 and 5, T9N, R5W and 32, and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, T10N, R5W to a point on the County line between Lewis and Wahkiakum Counties on the Section line between Sections 4 and 5 in Township 10 North of Range 5 West, W.M.; thence West along said County line and the County line between

Pacific and Wahkiakum Counties to the place of beginning, all of said land in Weed Control District No. 3, lying and being in Townships 9 and 10 North of Ranges 5, 6, and 7 West., W.M.

- (4) Weed Control District No. 4. The following described portion of Wahkiakum County, Washington, shall constitute Weed Control District No. 4:

Beginning at a point on the Lewis and Wahkiakum County line between Sections 4 and 5, Township 10 North, Range 5 West, W. M.; thence South on the Section line between Sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, and 32 and 33, in said Township and Range, and Sections 4 and 5 of Township 9 North of said Range to the common corner of Sections 4, 5, 8 and 9; thence West on the Section line between Sections 5 and 8, 6 and 7, of said Township and Range, and between Sections 1 and 12, 2 and 11, Township 9 North, Range 6 West to the common corner of Sections 2, 3, 10 and 11; thence South along the Section line between Sections 10 and 11 to the common corner of Sections 10, 11, 14 and 15; thence West along the Section line between Sections 10 and 15 to the common corner of Sections 9, 10, 16 and 15; thence South along the Section line between Sections 15 and 16, and 21 and 22 to the common corner of Sections 21, 22, 27 and 28, said Township and Range; thence West on the Section line between Sections 21 and 28 to a point in the Columbia River on the State Boundary line between Washington and Oregon; thence Southerly and Easterly along said State boundary line to a point where said boundary line intersects the Section line between Sections 28 and 33; thence Southerly and Easterly to the common corner of Sections 33 and 34, T9N, R6W, and Sections 3 and 4, T8N, R6W; thence Easterly along the Section line between Sections 3, T8N, R6W and 34 T9N, R6W to a point in the middle of the Cathlamet channel of the Columbia River, said point being equidistant from Hunting and Nigger Islands; thence Southerly and Easterly up the midchannel of said Cathlamet channel in front of Sections 3, 2, 11, 12, and 13 in T8N, R6W, W. M., and Sections 18, 19, and 20 in T8N, R5W, W. M.; to the common corner of Sections 20, 21, 28 and 29, T8N, R5W; thence Southerly along the Section line between Sections 28 and 29 to a point on the State boundary line between Washington and Oregon; thence in an Easterly and Northerly direction on said State boundary line to the County line between Cowlitz and Wahkiakum County lines; thence North on said County line to the Northeast corner of Wahkiakum County on the Lewis and Wahkiakum County line; thence West on said Lewis and Wahkiakum County line to the place of beginning, all of said land in Weed Control District No. 4, lying and being in Townships 8, 9, and 10 North of Ranges 4, 5 and 6 West of the Willamette Meridian.

- (5) Weed Control District No. 5. The following described portion of Wahkiakum County, Washington, shall constitute Weed Control District No. 5:

Beginning at a point on the State Boundary line between Washington and Oregon where said Boundary line intersects the Section line between Sections 28 and 33 of Township 9 North, Range 6 West, W.M.; thence Southerly and Easterly along said State boundary line in front of Section 33 of T9N, R6W and Sections 4, 9, 16, 15, 22, 23, 26 and 25 of T8N, R6W., W.M., and Sections 30 and 29, T8N, R5W W.M., to a point on the Section line between Sections 28 and 29; thence Northerly on the Section line between Sections 28 and 29 to the common corner of Sections 20, 21, 28 and 29; thence Northerly and Westerly down the midchannel of the Cathlamet channel of the Columbia River in front of Sections 20, 19 and 18 in T8N, R5W, W.M., and Sections 13, 12, 11, 2 and 3 in T8N, R6W, W.M., to a point on the Section line between Section 3, said Township and Range, and Section 34 of T9N, of said Range, said point being equidistant from Hunting and Nigger Islands; thence Westerly along the Section line between said Section 3, T8N, R6W and Section 34, T9N, R6W to the common corner of Sections 3 and 4, T8N, R6W, and Sections 33 and 34, T9N, R6W; thence Northerly and Westerly to the place of beginning; all of said land in Weed Control District No. 5, lying and being in Townships 8 and 9N of Ranges 5 and 6 West of the Willamette Meridian.

