

ORDINANCE NO. 665

AN ORDINANCE ADOPTING CITY CODE SECTION 6.613 ESTABLISHING A NUISANCE ABATEMENT PROCEDURE FOR NOXIOUS VEGETATION AND DECLARING AN EMERGENCY.

WHEREAS, the City Council believes that high grass and noxious weeds constitute a public nuisance and fire hazards; and

WHEREAS, the City Council desires to establish a nuisance abatement procedure which will require property owners to cut high grass and noxious weeds during summer months when fire hazards and pollen counts are highest; and

WHEREAS, in order to immediately enforce this Ordinance and eliminate fire hazards, the Council desires to declare an emergency;

THE CITY OF STAYTON ordains as follows:

SECTION 1: Stayton City Code Section 6.613 is hereby adopted to read:

6.613 Noxious Vegetation

1. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop nor vegetation on a parcel of real property or any portion of a parcel of real property that is greater than 100' from a public right-of-way, alley, property line, or dwelling unit, unless that vegetation is a health hazard, a fire hazard, or a traffic hazard within the meaning of Section 6.613(2).
2. The term "noxious vegetation" does include, any time between June 1st and September 30th of any year:
 - a. weeds more than ten (10) inches high;
 - b. grass more than ten (10) inches high and not

within the exception stated in Subsection 1. of this section;

- c. poison oak;
 - d. poison ivy;
 - e. blackberry bushes that extend into a public thoroughfare or across a property line;
 - f. vegetation that is:
 - i. a health hazard;
 - ii. a fire hazard because it is near other combustibles;
 - iii. a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
3. Between June 1st and September 30th of any year, no owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.
4. Between April 15th and June 1st of each year, the City Administrator may cause to be published three times in a newspaper of general circulation in the City a copy of Subsection 3. as a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state that the City is willing to abate the nuisance on a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the City's abatement costs. The notice shall also state that, even in the absence of such request, the City intends to abate all such nuisances ten (10) or more days after the final publication of the notice

and to charge the cost of doing so on a particular parcel of property to the owner or the person responsible for the property, or the property itself.

5. Between April 15th and June 1st of each year, the City Administrator shall obtain a list of property owners within the City of Stayton from the Marion County Department of Assessment and Taxation and shall then mail a notice to each listed property owner. The notice shall include a copy of Subsection 3. advising property owners of their duty to keep their property free from noxious vegetation. The notice shall also state that the City is willing to abate the nuisance on a particular parcel of property for a fee sufficient to cover the City's abatement costs. The notice shall also state that, even in the absence of such request, the City intends to abate all such nuisances at any time after June 15th and the City will charge the cost of abating the nuisance on a particular parcel of property to the owner or the person responsible for the property, or the property itself.
6. During any time of each year, the City Administrator may provide notice for abatement of noxious vegetation as provided in Stayton City Code No. 6.680.
7. If the notices provided for in Subsections 4. and 5. are used, they shall be in lieu of the notice required by Stayton Code 6.680.

SECTION 2:

It is hereby adjudged and declared that existing conditions in the City of Stayton are such that this Ordinance is necessary for the immediate preservation of the peace, health, safety, and general welfare of the City and the inhabitants thereof, and an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

SECTION 3:

Stayton City Ordinance No. 518, enacted on 21 May 1979, Stayton City Ordinance No. 560, enacted on September 21, 1981, and Stayton City Ordinance No.

650, enacted on August 15, 1988, are hereby repealed.


APPROVED BY THE COMMON COUNCIL THIS 17th DAY OF July, 1989.

Signed by the Mayor this 24 day of July, 1989.



WAYNE L. LIERMAN, Mayor Date

ATTEST



DAVID W. KINNEY, CITY ADMINISTRATOR Date 7-18-89

APPROVED AS TO FORM



SHARMAN R. MEINERS, ACTING CITY ATTORNEY Date 7-31-89

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