

December 2, 2021
7:00 pm City Council Meeting
Audio/Video Teleconference
City Hall Conference Room
48318 E 1st Street
Oakridge OR, 97463



REGULAR / WORK SESSION

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- 1. CALL MEETING TO ORDER**
 - 2. Pledge of Allegiance**
 - 3. Roll Call**
 - 4. Additions, Corrections or Adjustments to the Agenda**
 - 5. Public Comment– 30 Minutes**
Individual speakers must be recognized by the presiding officer, provide their name and address, and will be allowed up to 3 minutes or less with Council approval. The Council will not engage in any discussion or make any decisions based public comment at this time. The Council may take comments under advisement for discussion and action at a future Council meeting. The Mayor may direct the City Administrator to follow up on comments received.
 - 6. Mayor Comments / Announcements / Proclamation**
 - 7. Council Comments / Announcements**
 - 8. Consent Agenda**
 - 8.1 Minutes from November 4, 2021
 - 9. Business from the City Council**
 - 10. Business from the City Administrator**
 - 10.1 Fee Waiver Request
 - 11. Reports of Boards, Commissions and Committees**
 - 11.1 Administrative Advisory Committee
 - 11.2 Parks and Community Services Committee
 - 12. Items Removed from the Consent Agenda**
 - 13. Ordinances, Resolutions and Public Comments**
 - 13.1 Ordinance 938 Second Reading
 - 13.2 Ordinance 939 Flammable Vegetation and Defensible Space
 - 14. Public Hearings**
 - 15. Appointments**
 - 16. Public Comment**
 - 17. Work Session – ARPA Funding #2**
 - 18. Adjourn**

This will be a remote participation meeting. Citizens have four ways of attending and commenting:

- 1. Use your computer, tablet or smartphone and go to: <https://us02web.zoom.us/j/3664311610>, meeting ID: 3664311610.**
- 2. Use your telephone and dial: +1 669 900 9128. Meeting ID: 366 431 1610.**
- 3. Send comments by email to: cityadministrator@ci.oakridge.or.us by 2pm the day of the meeting.**
- 4. It is discouraged due to COVID precautions, but citizens may can attend in person at the Oakridge City Hall Conference Room. There will be an audio and video feed.**

Detailed instructions are available at City Hall, on the city website, and the city Facebook page.

Accommodation for Physical Impairments: In order to accommodate persons with physical impairments, please notify the City of any special physical or language accommodations you may require as far in advance of the meeting as possible. To make arrangements, Contact City Hall at 541-782-2258. For the hearing impaired, the City's TTD Number is 541-782-4232.



November 4, 2021
City Council Regular/Work Session (Via Zoom)
Willamette Activity Center Room 8
47674 School Street
7:00 p.m.

MINUTES

1. CALL MEETING TO ORDER- 7:00 pm

Council Present: Mayor Holston, Councilors Bobbie Whitney, Michele Coker, Melissa Bjarnson, Dawn Kinyon and Christina Hollett

Staff Present: City Administrator Bryan Cutchen, Mikal McPherson and City Recorder Jackie Sims

2. Pledge of Allegiance

3. **Roll Call**-Councilor Spliethof was excused

4. Additions, corrections, or adjustments to the agenda

Add 9.3 Huckleberry Flats letter of support

5. Public Comment

Mary Gustafson-she is shocked by Bryan's resignation and wants to know why

Sarah Altemus-Pope- read a statement (see attached)

6. Mayors Comments / Announcements / Proclamation

Mayor Holston-it has been a tumultuous week. She had a meeting with St. Vincent DePaul on Wednesday with Terry McDonald to find out the next steps in purchasing the WAC and other property exchanges for more housing in Oakridge. He informed her at that time that he is no longer interested in investing in Oakridge because of the instability and the mess of our city council. He will still be working with UWDC, but he cannot in good conscience invest here. He extended his best wishes to the City Administrator for a job well done, and the Mayor. In his opinion Oakridge has stepped back ten years. She shares this with council only to remind us that all of our actions have consequences and this one was particularly disappointing, it was a difficult meeting, she has great respect for Mr. McDonald and his organization and their repeated interest in Oakridge and finding growth opportunities for us.

