City of
FRESNO
REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.	8:45 a.m.
COUNCIL MEETING	3/3/2009

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

March 3, 2009

FROM: Keith Bergthold, Director
PLANNING AND DEVELOPMENT DEPARTMENT

BY: Jerry Bishop, Asst. Director
PLANNING AND DEVELOPMENT DEPARTMENT

Matthew Lopez, Code Enforcement Manager
CODE ENFORCEMENT DIVISION

SUBJECT: CONSIDER THE 2009 WEED ABATEMENT PROGRAM AND ADOPT AN ORDINANCE APPROVING THE 2009 WEED ABATEMENT PROGRAM

KEY RESULT AREA

One Fresno

RECOMMENDATIONS

It is recommended that the City Council: Conduct the Public Hearing and at the close, adopt the attached ordinance approving procedures for the 2009 Weed Abatement Program, and declare that dry grass, weeds, trash, and debris on vacant lots on the listed properties pose a significant fire hazard in the City of Fresno.

EXECUTIVE SUMMARY

Each year, the Code Enforcement Division notifies approximately 5,000 property owners of vacant lots to keep their property free from dry grass, weeds, trash, and debris. These code violations pose a significant fire hazard during the fire season, which runs approximately from April 15 through September 15 each year. If a property is found to have a violation with no visible attempts of clean up, the property is summarily abated. The property owner is billed for the cost of abatement plus an administrative fee; the average bill is from $500 to $1,000 per incident. In addition, a citation will be issued. Citations range from $200 to $800. If the property owner does not pay the bill, the City will collect the debt through three methods: a collection agency, special tax assessment, or a nuisance abatement lien. This public hearing is to provide the owners of vacant lots an opportunity to present their viewpoint concerning the process.

BACKGROUND

The goal of the Weed Abatement Program is to keep the community free of fire hazards and blight through proactive code enforcement throughout the year and especially during the fire season. Dry grass, weeds, trash, and debris on vacant lots constitute a significant fire hazard; therefore, property owners are notified prior to the start of the season of the need to maintain their property throughout the season. This means

that property owners must disc and clean their lots before April 15th, and ensure that they remain free from fire hazards and debris through the end of September.

This year's program will follow the same format that has been used successfully for the past four years, as follows:

Legal Notification: Notices were mailed on February 17th, and noted a deadline for compliance of April 15th. A legal notice was published in the Fresno Bee and a listing of APNs to be inspected were made available to the public on Code Enforcement's weed abatement website, at the City Clerk's Office, and a hotline was provided in all publications for owners who preferred to call and inquire. (See Exhibits A, B, C, and D).

Inspections: As in years past, in order to establish the City-owned lots as an example for the public, inspections and cleanup of City-owned lots will begin early, on April 6th. Inspections of privately owned lots will begin after the deadline, on April 16th. Summary abatements may be conducted by a qualified City contractor without further notification if the owner has not cleaned the property. The cost of the abatement plus an administrative fee will be billed to the property owner. In addition, a citation will be issued. This process has been developed in conjunction with the City Attorney's Office.

Cost Recovery Procedures: For 2009, the Division will utilize three different methods of collection, determined on a case-by-case basis. The three methods are: 1) special tax assessment; 2) a collection agency; or 3) an abatement lien.

KEY OBJECTIVES

Council action regarding proposed adoption of the 2009 Weed Abatement Ordinance will optimize the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in increased customer satisfaction by contributing to the beautification of the surrounding neighborhoods. Employee satisfaction is attained for the Division's professional and technical staff who, having reviewed and made recommendations to property owners requiring application of the City's Municipal Codes, will have the tools needed to accomplish the intended result. Prudent financial management is demonstrated through possible administrative fees the applicant/customer must pay when the City abates possible fire hazards and blight on their properties. In *addition, the applicant/customer must pay a citation.* These fees help fund operations of the Planning and Development Department.

FISCAL IMPACT

No other significant fiscal impact occurs when Council adopts the proposed 2009 Weed Abatement Ordinance.