#### **17.05.040 BOARD COMPOSITION—ELECTIONS—TERMS OF OFFICE.**

- (a) The Wahkiakum County Noxious Weed Control Board shall be composed of five voting members who shall, at the Board's inception, be appointed by the Wahkiakum County Board of Commissioners and elected thereafter by the property owners subject to the Board. In appointing such voting members, the Board of County Commissioners shall appoint a voting member from each of the five Weed Control Districts established pursuant to RCWC 17.05.030. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one non-voting member on the Wahkiakum County Noxious Weed Control Board who shall be the chief county extension agent for Wahkiakum County.
- (b) The elected members of the board shall represent the same districts designated by the county commissioners in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.
- (c) The nomination and election of elected board members shall be conducted by the board at a public meeting held in the Weed Control District where board memberships are about to expire. Elections at such meeting shall be by secret ballot, cast by the landowners residing in the Weed Control District where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously. Notice of such nomination and election shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a newspaper of general circulation in said Weed Control District.
- (d) Each voting member of the Wahkiakum County Noxious Weed Control Board shall serve a term of two years, except that the board of county commissioners shall, when the board is first activated under this Chapter, designate two voting members to serve terms of one year.

#### **17.05.050 COMPENSATION OF BOARD MEMBERS.**

The members of the Wahkiakum County Noxious Weed Control Board shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

#### **17.05.060 DUTIES OF THE BOARD.**

The Wahkiakum County Noxious Weed Control Board is hereby charged with the performance of the following duties:

- (a) Within thirty days after all the members have been appointed the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the Board. The Board shall elect from its members a chairman and such other officers as may be necessary.
- (b) The Board shall adopt such rules and regulations, subject to notice and hearing as provided in Chapter 42.30 RCW as now or hereafter amended, as are necessary for an effective county weed control or eradication program. Copies of any such rules and regulations so adopted shall be filed with the Clerk of the Wahkiakum County Board of County Commissioners.
- (c) The Board shall, within thirty days of receipt of any proposed noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the proposed list which it finds necessary to be controlled in Wahkiakum County. The weeds thus selected shall be classified within Wahkiakum County as noxious weeds, and such weeds shall comprise the Wahkiakum County Noxious Weed List.
- (d) The Board shall cause to be published in at least one newspaper of general circulation within the County a general notice during the month of March and at such other times as may be appropriate. Such notice shall direct attention to the need for noxious weed control and shall

give such other information with respect thereto as may be appropriate, or shall indicate where such information may be secured. Publication of a notice as required by this section shall not be a condition precedent to the enforcement of this Ordinance.

#### **17.05.070 POWERS OF THE BOARD.**

The Wahkiakum County Noxious Weed Control Board is hereby invested with the following powers:

- (a) The Board may employ a weed inspector whose duties shall be fixed by the Board but which shall include inspecting land to determine the presence of noxious weeds.
- (b) The Board may purchase, rent or lease such equipment, facilities, or products and may hire such additional persons as it deems necessary for the administration of Wahkiakum County's noxious weed control program.
- (c) Such other and additional powers as are now, or may hereafter be, granted to county noxious weed control boards by enactments of the legislature of the State of Washington.

#### **17.05.080 SPECIAL ASSESSMENTS—APPROPRIATIONS FOR WEED CONTROL.**

- (a) The Wahkiakum County Noxious Weed Control Board shall annually submit a budget to the Wahkiakum County Board of County Commissioners for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds is a special benefit to the lands within any Weed Control District. The Board of County Commissioners may in lieu of a tax, levy an assessment against the land for this purpose. The Wahkiakum County Noxious Weed Control Board shall classify the lands into suitable classifications, and shall assess for each class such an amount as shall seem just, but which shall be uniform per acre in its respective class. The findings by the Board of such special benefits, when so declared by resolution and spread upon the minutes of the Board shall be conclusive that the same is of special benefit to the lands within the district.
- (b) In addition, the Board of Wahkiakum County Commissioners may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the Board of County Commissioners may make emergency appropriations as it deems necessary for the implementation of this Chapter.

