



Legislation Details (With Text)

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Title: ***BILL No. B-3 - (Intro. 2/26/2015) (For adoption) - Approving the procedures for the annual 2015 weed abatement program (Citywide)
Sponsors: Planning and Development Department
Indexes:
Code sections:
Attachments: 1. 2015WeedsNotice w-standards Exhibit A-B.pdf, 2. bee legal notice 2015 Exhibit C.pdf, 3. Exhibit D part 1.pdf, 4. Exhibit D part 2.pdf, 5. Weed Abatement Ordinance.pdf

Date	Ver.	Action By	Action	Result
3/5/2015	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

March 5, 2015

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SUBJECT

1. BILL NO. B-3 - (Intro. 2/26/2015) (For adoption) - Relating to the Annual Weed Abatement Program

RECOMMENDATION

Staff recommends that City Council:

1. Adopt the attached ordinance approving the procedures for the 2015 Weed Abatement Program, and declare that dry grass, weeds, trash, and debris on vacant lots pose a significant fire hazard in the City of Fresno.

EXECUTIVE SUMMARY

It is the priority of the City of Fresno to protect and preserve neighborhoods through a variety of mechanisms. The Fresno Municipal Code requires that all vacant parcels within the City Limits be cleared and mowed by April 15 of each year. By keeping properties free from dry grass, weeds, trash

and debris, the City is protecting surrounding investments from fire hazard and preserving property values.

The City has conducted a proactive weed abatement notification program from 2004 to 2011 with great success. There are approximately 4,000 vacant (undeveloped) parcels within the City Limits. This action provides for proactive notification of property owners to allow for immediate abatement without the need for a fifteen (15) day courtesy notice. Proactive notification of property owners results in a 98.81% compliance rate which reduces the need to issue citations or to conduct additional inspections.

Additionally, this action will allow for proactive abatement in cases of repeat violations, thus reducing fire hazard and blighting conditions which infringe on surrounding neighborhoods and properties.

BACKGROUND

The goal of the Weed Abatement Program is to keep the community free of fire hazards and blight through proactive code enforcement throughout the year and especially during fire season. Dry grass, weeds, trash, and debris on vacant lots constitute a significant fire hazard. Therefore, property owners are notified prior to the start of the season to maintain their property throughout the season. This means that property owners must disc and/or clean their lots before April 15, and ensure that they remain free from fire hazards and debris through the end of September.

Each year the Code Enforcement Division notifies approximately 4,000 property owners of vacant lots to keep their property free from dry grass, weeds, trash, and debris. These potential code violations pose a significant fire hazard during the fire season, which runs from April 15 through September 15 each year. In past years, proactive notification has resulted in only 1.19% violation rate, significantly lower than in years without a proactive program. This reduction results in fewer citations, fewer repeat inspections, and fewer abatement actions by the City.

The proactive Weed Abatement process is resource-efficient. All properties are noticed by mail and by legal ad in the Fresno Bee. Inspections of all properties will begin on April 16th. If a property is found to have a violation with no visible attempts of clean up, a citation shall be issued to the property owner and the violations may be summarily abated. The property owner is then billed for the cost of the abatement plus an administrative fee with an average bill of about \$500 to \$1,000 per incident. Citations range from \$200 to \$800. If the property owner does not pay the bill, the City will collect the debt through three methods: a collection agency, special tax assessment, or a nuisance abatement lien. This public hearing is to provide the owners of vacant lots an opportunity to present their viewpoint concerning the process.

This year's program will follow the same successful format that was used for seven consecutive years from 2004 through 2011, as follows:

Legal Notification: Notices were mailed on February 11, noting a deadline for compliance of April 15. A legal notice was published in the Fresno Bee and a listing of APNs to be inspected was made available to the public on the weed abatement website and a copy available in the City Clerk's Office (See Exhibits A, B, C and D).

Inspections: As before, to establish the City-owned lots as an example for the public, inspections and cleanup of City-owned lots will begin early, on April 6. Inspections of privately owned lots will

begin after the deadline, on April 16. A citation shall be issued to the property owner and the violations may be summarily abated by a City contractor without further notification if the owner has not cleaned the property by the deadline. The cost of the abatement plus an administrative fee will be billed to the property owner. This process has been developed in conjunction with the City Attorney's Office.

Cost Recovery Procedures: For 2015, the Division will utilize three different methods of collection, which will be determined on a case-by-case basis. The three methods are: 1) special tax assessment; 2) a collection agency; or 3) an abatement lien.

ENVIRONMENTAL FINDINGS

This is not a “project” for the purposes of CEQA pursuant to CEQA Guidelines, section 15378(b)(5), as it is an administrative activity that will not result in direct or indirect physical changes to the environment.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or services contract.

FISCAL IMPACT

Code Enforcement activities are currently funded in the City’s 2014-15 Budget. No additional resources will be needed.

Attachments: Exhibits A through D
Ordinance