



Legislation Details (With Text)

File #: ID 22-98 **Version:** 1 **Name:**

Type: Action Item **Status:** Continued

File created: 1/5/2022 **In control:** City Council

On agenda: 1/13/2022 **Final action:**

Title: Ordinance (for introduction) - Amending Administrative Abatement, FMC section 10-616, to clarify limits on access to restricted areas where abatements are taking place.

Sponsors: City Attorney's Office

Indexes:

Code sections:

Attachments: 1. Ord - amend 10-616.pdf, 2. Supplement_PublicComment_Item 1-D_22-98_AdministrativeAbatement

Date	Ver.	Action By	Action	Result
1/13/2022	1	City Council		CONTINUED

REPORT TO THE CITY COUNCIL

FROM: DOUGLAS T. SLOAN, City Attorney
City Attorney's Office

BY: CHRISTINA A. ROBERSON, Assistant City Attorney
City Attorney's Office, Code Enforcement

SUBJECT

Ordinance (for introduction) - Amending Administrative Abatement, FMC section 10-616, to clarify limits on access to restricted areas where abatements are taking place.

RECOMMENDATION

Staff recommends adopting amendments to FMC section 10-616 related to safety during administrative abatements.

EXECUTIVE SUMMARY

The Code Enforcement Abatement Team regularly conducts abatements of junk, rubbish, weeds, and other materials from privately owned property. Interference by the public puts the safety of the public and Code Enforcement staff at risk. These amendments would allow Code Enforcement staff to designate the work site as a restricted area and erect barriers to prevent public interference. Violations would be punishable as a misdemeanor or by administrative citation.

BACKGROUND

Code Enforcement duties include abating public nuisances on privately owned property. These nuisances include junk, rubbish, tall grass, weeds, and other hazards. To abate, the Code Enforcement abatement team uses equipment to include skid steer, tractor (with front loader, disc, or box blade), dump truck and trailers, saws, drills, and grinders. This equipment requires focus by staff to operate, and it can be dangerous if used improperly or if an unauthorized person enters the work site.

The Abatement Team's primary goal during abatements is to maintain the safety of employees and the public. Requirements promulgated by the California Division of Occupational Safety and Health (CAL/OSHA) obligate the City to provide its employees with a safe working environment. In addition, the City may be subject to liability for unauthorized persons harmed during the abatement.

The proposed amendments would allow staff to designate a restricted area by erecting a barrier or cordoning off an area with caution tape. Unauthorized access into this area shall be punishable either as a misdemeanor or as an administrative citation, at the election of the City Attorney.

ENVIRONMENTAL FINDINGS

This item is not a project as defined by the California Environmental Quality Act.

LOCAL PREFERENCE

N/A.

FISCAL IMPACT

There is no fiscal impact.