

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda Date	Assigned To:
Originator- Council staff	RR			1/28/92	Finance/Council
Division Head-				2/11/92	Council/Intro of ords.
Department Head-				2/25/92	PS*/Council-hearing
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

**SUBJECT:**

Status of Whatcom County Noxious Weed Control Board

*\*Although items are not normally referred to Committee prior to the hearing, this item was referred to Public Services at Chairman Dan Warner's request. -RR*

**ATTACHED OR ON FILE:**

- Memo from Bob Woods, Council Budget & Program Analyst, to Council, dated 1/27/92 (on file)
- Memo from Woods to Laidlaw/Warner dated 1/28/92 (on file)
- Four ordinances, related press release

Public Hearing Needed? Yes//No//

**SUMMARY STATEMENT:** Whatcom County Code 2.27.130 automatically terminated the Whatcom County Noxious Weed Control Board on 12/31/91, unless the Council takes action to the contrary. State law requires a hearing to deactivate the board, which is at odds with this section of the Code. The Council may adopt one of the four ordinances presented after the public hearing is closed. Each ordinance proposes a slightly different approach to the problem:

- One would deactivate the board;
- ● Another would delete the Code section including the sunset clause, preserving the board;
- ● A third would change the Code to preserve the board and incorporate procedures, powers and authorities conferred upon weed board by state law; and
- A fourth would change the Code to preserve the board, incorporate state law, but also limit the weed board's authority to control only certain weeds (in other words, it's more restrictive than is state law).

**ORIGINATOR'S RECOMMENDED ACTION:**

- 1/28: Woods recommends that the Council have a hearing February 25 to consider deactivating the board.
- 2/25: Following the public hearing, the Council may adopt one of the four ordinances presented.

**COMMITTEE ACTION (including dates):**

2/25/92:

**COUNCIL ACTION (including dates):**

- 1/28/92: Council scheduled a hearing on Feb. 25.
- 2/25/92: Council approved 2 of the 4 ordinances—#2 to delete WC Code Section 2.27.130 passed 7-0. #3 to amend WCC 2.27.130 passed 6-1, Laidlaw against.

Related File Numbers: \_\_\_\_\_ Ordinance or Resolution Number: 092-008 & 092-009

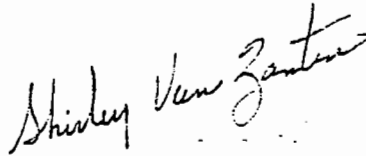
**Whatcom County Executive Office**

311 Grand Avenue  
Bellingham, WA 98225  
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**Shirley Van Zanten  
County Executive**

**MEMO TO: Daniel Warner, Council Chair  
and County Councilmembers**

**FROM: Shirley Van Zanten, County Executive**



**DATE: March 11, 1992**

**SUBJECT: Ordinances 92-008 and 92-009 Concerning the Noxious Weed Control Board**

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I am returning Ordinances 92-008 and 92-009 to you unsigned. One deletes Whatcom County Code 2.27.130, and the other amends Whatcom County Code 2.27, Noxious Weed Control Board.

As the chief executive officer for Whatcom County, I have serious reservations about Ordinance 92-009. Since the adoption of 92-008 is related, I am also returning it unsigned.

Before I summarize my problems with the ordinance, let me first say clearly that I support continuing the Noxious Weed Control Board, just as I supported its original establishment and have supported it through its years of existence. However, I firmly believe Whatcom County should decide for itself the extent of activity and jurisdiction given to the Board and keep the Board under County administrative direction and control. Ordinance 92-009 does not do that.

Ordinance 92-009 adopted by the Council on February 25 voluntarily adopts a broad and potentially expensive state mandate. By this adoption, any possibility of seeking state funding for the state mandate on this program is lost.

The Ordinance establishes an independent organization funded by the County that potentially can greatly expand a service with its accompanying increase in cost. This is done at the same time we are telling County departments we must hold the line because of a potential decline in revenues.

