

ORDINANCE NUMBER 690

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTION 8.04.130, "NOXIOUS VEGETATION," AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1: STAYTON MUNICIPAL CODE SECTION 8.04.130, "NOXIOUS VEGETATION," is hereby amended to read:

8.04.130. 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 8.04.130(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

ORDINANCE NO. 690

AMENDING CODE SECTION 8.04.130: NOXIOUS VEGETATION

Page 1 of 3

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 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. In lieu of providing notice as provided in subsection 4. of this section, between April 15th and June 1st of each year, the city administrator may obtain a list of property owners within the City of Stayton and may 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 Municipal Code Section 8.04.240.
7. If the notices provided for in subsections 4. or 5. are used, they shall be in lieu of the notice required by Stayton Municipal Code Section 8.04.240. (Ord. 665)

SECTION 2: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections relating to noxious vegetation is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

PASSED BY THE COMMON COUNCIL of the City of Stayton this 20th day of May, 1991.

SIGNED BY THE MAYOR this 22nd day of May, 1991.

Willmer Van Vleet 5-22-91
WILLMER VAN VLEET, Mayor Date

ATTEST

David W. Kinney 5-21-91
DAVID W. KINNEY, City Administrator Date

APPROVED AS TO FORM

David A. Rhoten MAY 08 1991
DAVID A. RHOTEN, City Attorney Date

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