

**ORDINANCE NO. 3107**

**AN ORDINANCE REQUIRING THE OWNERS, OCCUPANTS, AND PERSONS IN CUSTODY OF LOTS AND PARCELS OF LAND TO CUT AND REMOVE BRUSH, GRASS, AND WEEDS; PROVIDING PENALTIES AND PROCEDURES FOR FAILURE TO DO SO; REPEALING ORDINANCE NO. 2488; AND ESTABLISHING THE EFFECTIVE DATE HEREOF BY THE DECLARATION OF AN EMERGENCY.**

BE IT ORDAINED BY THE CITY OF BAKER CITY:

SECTION 1. Definitions:

(a) Agricultural Operations An activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose.

(b) City. City of Baker City, Oregon.

(c) City Manager. The City Manager of Baker City, Oregon or his/her designee.

(d) Parkway. That portion of a street not used as a roadway or sidewalk.

(as amended by Ord. 3229 dtd. 5/11/04)

SECTION 2.

The owner, occupant, or person in custody of all lots and parcels of land in the City of Baker City shall, between the dates of May 1 and November 1 of each year, keep all brush, weeds, thistles, grass, or other rank or noxious plant growth cut to the height of no more than ten (10) inches upon said lots or parcels, and also upon any parkway abutting said lot or parcel.

This ordinance shall not apply to:

(a) vegetation grown and used for agricultural operations;

(b) vegetation on slopes that are non-accessible to self-propelled mowers.

(as amended by Ord. No. 3229, dtd. 5/11/04)

SECTION 3. If any person, firm, or corporation owning, possessing, or having the care or custody of any lot or parcel of land within the City of Baker City shall fail or neglect to remove said brush, grass, or weeds as hereinabove required, the City Manager may take one or more of the following actions:

(a) cause a prosecution for violation of this ordinance to be commenced in the Municipal Court for Baker City;

(b) cause said brush, grass, or weeds to be cut and removed in the manner provided herein.

SECTION 4. If the City Manager elects to cause said brush, grass, or weeds to be cut and removed, he shall first cause to be served upon the person, firm, or corporation owing the property a notice giving said owner ten days from the date of mailing to comply with the ordinance. Said notice shall be sent to the last known

address of the owner by certified mail, return receipt requested. If the owner fails to comply with the ordinance within the allotted time period, the City Manager may go upon said lots or parcels and destroy and eradicate said brush, grass, or weeds in such manner as shall be most effective in his judgment. The owner of the property involved shall be responsible for all costs incurred by the City together with an additional amount of Ten Percent (10%) to cover the expense of inspection, overhead, enforcement of this ordinance, and service of the notice hereinabove required.

SECTION 5. Upon the completion of said work the City Manager shall cause a billing of all amounts due to be sent to the owner of the property. If the account shall remain unpaid for a period of thirty (30) days, the City Manager shall present an accounting of all funds expended in the cutting and removal of said brush, grass, or weeds to the City Council. After notifying the owner and giving him an opportunity to be heard, the City Council shall then by Resolution declare the correctness of said statement and declare the same to be a lien upon the property involved, to be entered in the docket of City Liens and enforced against said property in the same manner provided for the enforcement of liens for street improvements.

SECTION 6. The cost of the cutting and removal of said brush, grass, and weeds shall be paid from the General Fund and all income resulting from the enforcement of this ordinance and the collection of the cost of such cutting and removal shall be credited to said Fund.

SECTION 7. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of up to but not more than Five Hundred Dollars (\$500.00).

SECTION 8. Ordinance No. 2488 of the City of Baker City is hereby repealed.

SECTION 9. Inasmuch as the unrestrained growth of brush, grass, and weeds constitutes not only a fire hazard but also materially detracts from the overall appearance of Baker City, and inasmuch as it is presently the time of year during which such vegetation grows most vigorously, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the City Council and approval of the Mayor.

PASSED by the City Council of the City of Baker City and APPROVED by the Mayor of the City of Baker City, Oregon this 24th day of September, 1996.