

1. Agenda

Documents:

[2020-02-06 City Council Agenda .Pdf](#)

2. Meeting Materials

Documents:

[Commission Rules.pdf](#)

[Council Goals.pdf](#)

[Noxious Vegetation.pdf](#)



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR COUNCIL MEETING

441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Thursday, February 6, 2020 at 9:30am

WORK SESSION AGENDA

- I. CALL MEETING TO ORDER
- II. WORK SESSION DISCUSSION TOPICS
 - A. Noxious Weeds
 - B. Council Vacancy Interview Questions

REGULAR COUNCIL MEETING

- I. Announcements, Correspondence and Proclamations
- II. Public Comment: **Topics not listed on the agenda:** 5-minute limitation per person
- III. New Business
 - A. Dahl Disposal – Directional Discussion
 - B. Commission Rules
 - C. Water Rate Comparison and discussion of methodology
 - D. 2020 Council Goals
 - E. Parks & Commons Commission – Dog Park
- IV. Public Hearing
 - A. Continuation of public hearing on modifications to Yachats Municipal Code 4.08 Vacation Rental Licenses
- V. Other Business
 - A. From Mayor
 - B. From Council
 - C. From Staff

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 (TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. Posted January 30, 2020

Yachats City Council Vision

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.

Commission Rules
City of Yachats, Oregon



Amended February 5, 2020

Commission Rules - City of Yachats, Oregon

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Authority and Purpose Statement

The Municipal Code of the City of Yachats provides for the City of Yachats to have the following Commissions:

- A: Planning Commission
- B: Parks & Commons Commission
- C: Public Works & Streets Commission
- D: Library Commission

1. Meetings of the Commission

The meetings of the Commissions shall be open to the public.

1.1 Minutes of Meetings

The commission shall make and file with the City a report of all meetings and transactions of the commission for the preceding month. Copies of the minutes recorded at the regular and special meetings of the commission may serve as reports, shall be filed with the City as expediently as possible, and in no case more than thirty (30) days after the meeting of the commission. Each commission shall, in addition, make other reports as may be requested by the Council

2.11 General Format

All official printed minutes of any meetings of all city commissions, boards, and committees shall be fashioned after the minimum as required by State Law with minor additions. Recordings of entire minutes will be kept on file for more detailed references for a period of two years. All minutes shall be published in the City's document library.

2.12 Contents of Minutes

Meeting Particulars. Minutes shall include the date, time and place of all meetings.

Recordings. Agendas shall indicate that all proceedings are being recorded for back-up reference.

Attendance. Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.

Motions. Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.

Result of Votes. Minutes shall include the result of all votes and the vote of each member by name.

Substance of Topics. Minutes shall include an outline of the substance of the discussion on any matter.

Reference to Documents. Minutes shall include any references to any specific document mentioned in discussion.

Public Participants. Minutes shall include the name of the member of the public who addressed the body.

Emergency Meetings. The minutes shall include, if required, the nature of the emergency for calling an emergency meeting.

Speeches and Statements. Speeches or statements or the exact text of discussions shall not be transcribed verbatim.

2.13 Special Meetings.

The chair shall have the power to convene special meetings.

2.14 Notice of Meetings

All meetings of City Commissions, Committees and Board are public meetings and must be noticed in advance in accordance with Oregon laws.

2.15 Agenda Packets

City staff will make the best effort to post electronic packets to the City's website and the document library before the close of business a week before a commission or committee meeting. An email will be sent to the commission members to let them know that the packets are available for their review.

Packets shall be available at City Hall for public review. Copies may be obtained at the current cost.

2.16 Packet Material

Text exhibits. Packets shall include copies of applications, map locations, and any other pertinent, easily reproducible text exhibits.

Drawings and Reports. Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

3. Commission Membership

3.1 Membership. Commission members will be appointed by the Mayor with approval of Council. Any person applying for appointment to any commission shall be interviewed by City Council at either a work session or regular meeting. No person shall serve at the same time on more than one commission. All applicants for commission service need to complete a volunteer application on the current form. Commissions should recommend their membership slate for the following year in November so they can be approved by Council in December.

3.2 Attendance. Unless excused by the Chair, any member who has three absences in a twelve month period may be removed from the Commission by City Council action, the position will be declared vacant, and the member will have to reapply to be reconsidered for appointment.

3.3 Elections. The Chair and a Vice-Chair shall be elected by ballot at the last meeting of the calendar year, or when a vacancy in either of these offices occurs.

