

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. 24
CHAPTER 8.12 TALL WEEDS AND GRASS) for 2010
AND DECLARING AN EMERGENCY) ORDINANCE NO. 2807

NOW, THEREFORE, the City of Lebanon ordains as follows:

Section 1. Lebanon Municipal Code Chapter 8.12 TALL WEEDS AND GRASS shall now be amended to read as follows:

8.12.010 Cutting--Duty

Weeds and grass that are over ten inches in height, except as provided in this section, are a public nuisance subject to the abatement procedures in this chapter, or by the enforcement provisions of this code. No owners or persons in charge of any property within the city limits shall allow any weeds or grass over ten inches in height to remain thereon, or upon adjacent and abutting streets and alleys. Any such vegetation shall be cut as required by this chapter. The provisions of this section shall not, however, apply to parcels of land larger than two acres in size, providing that weeds and grass are cut to a height ten inches or less on that portion of the parcel(s) lying within twenty-five feet of any street, road, alley, building or adjoining property line.

8.12.020 Cutting--By City--Owner noncompliance

Any owner of a property, or the person in control of the property, who fails to have the weeds cut is in violation of this chapter. The city manager, or designee, may cause to be cut any weeds, grass or other vegetation which is in violation of Section 8.12.010. In addition to the actual cost of the cutting, the city manager shall charge an additional administrative fee as set by the resolution of the city council as an additional cost because of owner noncompliance. The cost of such action will be charged to the owner or person in charge of the property or to the property itself, becoming a lien against the property. The cutting of the weeds and grass as provided in this section shall not prevent enforcement action against the owner of said property in the manner provided by this code against other public nuisances.

8.12.030 Cutting--Right of Entry

The City Council finds that tall grass and weeds is a fire hazard and a danger to the citizens of the city. Therefore, the person or persons charged with cutting grass and weeds for the city shall have the right, at reasonable times, to enter into or upon property to cut the vegetation.

8.12.040 Cost Assessment

A. Upon clearing any lot(s) or parcel(s) of land under the provisions of this Chapter, the Enforcement Officer shall file with the Finance Manager, an itemized statement of the costs thereof as specified in Section 8.12.020. The Enforcement Officer will notify, by certified mail, all property owners and occupants of the affected property with a statement of these costs. If a property owner(s) elects to protest these costs, a notice of protest must be filed with the city manager within ten days of the date of the certified letter.

A notice of protest must be submitted in writing. If no protest is submitted thereupon the amount of the assessment shall be and become an obligation owed to the city by the owner of the property or properties) involved, and the city shall have a lien upon the property for the cost assessment as provided herein. The lien shall be entered in the lien docket and enforced against the property in the same manner provided for the enforcement of liens for street improvements.

B. Payment of the lien shall be enforced in the manner provided by law. Interest shall be charged at a rate of 10 percent per year, until paid, on the principal balance remaining in the city lien docket from the date of the certified letter with the statement of cost in section 8.12.040(A), except that no interest shall be charged on that portion of the assessment paid within 30 days.

8.12.050 Cost Assessment Protest -- City Manager Consideration

A. If the person in charge of the property protests the cost assessment as determined by the Enforcement Officer and if the notice of protest is filed with the city manager as provided in this chapter, a hearing shall be held before the City Manager who shall decide if the cost assessment is fair

B. If the City Manager determines that the costs are fair, the owner or other person in charge shall, within 10 days after the Managers determination, pay the costs. If the costs are not paid within 10 days, a lien will recorded against the property with interest accruing at a rate of 10 percent per year, effective from the date of the certified letter with the statement of cost in section 8.12.040(A)

C. Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases as provided by ORS 183.450.

8.12.060 Cost Assessment Appeal -- Deadline

A. In the event that the person in charge of the property, or the owner of the property, disagrees with the decision of the city manager, he/she shall have the right to appeal the decision by filing with the city council a notice of appeal within ten days from the date of the decision of the hearings officer. Such notice shall be in writing and shall set forth the reasons for the appeal. The appeal shall be heard by the city council, as a part of the council's regular agenda, at the next succeeding meeting of the council or at such time thereafter as determined by the city clerk but no later than 60 days after filing. After notice to the parties, at the time set for consideration of the cost assessment, the owner or other person in charge of the property may appear and be heard by the council and the council shall thereupon determine whether the cost assessment is fair. Such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where an appeal has been filed as allowed by this section.


B. If the city council determines that the costs are fair, the owner or other person in charge shall, within 10 days after such council determination, pay the costs. If the costs are not paid within 10 days, a lien will recorded against the property with interest accruing at a rate of 10 percent effective from the date of the certified letter with the statement of cost in section 8.12.040(A).

8.12.070 Summary Abatement

The procedure provided in this chapter is not exclusive but is in addition to procedure provided by other provisions and the health officer, the fire chief 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 2. Inasmuch as tall grass and weeds constitute a fire hazard and the cutting of tall grass and weeds is necessary for the peace, health and safety of the people of the City of Lebanon, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Passed by the Lebanon City Council by a vote of 6 for and 0 against and approved by the Mayor this 13th day of October, 2010.



Kenneth I. Toombs, Mayor
Bob Elliott, Council President

Attested:



Linda Kaser, City Clerk