

ORDINANCE BILL NO. 5 FOR 1995

ORDINANCE NO. 1086

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 8.08 PERTAINING TO NOXIOUS VEGETATION AND DECLARING AN EMERGENCY

NOW, THEREFORE THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. The last sentence in Sweet Home Municipal Code Section 8.08.010 D is amended to read as follows:

Said untrimmed trees and shrubs are declared noxious vegetation.

Section 2. Sweet Home Municipal Code Section 8.08.010 E is eliminated as now set forth and Sweet Home Municipal Code Section 8.08.010 F is relettered as Sweet Home Municipal Code Section 8.08.010 E and amended to read as follows:

E. An alley is defined in this Chapter as a street through the middle of a block and/or as defined by ORS 801.110.

Section 3. Sweet Home Municipal Code Section 8.08.020 is amended by adding Subsection C. as follows:

C. If the City is required to pay damages for an injury to any person caused by the failure of an owner to maintain his/her property in compliance with this Chapter such owner shall reimburse the City for the amount of the damages thus paid, and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this subsection.

Section 4. Sweet Home Municipal Code Section 8.08.025 is hereby created and adopted as follows:

8.08.025 Publication and Notice. Between the 15th of April and the 15th of May of each year, the City Manager or his/her designate shall cause to be published three times in a newspaper of general circulation in the City of Sweet Home notice to all owners and persons in charge of real property that they are to keep the property free of noxious vegetation.

Section 5. Sweet Home Municipal Code Section 8.08.030 is hereby amended to read as follows:

8.08.030 Abatement.

(1) Deadline to Cut. Within 10 days after the third publication of the notice required in SHMC Section 8.08.025, or as soon thereafter as a violation of SHMC Section 8.08.020 may occur, the owner of the property shall cause the weeds, grass, or other noxious vegetation in violation of this Chapter to be cut.

(2) Requested Cutting by City. At the request of the owner, the City Manager or his/her designate will cause grass, weeds, or other noxious vegetation to be cut for a fee sufficient to cover the direct cost plus 30 percent for administrative overhead with a minimum fee as per current resolution.

(3) Cutting by City. The City Manager or his/her designate may cause to be cut any weeds, grass, or other noxious vegetation which is in violation of this Chapter at any time following the deadline to cut set forth at subsection (1) of this section. The cost of the removal of said weeds, grass, and other noxious vegetation shall be as calculated in subsection (2) of this section and will be a charge to the owner of the property and will become a lien against the property.

(4) Right to Enter. In the event that it becomes necessary for the City Manager or his/her designate to undertake the cutting and removal of the grass, weeds, and other noxious vegetation from any private lot within the City, the designate of the City Manager shall have the right at reasonable times to enter into or upon said property to cut said grass, weeds, and other noxious vegetation.

(5) Cost to Become a Lien. Upon completion of the clearing of any real property and in the event that the fee is not paid within 30 days thereafter, the City Manager or his/her designate shall file with the City Recorder and thereafter present to the City Council an itemized statement of the cost thereof. After providing the notice and hearing set forth below, the City Council shall determine the reasonableness of said statements of costs and adjust the same, and thereupon the amount of said statements as approved by the City Council shall be an obligation owed to the City of Sweet Home by the owner or owners of the real property involved, and the City shall have a lien upon said real property for such sum and the lien shall be entered in the City Lien Docket and enforced against the property in the same manner provided for the enforcement of City liens. The lien shall earn 9% interest 30 days from the date of entry on the City Lien Docket.

(6) Notice and Hearing. Prior to City Council action as referred to above, the City Manager or his/her designate shall cause a notice to be mailed by registered or certified mail, postage prepaid, to the record owner or owners of any real property upon which the City proposes to impose a lien for the costs of the clearing of any real property under this chapter. This notice shall be mailed to the owner or owners of the real property in question at the address designated on the Linn County real property tax assessment rolls. An error in the name of the property owner or owners shall not void the lien nor will a failure to receive the notice of the proposed lien render the lien void and any lien imposed pursuant to this section shall be a valid lien against the property. The notice shall contain a summary of the costs which are proposed to be assessed against the property and shall advise of the City's intent to assess said costs against the real property upon which the work was performed and shall further advise the

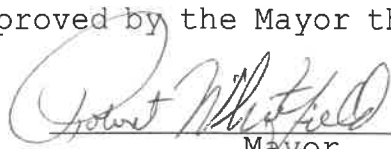
owner or owners of their right to a hearing before the City Council concerning the proposed lien and the date and time of said hearing.

(7) Summary Abatement. The procedure provided by this chapter is not exclusive but is in addition to any abatement procedure provided by other ordinances. The City Manager or his/her designate can abate noxious vegetation by use of the abatement procedure set forth in SHMC Chapter 8.04.

Section 6. Tense Clause. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Section 7. Emergency Clause. Whereas, it is necessary, and it is for the interest and benefit of the City that this ordinance become effective immediately, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect after the passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 11th day of July, 1995.

  
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Mayor

ATTEST:

  
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City Manager - Ex Officio City Recorder