

ORDINANCE 168

AN ORDINANCE ESTABLISHING A POLICY TO PROVIDE A NO BRUSHING PLAN FOR PROPERTY OWNERS ABUTTING THE CITY RIGHT-OF-WAY

SECTION 1 – PURPOSE

The purpose of this Ordinance is to establish a procedure whereby the property owners of Dunes City can choose the method of controlling vegetation on City road rights-of-way which abut their land.

SECTION 2 – DISCRETION

Maintenance of City Roads is at the sole discretion of Dunes City. The time, place and manner of roadside brush control are at the discretion of the Dunes City Road Commission. Entry into a “No Brushing” Agreement shall be at the discretion of the Dunes City Road Commission.

SECTION 3 – PROPERTY OWNER OPTION

When the right-of-way abutting a property owner’s land is included in a brushing program, the property owner may request the City not to brush the right-of-way abutting their property. Such a request must be made by agreement set out in Appendix A and by posting the right-of-way in accordance to Section 5 of this Ordinance.

SECTION 4 – AGREEMENT

The City shall approve a request for “No Brushing” if the property owner enters into an agreement to control the vegetation. The agreement shall be in the form set out in Appendix A, attached hereto and incorporated herein by this reference, and shall be signed by the property owner and returned to the Road Commission. The “No Brushing” agreement must be received by the Road Commission prior to March 1, of a given year. The Dunes City Council hereby delegates the Road Commission or Mayor the authority to sign the agreement for the City. The “No Brushing” agreement shall be effective only during the calendar year in which it was signed.

SECTION 5 – POSTING

A property owner, who abuts a City road right-of-way which is to be brushed and who entered into the agreement, must also post the abutting right-of-way as a “No Brushing” area. Such posting shall be by clearly visible signs provided by the Road Commission when the “No Brushing” agreement is returned to the Road Commission. Such signs shall be placed at the beginning and end of the “No Brushing” area respectively as directed by the Road Commission. Failure to adequately post the right-of-way as required by this Section will result in the brushing of the right-of-way as planned.

SECTION 6 – PROPERTY OWNER TO CONTROL VEGETATION

If the property owner posts the abutting right-of-way as a “No Brushing” area, the property owner shall be responsible for controlling the vegetation in the right-of-way to the satisfaction of the Road Commission. An information sheet regarding controlling vegetation and the requirements of posting shall be provided to property owners by the Road Commission when the “No Brushing” agreement is returned. Performance of the Agreement by property owners is at their own risk. The City shall not be liable to property owners or third parties for any claims connected with this Agreement.

SECTION 7 – FAILURE TO CONTROL VEGETATION

If the property owner fails to control the vegetation as required under Section 6 of this Ordinance, the City shall cut the area. If the City returns to a posted “No Brushing” area to control vegetation, which the abutting property owner failed to control, the abutting property owner will be charged the full cost of controlling the vegetation. If the abutting property owner fails to pay this charge, the charge will become a lien on the property.

SECTION 8 – NOTICE

When the Road Commission determines that vegetation on a City road right-of-way is in need of control and that the brushing will be part of the control program, the Road Commission shall cause to be published a notice of brushing program for City of Dunes City.

SECTION 9 – NOTICE PUBLICATION

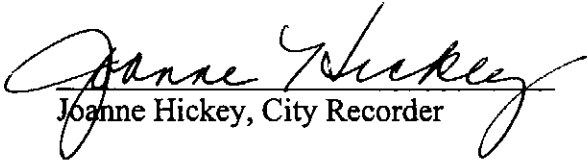
The notice required by Section 8 of this Ordinance shall be published the newspaper as designated by the Dunes City Council. The notice shall be published once a week for two (2) consecutive weeks ending not later than two (2) weeks prior to March 1st of a given year.

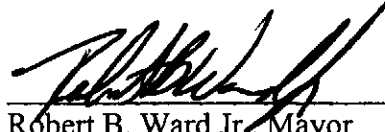
SECTION 10 – NOTICE CONTENTS

The notice required by Section 8 of this Ordinance shall be in the form set out in Resolution 03-11-04.

ADOPTED BY THE DUNES CITY COUNCIL THIS 11TH DAY OF MARCH,
2004.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1


Joanne Hickey, City Recorder


Robert B. Ward Jr., Mayor