



Atascadero City Council

Staff Report – Fire Department

Weed/Refuse Abatement Program

RECOMMENDATION:

City Council adopt the Draft Resolution, declaring vegetative growth and/or refuse a public nuisance, commencing proceedings for the abatement of said nuisances, and placing all abatement fees on the San Luis Obispo County Special Tax Assessment for the fiscal year 2010-2011 Tax Roll.

DISCUSSION:

The Municipal Code, Section 6-13.03, addresses the abatement of vegetative growth and/or refuse, which constitute a hazard. Adoption of the proposed Resolution is the first step in this annual program, which requires City Council action. The Fire Department conducted its initial inspection during the month of April. There are approximately 11,088 parcels within the City. The list of parcels identified to have vegetative growth and/or refuse, which are or may become a public nuisance, is available for review in the Office of the City Clerk and the Atascadero City Fire Department.

Compliance with the Weed Abatement Section of our Municipal Code is a critical component of our Fuel Management Plan. The City of Atascadero does not want to be in the mowing business. The intent of this program is to encourage citizens to independently manage the weeds on their properties. The City charges a 150% administrative fee as a fine to those properties that are not in compliance with the Municipal Code. An efficient Fuel Management Program helps the City keep wildland fires at a minimum and staffing down.

FISCAL IMPACT:

The costs and revenues associated with the Weed Abatement Program vary from year to year and are dependent on property owner non-compliance. The fees are placed on the San Luis Obispo County Special Tax Assessment for the fiscal year 2010-2011 Tax Roll.

ATTACHMENTS:

1. Draft Resolution declaring vegetative growth and/or refuse a public nuisance
2. Vegetative Growth Notice
3. Vegetative Growth / Refuse Notice

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING VEGETATIVE GROWTH AND/OR REFUSE A PUBLIC NUISANCE

WHEREAS, the City of Atascadero Fire Department is commencing proceedings for the abatement of said nuisances; and

WHEREAS, abatement fees will be placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2010-2011 tax roll,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. That vegetative growth and/or refuse are a public nuisance and hereby declare to be such for the reasons that vegetative growth may attain such a large growth as to become a fire menace and/or drainage restriction, when mature and said refuse may become a public nuisance, thereby creating a hazard to public health.

The City Council of the City of Atascadero finds and declares that vegetative growth and/or refuse on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of City and State laws. No further hearings need to be held, and it shall be sufficient to mail a notice to the owner of the property as their address appears upon the current assessment roll.

SECTION 2. A description of the parcel of lots of private property upon which, or in front of which, said nuisances exist, according to the official Assessment Map of said City of Atascadero, shall be posted annually in the office of the City Clerk and referred to as Exhibit A (Vegetative Growth) and Exhibit B (Weeds & Refuse).

SECTION 3. The City Clerk or designee is hereby ordered and directed to mail written notices of the proposed abatement to all persons owning property described in accordance with Section 6-13.08 of the Atascadero Municipal Code.

SECTION 4. Pursuant to Section 6-13.10 of the Atascadero Municipal Code, the City Council shall hear and consider all objections or protests to the required removal of said vegetative growth and/or refuse. The City Clerk shall post a copy of the public hearing notice in accordance with the Ralph M. Brown Act.

SECTION 5. Pursuant to Section 6-13.17 of the Atascadero Municipal Code, if the owner does not abate the hazard, it will be abated by the city contractor. The cost of the abatement plus a 150% administrative fee and county fee will be assessed upon the county property tax bill, and constitute a lien upon such land until paid.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _____
Roberta Fonzi, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

EXHIBIT "A" ON FILE IN THE OFFICE OF THE CITY CLERK

EXHIBIT "B" ON FILE IN THE OFFICE OF THE CITY CLERK



City of Atascadero

Fire Department

NOTICE

Dear Atascadero Property Owner:

**IF YOU RECEIVED THIS NOTICE
YOU ARE IN VIOLATION OF THE WEED ABATEMENT ORDINANCE**

THIS NOTICE IS NOT SENT TO ALL PROPERTY OWNERS IN THE CITY OF ATASCADERO

Weed abatement season has arrived and parcel inspections were performed throughout the City during the first two weeks of April. The City's Municipal Code, Section 6-13.08, requires this notification, which enables the Fire Department to abate dry noxious weeds in an effort to make our neighborhoods safer in the event of a fire.

