

## ORDINANCE NO. 580

### AN ORDINANCE AMENDING VENETA MUNICIPAL CODE 8.05.060 NOXIOUS VEGETATION

**WHEREAS**, Veneta Municipal Code 8.05.060 regulates noxious vegetation within City limits, with certain allowances; and

**WHEREAS**, the current language in Veneta Municipal Code 8.05.060 requires noxious vegetation within City limits to be removed between June 1<sup>st</sup> and September 30<sup>th</sup> and the new language in Veneta Municipal Code 8.05.060, adopted by this ordinance, requires noxious and hazardous vegetation within City limits to be removed between May 1<sup>st</sup> and September 30<sup>th</sup>; and

**WHEREAS**, the current language in Veneta Municipal Code 8.05.060 does not distinguish between noxious vegetation and hazardous vegetation within City limits and the new language adopted by this ordinance will specify that noxious vegetation, including invasive species, constitutes a public nuisance that can be abated any time of the year; and

**WHEREAS**, the current language in Veneta Municipal Code 8.05.060 requires noxious vegetation to be removed within 50 feet of a dwelling unit, while the new language adopted by this ordinance adds a 30-foot fire safety buffer around the perimeter of large parcels of 1 acre or larger in size within the city limits; and

**WHEREAS**, on January 22, 2024, the Council held a work session and directed staff to move forward with the legislative process for adopting the draft amendments to the Veneta Municipal Code Section 8.05.060 Noxious Vegetation

#### **NOW, THEREFORE, THE CITY OF VENETA ORDAINS AS FOLLOWS:**

**Section 1.** Veneta Municipal Code Section 8.05.060, Noxious Vegetation, is hereby replaced with an amended Veneta Municipal Code Section 8.05.060, Noxious and Hazardous Vegetation, attached hereto and incorporated herein as Exhibit A.

**Section 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance and the attached Code provisions are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**Section 3. Codification.** Provisions of this Ordinance shall be incorporated into the City Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 1 through 6) will not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

**Section 4. Effective Date.** This Ordinance will go into full force and effect thirty (30) days following passage and adoption by the City Council, as dated below.

READ FOR A FIRST TIME, BY TITLE ONLY, this 12<sup>th</sup> day of February, 2024, no Council member present having requested that it be read in full.

READ FOR A SECOND TIME, BY TITLE ONLY, this \_\_\_\_ day of \_\_\_\_\_, 2024, no Council member present having requested that it be read in full.

PASSED AND ADOPTED by a \_\_\_\_ vote for and \_\_\_\_ vote against by the Veneta City Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Keith Weiss, Mayor

Executed this \_\_\_\_ day of \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jennifer Mirabile, City Recorder

## EXHIBIT A

### Veneta Municipal Code

#### 8.05.060 Noxious and Hazardous Vegetation.

(1) It is hereby determined and declared that noxious vegetation is a public nuisance and may be abated as provided in this chapter.

A. The term “noxious vegetation” includes the following:

- (i) Poison oak;
- (ii) Poison ivy;
- (iii) Blackberry bushes that extend into a public thoroughfare, or across a property line, or that block a walkway or path; and
- (iv) Gorse, Knotweed, Thistle and other invasive weeds listed on the State of Oregon Noxious Weed List (OAR 603-052-1200);

2. In order to protect property by confining fire and preventing its spread to other properties, every property owner or person in charge of property shall reduce and maintain the reduction of hazardous vegetation on said property and in the right-of-way of a public thoroughfare abutting the property from May 1st through September 30th of each year. A reduction can be completed with a combination of trimming, cutting, or removing hazardous vegetation as close to the ground as is reasonably practicable given the nature of the terrain and the property, or by the application of an EPA-approved herbicide.

B. The term “hazardous vegetation” includes the following:

- (i) Weeds more than 10 inches high;
- (ii) Grass more than 10 inches high;
- (iii) All flammable weeds, grass, vines, shrubbery, brush, bushes, and other vegetation on the property not in compliance with the requirements of this chapter;
- (iv) Vegetation that blocks the ingress and egress to an existing building;
- (v) Vegetation that extends into a public thoroughfare, or across a property line, or that blocks a walkway or path; and
- (vi) Vegetation that impairs the view of a public thoroughfare or traffic control signage or otherwise creates a traffic hazard.

(3) Exclusions.

A. Agricultural crops exclusion. The terms "noxious vegetation" or "hazardous vegetation" do not include annually or more regularly cultivated and harvested agricultural crops.

B. Large Parcel Exclusion. Any parcel of land one acre in size or larger shall establish and maintain a 30-foot fuel break along the entire perimeter of the property, including all rights of way or easements, and a 50-foot fuel break around any structures, or other improvements on the property or adjacent property.

(i) The term "fuel break" requires the following:

- (a) Grass, weeds, and low growing vegetation no more than 10 inches high;
- (b) Trimmed bushes and shrubs, with dead plant material removed;
- (c) Trees over 20 feet tall pruned to a height of 10 feet from the ground (lowest point of branch); and
- (d) Trees less than 20 feet tall pruned to a height between  $\frac{1}{3}$  and  $\frac{1}{2}$  of the tree's full height.

C. Public Lands Exclusion. All land in which a public body holds an interest, including but not limited to schools, parks, and public rights-of-way, are exempt from the requirements of this VMC 8.05.060.

D. Greenway and Wetland Exclusion. Hazardous vegetation removal is not required on any area within 50-feet of the Long Tom River or within any mapped greenway or wetland area.

(4) The officer charged with abatement may direct additional abatement for any property not adequately protected by the vegetation reduction or fuel breaks required by this VMC 8.05.060.

(5) A City-approved hazardous or noxious vegetation management plan may be allowed as an alternative to the reduction or fuel break requirements of this VMC 8.05.060. Such a plan may modify the requirements of this chapter where:

- A. strict compliance is impracticable for certain types of vegetation or parcels of real property; and
- B. the terrain or natural boundaries or other factors unique to the parcel ensure that the alternative plan equally abates the public nuisance. The enforcement official may consult with the fire marshal or the fire marshal's designee in developing a replacement vegetation management plan.

(6) In addition to the abatement procedure notice required by VMC 8.05.140, between April 15th and June 1st of each year the city may post a notice in the City newsletter and on the City's website and social media page informing all owners and persons in charge of property of the duty to keep their property free from noxious and hazardous vegetation.

(Ord 580, 2024)