ATTACHMENTS

Exhibits A through D
Ordinance

Exhibit A

City of
FRESNO

PLANNING AND DEVELOPMENT DEPARTMENT

CODE ENFORCEMENT DIVISION
2600 FRESNO STREET, ROOM 3070
FRESNO, CA 93721
(559) 621-8448, FAX (559) 488-1078
www.fresno.gov

	Date: February 17, 2009
«OWN1»	Parcel Number(s): «APN1» «APN2»
«OWN2»	«APN3» «APN4» «APN5» «APN6»
«ADR1»	«APN7» «APN8» «APN9» «APN10»
«ADR2»	«APN11» «APN12» «APN13» «APN14»
«ADR3»	«APN15» «APN16» «APN17» «APN18»
	«APN19» «APN20» «APN21» «APN22»
	«APN23» «APN25» «APN24» «APN26»
	«APN27» «APN28» «APN29» «APN30»

Subject: Notice of Weed Abatement Inspection Deadline – April 15, 2009

Dear Property Owner:

This is your official notice of the 2009 Spring/Summer, city-wide, Weed Abatement Inspection program. This inspection program will begin on April 15, 2009. According to the Fresno Municipal Code, Section 10-605, all vacant and unimproved lots are required to be free from public nuisance violations throughout the year. The standards and requirements are as described on the reverse side of this notice.

There will be no further notice. Courtesy Notices are no longer used. During fire season (April 15 - September 15) if your property contains any of the violations which are listed on the reverse of this notice, you will be issued a citation for the violations(s). Citations can range from $200 to $800. In **addition,** the City may hire a contractor to abate the violations. You will then be billed for the cost of this cleanup plus the City's administration fee of $100 per hour minimum. These costs average from $500 to $1000 per incident.

If you receive an invoice from the City for the code violation related cleanup and/or citation you will have 30 days from the date of issuance to pay the invoice. If you are unable to pay the invoice within 30 days, you will need to contact our Billing Section at (559) 621- 8456 to make payment arrangements. If payment is not received, the unpaid amounts may be sent to a collection agency, added to your property taxes as a special assessment, or a lien may be placed against your property.

If you have any questions regarding this notice or if you need more information, please call the Weed Abatement Message line at (559) 621-8448 to leave a message. Please provide your name, contact telephone number, and the Case and Parcel numbers (shown on the top right hand section of this letter). You may also view Weed Abatement information, a listing of parcels and other pertinent information on the City's web site. If you are no longer the owner of this property please contact us at (559) 621- 8448 so that we may update our records.

Thank you in advance for being a responsible property owner.

Sincerely

Weed Abatement Team, (559) 621-8448
Code Enforcement Division

PROPERTY CODE VIOLATIONS and WEED ABATEMENT STANDARDS

CODE VIOLATIONS

The following is a summary of the common code violations related to property maintenance.

10-605 (a) Failure to remove rubbish and/or junk. This includes garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.

10-605 (d) Failure to remove weeds, sagebrush, puncture vines, tumbleweed, poison oak/ivy, and/or dry grasses from property.

10-605 (e) Failure to remove dead, decayed or hazardous trees or residue from fire or demolition which constitute a public hazard. (This includes pruning trees 4-6 ft from the ground up to deter transient encampments and or rodent infestation.)

10-605 (i) Failure to maintain yard landscaping such that it can create a fire hazard or provide obstructions to traffic or a blight to the neighborhood.

WEED ABATEMENT STANDARDS/GUIDELINES

The following are minimum abatement standards for vacant and unimproved lots. The City of Fresno may require additional or more stringent abatement on some properties because of problems with terrain, land use, growth, location, or the fire history of the property. These standards apply to all rubbish, weeds, grass, or other vegetation that is likely to become dry during the year, particularly in the summer.

