



City of Sutter Creek

Weed Abatement & Rubbish Ordinance

Standard Operating Procedure (SOP) – Enforcement

1. Purpose

This Standard Operating Procedure (SOP) outlines the enforcement process for the City of Sutter Creek's Weed Abatement and Rubbish Ordinance Chapter 10.40. It establishes procedures for identifying violations, notifying property owners, conducting inspections, issuing citations, and initiating abatement when necessary.

2. Scope

This SOP applies to all City personnel involved in the enforcement of weed abatement and rubbish regulations within the city limits.

3. Definitions

- **Property Owner:** The legally registered owner of a parcel of land.
 - **Agent:** An individual authorized to act on behalf of the property owner.
 - **Lessee:** A tenant or occupant under a lease agreement.
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4. Procedure

Step 1: Fire District Coordination

- **Non-Compliance Reporting:** If the property remains in violation following **Fire District** attempt to notify parcel owners violation, the **Fire District** will compile and provide the City with a list of all non-compliant properties.
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Step 2: Identification of Violation

- **Detection:** Violations may be reported through community complaints, city inspections, by the **Fire District**, or routine monitoring.
 - **Documentation:** Record the date, location, and nature of the suspected violation.
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Step 3: Inspection

- **Site Visit:** Conduct an on-site inspection within five (5) business days of receiving a report.
 - **Assessment:** Confirm the presence of weeds, rubbish, or other violations in accordance with the ordinance.
 - **Documentation:** Take photographs and detailed notes during the inspection for official records. Store these on the Planning file server under Code Enforcement.
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Step 4: Initial Notification to Property Owner

- **Formal Notice-Curtesy Letter:** Issue a formal notice of violation to the property owner, agent, lessee, or responsible party.
 - **Delivery:** Send the notice via **certified mail**.
 - **Contents:**
 - Property owner is required to abate the nuisance
 - Description of the violation
 - Description of the requirement to abate violation of ordinance
 - Deadline for compliance (15 calendar days from the notice date)
 - Consequences of non-compliance, which can include issuance of citation in accordance with Chapter 1.17 of this code
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Step 5: Compliance Period

- **Monitoring:** Allow 15 calendar days for the property owner to correct the violation.
 - **Resolution:**
 - Send confirmation of compliance via **certified mail**.
 - If abated within the compliance period, document the correction.
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Step 6: Re-Inspection and Second Notice/Inspection – Optional

- **Second Inspection:** Discretion of the city to inspect, if the violation remains, conduct a second inspection **at least 15 days** after the original notice was issued.
 - **Second Notice:**
 - If the property is still in violation, issue a second formal notice granting an **additional 15 days** to complete the required abatement.
 - Send the second notice via **certified mail**.
 - Include a summary of the violation, new compliance deadline, and notice of potential City abatement and associated costs.
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Step 7: Notice of Abatement Proceedings

- **City Notification:** The City will send a **final courtesy letter via certified mail** to the property owner indicating:
 - Service of Notice - Mailed via Certified Mail
 - Notice of Abatement Lien with Amador County with Amador County Recorder
 - The City intends to proceed with abatement.
 - Failure of owner/renter to receive notice, shall not affect validity of proceeding.
 - The property owner will be financially responsible for all costs the City incurs during the cleanup.
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Step 8: Appeals

- **Property owner** may appeal the decision made by the city to abate nuisance
 - Property owner must send written appeal to enforcement officer requesting a hearing within 15 days of notice.
- **Hearing Procedures:**
 - The enforcement officer considers only evidence related to the nuisance and the owner's responsibility.
 - Property owners may testify and present evidence.
 - Failure to appear waives the appeal and any challenge to abatement costs.
 - The notice and supporting documents serve as initial evidence.
 - New evidence must be mailed to the appellant at least 5 days before the hearing.
 - Appellants must receive all relied-upon documents 5 days prior; no formal discovery applies.
 - Hearings are scheduled 10–20 days from the request, with 5 days' notice.
 - A final written decision is issued within 72 hours and mailed within 48 hours.
- **Decision on appeal:**

- A written decision will be issued within 72 hours of the hearing.
- The decision will state the outcome, reasons, and any imposed conditions.
- The decision is final.
- A copy of the decision will be served by mail to the property owner within 48 hours final decision.

Step 9: City-Initiated Abatement

- **Action:**
 - The City will engage a contractor to remove the weeds or rubbish from the non-compliant property.
- **Legal Authority:**
 - If the parcel owner is non-compliant, the enforcement officer and other authorized personnel (including city officials, contractors and agents) are empowered to enter private property to abate nuisances and ensure public safety.
 - Entry and abatement activities must be conducted in accordance with constitutional protections and all applicable federal, state, and local laws.
- **Removal of Nuisance:**
 - The enforcement officer and authorized personnel (including deputies, assistants, contractors, and agents) are empowered to enter private property to abate nuisances.
 - Properties in violation of the city ordinance will be grouped together so the weed abatement contractor can address multiple nuisances in a single day, reducing travel costs.
 - A police officer reservist will accompany contractors to prevent and manage potential confrontations with property owners or occupants
 - Abatement may involve removal, repair, or other corrective measures necessary to eliminate the nuisance.
- **Documentation:**
 - Contractor to take photos of before/after abatement.
 - The city will maintain photographic and written records of the work performed. Stored on the Planning file server under Code Enforcement.

Step 10: Cost Recovery Letter

- **Notice of Costs:**
 - Upon completion of abatement, the City will send a **written cost recovery notice via certified mail** to the property owner.
- **Payment Terms:**

- Net 30 days from the date notification was provided to the property owner.
 - **Special Assessment:**
 - Following abatement, if costs are unpaid, a Notice of Abatement Lien will be filed with the Amador County Recorder's Office.
 - The lien will include a legal description of the property, the amount owed, and reference to the enforcement action.
 - Payment may be made by the first day of August of the year in which such statement was filed.
 - Filing the lien ensures recovery of abatement costs through the property title.
 - A copy of the lien notice will be mailed to the property owner at their last known address.
 - The lien remains in effect until the full amount is paid or otherwise resolved.
 - If unpaid, the cost will be applied as a **special assessment** on the property's tax bill, pursuant to **Government Code § 38773.5 (CA Govt Code)**.
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5. Recordkeeping

All records related to inspections, notifications, citations, appeals, communications, and abatement activities must be maintained in accordance with City record retention policies and applicable laws.

6. Review and Update

This SOP will be reviewed **annually** by City staff and updated as necessary to ensure compliance with current municipal codes, state laws, and enforcement practices.

Conclusion

This SOP ensures the consistent, fair, and legally compliant enforcement of the City's Weed Abatement and Rubbish Ordinance. It promotes public health, safety, and property maintenance through timely action and clear communication with property owners.

Supplemental Enforcement Measures



In addition to cost recovery for abatement services, the City will impose fines and a 10% administrative fee on non-compliant property owners. These penalties may be applied:

- As **civil fines** for continued violation of City ordinances
- **Citation:** Issue a citation to the property owner, agent, lessee, or other responsible party if the violation persists.
- **Legal Reference:** Cite Chapter 1.17 of the City of Sutter Creek's Municipal Code.
- **Recordkeeping:** Log citation information in the City's enforcement records.
- To **recoup administrative time and resources** associated with inspections, notifications, and enforcement actions
- In accordance with City Code and **any applicable state law pursuant to Section 38773.5**

These additional measures serve to reinforce compliance, promote responsible property maintenance, and ensure the City is not burdened with avoidable public safety costs.
