

## EXHIBIT 1

**9.56.010 Purpose.** It is the purpose of this ordinance to ensure that both commercial and non-commercial growers of plants within the *Brassicaceae* family in Skagit County can reasonably coexist, by creating a mechanism to timely and reasonably provide notice and opportunity to cure as well as a mechanism to seek rapid judicial relief in the event that inter-landowner communication does not resolve the conflict arising from proximate brassica crops. This ordinance is intended to supplement, and shall not alter, limit, or supersede, any other statutory and/or common law rights and/or causes of action for the abatement of public and/or private nuisances.

### **9.56.020 Definitions**

**“Brassica”** means all plants of the *Brassicaceae* family identified in Appendix “A” hereto, and any genetic derivatives thereof whether or not named as set forth in Appendix A.

**“Flowering Brassica”** means those plant species identified in Appendix A that have bolted or flowered, transitioning from vegetative to reproductive growth.

**“Brassica Regulatory Scheme”** means RCW Chapter 15.51 and WAC 16-326 including any future amendments thereto.

**“Commercial Brassica Seed Crop”** means a brassica crop planted in accordance with the Brassica Regulatory Scheme and grown for the purpose of producing commercially-viable seed

**“Nuisance Flowering Brassica”** means a Flowering Brassica non-commercially grown and maintained outside the Brassica Regulatory Scheme in a property located within a radius of two and one half (2.5) miles of a property planted in accordance with the Brassica Regulatory Scheme, in circumstances where notice and opportunity to cure has been afforded as set forth below.

**9.56.030 Nuisance Declared.** The growing and maintenance of Flowering Brassica within Skagit County outside the Brassica Regulatory Scheme is hereby declared a nuisance to the extent described below. This section shall apply to the entirety of Skagit County.

**9.56.040 Abatement Remedy.** A party aggrieved by a violation of SCC 9.56.030 may seek redress and abatement according to the following remedy, and a Flowering Brassica shall not be deemed a Nuisance Flowering Brassica unless the following

notice and opportunity to cure provisions have been satisfied, which provisions shall be strictly interpreted.

(1) Notice. No Flowering Brassica on a property shall be deemed a nuisance for the purpose of this Section unless notice has been furnished by an aggrieved party to the landowner(s) and tenant(s) in possession of the property to be charged with a nuisance under this section. The aggrieved party shall be solely responsible for correctly identifying the legal owner(s) and tenant(s) in possession of the property to be charged with a nuisance under this section. Notice furnished by the aggrieved party shall be deemed sufficient if accompanied by a declaration of service under penalty of perjury stating that the Notice was delivered in person, posted on the door of the main residence at the property to be charged with nuisance, or placed in the U.S. Mail addressed to the occupant of the property to be charged.

(2) Opportunity to Cure.

(a) Upon detection of a Nuisance Flowering Brassica, an aggrieved party seeking abatement must offer the landowner or tenant maintaining the Nuisance Flowering Brassica the estimated fair market value of the Nuisance Flowering Brassica in exchange for abatement (removal) of the Nuisance Flowering Brassica. The aggrieved party shall be responsible for determining and establishing the estimated fair market value of the Nuisance Flowering Brassica; provided, that landowner(s) and/or tenant(s) maintaining the Nuisance Flowering Brassica are not obligated to agree with or accept the estimated fair market value of the Nuisance Flowering Brassica as offered by the aggrieved party.

(b) If the offer set forth in subsection (a) is not accepted within twenty-four hours and the Nuisance Flowering Brassica abated, the aggrieved party may bring suit in the name of the aggrieved party to enjoin and abate the nuisance.

