

**ORDINANCE NO. 2023-01**

**ORDINANCE AMENDING FOREST GROVE CODE OF ORDINANCES  
TITLE XIII, (GENERAL OFFENSES), CHAPTER 130, (§130.01), TITLED  
DISCHARGE OF WEAPONS, AND REPEALING ORDINANCE NO. 1997-15**

**WHEREAS**, Clean Water Services (CWS) is a public agency formed under ORS 198; and

**WHEREAS**, CWS created Fernhill Wetlands in 2014 in order to use natural systems to clean and cool waste water before it is returned to the Tualatin River; and

**WHEREAS**, the efficacy of Fernhill Wetlands for cooling and cleaning waste water relies on effective invasive species management; and

**WHEREAS**, nutria are an invasive species that have caused significant damage to control structures and the vegetative cover that is crucial to cooling waste water; and

**WHEREAS**, CWS has attempted to manage the nutria population by several means that have proven very costly and ineffective; and

**WHEREAS**, lethal means have been the only effective method of reducing nutria populations; and

**WHEREAS**, the City's Municipal Code prevents public agencies like CWS from discharging a firearm within city limits; and

**WHEREAS**, notice of the proposed amendments were published in the *Forest Grove News Times* on March 31, 2023; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on April 10 and continued the hearing on April 24, 2023.

**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

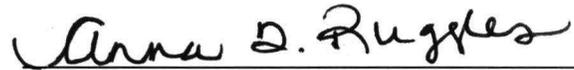
**Section 1:** The City Council hereby amends Forest Grove Code of Ordinances adopting Title XIII (General Offenses), Chapter 130 (§130.01), titled Discharge of Weapons, as set forth in Exhibit A.

**Section 2:** Ordinance No. 1997-15 is hereby repealed to extent of such inconsistency or conflict.

**Section 3:** This ordinance is effective 30 days following its enactment by the City Council.

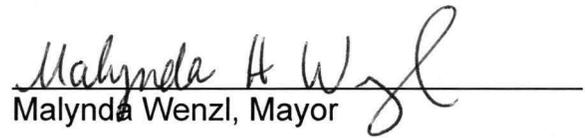
**PRESENTED AND PASSED** this 10<sup>th</sup> day of April, 2023.

**PASSED** the second reading this 24<sup>th</sup> day of April, 2023.



Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of April, 2023.



Malynda Wenzl, Mayor

**ORDINANCE NO. 2023-01**

**Exhibit A**

*(New text is indicated by redline/underling and text being deleted is ~~strikethrough~~)*

**§130.01 DISCHARGE OF WEAPONS**

- (A) Except at firing ranges approved by the Chief of Police, or at military funerals by an honor guard, or at memorial services where blanks are discharged, or the discharge of blanks or black powder (without a projectile) at any other event approved by the Chief of Police, no person other than an authorized peace officer, or ~~dog~~ animal control officer, or employee or contracted agent of a public agency in the course of their duty ~~shall~~ may fire or discharge a gun, including a spring or air actuated pellet gun, air gun, or BB gun, or other weapon which propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion.
- (B) An annual permit issued by the City Manager or designee is required for control of nuisance wildlife for any employee or contracted agent of a public agency in the course of their duty, other than peace officer as defined in O.R.S. 133.005(3) or animal control officer as defined in O.R.S. 609.500(1). The employee or contracted agent shall be required to undergo a background check by the Chief of Police or designee prior to receiving approval to discharge a weapon within the City limits.
- (C) Existing subsection (B) et seq. shall be retained and relettered as C.