The Ordinance sets up a fully independent Board not subject to County administrative supervision or policy (Section 2.27.140). The Council appoints the Board, receives an annual report, or may require other reports. Beyond that, the Board has broad independent powers. Among these are:

- may employ a weed coordinator and any other persons it feels are necessary
- may purchase, lease, rent equipment, facilities and products
- maintains its own records
- establishes policy; adopts rules and regulations
- may classify lands; may impose various requirements on property owners
- forest lands may be subject to Board regulations, as may subdivisions, school grounds, playgrounds, parks and rights of way.

**Memorandum to Daniel Warner and Whatcom County Councilmembers**

**Page Two**

**March 11, 1992**

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• the Board has authority to enter into contracts with landowners, to obtain court warrants to enter on private property, and to declare misdemeanors and civil infractions (although the ordinance sets no fines or penalties for these charges). It has power to take control actions and then place liens on property for payment.

In all of these activities, the Board is independent through the authorization of this ordinance, but because it is a creation of Whatcom County, the County will be liable for any claims or legal actions that arise. (See Section 2.27.170, RCW 4.96, and RCW 4.08.120.)

The Board is authorized to operate and conduct its own business per RCW 17.10.050; therefore, it is not under County administrative direction or policy. Making the weed coordinator a county employee with the attendant privileges and responsibilities, but keeping all other elements of the agency independent or under state law, creates an administrative morass.

The ordinance has implications for added tasks in Cooperative Extension, the Treasurer's Office, Auditor's Office and potentially for a great extent in the Civil Division of the Prosecuting Attorney's Office if the civil prosecutors will be expected to do the legal work that may arise. Has a fiscal analysis been done for the Council on these potential costs? Have those departments had a chance to evaluate their required roles?

Let me say again, I support the continuation of the Noxious Weed Control Board, but in a more limited form and under County control. It is not a matter of trust in current Weed Board members. It is a matter of administrative clearness, County liability and cost to the County. In a few years there will be new Board members and new County elected officials. The law that will govern will be the ordinance as written, not the good intentions of someone in 1992.

As the County's chief administrator, I cannot support this ordinance, but since all seven members of the Council do support it, I feel it is futile to veto it, and I am returning it unsigned.

SZ/pal

cc: File  
Tom Sutberry  
SVZ

SPONSORED BY: Consent  
PROPOSED BY: Staff  
INTRODUCTION DATE: 2/11/92

ORDINANCE NO. 92-009

ORDINANCE AMENDING WHATCOM COUNTY  
CODE CHAPTER 2.27 NOXIOUS WEED  
CONTROL BOARD

WHEREAS, 1987 amendments to the State Weed Control Act (R.C.W. 17.10 et seq.) conflict with many provisions of the Whatcom County Weed Ordinance (W.C.C. 2.27 et seq.); and,

WHEREAS, many provisions of the County Weed Control Ordinance are addressed in R.C.W. 17.10 et seq.; and,

WHEREAS, the Weed Control Board is obligated to follow state law; and,

WHEREAS, due the 1987 amendments to Title 17.10 R.C.W. the current County Weed Control Ordinance is mostly obsolete; and,

WHEREAS, it is the intent of the Council to amend portions of the County Weed Control Ordinance which are either obsolete or inconsistent with state law.

NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

1. The following sections of the Weed Control Ordinance in Whatcom County Code 2.27 are hereby amended as follows:

2.27.020 Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this ordinance shall have the following meanings:

(1) "Noxious weed" means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board which list is divided into three classes:

(a) Class A shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C shall consist of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his agent, whether such control is based on legal

or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: Provided, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by the state noxious weed control board and the county weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those which are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Board" means the county noxious weed control board.

2.27.030 Reactivation of Board.

At any time after deactivation of the board, the board may be reactivated by any one of the following methods:

(1) Either within sixty days after a petition is filed by one hundred registered voters within the county or, on its own motion, the county council shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the board. If such a need is found to exist, then the county council shall, in the manner provided by RCW 17.10.050, appoint five persons to hold seats on the board.

(2) Upon an order to activate from the state noxious weed control board pursuant to RCW 17.10.040, the county council shall activate the board and appoint members to such board in the manner provided by RCW 17.10.050.

(3) Upon an order to activate from the director pursuant to RCW 17.10.040 when an infestation of a class A or class B noxious weed designated for control within the region wherein the county lies is confirmed in the county. The county council may, as an alternative to activating the board, combat the class A noxious weed or class B noxious weed with county resources and personnel operating with the authorities and

responsibilities imposed by this ordinance on the board. The county may not continue without a noxious weed control board for a second consecutive year if the class A noxious weed or class B noxious weed designated for control within the region wherein the county lies has not been eradicated.

2.27.040 Composition. The board shall consist of five voting members, one from each section/district. The board shall be appointed as provided in RCW 17.10.050.

2.27.050 Appointment of chief county extension agent. There is appointed one nonvoting member of the board who shall be the chief county extension agent or an extension agent appointed by the chief extension agent.

2.27.060 Terms of members. Each voting member of the board shall serve a term of <sup>four</sup> years. <sub>RR</sub>

2.27.070 Funding. At the option of the County Council, the board may be funded under any means set forth in RCW 17.10.240 and RCW 17.10.250.

2.27.080 Annual report. The board shall submit a report to the county council upon an annual basis summarizing the board's goals, actions taken, financial condition and other matters pertinent to the operation and control of the board.

2.27.090 Records. The board shall maintain its records so that they will be readily open and available to the public.

2.27.100 Establishment of policy of integrated pest management. The board shall establish as a major policy the adoption of the concept of integrated pest management.

2.27.110 Notice of board activities. The board shall serve timely notice on the general public with regard to all board activities including, but not limited to, elections, meetings and chemical spraying.

2.27.120 Report to Council on specific control measures. The county council may require a report from the board on any specific control measures that have been taken or are being considered.

2.27.130 Reauthorization of board. The Whatcom County noxious weed control board shall continue to exist after December 31, 1991 unless deactivated pursuant to Section 2.27.340.

2.27.140 Conduct of business in accordance with state provisions. In all other respects the board shall operate and conduct its business in accordance with the provisions of RCW Chapter 17.10.050.

2.27.150 Weed control board -- Weed coordinator --

Authority -- Rules and regulations.

(1) The board may employ a weed coordinator whose duties shall be fixed by the board but which shall include inspecting land to determine the presence of noxious weeds. Within sixty days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law. 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 the county's noxious weed control program.

(2) The board shall have the power to adopt such rules and regulations, subject to notice and hearing as provided in chapters 42.30 and 42.32 RCW as now or hereafter amended, as are necessary for an effective county weed control or eradication program.

(3) While employed by the board, the weed coordinator is considered a county employee with the privileges and responsibilities thereof and shall be subject to day to day supervision and support through Cooperative Extension.

2.27.160 State noxious weed list -- Selection of weeds for control by board.

The board shall, within thirty days of the receipt of the state noxious weed list from the state noxious weed control board and following a hearing, select those weeds from the class C list and those weeds from the class B list not designated for control in the noxious weed control region in which the county lies which it finds necessary to be controlled in the county. The weeds thus selected and all class A weeds and those class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified as noxious weeds, and those weeds shall comprise the county noxious weed list. The county will include other noxious weeds on the state noxious weed list when so ordered by the state board pursuant to RCW 17.10.100.

2.27.170 Liability of county and board.

Obligations or liabilities incurred by the county or any claims against the board shall be governed by chapter 4.96 RCW or RCW 4.08.120, Provided, That individual members or employees of the board shall be personally immune from civil liability for damages arising from actions performed within the scope of their official duties or employment.

2.27.180 Owner's duty to control spread of noxious weeds.

Except as is provided under RCW 17.10.150, every owner 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.

2.27.190 Owner's duty on nonagricultural land --

Buffer strip defined -- Limitation.

(1) The board may classify lands for the purposes of this ordinance. In regard to any land which is classified by the board as not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall eradicate all class A noxious weeds and shall control and prevent the spread of class B noxious weeds designated for control within the region in which such land lies. The owner shall also control and prevent the spread of class C noxious weeds on any portion of such land which is within the buffer strip around land used for agriculture purposes. The buffer strip shall be all land which is within one thousand feet of land used for agricultural purposes.

(b) In any case of a serious infestation of a particular noxious weed which infestation exists within the buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said buffer strip of land, the board may require that the owner of such buffer strip of land take such measures, both within said

buffer strip of land as well as on other land owned by said owner contiguous to said buffer strip of land on which such serious infestation has spread as are necessary to control and prevent the spread such particular noxious weed.

