

CITY OF MEDINA, WASHINGTON

Ordinance No. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ESTABLISHING A NEW CHAPTER 12.05 IN THE MEDINA MUNICIPAL CODE ENTITLED “NUISANCE VEGETATION” TO REGULATE OVERGROWN VEGETATION IN OR ON CITY RIGHTS OF WAY; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Medina (“City”) wishes to address complaints regarding overgrown vegetation on private property that interferes with public rights of way, including sidewalks, by restricting pedestrian travel or creating unsafe or unsightly conditions; and

WHEREAS, in order to reduce the impacts to public health and safety of overgrown vegetation, a new Chapter 12.05 should be added to the Medina Municipal Code (“MMC”) establishing a process for the City to regulate overgrown vegetation; and

WHEREAS, RCW 35.21.310 provides authority for the City to abate overgrown vegetation and to bill the property owner or lien the property for such costs of abatement; and

WHEREAS, the City Council desires staff utilize proactive outreach to improve compliance and community cooperation through targeted strategies, including informational materials in multiple languages, community engagement, and digital tools, to educate adjacent property owners about their responsibilities for right-of-way maintenance; and

WHEREAS, the City Council finds that it is in the public interest, safety and welfare to adopt this procedure into the MMC, as set forth in this Ordinance; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 12.05 is hereby added to the Medina Municipal Code to read as follows:

Chapter 12.05 NUISANCE VEGETATION

12.05.010 Obstructing streets and sidewalks.

12.05.020 Abatement by the city.

12.05.010 Obstructing streets and sidewalks.

Trees, plants, shrubs, or vegetation or parts thereof which overhang any sidewalk or street, or which are growing thereon in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public are public nuisances. Grass, weeds, shrubs, bushes, trees, or vegetation growing or which have grown and died, and all debris upon any property and which are a fire hazard or menace to public health, safety, or welfare, are likewise public nuisances. Pursuant to MMC 16.52.220, it is the responsibility of the owner of property adjoining a city right-of-way, including sidewalks and streets, to ensure the trees, shrubs, and landscaping in the right-of-way adjoining their property do not interfere with the free passage of pedestrians and vehicles or cause any risk of danger to the public or property. It is the duty of the owner of the property adjoining a city right-of-way to abate any such nuisance vegetation that exists by destroying, removing, or trimming any such growth, and removing any such debris.

The requirements of this section shall apply equally to the city rights-of-way whether the city's title to the right-of-way was obtained by dedication, condemnation, deed, or any other manner. This chapter shall not be construed so as to require a private property owner to abate any such nuisance which exists because of natural vegetation growing wholly within the limits of the city's rights-of-way, unless such vegetation was planted by the private property owner with or without City permission.

12.05.020 Abatement by the city.

The city may initiate the process requiring an adjoining property owner to remove the nuisance described in MMC 12.05.010 as follows:

- A. A resolution of the city council shall be adopted after not less than five days' notice to the property owner, which shall describe the property involved and the nuisance or hazardous condition, require the owner to abate such nuisance by destroying, removing, or trimming the nuisance vegetation, and state that in the event of the owner's failure to do so, the city will cause the trimming, removal, or destruction of such nuisance and that the cost thereof shall be borne by the owner of the property and become a lien against the property.
- B. If any such nuisance vegetation as defined by this chapter is not abated by removal, destruction, or maintenance by the adjoining property owner upon reasonable notice, the city may abate the same and staff shall render a bill for the city's costs of such abatement and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because the property owner cannot be found, the clerk of the city in the name

of the city may file a lien against the property with the King County Recorder, which lien shall be in substantially the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as provided by law for labor and materials liens.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Effective Date. This interim official control shall take effect five days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE ____ DAY OF MONTH, 2025 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE THE ____ DAY OF MONTH, 2025.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer R. Robertson, City Attorney

Dawn Nations, Acting City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB