

ORDINANCE NO. 3681

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 9-08 OF THE SANTA ROSA CITY CODE RELATING TO THE ABATEMENT OF WEEDS AND RUBBISH

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 9-08.010 is amended to add the following paragraph as the first paragraph of that section:

"The term a cost of abatement or a cost of abating a nuisance' refers to any and all costs incurred by the Fire Department to enforce this section including, but not limited to, investigation, inspections; preparation, service and/or publication of administrative notices and other related clerical costs; actual removal of weeds and/ or rubbish whether performed by the Fire Department or a contractor."

Section 2. Section 9.08.030 is amended to read as follows:

"9.08.030 Hearing – Notice.

After the passage of a resolution as described in Section 9-08.020, the Fire Chief, or his designee, shall cause a notice thereof to be published at least two successive days in the official newspaper of the City. The notice shall also set the times and place for a public hearing thereon, which shall be not less than 10 days following the last publication of the notice. Such notice shall be in substantially the following form:

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 20____, in accordance with the provisions of Section 9-08.020 of the Code of the City of Santa Rosa, the Council of the City of Santa Rosa passed Resolution No. _____, declaring that noxious or dangerous weeds growing upon or in front of any private property located within the City of Santa Rosa, the nature, size and types of such weeds being more particularly described in said resolution.

NOTICE IS FURTHER GIVEN that property owners shall without delay remove such noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the municipality in accordance with the provisions of Chapter 9-08 of the Code of the City of Santa Rosa. All costs of abatement including those for inspection, administration and removal will be assessed upon the lot and lands from which or in front of which or adjacent to which such weeds are abated and such costs will constitute a lien upon such lots or lands until paid.

NOTICE TO REMOVE RUBBISH

NOTICE IS HEREBY GIVEN that rubbish, as defined in Section 9-08.010 of the Code of the City of Santa Rosa left deposited, or abandoned on this property has been declared by the City Council of the City of Santa Rosa, by Resolution No. _____, passed on the ___ day of _____, 20____, to be a public nuisance and subject to removal and destruction or disposal by municipal authorities, the cost of the same shall be assessed upon the property from which or in front of which or adjacent to which such rubbish is left, deposited or abandoned and such cost shall constitute a lien upon the property until paid.

NOTICE OF HEARING

All property owners having any objections or protests to the proposed removal or destruction of such weeds or rubbish are hereby notified to attend a meeting of the City Council of the City of Santa Rosa on the ____ day of ____, 20____, when the City Council will hear any objections and give consideration to the same.

The Fire Chief, or his designee, may send a notice by regular United States mail of such public hearing to the owner of any parcel of real property upon which such a public nuisance exists. The notice may be sent to the owner at the address shown upon the records of the City Assessor. Failure of the Fire Chief to send such notice or of the owner to receive such notice shall not prevent the City from proceeding pursuant to this chapter."

Section 3. Section 9-08.060 is amended to read as follows:

"9-08.060 Failure to abate City action Notice.

After final action has been taken by the City Council in the disposition of any protests or objections, or in case no protests or objections have been received, the City Council by motion or resolution shall order the Fire Chief, or his designee, to abate such nuisance and bureau personnel and its authorized agents, employees and contractors and bureau personnel and its authorized agents, employees and contractors are expressly authorized to enter upon private property for that purpose.

In the event the Fire Chief, or his designee abates the weeds, the rates or charges for all costs of abatement incurred by the City shall be as established by resolution of the City Council.

Any property owner shall have the right to have any such weeds and rubbish removed at his own expense providing the same is done prior to the arrival of the Fire Chief or such other public officer so designated or his representatives to do the same. Provided however, that if an order to abate is issued, the Council may by resolution further order that a special assessment and lien be imposed upon said property for the costs of abatement, if any, incurred by the Fire Department in enforcing abatement upon the property prior to the removal by the property owner."

Section 4. Section 9-08.070 is amended to read as follows:

"9-08.070 Failure to abate--City action—Costs Notice.

The Fire Chief, or his designee, shall keep an account of the cost of abating a nuisance pursuant to this chapter in front of or on each separate lot or parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abating such weeds and rubbish on each separate lot, or in front thereof, or both; provided that before such report is submitted to the legislative body, a copy of the same shall be posted for at least three days prior thereto on or near the chamber door of the council, together with a notice of the time when such report shall be submitted to the council for confirmation."

Section 5 Section 9-08.120 is added as follows:

"9-08.120-- Emergency Abatement-Authority of Fire Department

In the event the Fire Chief, or his designee, should find that any public nuisance, described herein, within or upon or in front of any lot or parcel of land is so serious and aggravated and presents such an immediate menace or danger to the public health, safety and welfare that it is essential to protect such public health, safety and welfare that such nuisance be immediately abated without first publishing, posting or mailing notices, as provided above, and without first giving the owner of owners of said lot or parcel further time to abate the same, then in that event, the Fire Department may immediately abate said nuisance or cause the same to be abated without first having published or mailed any notices and without giving the owner or owners of the lot or parcel further time to abate the same. However, the Fire Chief, or

his designee, if he or she so abates such nuisance, shall prepare and file in his or her office a written report describing the location, nature and extent of the public nuisance and setting forth the reasons why he or she had to abate it immediately, as aforesaid, and he or she shall cause a copy of said report to be mailed within ten days from and after completion of such abatement, to the owner or owners of the lot or parcel within or upon or in front of which said nuisance existed, as said owner or owners are shown on the last equalized assessment role of the County of Sonoma.

Section 6 Section 9-08.130 is added as follows:

"9-08.130 Removal Alternative Methods

The method of removing weeds, vines, shrubs, brush, dead or damaged trees, and/or debris from property as herein provided shall not be an exclusive method, but shall be an alternative method, and such weeds, vines, shrubs, brush, dead or damaged trees, and/or debris may be removed from such property pursuant to the provisions of any law of the state, or any ordinance of the City applicable thereto."

Section 7 Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 8 Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9 Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 10th day of August, 2004.