

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
RELATING TO ANNUAL WEED ABATEMENT PROGRAM.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

WHEREAS, there are over 4000 vacant lots within the City of Fresno which encompasses approximately 100 square miles. Very often these lots are surrounded by residential or commercial neighborhoods. A list of said lots is attached as Exhibit D and incorporated herein; and

WHEREAS, said lots within the City of Fresno typically accumulate weeds, grass, brush, trash and other combustible debris which are of recurrent nature; and

WHEREAS, owners of these lots have a year-round obligation to keep their lots free of weeds, grass, brush, trash or other debris, and that many owners fail, neglect or refuse to disc, mow, or cut or otherwise remove these conditions from their property; and

WHEREAS, the Spring, Summer, and Fall months in the City of Fresno are particularly hot and dry months; and

WHEREAS, weeds, grass, trash, and other debris accumulated on such lots during these months create extreme fire hazards; and

WHEREAS, the City of Fresno, Planning and Development Department (hereinafter Department) has established a Weed Abatement Program to combat these hazardous conditions; and

WHEREAS, the Department, pursuant to said program has notified each property

owner in writing of its Weed Abatement policy; the date upon which said lots are to be disced; the standards acceptable for discing; the date the Department will commence inspections of said lots; and the date, time and location of a public hearing for the adoption of this resolution. Said forms are attached as Exhibits A, B, and C and incorporated herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The large number of vacant lots spread throughout a city encompassing approximately 100 square miles, which typically and routinely accumulate weeds, grass, brush, trash or other debris pose an extreme fire hazard and constitute a uniquely challenging task for the Department during the hot and dry Spring, Summer, and Fall months.

SECTION 2. Unless abated by the owners or occupiers of said lot or lots, or their agents, prior to the deadlines as stated in the notice sent to the property owners (Exhibits A, B, and C) the City may cause the removal of any and all weeds, grass, brush, trash or other debris from said lot or lots at the owner's expense. The property owner will be billed for the abatement including administrative costs in a Notice of Costs. If the property owner fails to timely make a payment of the costs listed in the Notice of Costs, the Department may do any or all of the following things: refer the delinquent bill to a collection agency, refer the costs to the County tax assessor as a special tax assessment to be collected with the property taxes, and or attach a lien on the property.

SECTION 3. Since weeds, grass, brush, trash, and debris are typically and generally of a recurrent nature, upon failure of the owner to abate said conditions after

fifteen (15) days written notice to the property owner, the City may continue to abate said conditions throughout the fire season. Where said conditions create an imminent threat to public health and safety, the Department may summarily abate without the fifteen (15) days written notice.

SECTION 4. If necessary to accomplish abatement of the fire hazard created by the accumulation of weeds, grass, brush, trash and debris, the Department may cause, at the owners expense, leveling or removal of tall weeds, grass, rubbish, refuse, concrete, asphalt or mounds of dirt.

SECTION 5. This program is essentially the same format and approach as has been successfully implemented for many years. It has been determined that this program: (a) is necessary to address the unique fire hazards the City is faced with annually and (b) provides reasonable notice to property owners based on the threat to the health and safety of the community and the reasonable amount of time provided to the property owner to voluntarily abate the conditions.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015

Mayor Approval/No Return: _____, 2015

Mayor Veto: _____, 2015

Council Override Vote: _____, 2015

YVONNE SPENCE
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Deputy