



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: SEPT 16, 2024
FROM: CITY MANAGER, TOM DUBOIS
SUBJECT: WEED ABATEMENT APPROACH STARTING IN 2025

RECOMMENDATION:

Approve a motion directing staff on an approach for Weed abatement starting with the 2025 Fire Season.

BACKGROUND:

While the City of Sutter Creek currently has a pretty detailed Fire Fuels Management ordinance on the books (See Attachment A), the City practice has been to encourage compliance. Because the Fire District is separate from the City, there is a hand-off from one agency to the other which has made it a little more complicated to have more strict enforcement.

Jason and Ione, both of which have City run fire departments, enforce weed abatement. While the details on the process vary slightly, they both essentially give a formal notice and then send a crew to remove the weeds. Once the crew is sent, they do the work and the costs (in some cases with a fine, admin costs, and some markup added) are then placed as a lien on the property tax and filed with the county.

Staff would like council direction on their interest in increasing enforcement, using a method similar to Ione and Jackson.

DISCUSSION:

Sutter Creek has relied on multiple inspections by the Fire District and then a letter from the Sutter Creek PD to cajole people into weed abatement, with a primary focus on fire danger. This has worked moderately well, though there typically remain a handful of properties that do not comply. Some of these are locals who just refuse to do the work. Others are absentee property owners. Attempts are made to contact everyone as best as we able.

If Sutter Creek were to move to more enforcement, we would need to determine the timing of when during the year enforcement would occur, a fair, unbiased process to administer it, how to hire and pay for the work to be done.

There can be a lengthy time delay between incurring the cost of hiring a crew to clean up a lot and the time when the property taxes are collected and the lien is paid. In other cities, the Fire Department manages the whole process, cutting down on communication challenges. Here however, that would require Sutter Creek Fire district floating the funds until reimbursed. If the city is to do the enforcement, as specified in our ordinance, then we need a clean handoff from the Fire District to the City and we will

incur staff administration time. A third option would be for the fire district to manage the logistics under contract to the city, with the city handling all the finances and reimbursements. This is probably the best approach.

Council members should note that weed abatement is also used for general nuisance and unhealthy situations, not just fire danger. The City may encounter cases where it wants to notice and remove rubbish and weeds just for public health. Any process we adopt should support this use case as well.

With the number of seniors we have in Sutter Creek, any policy change we make should be flexible enough that anyone living in a home but unable to complete the work themselves has the ability to seek some assistance before being penalized. Staff's intent here is to really focus on the egregious cases but once enforcement starts, we would follow a consistent process and could have some cases that Council would not want to penalize.

Council should also consider some changes to our current ordinance to streamline administration. The City of Jackson ordinance requires a minimal number of public meetings, and is driven by property owners appealing a notice within 10 days. If a person doesn't appeal, then it is considered agreement that they are in violation and the process moves forward with enforcement and collection of funds.

Sutter Creek's current ordinance is more of an administrative burden. It requires Council to direct the clerk to send out notices of violation. A second meeting is held to hear objections to the notice before Council. Then the City staff can abate the nuisance and sends a report to Council of the costs. Council holds a third session to get the report on costs and a hearing to receive protests of the costs that were incurred. Council then approves what charges it will send to County for collection.

Staff recommends that Staff and the Fire District be able to send out notices of violation, as is today's practice with a set time for property owners to respond. Crews would then be sent out to remove weeds and costs incurred if weeds were still present. A report would come to council with a hearing for Council to hear any objections after expenses were incurred but before Staff would send to the County. Council would be approving the list of property liens, and at that point, good decide if there were any unusual circumstances that justified waiving the costs.

In terms of timing, Staff will discuss further with the Fire District, but ideally the process would be completed by July.

Council should provide feedback on the priority of this active, preferences in terms of operations, financing, and timing during the calendar year.

BUDGET IMPACT:

This year there are about 40 properties that still have not done weed abatement as of September. This is quite late in the year. Some lots are quite large, others smaller residential lots. If we assumed a relatively high average cost of \$1000 per properties, maximum cost would be \$40,000 that the City would be extended, waiting for reimbursement.

ATTACHMENT:

Current Sutter Creek City Ordinance on Fire Fuels Management

City of Jackson Weed and Rubish Abatement Ordinance