The Keg & Cask Festival is this weekend, this is a fundraiser for the Oakridge Food Bank.

7. Council Comments / Announcements

Councilor Kinyon-apologized for leaving council meeting last week and acknowledged it was wrong.

8. Consent Agenda

8.1 Minutes from October 7, 2021
8.2 Strategic Plan Scorecard Update

Motion: Councilor Whitney moved to approve the consent agenda. Councilor Coker seconded the motion.

Mayor Holston (aye), Bjarnson (aye), Whitney (aye), Kinyon (aye), Coker (aye), Hollett (aye). Motion passed 6-0

9. Business from the City Council

9.1 CA Resignation Formal Acceptance

Councilor Whitney-asked if we have to accept the resignation?

Motion: Councilor Kinyon moved to accept the resignation of the City Administrator effective February 28, 2021. Councilor Hollett seconded the motion.

Councilor Coker-is curious if Bryan would be willing to speak with all of us before voting.

Mayor Holston-we are all here right now, is this for a possibility for a resolution?

Councilor Coker- yes mayor.

Mayor Holston-that is a very good comment.

Councilor Hollett-she appreciates the work Bryan has done, he has many of the attributes that we need to look for in a city administrator, the city council votes how the citizens want them to vote. The citizens have a different vision than Bryan has.

Bryan-he is very happy to sit down with each councilor, but as Councilor Hollett said, you are speaking for the citizens, and he isn't sure they could come to an agreement.

Mayor Holston-she truly believes that Bryan's vision isn't Bryan's vision, it's the vision the council has given to him. We all differ on that, and she is sad to see him go.

City Attorney Matt Dahlstrom-wanted to let the council know that with a yes vote includes delivery of the letter from Mayor to Bryan. It is a necessary step to be compliant in his contract.

Bjarnson (aye), Whitney (aye), Coker (aye), Hollett (aye), Kinyon (aye), Mayor Holston (nay). Motion passed 5-1

9.2 CA Hiring Process Discussion

Councilor Kinyon-she is pretty sure a couple of years ago the council created a process on filling vacancies for a pro tem administrator and procedures for hiring a city administrator.

Mayor Holston-yes, she remembers that. We are going to revise the city administered job description. We need to make a choice if we are going to hire a pro tem, the important thing is the job description of the city administrator. She encourages you to go in and talk to Bryan about what it is that he does.

Councilor Kinyon-she was thinking it would be appropriate to get those documents that are already lined out and the job description and have a work session.

Mayor Holston-she will get what she can find and get that all together.

Councilor Whitney-LCOG helped us last time with the process, it would be a good idea to reach out to them again.

Bryan-he will put out a doodle poll tomorrow to set a date for the work session.

9.3 Huckleberry Flats letter of support

Motion: Councilor Whitney moved to approve the letter of support to support the Huckleberry Flats improvements. Councilor Coker seconded the motion.

Whitney (aye), Bjarnson (aye), Hollett (aye), Coker (aye), Mayor Holston (aye), Kinyon (aye). Motion passed 6-0

10. Business from the City Administrator

10.1 City Engineer RFP

Bryan-read the issue.

Councilor Kinyon-agrees that the scoring wasn't done properly, she would like the council to select the committee for this.

Mayor Holston-you want to change the process?

Councilor Whitney-it's clear to her why we are doing this, it is important to have a staff member on the committee, especially Robeart, they are the ones who will be working with the engineer.

Motion: Councilor Kinyon moved to cancel the Request for Proposal dated June 15, 2021, and republish the request. Councilor Bjarnson seconded the motion.

Whitney (aye), Bjarnson (aye), Hollett (aye), Coker (aye), Mayor Holston (aye), Kinyon (aye). Motion passed 6-0

11. Reports of Boards, Commissions and Committees

11.1 Administrative Advisory Committee

Councilor Kinyon-they haven't met yet, they will meet next week. They put out applications for the citizens to apply for the committee.

11.2 Parks and Community Services Committee

Bryan-gave the report.