3.4 Officers.

3.41 Duties of the Chair. The Chair is the presiding officer of the meeting. The duties of the Chair are:

- * The Chair serves as the liaison between the Commission and the City Manager and Mayor.
- * Consult with City staff and together formulate an agenda for the meeting.
- * Open the meeting on time and call the meeting to order.
- * Announce in proper sequence the business on the agenda
- * Recognize participants who are entitled to the floor.
- * State the nature of legitimate issues that arise during the meeting, secure consensus on their disposition, and, if a vote is needed, **suggest** the language of the motion. If a motion is out of order or unclear, the Chair should rule it out of order or require clarification. If a motion is in order, the Chair calls for the vote and announces the results of the vote.
- * Protect the commission from frivolous or delaying motions by refusing to recognize them.
- * Enforce order in respect to discussion, deliberation, and decision making.

- * Expedite business in a way compatible with the rights of the members and constituents.
- * Decide all questions of order.
- * Respond to inquiries of members.
- * Declare the meeting adjourned.
- * Ensure that reports and recommendations are forwarded to the Council.
- * With approval of the commission, delegate an alternate spokesman.
- * When appropriate, assist staff with securing the building after a night meeting.

3.42 Duties of the Vice-Chair

The Vice-Chair shall be presiding officer when the Chair is absent or when the Chair wishes to be a stronger, more partisan, participant in deliberation. The Vice-Chair may also assist the Chair as directed by the Chair or Commission.

3.5 Commission Vacancies.

3.51 Procedures and Objectives.

- The City Manager shall retain a working list of all citizens filing an application for service on City commissions, boards, and committees. Applications shall be kept until the person is appointed, becomes ineligible to serve, or withdraws the application.
- The Commission, board or committee shall consider the names of all persons currently on file and any person at the meeting that has expressed an interest in serving on that body.
- Candidates shall be interviewed by the Commission, board or committee to discuss their qualifications and reasons for wanting to serve.
- **Recommendations.** The Commission shall then deliberate and present a recommendation to the Council of qualified candidates for the current vacancy.
- **Prior to an appointment being made,** candidates and any person at the Council meeting who express a willingness to serve shall be interviewed by City Council at either a work session or regular meeting. Incumbents seeking reappointment are not required to interview.

4. **Use of City Staff.** The Chair shall be the liaison between the Commission, board or committee and City staff. Only the City Manager is authorized to request work/time of City Staff or Contract Resources.

5. Commissions:

5.1 Planning Commission.

5.11 Membership. The Planning Commission shall consist of seven members appointed by the Mayor with the approval of Council.

Pursuant to ORS 227.030, no more than two (2) voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.

All commission members must reside in the City.

All commission members must have resided in the City for no less than six months prior to appointment.

The members of the commission shall receive no compensation for their services.

5.12 Terms of Office

Terms of office on the commission shall be four (4) years and shall expire on December 31st of the 4th year.

A member of the commission may be removed by a majority vote of the City Council for cause.

A vacancy shall be filled by the Mayor with the approval of Council for the unexpired portion of the term.

5.13 Powers and Duties.

Shall have the powers and duties provided for by ORS 227.090, other state law, City Charter, comprehensive plan or other city ordinances.

Shall function primarily as a comprehensive planning body proposing policy and legislation to the Council related to the growth and development of the community. In addition to the authority provided in the previous sentence, the commission:

Shall review the comprehensive plan every four (4) years and make recommendations to the council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions;

May formulate and recommend legislation to implement the comprehensive plan;

Shall conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by city ordinance.

Shall perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion.

5.14 Organization

The commission may select a secretary from among its members, who shall serve at the pleasure of the commission or the City Manager shall designate a city staff member to act as secretary. The secretary shall keep accurate records of all proceedings of the commission and shall perform such duties as are requested of the secretary by the commission, this section, or by law.

