

MEMORANDUM

TO: Mayor and City Council

FROM: Eric Mongan, City Planner

SUBJECT: AN ORDINANCE AMENDING ANNUAL EFFECTIVE PERIOD OF SECTION 8.12.045 HAZARDOUS VEGETATION

DATE: April 20, 2022

Background

The Public Works & Development Department proposes an amendment to Section 8.12.045 Hazardous Vegetation that would change the annual enforcement period from June 15 through November 1 of each year to May 15 through November 1 of each year.

Staff is proposing this amendment following the last two years of enforcement that have been hampered by mowing and cutting prohibitions due to fire danger levels set by South Lane Fire & Rescue.

The proposed change to the start of the Hazardous Vegetation enforcement period will allow Code Enforcement staff additional time to bring properties into compliance before summer temperatures and dry days arrive. The typical timeframe from initiation of an enforcement case to abatement will take a minimum of three to four weeks from initial contact to obtaining an Administrative Warrant and abating the nuisance. It is due to the three to four week process that staff is proposing beginning Hazardous Vegetation enforcement one month earlier to begin on May 15th of each year rather than June 15th.

Recommendation

That City Council hold the first vote on the attached Ordinance amending Section 8.12.045. The Ordinance was prepared and has been available for at least one week prior to this meeting. This Ordinance could be adopted in one meeting and staff recommends approval.

Cost

None.


Richard Meyers, City Manager


Eric Mongan, City Planner

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 8.12.045 HAZARDOUS VEGETATION

WHEREAS, the City Council adopted Title 8 Health and Safety, Chapter 8.12 Nuisances, Section 8.12.045 Hazardous Vegetation for the purpose of reducing fuel loads within the City during fire season; and

WHEREAS, in recent years the ability of the Code Enforcement Officer to effectively enforce Section 8.12.045 due to restrictions to mowing and/or cutting non-irrigated vegetation has been limited by fire danger statuses; and

WHEREAS, the City Council finds it is in the public health, safety and welfare interest to amend Section 8.12.045 of the Cottage Grove Municipal Code to amend the Hazardous Vegetation effective period to begin on May 15 and end on November 1 of each year, to provide additional time for the Code Enforcement Officer to bring properties into compliance before mowing and cutting restrictions are put in place.

THE CITY OF COTTAGE GROVE ORDAINS AS FOLLOWS:

Section 1. Section 8.12.045 of the Cottage Grove Municipal Code is amended to read as follows:

8.12.045 Hazardous vegetation.

A. No owner or person in charge of property shall allow vegetation which constitutes a fire hazard to be on said property or in the right-of-way of a public thoroughfare abutting the property from **May June 15th through November 1st** of each year. Hazardous vegetation shall be cut down or destroyed as often as needed to prevent the creation of a fire hazard. Hazardous vegetation includes but is not limited to the following which is in a dry and combustible state or which in the opinion of the enforcement official otherwise constitutes a fire hazard (the fire chief or his designate at the South Lane County Fire and Rescue District may be consulted to determine a fire hazard):

1. Wild blackberry bushes;
2. Weeds more than twelve inches in height;
3. Grass more than twelve inches in height;
4. Vegetation that:
 - a. Is near combustibles; or
 - b. Is likely to endanger buildings or other property if fired; or
 - c. Increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by the enforcement official.

B. Exclusion of Agricultural Crops. The term “hazardous vegetation” does not include an agricultural crop, unless that crop is determined by the city manager or his designate to be a fire hazard as defined in this chapter.

C. The enforcement official may waive the requirements of this chapter where in his opinion strict compliance with the requirements would be impracticable as they apply to certain types of vegetation or to a certain parcel of real property. The requirements may only be waived as they apply after inspection of the property with the fire chief or his designate. For example, terrain, natural boundaries, and other factors may warrant cutting less than one hundred percent of the hazardous vegetation if doing so abates the fire hazard.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 25th
DAY OF APRIL 2022.

Jeffrey D. Gowing, Mayor

Dated: _____

Richard Meyers, City Manager

Dated: _____