**CITY OF FOREST GROVE  
CITY COUNCIL  
LEGISLATIVE HEARING SCRIPT**

**AGENDA ITEM F.1.**

**ORDINANCE NO. 2023-01 AMENDING FOREST GROVE CODE TITLE XIII, (GENERAL OFFENSES), CHAPTER 130, (§130.01), TITLED DISCHARGE OF WEAPONS, AND REPEALING ORDINANCE NO. 1997-15**

**Instructional Note:** Please read text in **blue**.

**PUBLIC HEARING CONTINUATION:** The City Council will now continue the Public Hearing opened on APRIL 10, 2023, concerning **Ordinance No. 2023-01.**

1. **STAFF REPORT:** Staff will now brief Council on any new information received since the last meeting.
2. **QUESTIONS OF STAFF:** Does the Council have questions of staff?
3. **PUBLIC TESTIMONY:**
  - City Recorder is there anyone via Zoom who would like to comment on the proposal? [If so, please use the “Raise Hand” option. Please state your name and address for the record. Please limit your comments to three minutes.]
  - Is there anyone in the audience who would like to comment on the proposal? If so, please state your name and address for the record. Please limit your comments to three minutes: Proponents? Opponents? Others?
4. **PUBLIC TESTIMONY (COUNCIL QUESTIONS):** Do any Councilors have clarifying questions regarding the testimony provided?
5. **CLOSE THE PUBLIC HEARING:** If there are no further questions, I will now close the Public Hearing
6. **MOTION:** I will now ask for a motion to adopt **Ordinance No. 2023-01** by title for SECOND READING.

**STATE THE MOTION:** This motion is...

Is there a second? **AFTER SECOND:** Do any Councilors wish to comment on the motion?

7. **AFTER COUNCIL DELIBERATIONS:** City Manager please read the Ordinance by title only for its SECOND READING?

City Recorder, please call the roll.

Let the record show the motion passes and **Ordinance No. 2023-01** is adopted [*or / the motion fails and the ordinance is not adopted*].

**IF THE MOTION FAILS:** Is there a motion to modify the ordinance as proposed? Is there a second? Do any Councilors wish to comment on the motion? City Recorder, please call the roll. The motion passes / fails.

FIRST READING:

**ORDINANCE NO. 2023-01**

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**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on April 10 and continued the hearing on April 24, 2023.

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**PRESENTED AND PASSED** this 10<sup>th</sup> day of April, 2023.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of April, 2023.

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Malynda Wenzl, Mayor

**ORDINANCE NO. 2023-01**

**Exhibit A**

*(New text is indicated by redline/underling and text being deleted is ~~strikethrough~~)*

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- (B) An annual permit issued by the City Manager or designee is required for control of nuisance wildlife for any employee or contracted agent of a public agency in the course of their duty, other than peace officer as defined in O.R.S. 133.005(3) or animal control officer as defined in O.R.S. 609.500(1). The employee or contracted agent shall be required to undergo a background check by the Chief of Police or designee prior to receiving approval to discharge a weapon within the City limits.
- (C) Existing subsection (B) et seq. shall be retained and relettered as C.



*A place where families and businesses thrive.*

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	F. 1.
MEETING DATE:	04/10/2023
FINAL ACTION:	First Reading ORD 2023-01

## CITY COUNCIL STAFF REPORT

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *April 10, 2023*

**PROJECT TEAM:** *Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and Ordinance First Reading to Amend Forest Grove Code Title XIII General Offenses to Permit Invasive Species Management Using Firearms by Public Agencies*

<b>ACTION REQUESTED:</b>	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
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*X all that apply*

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**ISSUE STATEMENT:** Fernhill Wetlands, the wastewater treatment facility in Forest Grove, is experiencing significant damage due to nutria, an invasive species in the state of Oregon with no natural predators. Clean Water Services has tried for many years to manage the nutria at Fernhill, but needs the ability to contract with a trained management agent to use firearms to manage the nutria population. City code does not currently allow this.

**BACKGROUND:** In 2014, Clean Water Services (CWS), the water management utility tasked with storm and waste water management in Washington County, transformed 90 acres of sewage lagoons on its current site at the southern edge of Forest Grove into treatment wetlands to naturally treat over 7 million gallons of waste per day. This process uses 15 control structures and 2,400 feet of piping to encourage the growth and establishment of over a million native wetland plants and four billion seeds, planted both for water quality and for habitat. These plants play a key role in both cleaning and cooling water before it is returned to the Tualatin River.

