

Hazardous Vegetation and Rubbish Inspection and Abatement for Wildfire Safety Ordinance

January 8, 2024,

Jessica Power, Fire Marshal

Dylan Brady, Assistant City Attorney

Government Code Process (Sections 39520-39703)

Step 1. City Council adopts a resolution declaring weeds and rubbish a public nuisance on specific addresses.

Step 2. Staff mail notices to all addresses notifying:

- them of the resolution
- them to abate and if not, the City will and lien their property for those costs,
- them of a public hearing to contest this action.

Step 3. City Council conducts a public hearing.

Step 4. Contractors perform the abatement for those properties not abated.

Step 5. Staff post the costs of abatement near Council chambers 3 days prior to the hearing on placing liens.

Step 6. City Council conducts a hearing on placing liens and special assessments on abated properties.

Proposed Ordinance Process

Step 1. Staff send letters to the properties with overgrown weeds and publishes letter in Argus that informs property owners:

- of the City Council public hearing and right to object
- to abate and if not, the City will and lien their property for those costs,
- about the tentative date for the City Council hearing to lien the properties.

Step 2. Council conducts the public hearing that declares specific property addresses are public nuisances and ability for City to enter on to those properties and abate the fire hazards.

Step 3. City performs the abatement on those properties that have not voluntarily abated.

Step 4. Staff post the costs of the abatement on the City's webpage and near Council chambers at least 3 days before the public hearing to lien the properties.

Step 5. City Council conducts the public hearing to lien the properties for the costs of abatement.

Use of Chemicals

Subsection 10.70.040(D)(2) states, “The notice may state that the efficient and economical control of such seasonal and recurrent nuisance requires preventive chemical control of such weeds, weed seeds and weed seedlings and that the city may require preventive chemical control of such nuisance. In the event the city is once required to abate such nuisance the city may, in addition, before and during the next following germinating season of such weeds, provide for the preventive abatement of such nuisance by using chemical control of such weeds, **subject to an adopted integrated pest management plan.**”

Benefits of Proposed Ordinance

- **More due process**

- Notice is published in the Argus
- Notice in both the letter and Argus informs the property owner of date of lien hearing

- **More transparency**

- Process is codified in our Municipal Code
- Publication in Argus
- Lien hearing notice now will be on City's webpage and in notices

- **Ability to abate faster**

- Since we don't have to have that initial hearing

Questions?
