

Chapter 6.02 WEEDS, RUBBISH AND DEBRIS ABATEMENT

6.02.010 Authority, Intent and Purpose.

This chapter is adopted pursuant to Health and Safety Code sections 14875 through 14922. Pursuant to the authority of Government Code Section 61100 (t), the Board finds and declares that it is necessary to establish a procedure for the requiring of and providing for the removal of weeds, rubbish and debris from sidewalks, parking areas or streets, and from private property, and to provide for the cost of removal collected per Government Code 61115 and per Health and Safety Codes 14915 – 14922.

6.02.020 Definitions.

As used in this chapter:

“Debris” means plant matter, paper, waste matter, litter, trash, refuse, rubbish and any other substance (particularly which, under dry conditions, creates a fire hazard).

“Rubbish” Includes wastepaper, cardboard, rags, household ashes, lawn clippings, wearing apparel, household goods, wooden containers, and all worthless, useless, unused, rejected, and castoff matter produced by and as a result of human habitation and the transaction of business within the district.

“Weeds” means and includes the following plants growing upon streets or private property within the district:

- A. Plants which, when mature, bear downy or winged seeds;
- B. Sagebrush, chaparral and any other brush plant that attains such large growth as to create a fire hazard to adjacent improved property;
- C. Plants that are noxious or dangerous; and
- D. Dry grass, stubble, brush, litter or other flammable material that endangers public safety by creating a fire hazard (Per Cal Fire Defensible Space requirements).

6.02.030 Weeds, rubbish and debris prohibited.

It shall be the duty of every owner of property located in the district to remove or destroy, or cause the removal or destruction of, weeds, rubbish and debris accumulating on the owner's property. It shall be unlawful for an owner of property located within the district to cause or permit such accumulations of weeds, rubbish or debris to remain on the property.

6.02.040 Declaration of Public Nuisance.

In accordance with Health and Safety Code sections 14876 through 14884, the board may adopt a resolution identifying weeds, rubbish and debris accumulating on any property and declaring the weeds, rubbish and debris to constitute a public nuisance (the "resolution"). The resolution shall identify the properties upon which the nuisances are located, by reference to the tract, lot and parcel number of each property as used in the records of the Lassen County assessor.

6.02.050 Notice to Remove or Destroy Weeds or Debris.

For properties on which are located accumulations of weeds, rubbish and debris identified as public nuisances in the resolution, the general manager shall notify the property owners of their obligations to remove or destroy the weeds, rubbish and debris.

A. Notice to the affected property owners shall be prepared on district letterhead and entitled, "NOTICE TO REMOVE OR DESTROY WEEDS, RUBBISH AND DEBRIS" in words not less than one inch (1") in height, and the notice shall read substantially as follows:

NOTICE TO REMOVE OR DESTROY WEEDS, RUBBISH AND DEBRIS

Notice is hereby given that on the ___ day of _____, 20_, the Board of Directors of the Spalding Community Services District adopted Resolution No. ___, a resolution declaring that noxious or dangerous weeds, rubbish and/or debris were accumulating on property on or nearest to _____[Name of street] in the District, which property is more particularly described in the resolution, and that the weeds and/or debris constitute a public nuisance which must be abated by removal or destruction of the weeds, rubbish and/or debris. Resolution No. ___ further provides that if the weeds and/or debris are not so abated, they will be removed or destroyed by the District, in which case the cost of removal or destruction shall be assessed upon the property on which the weeds, rubbish and/or debris are located, and such cost will constitute a lien upon the property until paid. For further details, please refer to Resolution No. ___, copies of which are available during regular business hours from the District office at the address listed above.

All property owners having objections to the proposed removal or destruction of the weeds, rubbish and/or debris described above are hereby notified to attend a Public Hearing of the Board of Directors of the Spalding Community Services District, to be held at ___p.m. on _____, 20_, at 502-907 Mahogany Way, Susanville, California, at which time any objections will be heard and considered.

Dated this ___ day of _____, 20_.

*[Name of General Manager]
General Manager
Spalding Community Services District*

B. At least ten (10) days before the date of the hearing described in the notice, the general manager shall post the notice conspicuously in front of the properties on which the declared public nuisances are located, or on the portions of the properties nearest to the street most likely to give actual notice to the properties' owners. The notices shall be posted not more than one hundred feet (100') apart, but at least one notice shall be posted on each property identified in the resolution.

C. The general manager shall cause the notice to be published once in a newspaper of general circulation in the district not less than ten (10) days before the date of the hearing described in the notice.

D. As an alternative to posting and publishing the notice pursuant to subsections B and C of this section, the general manager may mail the notice to the owners of the properties identified in the resolution, as the owners' names and addresses appear on Lassen County's latest equalized assessment roll, at least fifteen (15) days before the date of the hearing described in the notice.

6.02.060 Hearing and Abatement Order.

A. At the time and date specified in the notice, the board shall conduct a public hearing to hear and consider all objections (if any) to the proposed removal or destruction of weeds, rubbish and debris identified in the resolution. The board shall allow or overrule each objection, if any. The board's decisions regarding the objections are final.

B. After the board disposes of objections received by the board, or if no objections are received, the board shall order the general manager to proceed with abatement of the public nuisances identified in the resolution in accordance with this chapter.