(c) Forest lands classified pursuant to R.C.W. 17.10.240(3) shall be subject to the weed control requirements established in subsection (1)(a) and (b) of this section at all times whether such lands are used for agricultural purposes or are not used for such purposes. In addition, forest lands shall be subject to section 2.27.180 and all other provisions of this ordinance for a single five-year period designated by the board following the harvesting of trees for timber.

(2) In regard to any land which is classified by the board as scab or range land, the board may limit the duty of the owner thereof to control class C noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control or contain noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county for which the board finds that the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the benefits derived from noxious weed control on such land.

2.27.200 Owners' agreements with the board -- Terms

-- Enforcement.

It is recognized that the prevention, control, and eradication of noxious weeds presents a problem for immediate as well as for future action. It is further recognized that immediate prevention, control, and eradication is practicable on some lands and that prevention, control, and eradication on other lands should be extended over a period of time. Therefore, it is the intent of this ordinance that the board may use its discretion and, by agreement with the owners of land, may propose and accept plans for prevention, control, and eradication which may be extended over a period of years. The board may make an agreement with the owner of any parcel of land by contract and the board shall enforce the terms of any agreement. The board may make any terms which will best serve the interests of the owners of the parcel of land and the common welfare which comply with this ordinance and the rules adopted thereunder.

2.27.210 Right of entry -- Warrant for noxious weed search -- Civil liability -- Penalty for preventing entry.

Any authorized agent or employee of the board where not otherwise proscribed by law may enter upon any property for the purpose of administering this ordinance and any power exercisable pursuant thereto, including the taking of specimens of weeds or other materials, general inspection, and

the performance of eradication or control work. Prior to carrying out the purposes for which the entry is made, the official making such entry or someone in his or her behalf, shall have first made a reasonable attempt to notify the owner of the property as to the purpose or need for the entry.

(1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution upon which noxious weeds are standing or growing and the owner thereof refuses permission to inspect the property, a judge of the superior court or district court in the county in which such property is located may, upon the request of the board or its agent, issue a warrant directed to such board or agent authorizing the search for the noxious weeds described in the request for the warrant.

(2) Application for issuance and execution and return of the warrant authorized by this section shall be in accordance with the applicable rules of the superior court or the district courts.

(3) Nothing in this section requires the application for an issuance of any warrant not otherwise required by law: Provided, 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.

(4) Any person who improperly prevents or threatens to prevent entry upon land as authorized in this section or any person who interferes with the carrying out of this ordinance shall be upon conviction guilty of a misdemeanor.

2.27.220 Notice property owners -- Action by county.

A. Whenever the weed control board finds that noxious weeds are present on any parcel of land, and that the owner there is not taking prompt and sufficient action to abate and control the same, pursuant to the provisions of Sections 2.27.180 and 2.27.190, it shall notify such owner that a violation of this ordinance exists. Such notice shall be in writing and sent by certified mail, and shall identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least ten days from issuance of the notice, within which the prescribed action must be taken.

B. Upon deposit of the certified letter of notice, the noxious weed control authority shall make an affidavit of mailing which shall be prima facie evidence that proper notice was given. If seed dispersion is imminent, immediate control action may be taken forty-eight hours following the time that notification is reasonably expected to have been reviewed by the owner or agent by certified mail or personal service.

C. The county noxious weed control board or its authorized agents may issue a notice of civil infraction as provided for in RCW 17.10.230 and 17.10.310 through 17.10.350 to owners who do not take action to control noxious weeds in accordance with the notice.

D. If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may 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. Each such lien created may be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to Section 2.27.230.

E. Written notice of said lien shall be sent to the property owner in the manner set forth in RCW 17.10.290 and shall include notice of the right to appeal provided by Section 2.27.230.

F. The county auditor shall record in his office any lien created under this chapter, and any such lien shall bear interest at the rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner.

G. The owner shall be liable for payment of the expense of controlling the weed, 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. Funds received in payment for the expense of controlling noxious weeds shall be transferred to the board to be expended as required to carry out the purposes of this chapter.