## APPENDIX A

<i>Brassica chinensis</i>	Pak choi
<i>B. carinata</i>	Ethiopian mustard
<i>B. juncea</i>	Brown mustard, oriental mustard, Chinese mustard, gai-choi, Indian mustard, kai-tsoi, karashina, leaf mustard, mustard cabbage, mustard greens, ostrich plume, southern cole, Swatow mustard
<i>B. napus</i>	Canola, colza, rape, rapeseed, rutabaga, Swede rape, turnip
<i>B. napus</i> var. <i>napobrassica</i>	Rutabaga, Swede, Swedish turnip
<i>B. nigra</i>	Black mustard, brown mustard, cadlock, scurvy, senvil, warlock
<i>B. oleracea</i>	Cabbage, kale, kohlrabi, wild cabbage
<i>B. oleracea</i> var. <i>acephala</i>	Borecole, braschette, cole, colewort, collards, flowering cabbage, kale
<i>B. oleracea</i> var. <i>botrytis</i>	Broccoli, cauliflower
<i>B. oleracea</i> var. <i>capitata</i>	Cabbage, savoy, savoy cabbage
<i>B. oleracea</i> var. <i>gemmifera</i>	Brussels sprouts
<i>B. oleracea</i> var. <i>gongylodes</i>	Kohlrabi
<i>B. oleracea</i> var. <i>italica</i>	Asparagus broccoli, Italian broccoli, sprouting broccoli
<i>B. pekinensis</i>	Celery cabbage, Chinese cabbage, pe-tsai, Shantung cabbage
<i>B. rapa</i>	Canola, bird's rape, bird's rape mustard, field mustard, turnip
<i>B. rapa</i> subsp. <i>trilocularis</i>	Field mustard
<i>B. tournefortii</i>	African mustard
Other Crucifer genera and species present in Washington ( <b>bold font</b> = species sometimes grown commercially in Washington State's Brassica vegetable seed production districts)	
<i>Alyssum</i> spp.	Madwort, alyssum
<i>Arabidopsis thaliana</i>	Mouse-ear cress
<i>Arabis</i> spp.	Rock-cress
<b><i>Armoracia rusticana</i></b>	<b>Horseradish, red-cole</b>
<i>Barbarea</i> spp.	Winter cress, yellow-rocket
<i>Berteroa incana</i>	Hoary alyssum
<i>Cakile</i> spp.	Sea-rocket
<b><i>Camelina sativa</i></b>	<b>Camelina</b>
<i>Capsella bursa-pastoris</i>	Shepherd's-purse
<i>Cardamine</i> spp.	Cress, toothwort, pepperwort, bittercress, shotweed
<i>Cheiranthus cheiri</i>	English wallflower, wallflower
<i>Cochlearia officinalis</i>	Scurvy-grass
<i>Conringia orientalis</i>	Hare-ear mustard
<i>Coronopus didymus</i>	Swine-cress
<i>Crambe</i> spp.	Colewort, crambe, scurvy-grass, sea kale
<i>Descurainia</i> spp.	Tansymustard
<i>Draba</i> spp.	Whitlow-grass, draba
<i>Erucastrum gallicum</i>	Dogmustard
<i>Erysimum</i> spp.	Wallflower, cress, mustard
<i>Hesperis matronalis</i>	Dame's-rocket
<i>Iberis</i> spp.	Candytuft
<i>Lepidium</i> spp.	Peppergrass, pepperwort, tongue-grass
<i>Lesquerella</i> spp.	Bladderpod
<i>Lobularia maritima</i>	Sweet alyssum
<i>Lunaria annua</i>	Bolbonac, honesty-plant, money-plant, moonwort, penny-flower, silver-dollar

*Matthiola* spp.  
*Nasturtium officinale*  
*Parrya nudicaulis*  
*Phoenicaulis cheiranthoides*  
*Raphanus raphanistrum*  
*R. sativus*  
*R. sativus* cv. 'longipinnatus'  
*Rorippa* spp.  
*Sibara virginica*  
*Sinapis alba*  
*S. arvensis*  
*Sisymbrium* spp.  
*Smelowskia* spp.  
*Stanleya* spp.  
*Streptanthus* spp.  
*Thelypodium* spp.  
*Thlaspi* spp.  
*Thysanocarpus curvipes*

Stock  
Watercress  
Wallflower  
Wallflower, *Phoenicaulis*  
Jointed charlock, wild radish  
Radish  
Chinese radish, daikon  
Field cress  
Rock-cress, sibara  
White mustard, yellow mustard  
California rape, charlock, wild mustard  
Mustard, tumble mustard, hedge mustard  
False candytuft  
Prince's plume, desert plume  
Jewelflower  
Tumble mustard, thelypodium  
Pennycress, stinkweed, fan weed, French weed  
Fringe-pod, lace-pod

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