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#### STAFF REPORT

**TO:** THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL  
**MEETING DATE:** APRIL 7, 2025  
**FROM:** CITY MANAGER DUBOIS, CITY ATTORNEY COLE  
**SUBJECT:** UPDATED NUISANCE ABATEMENT ORDINANCE

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#### RECOMMENDATION:

Following the review and discussion on March 17, Staff revised the proposed ordinance based on Council comments. If there are no changes or minor revisions, Council can make a motion to pass the first hearing tonight. If there are more significant changes, Council can make a motion capturing requested changes and have it brought back in a future meeting. A second reading is necessary after 30 days before the ordinance takes effect.

#### BACKGROUND:

As we experience more severe weather, the concern about extreme fire events increases. Winter storms knock down trees that can lay fallow on the ground for some time. Heat and drought in the summer create tinder box situations.

While the City currently has a nuisance and weed abatement ordinance on the books, the current ordinance lacks any enforcement mechanism. Every year, the Fire District inspects properties throughout town and cajoles people to reduce vegetation to improve fire safety. If people don't comply, the Fire District provides a list to the City, and the City Police Department reaches out to ask people to comply. Most residents do comply however, some ignore the warnings. Absentee property owners do not respond, and some owners that are residents also ignore the requests.

Without better cooperation, our efforts to reduce fire risk can only go so far.

In addition, we sometimes experience other types of nuisances – trash or other potentially unsafe health hazards on properties that should be removed. We can use our code enforcement process, but by clarifying clearer penalties for these types of nuisances, along with a process to add fines and clean up costs to the property tax lien, the City will have a much better enforcement tool.

#### DISCUSSION:

Staff feels that passage of enforcement provisions is a critical tool for the City to be able to improve fire safety as well as clean up other property that represents a threat to public health or is an extreme eyesore.

With passage of an improved ordinance, City staff will develop a communication plan, working in concert with the Fire District, to get out the word about the change. The intent is NOT to generate a lot of penalties and enforcement action but to continue to encourage people to do this work. We will work with

the Fire District to help anyone that wants to remove weeds but may be unable to do so either because of their physical ability or financial situation

Operational details will be worked out by staff and are not part of the ordinance. Attachment B outlines the standards the Sutter Creek Fire District looks for, recommends and requires. The City's enforcement will be in line with the Fire District's requirements; with requirements varying for the Immediate Zone (0-5 feet of a house), the Intermediate Zone (5-30 feet from house) and the Extended Zone (30-100 feet from house). Weeds are defined as vegetation above 4 inches. Other requirements such as woodpiles at least 30 feet from the houses or structures, no ladder fuels from the ground to tree limbs, and proper tree spacing will be examined in line with the Fire District.

For the worse offenders, those with dangerous properties who either do not respond OR refuse to comply, the City will move to enforcement. Staff will establish a budget for how much to spend on hiring crews to perform weed abatement each year. Projects will be prioritized - we will not be able to afford to enforce against everyone each year.

Staff recommends that Council pass the first hearing of the ordinance. It will return for a second reading in thirty days before coming into effect. The timeline is pretty tight to be prepared for this Spring and Summer season.

**BUDGET IMPACT:**

We anticipate budgeting around \$20,000 for enforcement in the first year. The City will recover these funds through property tax liens, but there will be a cash flow delay of up to 12 months. This will also require staffing for communication, mailing, and retaining an external company to do weed or nuisance abatement.

**ATTACHMENT:**

Attachment A Proposed Ordinance and Resolution.

Attachment B Home Fire Prevention Flyer