

# VENETA CITY COUNCIL

## AGENDA ITEM SUMMARY



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### TITLE/TOPIC: Code Enforcement – Noxious Vegetation Text Amendments

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Meeting Date: February 12, 2024  
Department: Community Development

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#### ISSUE STATEMENT

Should the Veneta City Council repeal the Veneta Municipal Code Section 8.05.060 on Noxious Vegetation and replace it with new code language that separates Noxious Vegetation from Hazardous Vegetation.

#### BACKGROUND

As part of the ongoing Code Enforcement Services Review Process, text amendments were identified for further analysis. Staff presented these at the January 22, 2024 City Council Work Session and at that time the Council directed staff to move forward with the process to adopt a new Noxious Vegetation Section of the Veneta Municipal Code Section 8.05.060.

The following code amendment is recommended in order to increase staff efficiency and decrease misunderstanding of community members.

1. Veneta Municipal Code Section 8.05.060, Noxious Vegetation. There are several issues with this section of code that should be amended in order for staff to operate more efficiently and to be more understandable to the general public.
  - a. Change the dates for “High Grass and Weeds” Enforcement to start the program earlier in the year. Currently, enforcement of noxious vegetation is only allowed between June 1st and September 30th. This has become an issue because the dry season is starting earlier in Oregon than it used to and once fire season starts, there are restrictions on mowing, thus preventing some community members from cutting down tall grass and weeds. The proposed amendments include language allowing notices to be sent in April with enforcement beginning on May 1<sup>st</sup>.
  - b. Secondly, besides limiting tall grass and weeds enforcement to June through September, it also limits enforcement of other types of noxious vegetation such as blackberries and poison oak. The new language included with the proposed amendments regarding noxious vegetation and invasive weeds is no longer limited to the summer months.
  - c. Properties over 1 acre in size are mentioned in this section of code, and new language has been added requiring a 30-foot fire fuel break to be maintained around the perimeter of the property. The existing language requiring hazardous vegetation to be removed within 50-feet of a dwelling has also been maintained.

- d. A new public lands exception has been added to the draft language that will apply to schools, parks and public road right of way. This would exclude public agencies from enforcement under Section 8.05.060 of the Veneta Municipal Code.
- e. A greenway and wetland exclusion has also been added in order to exempt vegetation removal from environmentally sensitive lands and within 50-feet of the Long Tom River.

#### **RELATED DOCUMENTS**

None.

#### **RELATED CITY POLICIES**

Veneta Municipal Code Chapters 8.05

#### **COUNCIL OPTIONS**

1. Approve the First Reading of Ordinance 580 An Ordinance Amending Veneta Municipal Code 8.05.060 Noxious Vegetation, as presented.
2. Direct staff to bring back Ordinance 580 to City Council with changes as directed by Council.
3. Direct staff not to move forward with adopting the proposed text amendments.
4. Take no action.

#### **CITY ADMINISTRATOR'S RECOMMENDATION**

Option # 1 - Approve the First Reading of Ordinance 580 An Ordinance Amending Veneta Municipal Code 8.05.060 Noxious Vegetation, as presented.

#### **SUGGESTED MOTION**

*"I make a motion to approve the First Reading of Ordinance 580 – An Ordinance Amending Veneta Municipal Code 8.05.060 Noxious Vegetation, as presented."*

#### **ATTACHMENTS**

1. Current Chapter 8.05 Nuisances language.

**8.05.060 Noxious vegetation.**

(1) The term “noxious vegetation” does not include vegetation that constitutes an agricultural crop nor vegetation on a parcel in excess of one acre unless that vegetation is a health hazard, a fire hazard or a traffic hazard within the meaning of subsection (2) of this section or is within 50 feet of a dwelling unit.

(2) The term “noxious vegetation” does include, at any time between June 1st and September 30th of any year:

- (a) Weeds more than 10 inches high;
- (b) Grass more than 10 inches high and not within the exception stated in subsection (1) of this section;
- (c) Poison oak;
- (d) Poison ivy;
- (e) Blackberry bushes that extend into a public thoroughfare or across a property line;
- (f) Vegetation that is:
  - (i) A health hazard;
  - (ii) A fire hazard, as determined by the chief of the fire department, the director of public works or any other city official;
  - (iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(3) Between June 1st and September 30th of any year, no owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(4) Between April 15th and June 1st of each year the city recorder may cause to be published three times in a newspaper of general circulation in the city a copy of subsection (3) of this section as a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state that the city is willing to abate the nuisance on a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the city's abatement costs. The notice shall also state that, even in the absence of such request, the city intends to abate all such nuisances 10 or more days after the final publication of the notice and to charge the cost of doing so on a particular parcel of property to the owner or the person in charge of the property, or the property itself.

(5) If the notice provided for in subsection (4) of this section is used, it shall be in lieu of the notice required by VMC [8.05.140](#). (Ord. 421 § 6, 2000)