2.27.230 Hearing on costs.

A. Any owner, upon request made within thirty days of the date of mailing of the notice required under Section 2.27.220(A), shall be entitled to a hearing before the board on any charge or cost for which such owner is alleged to be liable. The board shall send notice by certified mail, to each owner at the owner's last known address, as to any such charge or cost and as to his right of a hearing.

B. The board shall schedule a public hearing within thirty days of its receipt of a valid request for hearing. At such hearing the board shall receive evidence and take testimony on the following issues:

1. Was the action to control or abate a noxious weed on the appellant's property necessary under the terms of RCW Chapter 17.10?

2. Was the cost and scope of the action taken reasonably in relation to the severity of the problem?

3. Was the action done in a negligent manner such that the appellant is entitled to offset the costs charged with the losses suffered as a result of such negligence?

C. The findings of the board shall be in writing, and its final decision shall be issued within twenty days of the close of the public hearing. Final decisions and actions of the board shall be subject to judicial review as provided by RCW 17.10.180.

2.27.240 Lien for labor, material, equipment used in controlling noxious weeds.

Whenever the board performs labor, furnishes material, or rents, leases or otherwise supplies equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds, upon such property pursuant to the provisions of this ordinance, it shall have a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of said owner or agent.

2.27.250 Liens. Any lien for labor materials, or equipment supplied in controlling noxious weeds shall be

2.27.250 Liens. Any lien for labor materials, or equipment supplied in controlling noxious weeds shall be created in accordance with the requirements of RCW Chapter 17.10 including, but not limited to, Sections 17.10.290 and 17.10.300.

2.27.260 Notice and information as to noxious weed control.

When activated, the board shall cause to be published annually and at such other times as may be appropriate in at least one newspaper general circulation within its area a general notice. The 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. In addition to the general notice required hereby, the board may use any appropriate media for the dissemination of information to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, or use of livestock. Publication of a notice as required by this section shall not be a condition precedent to the enforcement of this ordinance.

2.27.270 Agreements With Landowners.

Upon approval of the County Executive or his or her designee, the board may enter into agreements with the owners of land, including lands owned by the United States, for the control of noxious weeds as provided in RCW 17.10.154 and RCW 17.10.200.

2.27.280 Control of noxious weeds in open areas.

Open areas subject to the spread of noxious weeds, other than crop land, including but not limited to subdivisions, school grounds, playgrounds, parks, and rights of way shall be subject to regulation by the board in the same manner and to the same extent as is provided for agricultural lands.

2.27.290 Quarantine of land -- Order -- Expense.

(1) Whenever the board finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the board, with the approval of the director, may issue an order for such quarantine and restriction or denial of access or use. Upon issuance of the order, the board shall commence necessary control measures and shall prosecute them with due diligence.

(2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this ordinance.

2.27.300 Violations -- Penalty.

Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; or any person who enters upon any land in violation of an order in force pursuant to Section 2.27.290; or any person who interferes with the carrying out of the provisions of this chapter has committed a civil infraction.

2.27.310 Selling product, article, or feed containing noxious weed seeds or toxic weeds -- Penalty.

Any person who knowingly or negligently sells a product, article, or feed stuff containing noxious weed seeds or toxic weeds in violation of rules promulgated by the director of agriculture under RCW 17.10.235, shall be guilty of a misdemeanor.

2.27.320 Board -- Authority to obtain insurance or surety bond.

The board may obtain such insurance or surety bonds, or both with such limits as they may deem reasonable for the purpose of protecting its officials and employees against liability for personal or bodily injuries and property damage

arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

2.27.330 Notice of infraction -- Issuance -- Refusal to identify self or respond to notice a misdemeanor.

The board may issue a notice of civil infraction if after investigation it has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to identify himself or herself properly for the purpose of issuance of a notice of infraction. Any person wilfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction. Rules governing notice, response, hearings, appeals and penalties for civil infractions shall be as set forth in RCW 17.10.320, 17.10.330, 17.10.340 and 17.10.350.

2.27.340 Deactivation of board -- Hearing.

The following procedures shall be followed to deactivate the board:

(1) The county council shall hold a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(1) The county council shall hold a hearing to determine whether there continues to be a need for an activated county noxious weed control board if:

(a) A petition is filed by one hundred registered voters within the county.

