

TITLE 34

NUISANCE ORDINANCE

34.01.01 Purpose

The purpose of this ordinance is to protect the health, safety, and welfare of all the residents of the Chehalis Reservation and those lands held in trust for the benefit of the Tribe, and particularly the members of the Chehalis Tribe.

34.01.02 Definitions

(a) “Nuisance” is the maintenance on real property of one or more conditions which: (i) Unreasonably threaten the health or safety of the public or neighboring land users; or, (ii) Unreasonably and substantially interfere with the ability of neighboring property users to enjoy the reasonable use and occupancy of their property.

34.01.03 Assessment

The Planning Department of the Chehalis Tribe shall conduct a survey and assessment of conditions on real property, within the external boundaries of the Reservation, which constitute a nuisance. The Department shall update this survey from time to time, as necessary.

34.01.04 Notice and Opportunity to Cure

Owners of real property containing conditions determined by the Planning Department to constitute a nuisance shall be given notice of the conditions constituting a nuisance and an opportunity to cure the conditions within 30 days of receipt of notice.

34.01.05 Failure to Cure

If the landowner fails to cure the conditions causing the nuisance within 30 days of the receipt of notice, then the Tribe may remove, demolish, or otherwise cure the nuisance at the landowner’s expense.

34.01.06 Additional Time

If within 30 days of receipt of notice, the landowner determines that it will not be possible to eliminate the conditions causing the nuisance, then the landowner may request up to an additional 30 days within which to either cure the nuisance or develop a plan to abate the nuisance. The Planning Department shall determine whether an extension is warranted and the length of time allowed.

34.01.07 Approval of Plan to Abate Nuisance

The Planning Department shall have up to ten business days to approve, reject, or set conditions upon its approval of the plan. The landowner shall have five business days within which to accept or reject any conditions set by the Planning Department or to eliminate any defects in its plan identified by the Department.

34.01.08 Time to Abate Nuisance

Once the Planning Department has approved or conditionally approved a plan, the landowner shall have no more than 150 days to cure the conditions causing the nuisance. If the landowner received a 30 day extension for plan development, then the landowner shall be allowed no more than 120 days to abate the nuisance.

34.01.09 Failure to Develop Acceptable Plan

If the landowner fails to submit an acceptable plan and/or fails to revise the plan so that it may be approved, then the landowner shall be obligated to remove or demolish the nuisance within 30 days. If the landowner fails to remove or demolish the nuisance, then the Tribe may remove or demolish the nuisance at the landowner's expense.

34.01.10 Tribe's Authority to Recover its Costs

The Tribe may recover any costs it incurs in abating a nuisance by any legal means, including getting a judgment against the property or levying against the assets of the landowner. In addition, the Tribe may levy upon the materials of buildings, fences, or other things that may be removed as a nuisance, as a means of defraying some or all of the costs of removing the nuisance. If any proceeds remain after the Tribe's costs have been reimbursed, they shall be paid to the landowner.

34.01.11 Successive Owners Liable

Every successive owner of property who neglects to abate a continuing nuisance upon, or in the use of such property caused by a former owner, is liable therefor in the same manner as the one who first created the nuisance.

34.01.12 Nuisance Not Legalized by Lapse of Time

No lapse of time can legalize a nuisance.

34.01.13 Abatement Does Not Preclude Action for Damages

The abatement of a nuisance does not prejudice the right of the Tribe or any person to recover damages for its past existence.

34.01.14 Authority to Abate Nuisances Supplements Other Authorities

The Tribe may use its authority to abate nuisances in addition to any other authorities it may have under tribal law, including its water quality regulatory authorities under Title 20.

34.01.15 Severability

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