5.15 Quorum.

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.2 Parks & Commons Commission

5.21 Membership. The Parks and Commons Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.22 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term

5.23 Powers and Duties

Formulate rules, regulations and standards for the operation of the City's parks and the Commons building and grounds in a manner which assures security of the City's assets and encourages use by tenants, residents and visitors and recommend them to City Council for adoption;

Establish rental rates for various uses of the Commons; recommends such to City Council for adoption;

Enhance income through promotion or co-promotion of appropriate events;

Work with the Facilities Manager in development and implementation of a marketing program for tenants and special programs;

Plan for the regulation, development and improvement of the City's parks;

Receive gifts, grants, bequests and devises to carry out the purpose of the Commons and parks planning and programming process;

Work with the Facilities Manager in the development of the budget for the Commons. Prepare the annual budget for all City parks and submit to the Budget Officer the budget proposals for the parks and the Commons building for forwarding to the Budget Committee;

Perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion;

Monitor the Village Circulation Plan portion of the Comprehensive Plan relating to trails, including implementation, funding, and signage; and

Serve as liaison between the City and Lincoln County in development of the trail system, shoreline access points, and signage as established in the Village Circulation Plan and the 804 Settlement Agreement.

Serves as the sponsoring Commission for the Trails Committee and the Little Log Church and Museum board.

5.24 Quorum

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.3 Public Works & Streets Commission

5.31 Membership

The Public Works & Streets Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.32 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with approval of the Council for the unexpired portion of the term.

5.33 Powers and Duties.

Formulate rules, regulations and standards for the operation and use of the City's public works, recommend such to City Council for adoption.

Plan for future growth, development and improvement of the City's public works.

Advise the City Manager on improvements and maintenance for public works.

Recommend improvements or repairs to the City's streets, culverts, drainage and curbing.

Review all rates and fees including, but not limited to, water, sewer, and system development and report to the City Council by March 1st of each year and recommend any changes in rates, fees, charges or policy.

Review monthly Budget Reports for all Public Works systems including Capital Improvement Projects.

Serve as liaison to various Lincoln County Committees or Work Groups associated with Public Works systems.

Serve as the sponsoring Commission for the Emergency Preparedness Committee.

Serve as the City's Public and Traffic Safety Committee as follows:

- A. Hear suggestions and complaints from citizens concerning issues of public and traffic safety;
- B. Research and develop remedies for public and traffic safety concerns as needed;
- C. Recommend public and traffic safety priorities for the City;
- D. Review and recommend project application for funding;
- E. Serve as liaison between the City and the Oregon Traffic Safety Commission in developing the statewide highway safety program, and in meeting the National Highway Safety Program Standards;
- F. Act in an advisory capacity to the Yachats City Council in the implementation of safety activities;
- G. Foster public knowledge and support of traffic law enforcement and traffic engineering problems and needs;

Serve as a franchise review committee responsible for initially reviewing, negotiating and recommending to City Council all franchise agreements.

5.34 Quorum

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.4 Library Commission

5.41 Membership.

The Library Commission shall consist of five (5) members, appointed by the Mayor with consent of Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.42 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with the approval of the Council or the unexpired portion of the term.

5.43 Powers and Duties

Operate and manage the Yachats Public Library;

Formulate rules, regulations and standards for the operation of the library;

Receive gifts, grants, bequests and devisees to carry out the purpose of the library;

Work with the librarians to prepare and submit to the budget officer an annual budget which will be forwarded to the budget committee

5.44 Quorum

Three (3) members of the commission shall constitute a quorum for the transaction of business.