THE DEADLINE FOR COMPLIANCE IS JUNE 1, 2010

**THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING YOUR
VEGETATIVE GROWTH TO A MAXIMUM HEIGHT OF 4 INCHES**

NOTICE TO DESTROY VEGETATIVE GROWTH (NOXIOUS WEEDS)

Notice is hereby given that on the 27th day of April 2010, the City Council passed a resolution declaring that vegetative growth (noxious weeds) constitutes a fire hazard, which must be abated by the cutting of said vegetative growth (noxious weeds). If the owner does not comply within **30** days of the date of this letter, it will be abated by the city, and the cost of the abatement will be billed to the property owner directly, or assessed upon the county property tax bill, and will constitute a lien upon such land until paid. The City recovers costs for administering this program through a 150% administrative fee. Reference is hereby made to the resolution for further particulars and Municipal Code Sections 6-13.01 through 6-13.17. A copy of said resolution is on file in the office of the city clerk.

All property owners having any objections to the proposed removal of the hazard are hereby notified to attend a meeting of the City Council of the City of Atascadero to be held **May 11, 2010 at 6:00 p.m.**, when their objections will be heard and given due consideration.

Dated: This 28th day of April 2010.

/s/ Kurt W. Stone
Fire Chief
City of Atascadero, California

The deadline for weed/refuse abatement compliance is June 1, 2010

On June 1, 2010, the City's contractor begins the abatement process for parcels that are not in compliance. The contractor's fees, as well as applicable City and County fees/fines are assessed on the County's tax roll.

The Fire Chief has established the following requirements:

CLEARANCE REQUIREMENTS

OF VEGETATIVE GROWTH (NOXIOUS WEEDS)

- a) Maximum height of 4 inches;
- b) Located within 100 feet of any building or structure, or to the property line, whichever is nearer;
- c) Located within 50 feet from the edge of any improved roadway;
- d) Located within 50 feet from each property line;
- e) Located within 10 feet on each side of driveways.

EXEMPTIONS:

- a) Animal pastures and agricultural fields growing hay or grains. The interior portion of fenced pastures where the quantity of livestock significantly reduces the vegetative growth, therefore bringing the parcel into compliance. Agricultural fields must be cut at harvest time. Uncut hay and grain is subject to abatement.
- b) Habitat for endangered or threatened species or any species that is a candidate for listing as an endangered or threatened species by the State of California or Federal Government.
- c) Land kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
- d) Open space lands that are environmentally sensitive parklands.
- e) Other lands having scenic values.

Abatement requirements shall remain in effect in waterways where flood preparation measures and emergency flood control mitigation is necessary.

- 1) This exemption applies whether the land or water are held in fee title or any lesser interest. This exemption applies to any public agency, and private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that decision.
- 2) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.
- 3) In the event that any lands adjacent to land or water areas, as described above, are improved such that they are subject to this chapter, the obligation to comply with Section 6-13.04 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance, activities, and other fire prevention measures required by Section 6-13.04 shall be required only for the improved land, and water areas as described above.

Questions regarding weed abatement may be directed to 805-470-3300 or by writing to: City of Atascadero, Fire Department, Fire Marshal, 6005 Lewis Ave., Atascadero, CA 93422.

PLEASE RETAIN THIS NOTICE FOR ANY RELATED COMMUNICATIONS



City of Atascadero

Fire Department

Dear Atascadero Property Owner:

**IF YOU RECEIVED THIS NOTICE
YOU ARE IN VIOLATION OF THE WEED ABATEMENT ORDINANCE**

THIS LETTER IS NOT SENT TO ALL PROPERTY OWNERS IN THE CITY OF ATASCADERO

An inspection was made on the above stated parcel and your property was identified to be in violation of Municipal Code Sections 6-13.01 to 6-13.17 and Uniform Fire Code (UFC) Section 1103.2.4. The City's Municipal Code, Section 6-13.08, requires this notification, which enables the Fire Department to abate all vegetative growth and refuse that may create a fire or health and safety hazard(s) in our neighborhoods. We have identified Vegetative Growth/Refuse.

**NOTICE TO REMOVE
VEGETATIVE GROWTH (NOXIOUS WEEDS) AND REFUSE**

Notice is hereby given that on the 27th day of April 2010, the City Council passed a resolution declaring that vegetative growth (noxious weeds) and refuse constitute a fire hazard, and health and safety hazard, which must be abated by the cutting of said noxious weeds, and removal of said health and safety hazard. If the owner does not comply within **(30)** days of the date of this letter, it will be abated by the city, and the cost of the abatement will be billed to the property owner directly, or assessed upon the county property tax bill, and will constitute a lien upon such land until paid. The City recovers costs for administering this program through a 150% administrative fee. Reference is hereby made to the Resolution for further particulars and Municipal Code Sections 6-13.01 through 6-13.17. A copy of said Resolution is on file in the Office of the City Clerk.

All property owners having any objections to the proposed removal of the health hazard are hereby notified to attend a meeting of the City Council of the City of Atascadero to be held on **May 11, 2010 at 6:00 p.m.** when their objections will be heard and given due consideration.

Dated: This 28th day of April 2010

/s/ Kurt W. Stone
Fire Chief
City of Atascadero, California

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