

[This is a clean copy of what Ch. 3.55 LCC will look like if the proposed technical amendments are passed.]

Chapter 3.55 NOXIOUS WEED CONTAINMENT REAL PROPERTY TAX

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3.55.010 Purpose.

The purpose of this chapter is to limit economic loss and adverse effects to Lewis County's agricultural, natural, and human resources due to the presence and spread of noxious weeds, and to establish measures to contain certain noxious weeds designated by the Lewis County noxious weed control board. Chapter 17.10 RCW.

3.55.020 Authority and applicability.

This chapter shall be administered and enforced by the Lewis County noxious weed control board, created pursuant to RCW 17.10.020, or its designees. The provisions of this chapter shall apply in all incorporated and unincorporated areas of Lewis County, including designated urban growth areas.

3.55.030 Definitions.

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

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

"Noxious weed control board" means the Lewis County noxious weed control board created pursuant to RCW 17.10.020 or its designees.

"Rules and regulations" means the Lewis County noxious weed control board rules and regulations adopted in accordance with RCW 17.10.060.

"Tax" as used in this ordinance means a special assessment levied under RCW 17.10.240, regardless of whether such levy is deemed to be a tax or special assessment under applicable state or federal law.

3.55.040 Select species.

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

3.55.050 Noxious weed containment real property tax.

Pursuant to RCW 17.10.240, a noxious weed tax on real property parcels located within the limits of Lewis County, Washington, shall be, and the same hereby is, established and imposed in an amount equal to \$8.00 per parcel plus \$0.00 per acre, levied on January 1st of each calendar year. All funds received from the imposition of said noxious weed real property tax shall be and are hereby dedicated for utilization for the management of noxious weeds in Lewis County as designated by the Lewis County noxious weed control board, pursuant to RCW 17.10.020 and RCW 17.10.060.

Real property parcels classified as forest land as defined in Chapter 84.33 RCW (use code 88 as defined by the State Department of Revenue) and Chapter 84.34 RCW (use code 95 as defined by the State Department of Revenue), which is used solely for the planting, growing or harvesting of trees and which is typified, except for a single five-year period following clear-cut logging, by canopies so dense as to prohibit the growth of an understory, shall be assessed at the rate of \$0.80 per parcel plus \$0.00 per acre.

This tax shall apply only to land and improved land parcels. Tax parcels that pertain solely to personal property (such as mobile homes on land lease or owned by others, farm equipment, or commercial equipment) or real property other than land (such as buildings-only or mineral-rights parcels) are not subject to the tax.

This tax shall not apply to parcels exempt from real property taxation by virtue of being owned by federal, state, tribal, or quasi-municipal governments.

3.55.060 Administration, distribution and delinquency.

All taxes collected from the assessment herein levied shall be deposited, along with all other funds that the weed control board is authorized to receive, into noxious weed control fund No. 1120. Interest earned from investments of this fund shall remain with the fund. This fund shall only be used to support the activities of the Lewis County noxious weed control board.

(1) The taxes created by this chapter shall be imposed, enforced, distributed, and administered consistent with the rules and regulations imposed under Chapter 84.56 RCW now or as hereafter amended.

(2) The taxes imposed hereunder shall become due and payable by the parcel owner of record as of the taxation date of January 1st of each calendar year. If taxes are not so paid within the time frame as designated by the county treasurer, they shall thereafter bear interest at the applicable rate established by RCW 84.56.020, now or as hereafter amended, until the date of payment.

3.55.070 Notice of public hearing.

Notice of public hearings held by the noxious weed control board shall be provided to local media through a news release. A notice of public hearing shall also be provided in the county's official website (<https://lewiscountywa.gov/weedcontrol>) at least 20 days prior to the public hearing, unless a waiver has been granted by a motion of the Lewis County noxious weed control board or Lewis County board of county commissioners, as applicable, subject to the following criteria:

(1) Publishing the notice within the period of time otherwise required by law will afford adequate notice to the public; and

(2) The waiver is necessary to allow action to be taken in a timely manner; and

(3) Notification shall not be less than 10 days if a waiver is granted.

3.55.080 Severability.

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