

ORDINANCE BILL NO. 8

ORDINANCE NO. 1631

AN ORDINANCE TO COMPEL THE OWNER AND OCCUPANTS OF LOTS AND PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF LEBANON TO CUT AND REMOVE WEEDS, GRASS, BUSHES, SHRUBBERIES, AND OTHER VEGETATION, EXCEPT ORNAMENTAL BUSHES AND SHRUBBERY GROWING THEREON, OR ON THE STREETS, AVENUES, AND ALLEYS ADJACENT THERETO AND ABUTTING UPON SAID PROPERTY. DECLARING A GROWTH OF WEEDS, GRASS, BUSHES, SHRUBBERY, AND OTHER VEGETATION EXCEPT ORNAMENTAL BUSHES AND SHRUBS, UPON LOTS AND PARCELS OF LANDS WITHIN CORPORATE LIMITS OF THE CITY OF LEBANON TO BE A FIRE HAZARD AND A NUISANCE. FIXING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND IN CASE OF FAILURE TO COMPLY WITH ITS PROVISIONS BY THE OWNER OR OCCUPANCY OF LOTS AND PARCELS OF LAND IN THE CITY OF LEBANON TO CHARGE THE EXPENSE OF REMOVAL OF SUCH WEEDS, GRASS, BUSHES, SHRUBS AND OTHER VEGETATION AS A LIEN UPON SUCH LOTS, PARCELS OF LAND AND REPEALING OF ALL THE ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The people of the City of Lebanon do ordain as follows:

Section 1. Definition. As used in this ordinance the terms weeds, grass, bushes, shrubbery, and other vegetation shall include all plants commonly known by those terms, plus blackberry vines and all other vegetation, which is, or will become unsightly, a fire hazard, or a nuisance to adjoining property or persons in close proximity.

Section 2. Duty to Cut Grass and Weeds. No owners, or persons in charge of property, possessing or having the care or custody of any lot or parcel of land in the City of Lebanon shall allow weeds, grass, bushes, shrubbery and other vegetation growing thereon or upon adjacent and abutting streets, avenues, and alleys, to exceed ten inches in height. These weeds, grass, bushes, and shrubberies shall be cut and removed from said property. The first cutting to be no later than the 15th of May. Exceptions are ornamental bushes, shrubberies, and grass for agricultural cutting.

Section 3. Abatement Notice. If any owner, or persons in charge of property, owning, possessing, or having care or custody of any lot or parcel of land within the City of Lebanon shall fail or neglect to comply with Section 2 of this ordinance, the Fire Chief or his designate shall cause to be served upon said owner, or persons in charge of property, a written notice to remove said weeds, grass, bushes, shrubbery and other vegetation within ten days from the date of serving of said notice and indicating that if they fail so to do the Fire Chief or his designate will cause

the whole or any part of the weeds, grass, bushes, shrubbery, and other vegetation growing on said lot or parcel of land to be removed therefrom and notifying them that said City of Lebanon will charge a rate of \$25.00 per hour to cover both labor, equipment, inspection and enforcement of this ordinance. There will be an additional \$5.00 an hour charge for any hand work, trimming around poles, fences, etc... that might be necessary, in conjunction with the weed abatement, and that said cost thereof will be charged to the property owner and make this same a lien against said property. Said notice shall be served upon such owners, or persons in charge of property, personally if such owners, or persons in charge of property can be found upon said property or within the City of Lebanon (Oregon) and in case said owner or persons in charge of property cannot be found within the City of Lebanon (Oregon), after a reasonable search and inquiry, such notice shall be served upon said owner, or persons in charge of property 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 owner, or persons in charge of property as shown by the real property tax records in the office of the Sheriff of Linn County, Oregon, or if no such address is shown by such tax record, then at the last address found by the City Council of the City of Lebanon. 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 4. Right of Appeal. Any owner, or person in charge of property in the City of Lebanon may, at any time before he becomes in violation hereof, or if a notice has been served upon said persons under the provisions hereof, then within ten (10) days after the date of service of said notice, file a petition directed to the City Administrator of the City of Lebanon with the City Recorder of the City of Lebanon, 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 of the City of Lebanon 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 owner, or person in charge of property charged with the violation hereof.

Section 5. Right to Enter. The person or persons charged with cutting of weeds, grass, bushes, or shrubbery for the City

shall have the right at reasonable times, to enter into or upon property to investigate or cause the removal of said vegetation.

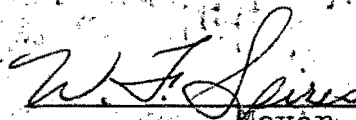
Section 6. Cost to Become a Lien. Upon completion of the clearing of any lot, lots or parcels of land under the provisions of Section 4 hereof, the City Administrator of the City of Lebanon shall file with the City Recorder, and thereafter present to the City Council, an itemized statement of the costs thereof as specified in Section 4. 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 Lebanon, 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 Lebanon by the owner of said property, lot, lots or parcels of land involved, and said City of Lebanon shall have as 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 7. Summary Abatement. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances, and the health officer, the chief of the fire department or the chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

Section 8. Penalty. Violation of this ordinance shall constitute a misdemeanor.

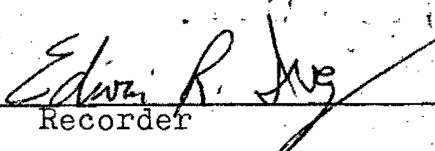
Section 9. Emergency Clause. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 6 for and 0 against, and approved by the Mayor this 9 day of March, 1977.



Mayor

ATTEST:



Recorder