Yachats Council Goals + Objectives

	Current/Ongoing	Year 1-2	Year 3-4	Year 5	Notes
Enhance Community Engagement					
Explore new engagement tools such as town halls, website, social media, coffee gatherings, and/or suggestion box		X			Council can discuss ideas and implementation at a work session
Create a citizen involvement committee		X			Council can discuss ideas and implementation at a work session
Provide monthly opportunities for residents to connect with Councilors and staff		X			Council can discuss ideas and implementation at a work session
Provide public involvement opportunities for the Oceanview Drive project	X				This project is currently ongoing. Council can review current process, multiple parties, current efforts to get more information to the community and then discuss how to accomplish more public involvement within current meeting structures
Support Fiscal Sustainability and Overall Enhancement					
Explore new revenue generating opportunities beyond tourism.		X	X		These could include fees from home businesses, outdoor activities, arts, etc. This will be a multiple work session discussion with a lot of research needed to be done by either Commissions, work groups, or Council themselves to generate ideas
Explore public-private partnerships.	X	X			A component of each project, consideration should be given to public/private partnerships
Enhance tourism throughout the year. Explore opportunities for events outside of the peak season.	X	X	X		Invite the Chamber for discussion, Visitor Center RFP will be released this year. Council can research other Chambers and bring forth ideas at a work session
Utility Rate Study	X				
Licensing and Tax Collection Software Integration	X				City Team is in discussions to bring the Springbrook module online
Updates to Financial Policies	X	X			City Team - Policies are in draft form. Once other finance items are in place and running smoothly, comprehensive policies will be updated to reflect updated procedures, spending limits, etc for Council approval. Finance Committee will review prior to Council
Franchise Agreement Updates	X				Work in progress to update expiring agreement
Improve Yachats' Water Infrastructure					
Source water protection plan					
Allocate funds and savings for water security					
Communicate with residents about water issues					
Provide education for water conservation					
Water Source Protection Plan					
Water Master Plan					
Wastewater Master Plan					
Conservation and water management plan					
Wastewater Significant Industrial User Survey					
Improve community livability for all ages					
Address parking needs in the downtown area/commercial corridor	X	X	X		(Consider impacts to stormwater through, lot location, etc.). This is likely a phased project. Team is working on a parking study proposal that can be conducted by volunteers, the TSP may help address, but we can discuss smaller current projects and how they may assist in a portion of parking
Create a more walkable community and provide more healthy, active opportunities	X	X	X		(walking paths with places to sit, golf carts, etc.). This incorporates OceanView Drive, the TSP, etc.
Pursue a grant to complete a Transportation System Plan (TSP) and parking analysis	X				Currently in process from City Team
Driftwood Street Paving	X				Grant obtained. See parking note
Oceanview Drive Project	X				In process. See community engagement note
Enhance Emergency Preparedness					
Improve natural and unnatural hazard mitigation plans including emergency ingress/egress, watershed security and protection, etc.	X	X	X	X	We have several efforts and grants going on right now to support this. This will be a long-term, consistent project. Emergency Prep and PW&S Commission - and even planning commission - can assist Council in this
Provide signage for emergency escape routes.	X				Council can utilize the Emergency Prep Committee and PW&S Commission to assist

	Collaborate with the forest service for potential alternate escape routes.	X				Council can utilize the Emergency Prep Committee and PW&S Commission to assist
	Horizon Hill Stabilization Study	X				Public works team is handling
	Earthquake valve	X				Public works team is handling
Improve and maintain Yachats' Facilities						
	Plan for the Commons Building and the surrounding area	X	X			Utilize Parks and commons commission for review of current plans and provide direction on any updates, in addition to current projects listed below.
	City Hall Remodel	X				Grant timeline. Currently in process. Team oversees process and construction
	Library Needs Assessment Remodel	X	X	X		Utilize Library Commission for needs, Friends for fundraising (P/P partnership opportunity), team will need to oversee actual construction, etc. Depending on needs assessment, fundraising, et. This may be a multi-year project
	Little Log Church Building Repair Project	X	X	X		Utilize Little Log Church Committee and Parks and Commons Commission for recommendations, Friends for fundraising (P/P partnership opportunity), team will need to oversee actual construction, etc. Depending on needs assessment, fundraising, et. This may be a multi-year project
	I&I Basin Rehab	X				Public works team is handling. It may need to be reviewed in our Capital projects the PWD resources to avoid too many projects at once. May need to extend timeframes to ensure day to day is completed & burn out is of a risk
	Door repairs on Public Works Building	X				Same as above
	Doors to protect UV equipment at Wastewater Plan	X				Same as above
	Solids Pole Building	X				Same as above
	IT Hardware Upgrades	X				Same as above
	Water Plant Upgrades to Replace Aging/Failing Equipment	X	X	X	X	Same as above. Will be multi-year, ongoing project. Should also be considered as part of hazard mitigation plans
	Water Meter Replacement	X	X	X		This is also a conservation, increased service, and efficiency system. Grant opportunities need to be reviewed and applied for which may push this out.
	Backwash Recycle System	X				Public works team is handling. It may need to be reviewed in our Capital projects the PWD resources to avoid too many projects at once. May need to extend timeframes to ensure day to day is completed & burn out is of a risk
Other						
	Organizational work and HR policy updates	X				in progress with CM and team collaboration
	Archiving/Record Retention	X				Team is conducting efforts. HR Org and hiring will assist in these efforts
	Updates to utility policies	X				Public Works & Streets Commission is assisting in reviewing these policies, our code, and presenting any code updates and a comprehensive policy update to Council

From: Yachats Parks and Commons Commission
To: Shannon Beaucaire, Yachats City Manager

Per City Council Goal 5 Item 2, the Parks and Commons commission suggests that the Yachats City Council revise code Section 5.08.110, Noxious and Invasive Vegetation, for the following reasons. The current section:

1. Identifies some noxious vegetation for removal only in riparian areas yet this vegetation is noxious in all settings
2. Specifies an arbitrary timeline for removal. This places undo constraints on city enforcement staff.
3. In two instances, explicitly specifies some, but not all, noxious vegetation identified by the referenced resources. This creates confusion. Additionally, the classification system used by one referenced resource has been revised but the ordinance does not reflect this.
4. The primary referenced resource is not specific to, nor compressive of, the coastal environment. Some highly invasive coastal plants are therefore not included. Additional coastal-focused reference resources are available.
5. Contains contradictory, irrelevant, and poorly worded items.

