

Lompoc City Council Agenda Item



City Council Meeting Date: May 20, 2014

TO: Patrick Wiemiller, City Administrator

FROM: Kurt Latipow, Fire Chief
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Dena Foose, Deputy Fire Marshal
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SUBJECT: Declaration of Nuisance and Abatement Order

Recommendation:

Staff recommends the City Council:

- 1) Adopt Resolution No. 5924(14) (attached), declaring certain parcels of property as public nuisances by virtue of weed growth or by the accumulation of rubbish, refuse and dirt, pursuant to Government Code Sections 39560-39588; or
- 2) Provide alternate direction.

Background/Discussion:

In accordance with the Fire Department's annual weed abatement program, the Fire Department has inspected each of the properties identified on Exhibit A to Resolution No. 5924(14) (attached) and found there is potential for growth of weeds which, when dried, will constitute a fire hazard or other noxious and dangerous condition. Further, it has been found these same lots often have an accumulation of rubbish, debris and dirt, creating a fire hazard or dangerous condition.

To proceed with the abatement of the weed conditions, City Council must determine hazardous or dangerous conditions exist and set a public hearing to hear objections to the proposed weed removal. The Council is being requested to set that public hearing for the June 17, 2014, City Council meeting. If, at that meeting, the Council determines nuisance conditions exist, then the Council could order abatement of the nuisance conditions by removal of the weeds by the property owners, and failing that, by the City, with the cost of administrative code enforcement and of removal assessed against the properties as a lien upon them until paid.

Adoption of the proposed resolution will also address the re-growth of weeds. The Fire Chief has determined weeds are seasonal and recurrent nuisances. The Fire Chief's findings are in accordance with Government Code Section 39562.1, which will allow subsequent abatements by the City to be conducted within the same calendar year, with no further public hearing, as long as post card notices are sent to the subject property owners.

Fiscal Impact:

Government Code Section 39573 permits the Council to order a special assessment and lien, pursuant to Government Code Section 39577, after an order to abate nuisance conditions has been issued by Council and not followed. It will only apply to those parcels that have an abatement order issued by the Council, but will apply whether the parcel is subsequently cleared by the property owner or by the City, after the order to abate has been issued. After the assessment is made and confirmed, a lien attaches on the parcel for the assessment amount. As the County of Santa Barbara adopted the "Teeter Plan" for distribution of property taxes and assessments, the City will receive the lien amount for the assessment during the next annual property tax distribution cycle following the imposition of the lien. Parcels cleared by the owner prior to the City Council's abatement order will not be subject to the administrative fee. At least five days prior to the public hearing, a notice to abate weeds/debris will be sent to all owners of subject parcels, informing them of the public hearing date, administrative fee and abatement procedures.

Costs related to the annual weed abatement program that are not ultimately charged to the property owner as a lien are budgeted for and paid from the Fire Prevention program, which is a General Fund division. The administrative fee assessed to parcel owners who ultimately have an abatement order processed recovers a portion of the General Fund costs associated with the implementation of this program.

Conclusion:

Adoption of the proposed resolution is consistent with the Department's commitment to community risk reduction and the elimination of hazardous conditions.

Respectfully submitted,

Kurt Latipow, Fire Chief

Dena Foose, Deputy Fire Marshal

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Patrick Wiemiller, City Administrator

Attachment: [Resolution No. 5924\(14\)](#)