Oregon’s Department of Environmental Quality (DEQ) issues a permit to CWS to operate water treatment facilities such as Fernhill. CWS must submit water quality monitoring data to DEQ in order to maintain its facility permit every five years. While many substantive facets of water quality are reviewed during these permit renewal cycles, one of the most important is water temperature. As mentioned above, the native plants that provide shade play a key role in cooling the water to an allowably cool temperature before returning to the Tualatin River. As with any managed natural system, invasive species management is an important aspect of maintaining the integrity of the system’s function. To wit, both invasive plant and animal species must be closely monitored and controlled to keep the system working as intended.

Unfortunately, CWS staff have observed an explosion in population of nutria at the Fernhill site. Nutria, a semi aquatic rodent originally brought from South America in the 1930's because of the value of its fur, are a species that has no natural predators in North America. Furthermore, it is a prolific species, with the ability to produce up to 3 litters of up to 13 offspring per year. To even further exacerbate the issue, these nutria feed on the very native plants that function to clean and cool the waste water leaving Fernhill. Moreover, these rodents also burrow and dig, which undermines the integrity of the system of control structures that make Fernhill function. Left unmitigated, the impacts of these nutria would represent an existential threat to Fernhill.

In the past several years, CWS staff has tried numerous methods of nutria management, including trapping them at Fernhill and releasing them to other areas, replacing vegetation at a rate of 50,000 to 100,000 plants per year, and using a federal agent to shoot them. Unfortunately, nutria is too prolific of breeders, and non-lethal management methods are too slow to keep up with their reproduction. Therefore, the impacts of the thousands of nutrias on-site have been growing year after year, to the point that CWS is now on notice with DEQ that they must achieve cooler water temperatures or risk losing the permit to operate Fernhill in its current state.

In order to ameliorate this situation and address these impacts and potential consequences, CWS staff must use lethal methods of nutria removal. However, the City's Municipal Code contains language that prevents the discharge of firearms within City limits. Staff proposes amending the Code to grant agents of public agencies the ability to shoot in the course of their duty. Additionally, staff would propose that an additional section be added that would require an annual permit from the City Manager that takes into account the training of said agent and a successful background check by the Police Chief. Thusly, staff proposes to amended the code language as follows:

*(New text is indicated by redline/underling and text being deleted is ~~strikethrough~~)*

### **§130.01 DISCHARGE OF WEAPONS**

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- B. An annual permit issued by the City Manager or designee is required for control of nuisance wildlife for any employee or contracted agent of a public agency in the course of their duty, other than peace officer as defined in O.R.S. 133.005(3) or animal control officer as defined in O.R.S. 609.500(1). The employee or contracted agent shall be required to undergo a background check by the Chief of Police or designee prior to receiving approval to discharge a weapon within the City limits.
- C. Existing subsection (B) et seq. shall be retained and relettered as C.

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends adoption of the ordinance to amend the Forest Grove Code as set forth in Exhibit A.

**ATTACHMENT:** Ordinance 2023-01, to Adopt Code Chapter 130, General Offenses

**CITY OF FOREST GROVE  
LEGISLATIVE HEARING SCRIPT**

**AMENDING FOREST GROVE CODE, CHAPTER 130 (SECTION 130.01), TITLED  
DISCHARGE OF WEAPONS, AND REPEALING ORDINANCE NO. 1997-15**

**Instructional Note: Only read text in blue.**

**Opening the Public Hearing.**

I will now open the public hearing on **Ordinance 2023-01** amending the Forest Grove City Code Chapter 130 (Section 130-01), titled Discharge of Weapons, and Repealing Ordinance No. 1997-15.

**Staff Report:** Community Development Director Bryan Pohl will now present the staff report and state if any correspondence has been received after publication of the written report.

**Councilor Questions:** Do any Councilors have clarifying questions for staff?

**After Staff Report - Public Testimony:** Members of the audience may now present testimony on this matter. If you wish to testify, please provide your name and address for the record and limit comments to three minutes. City Recorder has anyone signed-up to testify?