If the City Council agrees with this suggestion, the Parks and Commons Commission will, in consultation with the City Manager, provide a draft revision for the Council's consideration.

Yachats Parks and Commons Commission.

Section 5.08.110 Noxious and invasive vegetation.

- A. For purposes of this section, “noxious vegetation” is defined as introduced “weed” species and native vegetation that is, or is likely to become:
1. A health hazard, including plants such as Scotch Broom and others that may seasonally cause severe allergic reactions, and plants such as Poison Hemlock which is extremely toxic if ingested. Any such vegetation shall be prima facie evidence of a health hazard;
 2. A fire hazard, including native and introduced grasses, bushes, weeds or other noxious vegetation allowed to grow in vacant lots or other open areas. Any such vegetation shall be prima facie evidence of a fire hazard;
 3. A traffic hazard, including the presence of trees, bushes, or other tall vegetation that impairs the view of the public thoroughfare, street corner, path, or trail making use of the thoroughfare hazardous. Any such vegetation shall be prima facie evidence of a traffic hazard;
 4. An invasive vegetation competitive with, and destructive to, native vegetation and desired landscape and garden plants; or
 5. A regionally abundant weed of economic importance and which is listed as a noxious weed by Oregon State Department of Agriculture Weed Control Board (T and B designated weeds) and other designated vegetation identified on the Yachats Trails Internet site, by Lincoln County Vegetative Management, Lincoln Soil and Water Conservation District or within the Field Guide to Weeds of the Oregon Coast (Institute of Applied Ecology – Funding from Oregon Bureau of Land Management).
- B. Questions regarding vegetation identification and methods for the control or eradication of noxious vegetation shall be referred to the Lincoln County Vegetation Management Committee or to the Oregon State Department of Agriculture Weed Control Division, or to the Oregon Revised Statutes, Chapter 570 or to the Yachats Trails Weeds Subcommittee.
- C. No owner or person in charge of real property shall permit, grow or allow noxious vegetation to grow on the property. Nor shall any owner or person in charge of real property permit listed invasive plants within a riparian corridor, as described in Section 9.52.070 of this code (hereafter riparian corridor). Noxious vegetation within a riparian corridor are declared a nuisance, and their presence is non-conforming with the Yachats Comprehensive Plan.
- D. The owner or person in charge of real property shall abate noxious vegetation from the property or within a riparian corridor and do so in a manner that will prevent noxious vegetation from going to seed or propagating by other means. The owner and the person in charge shall be jointly and severally liable for the cost of abatement and may be liable for personal injury or damage resulting from the presence of noxious vegetation on their property.
- E. No owner or person in charge of property shall allow noxious vegetation to be on property or in the right-of-way of a public thoroughfare abutting the property.
- F. No owner or person in charge of property shall allow the uncontrolled growth and accumulation of noxious vegetation. This section shall not apply to any of the following:
1. Any crop grown and maintained for lawful agricultural purposes;

Section 5.08.110 Noxious and invasive vegetation.

A. No owner or person in charge of real property shall permit, grow or allow noxious vegetation to grow on the property. Nor shall any owner or person in charge of real property permit listed invasive plants within a riparian corridor, as described in Section 9.52.070 of this code (hereafter riparian corridor). Noxious vegetation and invasive plants within a riparian corridor are declared a nuisance, and their presence is non-conforming with the Yachats Comprehensive Plan. Some species of noxious vegetation are declared public health hazards.

B. The owner or person in charge of real property shall abate noxious vegetation from the property, or invasive plants within a riparian corridor and do so in a manner that will prevent noxious vegetation from going to seed or propagating by other means. The owner and the person in charge shall be jointly and severally liable for the cost of abatement and may be liable for personal injury or damage resulting from the presence of noxious vegetation knowingly propagated on their property.