All Properties

The following areas are also to be included in the abatement program: alleys, sidewalks, park strips, or unimproved easements abutting the property. For all of the areas on or abutting the property you are required to:

- Remove all rubbish, trash, trimmings, litter, tires and combustible waste material,
- Disc all weeds, grass, brush, or other combustible vegetation according to the disking standards provided below.
- Remove all grass and other cuttings after mowing, hoeing or cutting.
- Remove all sagebrush, chaparral, tumbleweeds, and other brush or weeds which, when dry can pose a fire hazard.
- Remove all tumbleweeds (completely disked under or removed by hand) from the property on a year-round basis.

Disking Standards

All disking work shall be completed so that all weeds, grass, crops or other vegetation or organic material that could be expected to burn shall be substantially turned over so that there is insufficient fuel to sustain or allow the spread of fire. Handwork, including mowing, weed-eating or hoeing, may be utilized for the removal of weeds along fence lines where disking may not be possible, so that these areas are free and clear of growth and dead vegetation. For parcels over 5 acres, in lieu of disking the entire parcel, firebreaks may be provided in such a manner that no single fire area shall exceed five (5) acres. **Firebreaks shall be a continuous strip of land which is clear of all combustible weeds, grass, stubble, rubbish, or other material which would allow the travel of fire.** Firebreaks may include fire-resistive vegetation, such as irrigated crops, ice plant, green ivy, and other live plants recognized by the City of Fresno as being fire resistant. The following are additional firebreak requirements:

- Provide 30 foot wide firebreaks around all combustible structures and storage.
- Provide 30 foot wide firebreaks along each side of all roads accessible to the public and around all brush areas.
- Provide 15 foot wide firebreaks along each side of all fence (property) lines, ditches and creeks. Any parcel which is adjacent to developed property must have 30 foot wide firebreaks along the fence (property) lines.
- Graded fire roads (not less than 15 feet in width) may be done in lieu of 15 feet of width of disked firebreaks where specifically approved by the City of Fresno.
- Abandoned orchards, vineyards, etc. shall be completely abated.
- Non-irrigated pasture land being used for grazing must have 30 foot wide firebreaks with substantial cross-disking.

Exhibit C

Legal Notice

PROPOSED WEED ABATEMENT PROCESS FOR VACANT LOTS
PUBLIC HEARING

Who:	All Owners of Vacant lots
What:	Public Hearing - Weed Abatement Process for Vacant Lots
When:	Tuesday, March 03, 2009
Where:	Council Chambers, 2600 Fresno Street, Fresno, CA
Time:	10:00 a.m.

The City Council will be considering adopting a resolution on March 10, 2009, which outlines the weed abatement process for vacant lots. If you are a property owner whose lot is listed (see below for ways to find out whether your property is listed), you are welcome to attend the public hearing if you have any concerns about the proposed process. At the conclusion of the hearing, the Council will adopt the policy and standards which the City will be using. Property owners will be responsible for meeting the standards set for them by the City Council.

In general, the policy and process that the Council will consider states that property owners have a year-round obligation to keep their lots clean. This year the City will be strictly enforcing the standards and on April 15, 2009, the City will begin inspecting all vacant lots. If a lot is not clean (weeds, trash, debris, and other combustible material have not been removed), the City will, without further notice to the property owner, issue a citation for the violations(s). Citations can range from $200 to $800. In **addition,** the City may hire a contractor to abate the violations. The property owner will then be billed for the cost of this cleanup plus the City's administration fee of $100 per hour minimum. These costs average from $500 to $1000 per incident. If the property owner fails to timely make a payment of the costs listed in the Notice of Costs, the Department may do any or all of the following things: collect the costs as a personal obligation either through a collection agency or the City Attorney's Office, refer the costs to the County Tax Assessor as a special tax assessment to be collected with the property taxes, and or attach a lien on the property.

There are three options available to property owners who wish to see if their vacant lot is on the City's list:

1. A list of all the Assessor's Parcel Numbers (APNs) has been posted on the City's Website at www.fresno.gov; or
2. A list of APNs is on file at the City Clerk's Office, 2600 Fresno Street, Second Floor, Room 2133, Fresno, CA 93721; or
3. Property owners may call the Planning and Development Department, Code Enforcement Division at 621-8400, Monday through Friday, 8:00 a.m. to 5:00 p.m., to ask staff to look up their APN, or you may call the 24-hour "Weeds message hotline" at 621-8448 to request information.