**After individual testimony:** Do any City Councilors have clarifying questions of the testimony provided?

**After the allocated time for this agenda item or if no testimony is offered ask for a motion.**

**Motion:**

- I will now ask for a motion to adopt **Ordinance 2023-01**, for FIRST READING and continue the public hearing to April 24<sup>th</sup> for second reading. Is there a second?
- The motion has been moved and seconded.
- Is there any discussion on the motion?
- **After Discussion:** Will the City Manager please read the ordinance by title only.
- City Recorder, please read the roll for first reading.
- The motion to adopt **Ordinance 2023-01** for first reading and continue the public hearing to April 24<sup>th</sup> for second reading passes [or fails].



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## **NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold Public Hearings on **Monday, April 10 and April 24, 2023**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, and via Zoom video conferencing, to consider an ordinance amending Forest Grove City Code Chapter 130, (§130.01), titled Discharge of Weapons. The proposed amendments are to permit public agencies to use firearms for management and control of invasive species.

The hearings will be held in a “hybrid” format allowing the public to attend the meetings virtually via Zoom and in-person. A copy of the Zoom meeting agenda with Zoom instructions and staff report are available seven days prior to the hearing and are published on the City’s website at <https://www.forestgrove-or.gov/meetings>. To provide testimony via Zoom, please email [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov). For assistance, please call the City Recorder’s Office at (503) 992-3235.

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Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove

*Publish FG NewsTimes: April 6 and 12, 2023*

# Pamplin Media Group

6605 SE Lake Road, Portland, OR 97222

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Account: <b>104052</b>	Date: <b>04/11/23</b>
Name:	Ad Date: <b>04/05/23</b>
Company: <b>FOREST GROVE, CITY OF</b>	Class: <b>1202</b>
Address: <b>PO BOX 326</b>	Ad ID: <b>283289</b>
<b>FOREST GROVE, OR 97116</b>	Ad Taker: <b>ADYER</b>
Telephone: <b>(503) 992-3218</b>	Sales Person: <b>FGNT31</b>
Description: <b>NOTICE OF PUBLIC HEARING</b>	Words: <b>171</b>
<b>FOREST GROV</b>	Lines: <b>25</b>
	Agate Lines: <b>32</b>
	Depth: <b>3.458</b>
	Inserts: <b>4</b>
	Blind Box:

Other Charges:	<b>\$0.00</b>	Gross:	<b>\$135.55</b>
Discount:	<b>\$0.00</b>	Paid Amount:	<b>- \$0.00</b>
Surcharge:	<b>\$0.00</b>	Amount Due:	<b>\$135.55</b>
Credits:	<b>\$0.00</b>		
Bill Depth:	<b>3.458</b>		

Package	Start	Stop	Cost
News Times	04/06/23	04/13/23	2 \$135.55

Ad Note:

Customer Note:

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Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove  
Publish April 6th & 12th, 2023 FGNT283289

*We Appreciate Your Business!  
Thank You !*

Date: April 10, 2023

Agenda Item: F. 1.

Subject: ORDINANCE NO 2023-01 AMENDING FOREST GROVE CITY CODE TITLE XIII, (GENERAL OFFENSES), CHAPTER 130, (§130.01), TITLED DISCHARGE OF WEAPONS, AND REPEALING ORDINANCE NO. 1997-15

# CITY COUNCIL MEETING

## Request to Testify at Public Hearing

**Public Hearings:** Hearings are held on each matter required by state law or City policy. Sign in before the meeting on the Public Hearing form posted in the foyer. The presiding officer will review the hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Council, please use the witness table (center front of the room), provide your full name and please limit your remarks to three (3) minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action. All testimony is electronically recorded. Written testimony may be submitted by 3:00 p.m. the day of the meeting to: [CityCouncilors@forestgrove-or.gov](mailto:CityCouncilors@forestgrove-or.gov).

***Please sign-in below to testify:***

**PROPONENTS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OPPONENTS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OTHERS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

<hr/> <p><i>DON GROSSARTW</i></p> <hr/> <hr/> <hr/>	<hr/> <p><i>1527 Maple St FG 97116</i></p> <hr/> <hr/> <hr/>
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