Mayor Holston-RTMP Committee met and they will have something to bring to council at the next meeting.

12. Items removed from the Consent Agenda-None

13. Ordinances, Resolutions and Public Comments

Mayor Holston-asked if we want to suspend the rules for these resolutions.

Motion: Councilor Kinyon moved to suspend the rules for the resolutions. Councilor Coker seconded the motion.

Councilor Hollett-has an actual conflict of interest and will not vote or discuss.

Mayor Holston (aye), Bjarnson (aye), Whitney (aye), Coker (aye), Kinyon (aye). Motion passed 5-0

13.1 Resolution 11-2021 Supplemental Budget for Berry & Garden Overlays

Councilor Hollett-declared an actual conflict of interest, her husband is a city employee who works for the Collective Bargaining Unit contract.

Councilor Bjarnson-declared a potential conflict of interest, she is on the volunteer roster for the fire department.

Bryan-read the issue

Motion: Councilor Whitney moved we adopt Resolution 11-2021, providing a supplemental budget for fiscal year 2021-2022. Councilor Bjarnson seconded the motion.

Bjarnson (aye), Mayor Holston (aye), Kinyon (aye), Whitney (aye), Coker (aye). Motion passed 5-0

13.2 Resolution 12-2021 Authorizing a loan from the Safe Water Revolving Loan Fund

Bryan-read the issue.

Motion: Councilor Kinyon moved to adopt Resolution 12-2021 and approve the loan contract with the State of Oregon Infrastructure Finance Authority for \$260,000. Councilor Whitney seconded the motion.

Councilor Kinyon-when this is done does this complete the project?

Bryan-he doesn't know how this was caged three years ago, he will talk to Robeart and the engineer and find out.

Whitney (aye), Bjarnson (aye), Coker (aye), Mayor Holston (aye), Kinyon (aye), Hollett (aye). Motion passed 6-0

14. Public Hearings-none

15. Appointments-none

16. Work Session- ARPA Funding

Bryan-went over the ARPA Grant information and what we are allowed to spend the funds on.

Councilor Kinyon-aside from the \$100,000 we are going set aside for our budget, we should consider using the remainder for programs for our community members and businesses who have been affected by COVID.

Mayor Holston- the difficulty with that is sorting out which businesses have already gotten relief, some didn't get a chance to apply.

Councilor Whitney- can we use some of the money to help citizens with water bills?

Bryan-he would try to keep it separate, you can use ARPA funds to help people for water or electric bills, he knows the low income water assistance is going to happen so he'd rather wait and see what happens with that.

Councilor Hollett-what are other like cities doing with their ARPA funds.

Bryan-one thing to consider would be a town hall meeting to get ideas from the citizens. He would like to do another work session in December. He'd like to have this done in 2-3 work sessions.

Mayor Holston-can we have a town hall meeting in January?

Bryan-thinks we can make the third work session the town hall, we can start working on that at the beginning of the New Year. We can generate an ARPA page on our website that community members can go look at and we can share and help with making decisions.

End work session 8:52 pm

17. Public Comment

Sherry Klosterman 48314 Hills Street- she is very sorry to hear that Bryan is leaving us, we were looking for someone who was honest and has clarity to the rules, she doesn't understand why the council, the mayor and the rest of the city has no communication. Look back at what we left, the last 30 years we've had nothing but discontent and loss. Now all of a sudden you put out a request for a new city administrator, you are the ones who picked him and he's done a great job. When you guys ran for these positions on the council you have not done anything that you promised me when I voted for you. You need to start talking and listening and resolve issues to keep Bryan. This town may not make it this time, she is highly upset with our council and mayor.

Trudy Hammond 47752 Berry Street-wondering about the dog licenses still, she hasn't seen the forms online.

Jackie-explained the licensing process.

Dan Barclay-he wants to be on the committee for the city engineer.

Ben Ward 47702 W 2nd-when you take out loans on the water does that come back on us?

Bryan-the loan for Well #2 will not increase the water rates.

