

ORDINANCE NUMBER 388

AN ORDINANCE REQUIRING THE REMOVAL OF GRASS AND OTHER GROWTH: PROVIDING FOR A LIEN UPON THE PROPERTY IN THE EVENT OF NONREMOVAL; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section I: DUTY TO CUT WEEDS. The person, persons, firm or corporation owning, possessing or having the care or custody of any lot or parcel of land in the City of Stayton shall cut, as close to the ground as is reasonably practical, and shall remove or destroy, all brush, weeds, thistles, grass or other rank or noxious vegetable growth growing, or which commonly grows if uncut or undestroyed, to a height of ten inches or more, upon said lots or parcels, not less than twice each year; once, on or before May 15th, and once, on or before July 15th; and shall, in any event, remove or destroy such growth during the months of May through August, inclusive, at such times that it shall exceed ten inches in height. For the purpose of this ordinance "any lot or parcel of land" shall be limited to any land located within 100 feet of any street, alley, or roadway open to or being used by the public.

Section II: PENALTY. Any person, persons, firm or corporation violating the provisions of Section I of this ordinance shall be punished by a fine of not more than \$100.00. Persons, firms, or corporations concurrently owning, possessing or having the care or custody of any such lot or parcel of land shall be jointly and severally liable under the provisions hereof.

Section III: NOTICE TO REMOVE WEEDS. If any person, persons, firm or corporation owning, possessing, or having the care or custody of any lot or parcel of land within the City of Stayton shall fail or neglect to remove said brush, weeds, thistles, grass or other rank or noxious vegetable growth as hereinabove required, the City Recorder of the City of Stayton shall cause to be served upon said person, persons, firm or corporation a written notice, in such form as prescribed by the Recorder, to remove said brush, weeds, thistles, grass or other rank or noxious vegetable growth within ten days from the date of the service of said notice and indicating that if they fail to do so, the City of Stayton will cause the whole or any part of the brush, weeds, thistles, grass or other rank or noxious vegetable growth on said lot or parcel of land to be removed therefrom and notifying them that said City of Stayton will charge the cost thereof to them and make the same a lien against said property. Said notice shall be served upon such person, persons, firm or corporation or its legally authorized representative, personally or by posting the same in a conspicuous place upon said lot or parcel of land and by thereafter mailing a copy of said notice to the last known address of such person, persons, firm or corporation as shown by the real property tax records or at the last address found by the City Recorder of the City of Stayton. In the event of service by posting and mailing,

said notice shall be deemed to be served at the time of depositing the same in the United States Post Office addressed to said last known address and stamped.

Section IV: RIGHT OF APPEAL. Any person, persons, firm, or corporation owning, possessing, or having the care and custody of any lot or parcel of land in the City of Stayton may, at any time before he becomes in violation hereof, or if a notice has been served upon him under the provisions hereof, then within ten days after the date of service of said notice, file a petition with the City Recorder for a hearing by the City Council. Said petition shall include facts upon which the petitioner relies to relieve himself from the obligations of this ordinance in relation to particularly described real property. If the City Council finds that the matters alleged in the petition are substantiated in fact and that it would work a real unnecessary hardship upon the petitioner to comply with the terms of this ordinance and out of proportion to the benefit to the community by the enforcement hereof, then the Council may relieve the petitioner from the obligation of this ordinance in relation to the particular property in question. The petitioner shall carry the burden of proof of establishing said real, unnecessary hardship. A waiver of a provision of this ordinance shall be a matter of defense to be established by a person, persons, firm or corporation charged with the violation hereof.

Section V: REMOVAL OF WEEDS BY THE CITY. If any person, persons, firm or corporation owning, possessing or having the care or custody of any lot or parcel of land within the City of Stayton shall fail or neglect to cut and remove or destroy all brush, weeds, thistles, grass or other rank or noxious vegetable growth from said land or parcel of land within ten days after the service of the notice hereinabove provided upon him or it, the City Council may cause someone to go upon such lot, lots or parcels of land with such assistance as he may deem necessary or expedient and cut, burn, and remove or destroy all or any part of the brush, weeds, thistles, grass or other rank or noxious vegetable growth on said lot, lots, or parcels of land in such manner as in its judgment shall be most effective. The City Council shall use reasonable care so as to do a minimum of damage to any ornamental grass or bushes on said lot, lots or parcels of land. Removal of weeds by the city shall not be a defense to any prosecution under sections I and II of this ordinance.


Section VI: COST TO BECOME A LIEN. Upon completion of the clearing of any lot, lots or parcels of land under the provisions of Section V hereof, the City Recorder shall present to the City Council an itemized statement of the costs thereof plus 10 per cent or \$1.00, whichever is lesser, to cover the expenses of inspection, overhead, enforcement of this ordinance and the service of the notice as hereinabove required. The City Council shall fix a time and place for a public hearing on said matter, shall give notice thereof by not less than one publication in a newspaper of general circulation in the City of Stayton, at least three

days prior to said hearing, give interested persons an opportunity to be heard in objection thereto, and thereafter shall by ordinance determine the reasonableness of said statement of costs or adjust the same and thereupon the amount of said statement as approved or adjusted by said City Council shall be and become an obligation owed to the City of Stayton by the person, persons, firm or corporation owning, possessing or having the care or custody of the lot, lots or parcels of land involved, and said City of Stayton shall have a lien upon said property for said sum and said lien shall be entered in the Lien Docket and enforced against said property in the same manner provided for the enforcement of liens for street improvements.

Section VII: EXPENSE AND REVENUE. The cost of the cutting and removal of said brush, weeds, thistles, grass or other rank or noxious vegetable growth shall be paid from the general fund and all income resulting from the enforcement of this ordinance and the collection of the cost of such cutting and removal shall be credited to said fund.

PASSED by the Council on the 6TH day of OCTOBER, 1969.

APPROVED by the Mayor of the City of Stayton this
6TH day of OCTOBER, 1969.



Mayor

ATTEST:



City Recorder

First Reading in full on August 4, 1969
Second Reading by title only on September 8, 1969
Third Reading by title only except Sections I and V which were read in full as amended on October 6, 1969.