

EXCESSIVE VEGETATION AND DEBRIS

44.105 DEFINITIONS.

As used in sections 44.105 to 44.145, unless the context requires otherwise:

- (1) "Board" means the Polk County Board of Commissioners.
- (2) "Excessive vegetation and debris" includes:
 - (a) Weeds more than 18 inches in height.
 - (b) Grass more than 18 inches in height, except agricultural crops.
 - (c) Poison oak, blackberries, and similar rank or harmful vegetation.
 - (d) Any vegetation that is a health hazard, a fire hazard, or that impairs the view of a public road or renders use of the road otherwise hazardous.
 - (e) Junk, rubbish, trash, unsightly piles, fallen trees, tree limbs, tree trunks, concrete rubble, and other debris.
- (3) "Property subject to abatement" includes the following real property located within the Salem Urban Growth Boundary, as defined by the Polk County Comprehensive Plan:
 - (a) All lots or parcels within a platted subdivision.
 - (b) All lots or parcels created by partition which are one acre or less in area.

44.110 FINDINGS; NUISANCE DECLARED.

The Board finds that the existence, from June 15 to September 15 each year, of excessive vegetation and debris on property subject to abatement is a detriment and menace to neighboring property and to the health, safety, and welfare of residents in the vicinity. Such excessive vegetation and debris is a public nuisance, and shall be abated as provided in sections 44.105 to 44.145.

44.115 PROHIBITION; PENALTY.

(1) No owner or occupant of property subject to abatement shall allow excessive vegetation and debris to be on the property, or along the right-of-way of a road or street abutting the property.

(2) A violator of this section is subject to the penalties and liabilities of ORS 203.065.

44.120 NOTICE.

The Board shall give notice of the requirements of Sections 44.105 to 44.145 in such manner

as it considers appropriate.

44.125 PRIVATE ABATEMENT; PROTEST.

(1) The owner or occupant of any property subject to abatement shall abate any nuisance on that property between June 15th and September 15th of each year.

(2) Notwithstanding subsection (1) of this section, an owner or occupant of property subject to abatement who denies that such nuisance exists or is reasonably abatable, may file with the Board a written protest denying that the property is subject to Sections 44.105 to 44.145.

(3) The Board shall review a protest filed under this section and determine whether the nuisance exists. This determination is final. If affirmative, the owner or occupant shall abate the nuisance not later than the 10th day after the determination.

44.130 ABATEMENT BY COUNTY.

(1) If excessive vegetation and debris on property subject to abatement is not abated during the period between June 15th and September 15th in any year, the County Weed Officer, by employment or contract, may go on such property and abate the nuisance in such manner as the Board considers most effective.

(2) The County Weed Officer may enter upon property at reasonable times for investigating and abating the nuisance.

44.135 BILLING COSTS.

(1) For each lot or parcel subject to abatement which is not abated during the period between June 15th and September 15th in any year, the County Weed Officer shall file with the Board an itemized statement of expense with respect to such lot or parcel, including but not limited to the cost of publication (if any) and mailing of notices, receiving and investigating complaints, mapping, staking, mowing, hauling, travel time and inspection, plus 10 percent to cover general enforcement of Sections 44.105 to 44.145. However, the minimum charge for any lot or parcel shall be \$100 if the County has caused the nuisance to be abated under Section 44.130.

(2) The Board shall cause each person liable for billing under subsection (1) of this section to be notified by certified mail of the amount owed to Polk County. If this amount is not paid before the 30th day after mailing, the Board may add an additional five-percent to the sum already billed to cover the costs of further proceedings.

(3) Objection to a billing may be filed with the Board within the 30-day period. The Board shall consider the objection at a regular meeting not later than the 10th day after its receipt.

44.140 LIENS FOR UNPAID BILLINGS.

(1) During September of each year the Board shall cause notice to be sent by certified mail to persons who failed to pay billings under Section 44.135, a statement that the final opportunity for payment of a billing, including the additional five percent, will be the 15th day after mailing of the notice.

(2) Following the 15th day after mailing of notice under this section, the Board by resolution may declare the amount billed under Section 44.135, including the additional five percent, to be a lien on the property involved, enforceable in the same manner provided for enforcement of liens under ORS Chapter 88.

44.145 ACCOUNTING PROCEDURE.

On docketing of a lien under section 44.140, the amount of the lien shall be charged to the Polk County General Fund, and all income resulting from enforcement of the lien shall be credited to the same Fund.