6.02.070 Abatement of Public Nuisance.

A. If the person (or persons) owning a property identified in the resolution fails or refuses to remove or destroy weeds and/or debris on the property in accordance with the provisions of this chapter within ten (10) calendar days after the public hearing at which the board issued an abatement order pursuant to subsection [6.02.060B](#) of this chapter, the general manager shall remove or destroy the weeds and/or debris in accordance with this section.

B. When the "weeds", as defined in section [6.02.020](#) of this code, are not in plain view of the general manager or his designee from a place that he lawfully has the right to be, the general manager shall request the consent of the person or persons owning, occupying, leasing, managing or controlling the property before entering the property for purposes of inspection and abatement under this chapter. If consent is refused and if the persons owning, occupying, leasing, managing or controlling the property have a reasonable expectation of the privacy for the area where the district seeks to enter, the general manager shall apply for an inspection/abatement warrant, as defined in Code of Civil Procedure section 1822.50, to enter the property for inspection and abatement purposes, and entry onto the property shall be made only pursuant to an inspection warrant applied for, issued and executed in accordance with Code of Civil Procedure sections 1822.51 through 1822.59. A warrant may authorize district employees access to property only to do one or more of the following:

1. Inspect to determine the presence of public nuisances that the district has the authority to abate.
2. Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.
3. Determine if a notice to abate a public nuisance has been complied with.

If the person owning, occupying, leasing, managing or controlling the property has no reasonable expectation of privacy, employees of the district may enter the property without an abatement warrant for any of the reasons stated directly above.

C. It shall be unlawful for any person to interfere with, hinder or refuse to allow the general manager's entry onto a property to abate public nuisances pursuant to this section.

D. Any person or persons owning, occupying, leasing, managing or controlling property identified in the resolution shall have the right to remove or destroy weeds, rubbish and debris on their property, at their own expense, at any time before arrival of the general manager for entry onto the property pursuant to this section; provided, however, that the costs of the district to enforce the abatement upon the subject property, including investigation, boundary determinations, measurement, clerical and other related costs, may be imposed as a special assessment and lien on such property pursuant to a resolution of the board adopted pursuant to the provisions of section [06.02.080](#) of this chapter.

6.02.080 Abatement Costs.

In any case in which the board issues an abatement order pursuant to subsection [6.02.060B](#) of this chapter, the board may adopt a resolution ordering that a special assessment and lien be

imposed on the property which the public nuisance is located in accordance with the following procedures:

A. When enforcing the abatement of, or abating, a public nuisance pursuant to this chapter, the general manager shall keep a written account of the enforcement and abatement costs incurred for each property identified in the resolution, which may include costs incurred by the district for investigations, boundary determinations, measurement, abatement, and clerical work related to abatement of the public nuisance. Based on these accounts, the general manager shall prepare a written report stating the enforcement and abatement costs incurred for each property. A statement shall be sent to each owner outlining the expenses incurred and the amount to pay to the District for the abatement.

B. Before the general manager's report is presented to the board, a copy of the report shall be posted outside the board's meeting room for at least three (3) days before the meeting at which the board will consider the report, along with a notice of the time and date of the meeting. Copies of the report and the notice also shall be mailed to the owner of each property identified in the report, using the owner's name and address as it appears on Lassen County's latest equalized assessment roll, at least fifteen (15) days before the meeting. At the meeting, the board shall consider the report, along with any objections by owners of property identified in the report as subject to assessment for enforcement and abatement costs. After making any necessary modifications to the general manager's report, the board shall confirm the report by resolution.

C. Upon confirmation of the general manager's report by the board, the district shall submit certified copies of the general manager's report and the board's resolution confirming the report to the Lassen County recorder's office for recordation. On or before the next August 10 following the board's confirmation of the general manager's report, the district also shall file copies of the general manager's report and the board's resolution confirming the report with the Lassen County auditor for entry of the assessments onto the Lassen County tax roll.

D. The amounts of the enforcement and abatement costs assessed to each property identified in the general manager's report shall constitute special assessments against the respective properties and create liens on the properties for those amounts. The special assessments shall be collected at the same time and in the same manner as property taxes of Lassen County, and delinquent amounts are subject to the same penalties and foreclosure sale procedures as are county property taxes.

6.02.090 Penalty for violation.

Any person violating any of the provisions of this chapter shall be guilty of an infraction.

6.02.100 Removal method.

The methods of removing weeds, vines, shrubs, brush and/or debris from property as provided in this chapter shall not be an exclusive method, but shall be an alternative method, and such weeds, vines, shrubs, brush and/or debris may be removed from such property pursuant to the provisions of any law of the state or of any ordinance of the District applicable thereto.

6.02.110 Cancellation or Refund of Assessments.

Any portion of a special assessment, penalty or cost imposed pursuant to section [3-5-8](#) of this chapter shall be canceled or refunded upon order of the board if imposed improperly, erroneously or illegally, within the meaning of Health and Safety Code section 14920. For assessments that already have been paid, refunds shall be given upon order of the board, provided that the recipient has filed a verified claim with the board within three (3) years after making the payment for which a refund is sought.

6.02.120 Inconsistent Provisions.

To the extent that the provisions of this chapter may be inconsistent or in conflict with the terms and conditions of any prior district ordinance, resolution, rule or regulation governing the same subject, the provisions of this chapter shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting terms or conditions of prior ordinances, resolutions, rules or regulations are hereby repealed.