

ORDINANCE NO. 1341-12

AN ORDINANCE RELATING TO NOXIOUS VEGETATION AND AMENDING  
TMC 6-4-010, 6-4-060 AND 6-4-090

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definitions are added alphabetically to TMC 6-4-010. The remaining definitions are unchanged.

"Rodent" means a mouse or rat.

"Undeveloped property" means property left or maintained in its natural state.

"Vector" means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae capable of bearing or carrying a disease transmittable to human beings.

Section 2. TMC 6-4-060 is amended to read as follows:

No person shall create a hazard by:

(1) Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or

(2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches, or more, fail or refuse to cover or fence it with a suitable protective construction; or

(3) Uncontrolled or uncultivated growth of weeds, brush, poison oak, poison ivy, tansy, ragwort, blackberry bushes, or grasses on developed, partially developed, or undeveloped property, which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, constitute a fire hazard or unreasonably interfere with the use and enjoyment of abutting public or private property. Uncontrolled or uncultivated growth on public land or designated private conservation areas specifically for the purpose of providing native wildlife habitat shall not constitute a nuisance. Refer to TMC 6-4-090 for additional Noxious Vegetation regulations.

Section 3. TMC 6-4-090 is amended to read as follows:

(1) The term "noxious vegetation" does not include:

(a) vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of TMC 6-4-060(3) of this section; or

(b) vegetation on undeveloped commercial or industrial property that has been left or maintained in its natural, primarily grass-covered, meadow-like state, so long as the property:

(i) does not become overrun with poison oak, poison ivy, knotweeds, or blackberry bushes;

(ii) is mowed annually as soon as practicable after August 1 to avoid creating a fire, health or traffic hazard;

(iii) does not constitute a fire or traffic hazard within the meaning of TMC 6-4-060(3).

(iv) maintains a ten-foot-wide mowed corridor along any public right-of-way.

(2) The term "noxious vegetation" includes, at any time between March 1 and October 31 of any year:

(a) Weeds more than 10 inches high.

(b) Grass more than 10 inches high overall 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) Knotweeds: Giant, Himalayan and Japanese.

(fg) Vegetation that is:

(i) A health hazard.

(ii) A fire hazard because it is near other combustibles; or

(iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(iv) Impeding stormwater flows into or through a stormwater quality facility.

(v) Affecting treatment capacity and/or altering designed drainage paths in a water quality facility.

(vi) Offering vector or rodent harborage.

(vii) Unreasonably interfering with the use and enjoyment of abutting public or private property.

(vii) Hindering the view necessary for the safe operations of vehicles at or near intersections.

(3) Between March 1 and October 31 of any year, no owner or person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of an owner or person in charge of property to cut down or to 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.

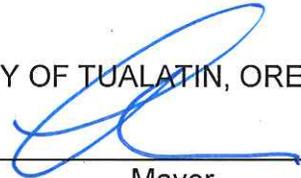
(4) Between January 15 and February 28 of each year, the City Recorder may cause to be published three times in a newspaper of general circulation in the City a copy of Subsection (3) of this section as a notice to all owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the City intends to abate all such nuisances 10 or more days after the date of the final publication of the notice and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof 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 Section 6-4-170.

INTRODUCED AND ADOPTED this 23rd Day of January, 2012.

CITY OF TUALATIN, OREGON

BY

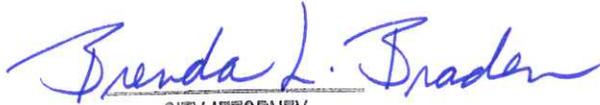
  
\_\_\_\_\_  
Mayor

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY