

ORDINANCE NO. NS-2372

AN ORDINANCE AMENDING BEND MUNICIPAL CODE 13.30.005.D, FLAMMABLE VEGETATION

Findings:

- A. The Bend Municipal Title 13 encompasses substantive standards and processes for regulating nuisances within the City.
- B. Bend Municipal Code Section 13.30.005, Flammable Vegetation, makes property owners responsible for managing flammable and potentially flammable vegetation to protect public health, safety, and property by reducing the risk of fire.
- C. The City's Code Enforcement Division sends notice letters on an annual cycle to remind and inform property owners of their obligations under the code.
- D. Under no circumstances does the City's Code Enforcement Division issue a citation for violating the flammable vegetation code without providing the property owner the opportunity to remedy the issue(s) and come in to compliance with the code.
- E. The Code Enforcement Division works with property owners to ensure that the necessary work to meet the code requirements is identified, understood, and accomplished. Citations are generally only issued as a last resort, or if a property owner is not responsive.
- F. Chapter 13.65 of the code outlines an involved process for abatement of nuisances, and is not specific to flammable vegetation. The abatement process may result in the City carrying out the abatement and assessing the costs to the property owner.
- G. Section 13.30.005.D of the code makes the flammable vegetation process subject to the abatement process, potentially adding complexity and administrative steps to the process for notifying property owners that are inconsistent with long-standing Code Enforcement Division practices regarding flammable vegetation management. The addition complexity can impair the Code Enforcement Division's ability to efficiently remedy flammable vegetation issues.
- H. The code amendment will ensure the Code Enforcement Division can carry out its annual flammable vegetation management in its usual fashion, including providing notice to property owners, separate from the abatement process.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. Bend Municipal Code Section 13.30.005.D is amended as shown on the attached Exhibit A.

Section 2. Due to the seasonal nature of the Code Enforcement Division's annual flammable vegetation program efforts, and the need to issue notices immediately and to allow sufficient time to engage property owners and mitigate against fire risk, this ordinance is critical to ensure public health and safety and to minimize risk to property. The ordinance is therefore necessary on an emergency basis and will be effective immediately upon adoption on its second reading.

First Reading: May 6, 2020

Second reading and adoption by roll call vote: May 20, 2020

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper

NO: none


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM


Mary A. Winters, City Attorney

EXHIBIT A

13.30.005 Flammable Vegetation.

- A. It shall be the responsibility of every property owner and/or the person in charge of property within the City of Bend to reduce flammable or potentially flammable weeds, grass, vines, brush and other vegetation on the property by complying with the requirements of this chapter. The purpose of the flammable vegetation reduction shall be to protect property by confining fire and preventing its spread to other properties.
- B. Every property owner and/or the person in charge of property shall reduce and maintain the reduction of flammable or potentially flammable vegetation on the property in the following manner:
1. A reduction can be completed with a combination of trimming, cutting or removing flammable or potentially flammable weeds, grass, vines, brush and other combustible vegetation 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.
 2. Any tax lot one-half acre (21,780 square feet) or less shall remove all flammable or potentially flammable weeds, grass, vines, brush, and other vegetation by trimming, cutting, removing, or by the application of an EPA-approved herbicide.
 3. Any tax lot greater than one-half acre (21,780 square feet) shall establish and maintain a 20-foot fuel break along the entire perimeter of the property, including all rights-of-way or easements. The fuel breaks shall be located along the boundaries of the property; and also around any structures, power poles, vehicles, trees or other improvements on the property that would be vulnerable to a fire hazard created by flammable weeds, grass, vines, brush and other combustible vegetation.
 4. The City may direct additional abatement for any situations not adequately covered by the fuel breaks described above.
 5. Flammable vegetation located in the right-of-way or easement shall be the responsibility of the adjacent property owner and/or the person in charge of the property.
 6. Accumulated waste vegetation shall be disposed of in a manner so as not to create a fire hazard or spread vegetation to other properties.
- C. A City-approved vegetation management plan may be allowed as an alternative to subsections (B)(1) through (3) of this section.
- D. A violation of this chapter shall be a Class A civil infraction. ~~In addition noncompliance with the provisions of this chapter shall be subject to the abatement procedures provided in this title. [Ord. NS-2141, 2010]~~