

TITLE:

AN ORDINANCE AMENDING CHAPTER 7.84 OF THE ALBANY MUNICIPAL CODE CONCERNING THE ABATEMENT OF WEEDS, GRASS, AND OTHER NOXIOUS VEGETATION AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1:

Albany Municipal Code Chapters 7.84.110 through 7.84.130 are amended to read as follows:

7.84.110 Vegetation over less than fifteen inches high. No owner of real property in the city shall allow to remain on his property within fifty feet of a public right-of-way or within one hundred feet of any structure including a combustible fence any weeds, grass, or other noxious vegetation over less than fifteen inches in height. Such weeds, grass, or other noxious vegetation shall may be cut by the city as provided less than fifteen inches by Section 7.84.130.

7.84.120 Publication of notice. Between the less than 25th of April and the less than 25th of May of each year, the city manager or his designate shall cause to be published three (3) times in a newspaper of general circulation in the city of Albany a copy of AMC Sections 7.84.110 and 7.84.130 as notice to all owners and persons in charge of real property that they are to keep the property free of all tall grass, weeds, and other noxious vegetation.

7.84.130 Abatement. (a) Deadline to Cut. Within ten (10) days after the third publication of the notice required in AMC Section 7.84.120, or as soon thereafter as a violation of AMC Section 7.84.110 may occur, the owner of the property shall cause the weeds, grass, or other noxious vegetation in violation of AMC Section 7.84.110 to be cut.

(b) // Violation Notice // In the event a property owner fails to remove weeds, tall grass, or other noxious vegetation the city manager or his designate will cause will less than notice to be mailed to the property owner that he is in violation of AMC Section 7.84.110 and the property owner will be given less than days in which to bring the property into compliance with the provisions of AMC Section 7.84.110 //

(c) (b) Requested Cutting by City. At the request of the owner, the city manager or his designate will cause grass, weeds, or other noxious vegetation to be cut for a fee sufficient to cover the direct cost plus 30% for administrative overhead with a minimum fee of \$60.00.

(d) Cutting by City. The city manager or his designate may cause to be cut any weeds, grass, or other noxious vegetation which is in violation of AMC Section 7.84.110 at anytime following the **deadline to cut set forth at subsection (a) of this section.** ~~The cost of the removal of~~ ~~grass, weeds, and other noxious vegetation shall be as~~ ~~calculated in Subsection (c) of this Section and will be a~~ ~~charge to the owner of the property and will become a lien against~~ ~~the property.~~ The cost of the removal of said weeds, grass, and other noxious vegetation shall be as calculated in Subsection (c) of this Section and will be a charge to the owner of the property and will become a lien against the property.

(e) Right to Enter. In the event that it becomes necessary for the city manager or his 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.

(f) Cost to Become a Lien. Upon completion of the clearing of any real property under the provisions of AMC Section 7.84.130 hereof and in the event that the fee is not paid within thirty (30) days thereafter, the city manager or his designate shall file with the city recorder and thereafter present to the city council an itemized statement of the cost thereof as specified in AMC Section 7.84.130. **After providing the notice and hearing set forth below,** ~~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 statements as approved by the city council shall be an obligation owed to the City of Albany 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 lien docket and enforced against said property in the same manner provided for ~~in~~ the enforcement of city liens.

(g) Notice and Hearing. Prior to the adoption of the ordinance referred to above, the city manager or his 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 section. 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 Roles. An error in the name of the property owner or owners shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment 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 owner's 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 assessment and the date and time of said hearing.

(h) Summary Abatement. The procedure provided by this ordinance is not exclusive but is in addition to abatement procedure provided by other ordinances.

SECTION 2: Emergency Clause.

WHEREAS, it is in the betterment of the public health, interest, safety, and general welfare of the City of Albany, Oregon, that this matter be disposed of at the earliest possible moment, therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: March 25, 1987

Approved by the Mayor: March 26, 1987

Effective Date: March 25, 1987



Mayor

ATTEST:



City Recorder