18. Adjourn 8:53 pm

Signed: _____
Kathy Holston, Mayor

Signed: _____
Jackie Sims, City Recorder

Business of the City Council

City of Oakridge, Oregon

December 2, 2021

Agenda Title: Fee Waiver

Agenda Item No: 10.1

Exhibit: (1) Application

Proposed Council Action: A motion from the floor to approve.

City Administrator: Bryan Cutchen

ISSUE: A fee waiver has been requested for use of the Greenwaters Community Center to provide a youth dance and ballet class given by the Eugene Performing Arts Center. The classes would be given over seven Wednesdays, Jan-Jun 2022.

FISCAL IMPACT: \$420 in lost rental revenue

OPTIONS: (1) Approve the fee waiver.
(2) Do not approve the fee waiver.

RECOMMENDATION: None.

RECOMMENDED MOTION: I move we approve / disapprove the requested fee waiver of \$420 for the dance and ballet classes at the Greenwaters Community Center Jan-Jun 2022.



City of Oakridge

Property Rental Application

Event: _____ Small event <99 Large event >100
 Name: _____ Date(s) requested: _____
 Hours: _____ Open at: _____
 Contact address: _____ Contact phone: _____

Facility:	Rent:
<input type="checkbox"/> Greenwaters Picnic Shelter	\$20
<input type="checkbox"/> Greenwaters Community Building	\$60
<input type="checkbox"/> Greenwaters Amphitheater	\$300
<input type="checkbox"/> Greenwaters Whole Park	\$500
<input type="checkbox"/> WAC Classroom	\$25
<input type="checkbox"/> WAC Gym	\$100
<input type="checkbox"/> WAC Senior Lounge	\$25
<input type="checkbox"/> OFD Community Room	\$25
<input type="checkbox"/> Old Public Works Bldg	\$200
<input type="checkbox"/> Osprey Park	\$100
<input type="checkbox"/> Salmon Creek Park	\$100
<input type="checkbox"/> Diamond View Park	\$100
<input type="checkbox"/> OIP Park	\$300
<input type="checkbox"/> OIP Overflow Parking	\$200

Total Fees: _____

Requires Council Approval

Street closure location:
 Alcohol permit: Yes No
 Noise permit: N/A
 Nature of noise:
 Estimated distance noise will be plainly audible:
 Is a variance required: Yes No
 Variance subject to event rules (see reverse)
 Attach a list of all residences/businesses within 500 feet

Applicant signature: *C. Hollett*
 Approval signature: _____

Date: _____
 Date: _____

OFFICE USE ONLY
Date paid: _____
Amount paid: _____

ALL EVENTS

1. You will be civilly liable for any damage or injuries that occur during, or are attributed to you or your event.
2. You will be responsible for the cleanup of the facility and for any required repairs attributed to your event.
3. The event, including clean up, must concluded by 10:00 pm or at the time approved by City Council on the application to be compliant with City ordinance.
4. The noise levels at your event cannot consistently exceed 80 decibels at the distance of 500 feet from the amplified source of the noise as measured by the Oakridge Police Department.
5. If good order is not maintained at your event, the event may be shut down by the Oakridge Police Department for violation of your facilities permit and City ordinance.
6. Events must comply with all city ordinances; failure to comply with any ordinance may result in immediate termination of your event by the Oakridge Police Department.
7. All fees must be paid prior to event.
8. The Council reserves the right not to grant or approve facility permits to your group in the future.

Groups Over 100

In addition to the above rules, the following apply to all groups over 100 people. You must attach appropriate documentation (items 8-12) at the time of application in order for it to be approved.

8. Provide a list of all businesses and residents that are located within 500 feet of the event. This must include addresses and phone numbers. Each business or resident listed must be contacted with information about the event not more than 21 days, nor less than 14 days prior to the event. The information must include contact number for further information or complaints.
9. You must provide Department of Public Safety Standards & Training (DPSST) trained security personnel during your event. One DPSST trained end easily identified person for events of 1-100 participants with a minimum two personnel on duty at all times. One additional DPSST security person is required for each additional 100 people.
10. You must submit a Medical/Safety plan for your event. Med/Safety stations must be identified during the event for events of over 200 people. Contact the Police Chief and Fire Chief for approval of plans prior to submitting. Plans must include contact information in case of emergency. You will be held financially responsible for any and all expense incurred by the City of Oakridge for medical or safety services above what you provide.
11. If admission is charged, you must reserve the entire facility for the duration of the event.
12. An insurance policy for 1 million dollars will be secured for the event with the City named as an additional insured.

