

AN ORDINANCE AMENDING STAYTON CITY CODE SECTION 6.613 REQUIRING THE OWNERS OF REAL PROPERTY TO CUT NOXIOUS VEGETATION OVER TEN INCHES IN HEIGHT, PROVIDING THAT UPON FAILURE TO DO SO, THE CITY SHALL HAVE THE AUTHORITY TO CUT THE SAME AND THE COST SHALL BE CHARGED AS A LIEN UPON THE PROPERTY, AND DECLARING AN EMERGENCY

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Stayton City Code, Section 6.613 is hereby amended to read as follows:

6.613 Public Safety - Noxious Vegetation

1. Nuisance Declared, Removal Required.

No owner or person in charge of property shall permit weeds or other noxious vegetation to be on any property within the City Limits, except in accordance with the provisions of this section.

5. Publication and Notice.

Between April 1 and May 15 of each year, the City Administrator or his designate shall cause to be published three (3) times in a newspaper of general circulation in the City of Stayton a copy of Code Section 6.613(2), (3), and (6) as notice to all owners and persons in charge of real property that they are to keep the property free of all weeds and noxious vegetation.

6. Abatement.

- a. Within ten (10) days after the third publication of the notice required by Subsection 5, or as soon thereafter as a violation of this Section may occur, the owner or person in charge of property shall cause the weeds or other noxious vegetation to be cut.
- b. In the event a property owner fails to remove weeds or noxious vegetation, the City Administrator or his designate shall cause to be posted upon the property a notice indicating a violation of this Section and directing the property owner to bring the property into compliance within ten (10) days or be subject to the costs of City abatement as provided below. At about the same time, a copy of the notice so posted, postage prepaid, shall be sent to the owner or person in charge of the property at his or her last known post office address. A mistake in the name of the owner or agent, or a name other than the name of the true owner or agent of the property, shall not render void the notice but in such case posted notice shall be sufficient.
- c. At the request of the owner, the City Administrator or his designate will cause grass, weeds, or other vegetation to be cut for a fee sufficient to cover the direct cost plus 20% for administrative over-

head with a minimum fee of \$40.00.

- d. If within ten (10) days after the posting and mailing of the notice, the owner or person in charge of the property does not remove and abate the nuisance, the City Administrator or his designate shall be authorized to cause the nuisance to be removed. The cost of the removal of said nuisance shall be calculated in Subsection 6c. above and will be a charge to the owner of the property and will become a lien against the property.
- e. In the event that it becomes necessary for the City Administrator or his designate to undertake the cutting and removal of the grass and weeds from any private lot within the City, the designate of the City Administrator shall have the right at reasonable times to enter into or upon said property to cut said vegetation.
- f. Upon completion of the clearing of any real property under the provisions of this Section and in the event that the fee is not paid within thirty (30) days, the City Administrator or his designate shall file with the City Finance Director and thereafter present to the City Council an itemized statement of the cost thereof. The City Council shall, thereafter, by Ordinance determine the reasonableness of said statements of costs and adjust the same, and thereupon the amount of said obligation owed to the City of Stayton by the owner of the real property involved, and the City shall have a lien upon said real property to such sum and the lien shall be entered in the lien docket and enforced against said property in the manner provided for the enforcement of City liens.
- g. The procedure provided by this Ordinance is not exclusive but is in addition to abatement procedure provided by other ordinances.

Section 2. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace, and safety of the City of Stayton, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor of the City of Stayton. For the limited purpose of enforcing this Ordinance during the year of enactment, the notice provision in Section 6b. shall be sufficient and in lieu of the notice provision contained in Section 5.

PASSED BY THE COMMON COUNCIL THIS 15th DAY OF June, 1981.

Signed by the Mayor this 17th day of June, 1981.

Henry A. Bate
Mayor

ATTEST:

Ellen Vandenberg
City Administrator