#### **17.05.090 RIGHT OF ENTRY—CIVIL LIABILITY.**

Any authorized agent or employee of the Wahkiakum County Noxious Weed Control Board may enter upon any property for the purpose of administering this Chapter and any power exercisable pursuant thereto, including the taking of specimens of weeds and other materials, general inspection, and the performance of eradication or control work. Such entry may be made without the consent of the owner; PROVIDED, that the consent of the owner of any land shall be obtained where, due to fire danger, the owner or any state agency has either closed the land to public entry; PROVIDED FURTHER, that prior to carrying out the purposes for which the entry is made, the official making such entry or someone in his behalf, shall have first made a reasonable attempt to notify the owner of the property as to the purpose and need for the entry; PROVIDED FURTHER, that civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care.

#### **17.05.100 LANDOWNER'S DUTY TO CONTROL SPREAD OF NOXIOUS WEEDS.**

- (a) Agricultural Land. Every owner of agricultural land shall perform or cause to be performed such acts as may be necessary to control and to prevent the spread of noxious weeds from his property.

- (b) Non-Agricultural Land. In regard to any land which is classified by the Wahkiakum County Noxious Weed Control Board as not being used for agricultural purposes, the owner thereof shall control and prevent the spread of noxious weeds on any portion of such land which is within one thousand feet of land used for agricultural purposes: PROVIDED, that in any case of a serious infestation of a particular noxious weed, which infestation exists within said one thousand foot strip of land, and which extends beyond said one thousand foot strip of land, the Board may require that the owner of such one thousand foot strip of land take such measures, both within said one thousand foot strip of land as well as on such other lands of said owner lying contiguous with said one thousand foot strip, as are necessary to control and prevent the spread of such particularly noxious weed.

#### **17.05.110 BOARD'S AUTHORITY WHEN LANDOWNER FAILS TO CONTROL WEEDS.**

- (a) Whenever the Wahkiakum County Noxious Weed Control Board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the same, pursuant to the provisions of RCWC 17.05.100, it shall notify such owner that a violation of this Chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, identify the real estate by legal description, and specify the time within which the prescribed action must be taken.
- (b) If the owner does not take action to control the noxious weeds in accordance with the notice, the Wahkiakum County Noxious Weed Control Board shall control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expense, and nothing in this Chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien.
- (c) The Wahkiakum County Auditor shall record any lien created under this section, setting forth the amount of the lien, the legal description of the real estate encumbered and the dates of cessation of weed control work and of approval of the amount expended. Any such lien shall bear interest at the rate of eight per cent per annum from the date on which the Wahkiakum County Noxious Weed Control Board approves the amount expended in controlling such weeds.

#### **17.05.120 HEARING ON LIABILITY FOR EXPENSE OF CONTROL NOTICE—REVIEW.**

Any owner, upon request pursuant to the rules and regulations of the Wahkiakum County Noxious Weed Control Board, shall be entitled to a hearing before the Board on any charge or cost for which such owner is alleged to be liable pursuant to RCWC 17.05.110. The Board shall send notice by certified mail to each owner residing within the county at his last known address, as to any such charge or cost and as to his right of a hearing. If the owner does not reside within the county, such notice shall be sent by certified mail. Any determination or final action by the Board shall be subject to judicial review by a proceeding in the Wahkiakum County Superior Court.

#### **17.05.130 VIOLATIONS—PENALTY.**

Any owner knowing of the existence of any noxious weeds on his land who fails to control such weeds in accordance with this Chapter and rules and regulations in force pursuant thereto; any person who prevents or threatens to prevent entry upon land as authorized by RCWC 17.05.090; or any person who interferes with the carrying out of the provisions of this Chapter, shall be subject to a fine not to exceed one hundred dollars on account of each violation.

#### **17.05.140 REPEALER OF CONFLICTING ORDINANCES.**

All ordinances or orders and parts of ordinances or orders conflicting with the provisions of this Chapter are hereby repealed insofar as the same affect this Chapter.

**17.05.150 SEVERABILITY.**

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

(Ord. 81-1974; j. Ref. L-333; 10-28-74)