I agree to abide by the above conditions and any other stipulations the City may deem necessary.

Signature: C. Hollett Date: _____

Failure to abide by the above conditions may result in sanctions including, but not limited to refusal to rent facilities, fees being due at time of reservation and inability to secure an alcohol permit.

Sanctions may be appealed to the City Council.

Business of the City Council

City of Oakridge, Oregon

December 2, 2021

Agenda Title: Ordinance 938 - Repealing Chapter 115 of the City of Oakridge Code – Tobacco Products

Proposed Council Action: A motion from the floor to approve

Agenda Item No: 13.1

**Exhibit: (1) Ordinance 938
(2) SB 587**

**Agenda Bill Author: Bryan Cutchen
City Administrator: Bryan Cutchen**

ISSUE: During the 2021 legislative session, the Oregon Legislature passed SB 587 (Oregon Laws 2021 chapter 586) which creates the Statewide Tobacco Retail Licensure program. As part of this legislation, jurisdictions that had existing license programs in effect as of January 1, 2021, are allowed to continue administering those existing license programs if they agree to enforce standards described in the bill against persons licensed by the jurisdiction up through revocation of the Local Tobacco retail License, may continue to enforce those local standards. If the jurisdiction decides to retain that local program, they are required by section 13 of the statute to sign an IGA with the Department of Revenue.

The City of Oakridge has an ordinance imposing a local tobacco retail license, and under SB 587 you have the authority to determine whether you wish to retain the local license.

Should Oakridge retain the authority, the Department of Revenue may request access to view the City's Inspection Results from inspections or investigations conducted by the City or the City designee conducted to enforce or administer standards regulating the retail sale of tobacco products and inhalant delivery systems authorized by Oregon Laws 2021, chapter 586, section 17(2)(a).

FISCAL IMPACT: \$440 in lost license revenue, offset by administrative costs managing the program.

OPTIONS: 1) Read ordinance by title only if no councilor requests it be read in full.
3) Enact the ordinance.
4) Reject the ordinance.

RECOMMENDATION: Staff recommends option (1) & (2).

RECOMMENDED MOTION: I move we adopt Ordinance 938, which repeals Chapter 115 of the City of Oakridge Code – Tobacco Products.

ORDINANCE NO. 938

**AN ORDINANCE REPEALING
CHAPTER 115 OF THE OAKRIDGE MUNICIPAL CODE**

WHEREAS, the Oakridge City Council, on March 6, 2003, enacted Ordinance 863, controlling the sale of tobacco products; and

WHEREAS, the Oakridge City Council, on June 18, 2003, enacted Ordinance 867, which amended the control of tobacco sales; and

WHEREAS, the controls on the sale of tobacco adopted by the Oakridge City Council via Ordinance 863 and Ordinance 867 have been codified in Chapter 115 of the Oakridge Municipal Code, with said Chapter being entitled "Tobacco Products;"

NOW THEREFORE, the City of Oakridge ordains as follows:

Section 1. Repeal. Chapter 115 of the Oakridge Municipal Code, as created by Ordinances 863 and 867, is repealed in its entirety.

Section 2. Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law; and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

Section 3. Correction. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

PASSED BY THE COUNCIL OF THE CITY OF OAKRIDGE THIS ____ DAY OF _____, 2021.

APPROVED AND SIGNED BY THE MAYOR OF THE CITY OF OAKRIDGE THIS ____ DAY OF _____, 2021.

ATTEST: _____, Mayor
 _____, City Recorder

AYES: _____ NAYS: _____ ABSTAIN: _____

Business of the City Council

City of Oakridge, Oregon

December 2, 2021

Agenda Title: First Reading of Ordinance 939 – Repealing and Replacing Section 93.30 of the Oakridge Municipal Code

Proposed Council Action: A motion to approve reading of proposed Ordinance 939.

