

ORDINANCE NO. 4416

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTIONS 7.84.110 THROUGH 7.84.130 REQUIRING THE OWNERS OF REAL PROPERTY TO CUT ALL WEEDS, GRASS, AND OTHER VEGETATION OVER TEN (10) INCHES IN HEIGHT, PROVIDING THAT UPON FAILURE TO DO SO, THE CITY SHALL HAVE THE AUTHORITY TO CUT THE SAME AND THE COST SHALL BE CHARGED AS A LIEN UPON THE PROPERTY AND REPEALING ORDINANCE NO. 2303 AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMC Section 7.84.110 is hereby amended to read as follows:

AMC Section 7.84.110: No owner of real property in the city of Albany shall allow to remain on said property any weeds, grass, or other vegetation over ten (10) inches in height. Such vegetation shall be cut as required by AMC Section 7.84.130.

Section 2: AMC Section 7.84.120 is hereby amended to read as follows:

AMC Section 7.84.120: Publication and Notice. Between the 15th of April and the 15th of May of each year, the City Manager or his designate shall cause to be published three (3) times in a newspaper of general circulation in the city of Albany a copy of AMC Sections 7.84.110 and 7.84.130 as notice to all owners and persons in charge of real property that they are to keep the property free of all tall grass, weeds, and other vegetation.

Section 3: AMC Section 7.84.130 is hereby amended to read as follows:

AMC Section 7.84.130: Abatement.

- (1) Within ten (10) days after the third publication of the notice required in AMC Section 7.84.120, or as soon thereafter as a violation of AMC Section 7.84.110 may occur, the owner of the property shall cause the weeds, grass, or other vegetation in violation of AMC Section 7.84.110 to be cut.
- (2) In the event a property owner fails to remove weeds, tall grass, or other vegetation the City Manager or his designate will cause written notice to be mailed to the property owner that he is in violation of AMC Section 7.84.110 and the property owner will be given ten (10) days in which to bring the property into compliance with the provisions of AMC Section 7.84.110.
- (3) At the request of the owner, the City Manager or his designate will cause grass, weeds, or other vegetation to be cut for a fee sufficient to cover the direct cost plus 20% for administrative overhead with a minimum fee of \$30.00.
- (4) The City Manager or his designate may cause to be cut any weeds, grass, or other vegetation which is in violation of AMC Section 7.84.110 at anytime following the ten (10) days from the date of notice to remove weeds, grass, and other vegetation. The cost of the removal of said weeds, grass, and other vegetation shall be as calculated in Subsection (3) of this Section and will be a charge to the owner of the property and will become a lien against the property.

- (5) Right to Enter. In the event that it becomes necessary for the City Manager or his designate to undertake the cutting and removal of the grass and weeds from any private lot within the City, the designate of the City Manager shall have the right at reasonable times to enter into or upon said property to cut said vegetation.
- (6) Cost to Become a Lien. Upon completion of the clearing of any real property under the provisions of AMC Section 7.84.130 hereof and in the event that the fee is not paid within thirty (30) days, the City Manager or his designate shall file with the City Recorder and thereafter present to the City Council an itemized statement of the cost thereof as specified in AMC Section 7.84.130. The City Council shall, thereafter, by ordinance determine the reasonableness of said statements of costs and adjust the same, and thereupon the amount of said statements as approved by the City Council shall be an obligation owed to the City of Albany by the owner of the real property involved, and the City shall have a lien upon said real property for such sum and the lien shall be entered in the lien docket and enforced against said property in the manner provided for the enforcement of city liens.
- (7) Summary Abatement. The procedure provided by this ordinance is not exclusive but is in addition to abatement procedure provided by other ordinances.

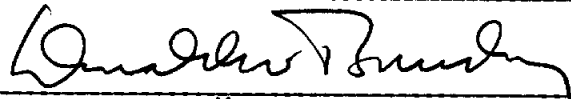
Section 4: Ordinance No. 2303 is hereby repealed.

Section 5: Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace, and safety of the city of Albany, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor of the City of Albany.

Passed by the Council: May 27, 1981

Approved by the Mayor: May 27, 1981

Effective Date: May 27, 1981

  
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Mayor

ATTEST:

  
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City Recorder