



## MEMORANDUM

**TO: CITY COUNCIL**

**FROM: MICHAEL E. HUBERT, FIRE CHIEF – FIVE CITIES FIRE AUTHORITY**

**SUBJECT: CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING SECTION 8.44.060 TO CHAPTER 8.44 OF TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO WEED ABATEMENT**

**DATE: FEBRUARY 25, 2014**

### **RECOMMENDATION:**

It is recommended the City Council adopt an Ordinance adding Section 8.44.060 to Chapter 8.44 of Title 8 of the Arroyo Grande Municipal Code relating to weed abatement.

### **IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:**

Standardizing weed abatement procedures amongst the cities of Arroyo Grande, Grover Beach and the Oceano Community Services District will result in efficiencies for the Fire Authority staff.

### **BACKGROUND:**

On February 11, 2014, the City Council voted unanimously to introduce an Ordinance standardizing the process of weed abatement within the Five Cities Fire Authority jurisdictional boundaries by adding Section 8.44.060 to Chapter 8.44 of Title 8 of the Arroyo Grande Municipal Code.

By adoption of this Ordinance, along with adoption of a similar ordinance by the City of Grover Beach, it will standardize the weed abatement process within the Five Cities Fire Authority by providing that both cities follow the same procedures followed by community service districts. It will also provide that the weed abatement process be administered by the Fire Authority.

### **ANALYSIS OF ISSUES:**

Community services districts are authorized by Government Code Section 61100(t) to follow the procedures in Health and Safety Code Sections 14875, et seq. to abate weeds. Cities are authorized pursuant to Government Code Section 39502 to adopt an ordinance to require the removal of noxious and dangerous weeds and can make the cost of removal a lien on the property. Arroyo Grande Municipal Code currently contains Chapter 8.44 which provides a procedure for removal of weeds upon inspection and notice to remove, and if the weeds are not removed, the removal can be performed by the City with the costs then assessed against the property. This Ordinance provides a very similar, albeit more statutorily detailed process for weed abatement by the enforcing jurisdiction (in this case the Five Cities Fire Authority). The principal difference is that this Ordinance includes an

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optional procedure for collection of weed abatement charges on the tax roll after holding a required public hearing.

In addition, the Five Cities Fire Authority will be designated to hold all required public hearings, issue all notices and otherwise implement the Health and Safety Code weed abatement procedures, so that all three parent agencies of the Joint Powers Authority will be using the same weed abatement process. This Ordinance adds a provision to the Arroyo Grande Municipal Code to provide for the adoption and incorporation by reference of Health and Safety Code Sections 14875, et seq. as an alternative weed abatement procedure for the City of Arroyo Grande and designates the Five Cities Fire Authority to implement the procedures.

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

- Approve staff's recommendation;
- Do not approve staff's recommendation;
- Modify as appropriate and approve staff's recommendation; or
- Provide direction to staff.

**ENVIRONMENTAL REVIEW:**

No environmental review is required for this item. This item is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines.

**PUBLIC NOTIFICATION AND COMMENTS:**

A summary of the Ordinance was published in The Tribune on Tuesday, February 18, 2014, pursuant to State law. The Agenda was posted in accordance with the Brown Act on Thursday, February 20, 2014 and on the City's website on Friday, February 21, 2014. No public comments were received.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 8.44.060 TO CHAPTER 8.44 OF TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO WEED ABATEMENT**

**WHEREAS**, the City of Arroyo Grande, along with the City of Grover Beach and the Oceano Community Services District created the Five Cities Fire Authority under a Joint Powers Agreement dated July 9, 2010 for the purpose of providing more efficient and effective fire protection services within each agency's respective jurisdictions; and

**WHEREAS**, pursuant to the Joint Powers Authority Agreement, since 2011 the Five Cities Fire Authority has annually administered the weed abatement programs in accordance with the ordinances and procedures for each of the three agencies; and

**WHEREAS**, each City and the Community Services District has its own distinct process and timetable for the abatement of weeds and dry grasses and the Fire Chief for the Five Cities Fire Authority has recommended that standardization of the weed abatement programs of the parent agencies will provide greater efficiencies in the delivery of fire protection services; and

**WHEREAS**, Community Services Districts are authorized by Government Code Section 61100(t) to follow the procedures in Health and Safety Code Sections 14875, et seq to abate weeds, and pursuant to Government Code Section 39502, cities may adopt an ordinance to provide for the removal of weeds and can make the cost of removal a lien on the property; and

**WHEREAS**, based upon the foregoing, the Cities of Arroyo Grande and Grover Beach have determined that they should adopt and incorporate by reference the provisions of Health and Safety Code Sections 14875, et seq as an alternative weed abatement procedure, and provide that the Five Cities Fire Authority hold all hearings, issue all notices and otherwise implement the weed abatement programs, so that all three agencies that make up the Joint Powers Authority are using the same weed abatement process.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Arroyo Grande as follows:

**SECTION 1.** Section 8.44.060 is hereby added to Chapter 8.44 of Title 8 of the Arroyo Grande Municipal Code to read as follows:

**"8.44.060 Alternative Weed Abatement Procedures; Five Cities Fire Authority."**

- A.** This Section is adopted pursuant to the authority set forth in California Government Code Section 39502 in order to provide for the removal of all weeds, rubbish, and other materials dangerous or injurious to neighboring property or the health and welfare of residents of the vicinity and to make the cost of removal a lien upon the property. In addition to other procedures for the abatement of weeds, grass and

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rubbish, the City hereby adopts the procedures contained in California Health and Safety Code Sections 14875 through 14922 as its alternative weed abatement procedure.

- B.** In accordance with Section 2.12.010, which deems the Five Cities Fire Authority to be the fire department for the City of Arroyo Grande, the Five Cities Fire Authority is hereby authorized to hold all hearings, issue all notices and take all necessary actions to implement the weed abatement procedures contained in California Health and Safety Code Sections 14875, et seq.

**SECTION 2.** If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

**SECTION 3.** A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

**SECTION 4.** This Ordinance shall take effect thirty (30) days after its adoption.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and by the following roll call vote, to wit:

**AYES:  
NOES:  
ABSENT:**

the foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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\_\_\_\_\_  
**TONY FERRARA, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
**STEVEN ADAMS, CITY MANAGER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**TIMOTHY J. CARMEL, CITY ATTORNEY**

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