Agenda Item No: 13.2

Exhibit: 1) Proposed Ordinance 939

**Agenda Bill Author: Bryan Cutchen
City Administrator: Bryan Cutchen**

ISSUE: On May 20, 2021, the Oakridge City Council received a presentation by Ms. Leslie Neu, a University of Oregon law student and wildland firefighter, concerning Flammable Vegetation and Defensible Space. Following the presentation, the city council approved Ms. Neu to provide a proposed revision to the Oakridge regulations to update the cognizant section.

This is the first reading of proposed Ordinance 939, an ordinance repealing and replacing Chapter 93.30 of the Oakridge Municipal Code, titled *Noxious Growth*, and replace it with the newly revised section.

FISCAL IMPACT: None.

**OPTIONS: 1) Fully and distinctly read the ordinance on two different days before enactment.
2) Read ordinance by title only if no councilor requests it be read in full.
3) Enact ordinance in a single meeting by unanimous vote, provided the ordinance is read first in full and then by title.
4) Reject the ordinance.**

RECOMMENDATION: Staff recommends option 1.

RECOMMENDED MOTION: I move we take the first reading of Ordinance 939.

DRAFT Oakridge – General Regulations

§ 93.30 FLAMMABLE VEGETATION AND DEFENSIBLE SPACE

(A) Purpose and Intent.

The purpose of this chapter is to reduce the risk to health, safety, and welfare of City of Oakridge citizens, residents, and visitors by controlling the growth of weeds and noxious vegetation.

The City of Oakridge is located in an area classified as a moderate to high risk of wildfire in which the existence of flammable vegetation during dry periods contributes to the risk of catastrophic wildfire damage.

The Oakridge Fire Department and City Officials intend to prioritize enforcement and abatement under this chapter based upon the degree of fire risk or other hazards caused by a violation and the availability of resources.

(B) Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY ADMINISTRATOR. The Administrator of the city or the Administrator’s designee.

CITY OFFICIAL. City employee assigned the duty of enforcement of the City Code or the official’s designee.

CITY RECORDER. The Recorder of the city or the Recorder’s designee.

COMBUSTIBLE MATERIAL. Seasonal and recurrent weeds, stubble, brush, dry leaves, mulch, wood, tumbleweeds, rubbish, recyclable material, litter, or flammable materials of any kind.

DEFENSIBLE SPACE. An area either natural or man-made, where the material capable of

allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

FIREBREAK. An area clear of flammable vegetation and combustible material that acts as a barrier to slow or stop the progression of fire.

FIRE OFFICIAL. The Oakridge Chief of the Fire Department or designee.

NOXIOUS VEGETATION. All vegetation listed on the noxious weed list promulgated by the Oregon Department of Agriculture’s Plant Division.

PERSON IN CHARGE. Any agent, occupant, lessee, contract purchaser or person other than the owner, having the possession or control of property.

WEEDS. Vegetation, grass, shrubbery, and round wood that is less than 1/4 inch in diameter and more than four inches high, and vegetation that is a health, fire, or traffic hazard.

(C) Declaration of Nuisance.

The growth or maintenance of weeds and noxious vegetation on properties within city limits during the summer season, or at any other time of the year when deemed a fire, health, or traffic hazard, is declared a public nuisance.

(D) Exemptions to Nuisance Declaration.

It shall not be a violation of this chapter for property owners to maintain or not abate weeds or noxious vegetation where strict compliance with the requirements of this chapter would be impractical, based on a city or fire official’s determination.

(1) The term “weed” and “noxious vegetation” shall not include vegetation

DRAFT Oakridge – General Regulations

considered an agricultural crop, ornamental shrubbery, or similar plants used as ground cover, unless that vegetation is a fire, health, or traffic hazard and contributes to the rapid transmission of fire from the vegetation to any structure.

(2) Weeds, grass, or other vegetation located more than 30 feet from buildings or structures and less than 12 inches in height above the ground need not be removed where necessary to stabilize soil and prevent erosion.

(E) Responsibilities of Owners and Operators of Property.

It shall be the duty of any owner or person in charge of real property to abate weeds and noxious vegetation from their property. Persons owning, leasing, controlling operating, or maintaining buildings or structures within city limits shall always:

(1) Maintain an effective firebreak by removing and clearing away weeds and noxious vegetation and combustible material from areas under their control within 30 feet of any buildings or structures.

(2) Maintain additional fire protection or firebreak by removing weeds and noxious vegetation and combustible material located from areas under their control within 30 to 100 feet from the buildings or structures, when required by a city or fire official because of extra hazardous conditions causing a firebreak of only 30 feet to be insufficient to provide reasonable safety from fire.

(3) Remove portions of trees that extend within ten feet of the outlet of a chimney.

(4) Maintain trees adjacent to or overhanging a building free of deadwood.

(5) Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.

(F) Vegetation Reduction Procedures.

A reduction can be completed with a combination of trimming, cutting, or removal of weeds and noxious vegetation or potentially flammable weeds, grass, vines, brush, and other combustible materials 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.

(G) Authority to Inspect.

Whenever the city or fire official, or their designee, has cause to believe that there exists, or potentially exists, in or upon any premises any condition that constitutes a violation of this chapter, the official or designee may enter such premises at all reasonable times to inspect the premises related to flammable vegetation or defensible space compliance. In the event the property owner or occupant refuses to allow entry of the official or designee, after a request has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(H) Notice to Abate.

(1) Between April 15 and May 15 of each year, the Chief of the Fire Department shall cause to be published not less than three times in a newspaper of general circulation in the city the requirements of this subchapter, as notice to all owners and persons in charge of property to abate their property of weeds and noxious vegetation. The notice shall also state that the city intends to abate all weeds and noxious vegetation ten or more days after 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.

DRAFT Oakridge – General Regulations

(2) In addition to the public notice required, and before the initiation of abatement activity, the City Administrator shall attempt to notify the property owner of the requirements of this chapter and the city's intention to abate the weeds and noxious vegetation. The City Administrator may initiate abatement no sooner than ten days after mailing of the required notice by certified mail, return receipt requested.

(i) Notice shall be mailed to the property owner shown on the most recent tax roll available to the city.

(ii) Personal notice to the property owner or person in charge shall not be required.

(I) Abatement Procedures.

(1) If the weeds or noxious vegetation has not been privately abated as ordered, the city shall cause them to be abated. The City Administrator or designee may enter upon the property at reasonable times for the purposes of investigating and abating conditions prohibited by this chapter.

(i) The City Administrator shall cause the owner or person in charge of the property or both to be billed for the abatement. In addition to the cost of abatement, an administrative charge of \$125 shall be included for each parcel to cover the expenses of administering this subchapter. An additional \$50 will be charged if the bill is not paid within 30 days of mailing.

(ii) The bill shall state that it may be protested in writing within ten days after its date to the City Council. If it is so protested, the Council shall consider the protest, determine the proper amount of the bill and notify the person protesting of that amount. That determination shall be final.

(iii) Within ten days after receiving the bill, if it is not protested or if it is protested, within ten days after the Council's determination, the owner or person in charge shall pay the bill.

(iv) If the bill is not paid within 30 days after expiration of the ten days, the City Recorder may cause legal action to be brought in court for the amount of the bill.

(v) If the bill is not paid within the 30 days, the City Recorder may also proceed to cause a lien to be established against the property for the amount of the bill by recording the amount of the bill, the property description and the owner, if known, in the city's lien docket.

(2) The procedure provided by this chapter is not exclusive, but in addition to any procedure provided by any other ordinances and the City Administrator may proceed summarily to abate weeds and noxious vegetation that are an imminent danger to human life or property. The cost of the abatement shall be assessed and collected as provided herein.

(3) Each day's violation of a provision of this chapter shall constitute a separate offense.

(4) The abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this chapter but shall be in addition to any penalty imposed for a violation of this subchapter.

(J) Penalties.

(1) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(2) Any person violating any of the provisions of § 93.30 shall, upon conviction thereof, be punished by a fine not to exceed \$500.