

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Obnoxious Vegetation and Amending Sections 6.825 and 6.835 of the Eugene Code, 1971

Meeting Date: February 23, 2015
Department: Public Works
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Agenda Item Number: 5
Staff Contact: Neil Björklund
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ISSUE STATEMENT

The City Council is scheduled to take action on proposed amendments to Chapter 6 of the Eugene Code, pertaining to the City's Nuisance Vegetation Program.

BACKGROUND

This item was the subject of a public hearing on January 17, 2015. No testimony was submitted. Additional background information is summarized below.

Sections 6.815 to 6.845 of the Eugene Code set out the provisions for the City's "Nuisance Vegetation" program, through which City staff enforces against private property owners who allow vegetation on their land to grow too tall or to spill over onto adjacent properties. Since 2001, this program has been managed by the Parks and Open Space Division, and funded out of the General Fund.

Typically, this program deals with undeveloped lots that are not mowed before the deadline set out in the code, but it also includes addressing untrimmed vegetation on developed lots, sometimes in situations involving disputes between neighbors. The latter can be very time-intensive for staff.

The Code requires the City to provide notice of the mowing deadlines via newspaper ads, to mail notice of the deadlines to all owners of undeveloped property within the City, both within a specified timeframe, and sets out some of the content for the newspaper notice. The Code also requires the City to abate all violations that have not been privately abated by the property owner within 10 days' notice of a violation.

A similar program exists for abating vegetation that encroaches on public rights-of-way, which is also managed by the Parks and Open Space Division. The draft ordinance does not include any changes to that program.

As presented at the October 27, 2014 Council Work Session, the Parks and Open Space Division has faced declining operations funding over a period of years during which the City's park and

open space system has more than doubled in size. Growing pressure to find cost savings to meet General Fund budget reduction targets has generated some unpopular changes in park maintenance. One of the options the Parks and Open Space Division has explored in order to reduce the impact of past cuts to park maintenance resources is to suspend enforcement of the Nuisance Vegetation program on private lands. Suspending enforcement of this program would free up approximately \$50,000 in General Fund dollars that could be applied to high priority park maintenance needs that are not currently funded. However, the prescriptive nature of some of the existing code provisions for this program do not allow the City the legal flexibility to suspend enforcement of the program or significantly reduce the service level.

The attached draft ordinance includes amendments to the Code provisions for the Nuisance Vegetation Program to provide the flexibility to allow changes in service level or suspension of the program to help meet budget targets. The changes can be characterized as two types. The first would be very simple: changing the word “shall” to “may” in three instances (Sections 6.825, 6.830 and 6.835). These three sections set out the requirements for publishing newspaper notices, mailing notices to owners of undeveloped properties, and setting out the requirements for abatement of violations. The second would be removal of a paragraph that addresses the specific content of the notice provided via newspapers, which binds the City to provide mowing services to property owners who do not wish to take care of their properties themselves.

RELATED CITY POLICIES

There is no adopted Council policy that addresses the level of service for management of nuisance abatement on private land, other than Eugene Code Chapter 6, Sections 6.825 – 6.845.

COUNCIL OPTIONS

1. Approve the proposed code changes and adopt ordinance as attached.
2. Modify the code changes, and adopt a modified ordinance.
3. Take no action.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends Option 1, the Mayor and City Council approve proposed changes to the Obnoxious Vegetation provisions and adopt the ordinance as attached.

SUGGESTED MOTION

Move to adopt Council Bill 5141, updating the Obnoxious Vegetation program provisions.

ATTACHMENTS

- A. Proposed Ordinance

FOR MORE INFORMATION

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