The Abatement Standards and a list of Common Violations are shown below:

WEED ABATEMENT STANDARDS

The following are minimum abatement standards. **The City of Fresno may require additional or more stringent abatement on certain properties because of special problems with terrain, land use, growth, location or the fire history of the property.** These standards apply to all weeds, grass or other vegetation that is normally dry during the year, particularly in the summer, and all combustible rubbish. **These standards shall apply to all vacant and unimproved lots throughout the year.**

1. ALL PROPERTIES (including any alley, sidewalk, park strip or unimproved public easement abutting the property).
   A. Remove all rubbish, trash, trimmings, litter, tires and combustible waste material.
   B. Disc all weeds, grass, brush or other combustible vegetation according to the discing standards set forth below.
   C. Remove all grass and other cuttings after mowing, hoeing or cutting.
   D. Remove all sagebrush, chaparral, tumbleweeds and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property. Tumbleweeds shall be removed from the property on year-round basis.

2. PARCELS OVER FIVE (5) ACRES, CROP LANDS UTILIZED FOR LEGITIMATE AGRICULTURAL OPERATIONS, OR PASTURE LANDS (with sufficient livestock)
   A. In lieu of discing the entire parcel, firebreaks may be provided in such a manner that no single fire area shall exceed five (5) acres. **Firebreaks shall be a continuous strip of land which is clear of all combustible weeds, grass, stubble, rubbish or other material which would allow the travel of fire. Firebreaks may include fire-resistive vegetation, such as irrigated crops, ice plant, green ivy and other live plants recognized by the City of Fresno as being fire resistive.**
   B. Provide 30 foot wide firebreaks around all combustible structures and storage.
   C. Provide 30 foot wide firebreaks along each side of all roads accessible to the public and around all brush areas.
   D. Provide 15 foot wide firebreaks along each side of all fence (property) line, ditches and creeks. Any parcel which is adjacent to developed property must have 30 foot wide firebreaks along the fence (property) lines.
   E. Graded fire roads (not less than 15 feet in width) may be done in lieu of 15 feet of width of disced firebreaks where specifically approved by the City of Fresno.
   F. Abandoned orchards, vineyards, etc. shall be completely abated. **No firebreaks shall be allowed.**
   G. Non-irrigated pasture land being used for grazing must have 30 foot wide firebreaks with substantial cross-discing.
3. DISCING STANDARDS
   A. All discing work shall be completed so that all weeds, grass, crops or other vegetation or organic material which could be expected to burn shall be substantially turned over so there is insufficient fuel to sustain or allow the spread of fire. Handwork, including mowing, weed-eating or hoeing, may be utilized for the removal of weeds along fence lines where discing may not be possible, so that these areas are free and clear of growth and dead vegetation.

Please note that, should a fire occur due to the lack of weed and debris removal, the Fire Department may charge you for the firefighting costs the City incurs.

COMMON WEED ABATEMENT PROBLEMS

In order to help you clean your property according to the City's Abatement Standards, here are some problems that are often overlooked.

When cleaning your lot, you will want to ensure that the following is completed:

1. Weeds are removed from the following areas: perimeter of the lot; along curbs and next to fences, unimproved easements areas, around buildings and trees, along the street edge, alleys (your half of the alley)
2. Weeds are disced under enough, not leaving tumbleweeds and other weeds on the surface of the lot, creating a visual blight.
3. Litter is removed from the lot PRIOR to discing.
4. Weeds, dirt and debris are removed from the sidewalk and curb areas.
5. Mounds of dirt and debris are removed.

