

Chapter 8.12

WEED AND RUBBISH ABATEMENT

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§ 8.12.010 Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

"Enforcement officer" means the building official, city manager, code enforcement officer, fire chief, or police chief of the city, or their designees, when such persons have been delegated in writing the authority to enforce and administer the particular provisions of this chapter at issue in a particular matter. "Fire chief" means the fire chief, his or her assistants and deputies. "Property" means the land or lot, any buildings, drainage structures, roadways, drainage ways, and/or drainage easements. "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage,

rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. "Weeds" means any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Any brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
3. Weeds which are otherwise noxious or dangerous; and
4. Dry grass, stubble, brush, litter or other flammable material which endangers the public safety by creating a fire hazard.

"Weeds" shall not include cultivated and useful grasses and pastures.

(Ord. 448 §1, 1980; Ord. 719 §1, 2020)

§ 8.12.020 Nuisance declaration and abatement.

A. Any lot of less than two acres shall be cleaned of all rubbish and refuse throughout fire season, which concurs with CalFire's declaration.

B. Weeds are mowed or disced to an approximate height of two to four inches.

C. Any lot two acres or more shall either be cleaned of all rubbish and/or refuse, or have a minimum twenty-foot wide firebreak around the perimeter throughout the fire season.

D. Firebreaks shall be disced around the entire perimeter of the lot. Scraping will also be allowed, provided that the scraped material is removed or spread evenly over the remaining unscraped property.

E. Weeds disced, cultivated or rototilled should be performed with equipment that will cut the sod growth loose and bury it under any growth existing at that time.

F. Dry leaves or wood chips hauled onto lots must be disced or turned under. If leaves or wood chips are being retained for the purpose of mulch or compost, they must be placed in a container so as to not constitute a fire hazard.

G. Cultivated and useful grasses and pastures shall not be considered a public nuisance. However, if the fire chief or authorized representative shall determine it necessary to protect adjacent improved property from fire exposure, an adequate firebreak may be required.

H. All properties must be maintained throughout fire season.

(Ord. 448 §2, 1980; Ord. 719 §1, 2020)

§ 8.12.030 Authority.

Whenever the fire chief or enforcement officer finds the growth of weeds and/or accumulation of refuse or rubbish upon any property, lands, or lots in the city, which in his or her opinion is or may become a fire hazard or health

and safety hazard, or a public nuisance, he or she shall have cause to give the owner of said property a notice to remove such weed growth and/or refuse, rubbish or nuisance which may constitute a hazard in the manner provided in this chapter. A penalty may also be issued pursuant to Section 8.12.080 and a violation may be enforced pursuant to Section 8.12.090.

(Ord. 448 §3, 1980; Ord. 719 §1, 2020)

§ 8.12.040 Notice to abate nuisances.

When the fire chief or enforcement officer finds that the weeds, refuse or rubbish are a public nuisance, he or she may shall serve a notice to abate upon the owner or responsible party in possession or having control of the property upon which the condition exists in accordance with Section 8.16.040 (A through (C).

(Ord. 448 §4, 1980; Ord. 719 §1, 2020)

§ 8.12.050 Hearing/abatement order.

A. In the event the owner or responsible party files a timely request for a hearing within ten days of the notice, the city clerk and hearing officer shall schedule the hearing in accordance with Section 8.16.040. The hearing shall be conducted in accordance with Section 8.16.050 and the hearing officer shall issue a written decision in accordance with Section 18.16.060.

B. In the event the owner or responsible party fails to appeal the notice within ten days of the notice, the nuisance conditions shall be deemed confirmed. Such failure shall also constitute a failure to exhaust available administrative remedies.

(Ord. 448 §5, 1980; Ord. 719 §1, 2020)

§ 8.12.060 Abatement by city.

A. Upon receipt of the hearing officer's decision if: (1) no schedule of correction has been issued; or (2) upon the failure of the property owner to comply with such schedule if a schedule was included, if the nuisance condition has not been abated the enforcement officer shall forthwith abate, or cause to be abated, the nuisance condition upon the premises. The enforcement officer is authorized to enter upon private property for this purpose, consistent with the provisions of the U.S. Constitution.

B. The cost of abatement shall become a personal obligation of the property owner and responsible party and may be collected in any legal manner, expressly including as lien pursuant to the procedures set forth in Section 8.16.100.

(Ord. 448 §§6,7, 1980; Ord. 719 §1, 2020)

§ 8.12.070 Right of judicial review.

Except as otherwise provided by law, any person aggrieved by any administrative decision of a hearing officer pursuant to this chapter, may obtain judicial review of the administrative decision in the superior court by filing with the court a petition for writ of mandate pursuant to Section 1094.6 of the Code of Civil Procedure.

(Ord. 719 §1, 2020)

§ 8.12.080 Violation—Penalty.

The owner, occupant, or agent of any lot or premises within the city who violates this chapter or permits a violation of this chapter upon any lot or

premises owned, occupied or controlled by him or her, shall be guilty of a misdemeanor pursuant to Section 1.20.010.

(Ord. 719 §1, 2020)

§ 8.12.090 Enforcement of this chapter.

Violations of this chapter may be enforced pursuant to Chapters 1.20 and 1.22.

(Ord. 719 §1, 2020)

§ 8.12.100 Remedies.

The remedies provided in this chapter are nonexclusive. The city may prosecute any violation and abate any nuisance pursuant to any criminal, civil or other administrative remedies available to the city.