



## Legislation Details (With Text)

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**Title:** \*\*\*BILL NO. B-7- (Intro. 2/25/2016) (For adoption) - Relating to the Annual Weed Abatement Program (City wide)  
**Sponsors:** Planning and Development Department  
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**Code sections:**  
**Attachments:** 1. Ordinance, 2. Exhibit A 2016 Weeds Notice, 3. Exhibit B 2016 Weeds Standards, 4. Exhibit C Bee Legal Notice 2016, 5. Exhibit D part 1, 6. Exhibit D part 2

Date	Ver.	Action By	Action	Result
3/3/2016	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

**March 3, 2016**

**FROM:** JENNIFER K. CLARK, Director  
Development and Resource Management Department

**BY:** DEL ESTABROOKE, Code Enforcement Manager  
Development and Resource Management Department

### SUBJECT

\*\*\*BILL NO. B-7- (Intro. 2/25/2016) (For adoption) - Relating to the Annual Weed Abatement Program (City wide)

## RECOMMENDATION

Staff recommends that City Council:

1. Adopt the attached ordinance approving the procedures for the 2016 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 ("City") to protect and preserve neighborhoods through a variety of mechanisms. The Fresno Municipal Code requires 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 previously conducted a proactive weed abatement notification program from 2004 to 2011 with great success and resurrected the program in 2015. There are approximately 3,000 vacant (undeveloped) parcels within the City Limits. This action provides for proactive notification to property owners allowing immediate abatement of parcels without the need for a fifteen (15) day courtesy notice. In 2015, proactive notification to property owners resulted in a 97.16% compliance rate which reduces the need to issue citations or to conduct additional inspections.

This action will also 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 fire season to maintain their property. This means property owners must disc and/or clean their lots before April 15, and ensure the lots remain free from fire hazards and debris through the end of September.

The Code Enforcement Division annually notifies approximately 3,000 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. In 2015, proactive notification resulted in only a 2.84% violation rate, which is 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 16, 2016. 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 wherein the 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 in 2015 which incorporated the same format used in the seven consecutive years from 2004 through 2011, as follows:

**Legal Notification:** Notices were mailed on February 10, 2016 noting a deadline for compliance of April 15, 2016. 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. A copy is also available in the City Clerk's Office (See Exhibits A, B, C and D).

**Inspections:** In order to establish the City-owned lots as an example for the public, inspections and cleanup of City-owned lots will begin prior to the deadline on April 5. 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:** The Division will utilize three different methods of collection, which will be determined on a case-by-case basis including: 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 2015-16 Budget. No additional resources will be needed.

Attachment:  
Ordinance