If your lot is not cleaned properly, the City will, without further notice to the property owner, issue a citation for the violations(s). Citations can range from $200 to $800. In addition, the City will hire a contractor to complete the work. The property owner will then be billed for the cost of this cleanup plus the City's administration fee of $100 per hour minimum. These costs average from $500 to $1000 per incident. We encourage you to make arrangements privately, as your costs are likely to be lower.

EXHIBIT D

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51134115S	51134116S	51134117S	51134118S	51134119S	51134120S	51134121T	51134201S
51134202S	51134203S	51134204S	51134205S	51134206S	51134207S	51134208S	51134209S
51134210S	51134211S	51134212S	51134213S	51134214S	51134215S	51134216S	51134217S
51134218S	51134219S	51134220S	51134221S	51134222S	51134223S	51134224S	51134225S
51134226S	51134227S	51134228S	51134301S	51134302S	51134303S	51134304S	51134305S
51134306S	51134307S	51134308S	51134309S	51134310S	51134311S	51134312S	51134313S
51134314S	51134315S	51134316S	51134317S	51134318S	51134319S	51134320S	51134321S
51134322S	51134323S	51134324S	51134325S	51134326S	51134327ST	51135101S	51135102S
51135103S	51135104S	51135105S	51135106S	51135107S	51135108S	51135109S	51135110S
51135111S	51135112S	51135113S	51135114S	51135115S	51135116S	51135117S	51135118S
51135119S	51135120S	51135121S	51135122S	51135123S	51135124S	51135125ST	51135201S
51135202S	51135203S	51135204S	51135205S	51135206S	51135207S	51135208S	51135210S
51135213S	51135214S	51135215S	51135216S	51135217S	51135218S	51135219S	51135220S
51135221S	51135222S	51135223S	51135224S	51135225ST	51135303S	51135305S	51135306S
51135307S	51135308S	51135309S	51135310S	51135311S	51135312S	51135313S	51135314S
51135315S	51135316S	51135317ST	51203031	51203033	51203037T	51203038	51203052
51203082	51207029	51207039	51208105	51208106	51208107	51208301	51208302
51209404	51209405	56703062	56703064	56703071	56714241T	56812068S	56812069S
56827101S	57618001S	57618002S	57618003S	57624118S	57624125S	57720005S	57720008S
57720024S	57720026S	57720027S	57720028S	57720029S	57721054	57727026	57727027
57727028	57727029	57727034	57727035	57727036	57727037	57727038	57727039
57727041	57727045	57727046	57728033	57801004	57801005	57801038	57804015
57814032	57814033	57814034	57814035	57814036	57814037	57814039	57817002
57817010	57817013	57818005	57818008	57818020	57910001S	57910002S	57910003S
57910004S	57910012S	57910013S	57910014S	57910015S	57910016S	57910017S	57910018S
57910019S	57910020S	57910021S	57910022S	57910023S	57910024S	57910025S	57910026S
57910027S	57910028S	57910029S	57910030S	57910031S	57910032S	57910034S	57910035S
57910036S	57910037S	57910038S	57910039S	57911007S	57911009S	57911010S	57912003S

57912005S	57912008S	57912009S	57912011S	57912012S	57913001S	57913002S	57913003S
57913004S	57913005S	57913006S	57913007S	57913008S	57913009S	57913010S	57913011S
57913012S	57913013S	57913014S	57913015S	57913016S	57913017S	57913018S	57913019S
57913020S	57913021S	57913022S	57913023S	57913024S	57913025S	57913028S	57913029S
57913030S	57914001S	57914002S	57914003S	57914004S	57914005S	57914006S	57914007S
57914008S	57914009S	57914010S	57914011S	57914012S	57914013S	57914014S	57914015S
57914016S	57914021S	57914022S	57914023S	57914024S	57914025S	57914026S	57914027S
57914028S	57914029S	57915001S	57915002S	57915003S	57915004S	57915005S	57915006S
57915007S	57915008S	57915009S	57915010S	57915011S	57915012S	57915013S	57915014S
57915015S	57915016S	57915017S	57915018S	57915019S	57915020S	57915021S	57915022S
57915023S	57915024S	57915025S	57915026S	57915027S	57915028S	57915029S	57915030S
57915031S	57915032S	57915033S	57916002S	57916003S	57916004S	57917001S	57917002S
57917003S	57917004S	57917005S	57917006S	57917007S	57917008S	57917009S	57917010S
57917011S	57917012S	57917013S	57917014S	57917015S	57917016S	57917017S	57917018S
57917019S	57918001S	57918002S	57918003S	57918004S	57918005S	57918006S	57922013SU
57922014S							