C. For purposes of this section, “noxious vegetation” is defined as: introduced “weed” species and native vegetation that is, or is likely to become:

1. A health hazard, including plants such as Scotch Broom and others that may seasonally cause severe allergic reactions, and plants such as Poison Hemlock which is extremely toxic if ingested. Any such vegetation shall be prima facie evidence of a health hazard;

2. A fire hazard, including native and introduced grasses, bushes, weeds or other noxious vegetation allowed to grow in vacant lots or other open areas. Any such vegetation shall be prima facie evidence of a fire hazard;

3. A traffic hazard, including the presence of trees, bushes, or other tall vegetation that impairs the view of the public thoroughfare, street corner, path, or trail making use of the thoroughfare hazardous. Any such vegetation shall be prima facie evidence of a traffic hazard;

4. An invasive vegetation competitive with, and destructive to, native vegetation and desired landscape and garden plants; or

5. A regionally abundant weed of economic importance and which is listed as a noxious weed by Oregon State Department of Agriculture Weed Control Board “B” list and other designated weeds. Of significance, or potential significance, in the Yachats area are the following:

- a. Canada thistle,
- b. French broom,
- c. Gorse,
- d. Himalayan blackberry,
- e. Japanese knotweed,
- f. Poison hemlock,
- g. Purple loosestrife,
- h. Scotch broom,
- i. Waterweed (Elodea),
- j. Tansy ragwort.

D. For purposes of this section, “invasive plants within a riparian corridor” are identified as the following:

against the property and perfected and recorded as such according to State law. (Ord. 341, 2016; Ord. 283, 2009; Ord. 244, 2004; Ord. 221, 2001)

1. Common Fennel (*Foeniculum vulgare*);
2. Policeman's Helmet (*Impatiens glandulifera*);
3. Knotweeds* *Polygonium* species *Elimination only by approved practices;
4. Old Man's Beard and Silverlace Vine (*Clematis vitalba* and *Polygonum albertii*);
5. Atlantic, Irish and English Ivy (Cultivars *Hedera hibernica* and *Hedera helix*);
6. Yellow Flag Iris (*Iris pseudacorus*);
7. Purple Loosestrife and Garden Loosestrife (*Lythrum salicaria* & *Lysimachia vulgaris*);
8. Butterfly Bush (*Buddleja davidii*);
9. Reed Canarygrass (*Phalaris arundinacea*).

E. No owner or person in charge of property shall allow noxious vegetation to be on property or in the right-of-way of a public thoroughfare abutting the property.

F. An owner or person in charge of property, including any property in the right-of-way of a public thoroughfare abutting the property, shall cut down or destroy noxious vegetation determined by the City to be necessary if it is or to prevent it from becoming a health or fire hazard, or, in the case of weeds or other noxious vegetation, from invading an environment otherwise occupied by native vegetation or ornamental plants not listed as noxious vegetation by a County or State Weed Board.

G. Questions regarding vegetation identification and methods for the control or eradication of noxious vegetation shall be referred to the Lincoln County Vegetation Management Committee or to the Oregon State Department of Agriculture Weed Control Division, and to the Oregon Revised Statutes, Chapter 570.

H. No owner or person in charge of property shall allow the uncontrolled growth and accumulation of dead or dormant weeds, brush, high grass, scotch broom, gorse, blackberries or pampas grass to become a fire hazard. This section shall not apply to any of the following:

1. Any maintained landscaped area;
2. Any crop grown and maintained for lawful agricultural purposes;
3. Any natural area on publicly owned land of Yachats;
4. Any property defined as wetlands by proper authority, if control of vegetation would violate federal, state, or county laws; or
5. Any property defined as a riparian corridor.

Such vegetation shall be removed or eliminated before July 1st of each year, or at any time the City Council declares a period of extreme fire danger, by cutting to a height of no more than six (6) inches and mulching all cut materials. If any owner or person in charge of property does not comply with this subsection, the City may contract with a firm licensed to do business within the City limits to bring the property into compliance as provided in Section 5.08.250, Summary abatement. The City may recover all costs as provided in Section 5.08.240, Assessment of costs.

I. Unless a part of a City-approved natural conditions restoration project, within the first thirty (30) feet of a riparian corridor, nonspecific means, including, but not limited to, chemical sprays, mowers or weed eaters shall not be used to control or remove vegetation.

J. Any actual costs incurred by the City in enforcing this section, including, but not limited to, summary or other abatement costs pursuant to subsections B and G of this section, shall become a lien