(b) A petition is filed by the board as provided in RCW 17.10.240; or

(c) The county council passes a motion to hold such a hearing.

(2) Except as provided in subsection (4) of this section, the hearing shall be held within sixty days of final action taken under subsection (1) of this section.

(3) If, after hearing, the county council determines that no need exists for a weed control board, the county council shall deactivate the board.

(4) The county council shall not convene a hearing as provided for in subsection (1) of this section more frequently than once a year.


2.27.350 Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder

of this act, or the application of the provision to other persons or circumstances is not affected.

ADOPTED this 25th day of February, 1992.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

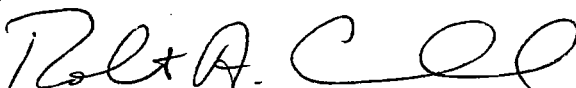
  
DANIEL M. WARNER, Chair

  
RAMONA REEVES  
Clerk of the Council

( ) APPROVED ( ) VETOED

\_\_\_\_\_  
SHIRLEY VAN ZANTEN  
County Executive

APPROVED AS TO FORM:

  
ROBERT A. CARMICHAEL  
Civil Deputy Prosecuting  
Attorney

DATE: \_\_\_\_\_

*Not signed by the Executive  
(see memo to Dan Warner dated 3/11/92).  
Ordinance takes effect March 6, 1992,  
pursuant to Whatcom County Home Rule  
Charter Section 2.30.  
PR*

Amending W.C. Code Chapter 2.27 Noxious Weed Control Board

manner and to the same extent as is provided for agricultural lands.

DAVID S. MC EACHRAN  
Prosecuting Attorney

APR 07 1992

Whatcom County  
Bellingham, Wash.

2.27.290 Quarantine of land -- Order --

(New Section)

(1) Whenever the board finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the board, with the approval of the director, may issue an order for such quarantine and restriction or denial of access or use. Upon issuance of the order, the board shall commence necessary control measures and shall prosecute them with due diligence.

persons known to qualify as owners of the land within the meaning of this ordinance.

2.27.300 Violations -- Penalty. (New Section)

Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; or any person who enters upon any land in violation of an order in force pursuant to Section 2.27.290; or any person who interferes with the carrying out

10,759,000.

persons known to qualify as owners of the land within the meaning of this ordinance.

2.27.300 Violations -- Penalty.

Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with this chapter and rules and regulations in force pursuant thereto; or any person who enters upon any land in violation of an order in force pursuant to Section 2.27.290; or any person who interferes with the carrying out of the provisions of this chapter has committed a civil infraction.

2.27.310 Selling product, article, or feed containing noxious weed seeds or toxic weeds -- Penalty. (New Section).

Any person who knowingly or negligently sells a product, article, or feed stuff containing noxious weed seeds or toxic weeds in violation of rules promulgated by the director of agriculture under RCW 17.10.235, shall be guilty of a misdemeanor.

2.27.320 Board -- Authority to obtain insurance or surety bond.

The board may obtain such insurance or surety bonds, or both with such limits as they may deem reasonable for the purpose of protecting its officials and employees against liability for personal or bodily injuries and property damage

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manner and to the same extent as is provided for agricultural  
lands.

2.27.290 Quarantine of land -- Order -- Expense.

(New Section)

(1) Whenever the board finds that a parcel of land is  
so seriously infested with class A or class B noxious weeds  
that control measures cannot be undertaken thereon without  
quarantining the land and restricting or denying access  
thereto or use thereof, the board, with the approval of the  
director, may issue an order for such quarantine and  
restriction or denial of access or use. Upon issuance of the  
order, the board shall commence necessary control measures and  
shall prosecute them with due diligence.

persons known to qualify as owners of the land within the  
meaning of this ordinance.

2.27.300 Violations -- Penalty. (New Section)

Any owner knowing of the existence of any noxious  
weeds on the owner's land who fails to control such weeds in  
accordance with this chapter and rules and regulations in  
force pursuant thereto; or any person who enters upon any land  
in violation of an order in force pursuant to Section  
2.27.290; or any person who interferes with the carrying out