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO

MOVED BY _____ SECONDED BY _____

BILL NO. B-27

ORDINANCE NO. 2009-27

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, RELATING TO ANNUAL WEED ABATEMENT PROGRAM.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

WHEREAS, there are over 5,000 vacant lots within the City of Fresno which encompasses approximately 100 square miles. Very often these lots are surrounded by residential or commercial neighborhoods. A list of said lots is attached as Exhibit D and incorporated herein; and

WHEREAS, said lots within the City of Fresno typically accumulate weeds, grass, brush, trash and other combustible debris which are of recurrent nature; and

WHEREAS, owners of these lots have a year-round obligation to keep their lots free of weeds, grass, brush, trash or other debris, and that many owners fail, neglect or refuse to disc, mow, or cut or otherwise remove these conditions from their property; and

WHEREAS, the Spring, Summer, and Fall months in the City of Fresno are particularly hot and dry months; and

WHEREAS, weeds, grass, trash, and other debris accumulated on such lots during these months create extreme fire hazards; and

WHEREAS, the City of Fresno, Planning and Development Department (hereinafter Department) has established a Weed Abatement Program to combat these hazardous conditions; and

WHEREAS, the Department, pursuant to said program has notified each property owner in writing of its Weed Abatement policy; the date upon which said lots are to be disked; the standards acceptable for disking; the date the Department will commence inspections of said lots; and the date, time and location of a public hearing for the adoption of this resolution. Said forms are attached as Exhibits A, B, and C and incorporated herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The large number of vacant lots spread throughout a city encompassing approximately 100 square miles, which typically and routinely accumulate weeds, grass, brush, trash or other debris pose an extreme fire hazard and constitute a uniquely challenging task for the Department during the hot and dry Spring, Summer, and Fall months.

SECTION 2. Unless abated by the owners or occupiers of said lot or lots, or their agents, prior to the deadlines as stated in the notice sent to the property owners (Exhibits A, B, and C) the City will cause the removal of any and all weeds, grass, brush, trash or other debris from said lot or lots at the owners expense. The property owner will be billed for the abatement including administrative costs in a Notice of Costs. If the property owner fails to timely make a payment of the costs listed in the Notice of Costs, the Department may do any or all of the following things: refer the delinquent bill to a collection agency, refer the costs to the County tax assessor as a special tax assessment to be collected with the property taxes, and or attach a lien on the property.

SECTION 3. Since weeds, grass, brush, trash, and debris are typically and

generally of a recurrent nature, upon failure of the owner to abate said conditions after fifteen (15) days written notice to the property owner, the City may continue to abate said conditions throughout the fire season. Where said conditions create an imminent threat to public health and safety, the Department may summarily abate without the fifteen (15) days written notice.

SECTION 4. If necessary to accomplish abatement of the fire hazard created by the accumulation of weeds, grass, brush, trash and debris, the Department may cause, at the owners expense, leveling or removal of tall weeds, grass, rubbish, refuse, concrete, asphalt or mounds of dirt.

SECTION 5. This program is essentially the same format and approach as has been successfully implemented for many years. It has been determined that this program: (a) is necessary to address the unique fire hazards the City is faced with annually and (b) provides reasonable notice to property owners based on the threat to the health and safety of the community and the reasonable amount of time provided to the property owner to voluntarily abate the conditions.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2009

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2009

Mayor Approval/No Return: _____, 2009

Mayor Veto: _____, 2009

Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY:_____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY:_____
Deputy