

Title 7, Chapter16

7-16-1: TITLE

This Chapter shall be known as the Placerville Hazardous Vegetation and Combustible Materials Abatement Ordinance

7-16-2: **PURPOSE:** The purpose of this chapter is to provide for the removal of hazardous vegetation and combustible materials situated in the City, so as to reduce the potential for fire and to promote the public safety and welfare of the community.

7-16-3: FINDING OF PUBLIC NUISANCE

A. The City Council finds and declares that the uncontrolled growth and/or accumulation of hazardous vegetation and combustible materials, grass, weeds, or other materials or obstructions on sidewalks, streets, and on lands or lots within the City is dangerous or injurious to neighboring property and the health or welfare of residents of the City and is a public nuisance in that it creates fire hazards and/or creates a condition that reduces the value of private property, promotes blight and deterioration, invites plundering, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harbor for rodents and insects and is injurious to the health, safety and general welfare.

B. The City finds that this chapter is not subject to the California Environmental Quality Act (CEQA) because it will not result in significant environmental impacts and pursuant to the following categorical exemptions: Section 15304(i) (specified fuels management activities within 100 feet of a dwelling), 15308 (actions taken as authorized by local ordinance to assure protection of the environment, 15321 (action by agency for enforcement of a law, general rule, standard or object administered or adopted by the agency.

7-16-3: DEFINITIONS

As used in this chapter:

- a. Abate" or "Abatement" shall mean an act used to remove, destroy, eliminate, size, impound, or any action taken to mitigate a public nuisance.
- b. "Abatement costs" shall mean any and all costs incurred by the City to enforce this Article and to abate the hazardous vegetation or combustible material on any property pursuant to this Chapter, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.
- c. "Defensible space" means that area described in Public Resources Code section 4291 and as otherwise described in this Code, which is adjacent to each side of a building or

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structure and must be cleared of all brush, flammable vegetation, or combustible growth, subject however to the exceptions set forth in this Code.

d. Fire hazard" shall mean any condition, arrangement, act or omission which:

1. Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or
2. May obstruct, delay, hinder or interfere with the operations of a fire department or the egress of occupants in the event of fire.

e. "Fuel Modification Area" shall mean a strip of land in which the following fuel reduction activities are required to occur:

1. Cut and remove all weeds and grasses down to four (4) inches or lower;
2. Prune and remove "ladder fuels" up to ten (10) feet or higher;
3. "Mosaic" all stands of brush;
4. Remove all dead or decaying trees and tree limbs; and
5. Perform any other fire protection or maintenance activities within the Fuel Modification Area(s) consistent with the standards and requirements contained in PRC 4290 or as required by the Enforcement Official.

f. Hazardous Vegetation means vegetation that is flammable and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves and tumbleweeds

g. "Refuse" includes rubbish and garbage, as defined herein.

h. "Garbage" includes, but is not limited to, the following: waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, nonrecyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, public or private activity, and may include tin cans, bottles and paper or plastic, or other synthetic material, food or beverage containers.

i. "Rubbish" includes all the following, but is not restricted to nonputrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste and similar waste materials.

j. "Weeds," as used in this chapter, includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Sagebrush, chaparral, and any other brush or weeds which attain such hard growth as to become, when dry, a fire menace to adjacent improved property;
3. Weeds and grasses which are otherwise noxious;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

k. "Accumulation of weeds" includes, but is not limited to, permitting or allowing the growth of weeds.

l. "combustible material"/"fuel" includes an accumulation of garbage, rubbish,

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—waste or material of any kind other than hazardous vegetation that is —
flammable and endangers the public safety by creating a fire hazard.

- h. Fire Chief means the Chief of the El Dorado County Fire Protection District (District)
- i. Director means the Director of Development Services for the City of Placerville
- j. Structure means any dwelling, house, building or other type of flammable construction including but not limited to a wood fence, deck or porch attached to or near any other structure.
- k. Waste means all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, commercial, and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid wastes and semisolid wastes.

L. p. "Ladder fuels" shall mean fuels that can carry a fire vertically between or within combustible material or hazardous vegetation.

q. "Fuel" means any combustible material, including petroleum-based products and wildland vegetation.

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7-16-4: **LEGAL AUTHORITY AND CONCURRENT AUTHORITIES**

A.—This chapter is enacted by ordinance pursuant to the powers granted to the City concerning the abatement of nuisances as contained in Government Code sections 38771-38773.5.

B. This Chapter is not the exclusive regulation for ~~weed and refuse~~ hazardous vegetation and materials abatement within the City of Placerville. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction.

7-16-5: **DUTY TO ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL**

It shall be the duty of every owner, occupant, and person in control of any unimproved or improved parcel of land or having an interest therein, which is located in the City of Placerville to abate therefrom, and from all sidewalks and roadways, except for those roads accepted into the City maintained system, all combustible material and hazardous vegetation, that constitutes a fire hazard ~~and public nuisance~~ which may endanger or damage neighboring or adjoining property and ~~or forestland structures.~~

A. The requirements of this section shall be satisfied if the Parcel is cleared in accordance with a Notice to Abate by cutting brush, trimming trees, thinning trees, disking, mowing, plowing or any other method described in a Notice to Abate, or, if no Notice to Abate is issued, by removing all Hazardous Vegetation and Combustible Materials as follows:

- a. Maintain a defensible space of one hundred (100') feet from each side and from the front and rear of the Structure, but not beyond the property line except as provided by law.
- b. Maintain a one hundred (100') foot wide strip of land around Structure(s) located on an adjacent Improved Parcel (some or all of this defensible space requirement may be required on an adjacent parcel depending upon the location of the Structure on the Improved Parcel);
- c. The amount of fuel modification necessary may take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the Structure.
- d. Maintain a minimum of a ten (10') foot wide strip of land beyond the shoulder of a roadway serving as primary ingress and egress to the parcel, to a height of fifteen (15') feet along the boundary of a Parcel; and/or
- e. The intensity of fuels management may vary within the one hundred (100') foot perimeter of the Structure, the most intense being with the first thirty (30') feet around the habitable Structure. Consistent with fuels management objectives, steps should be taken to minimize erosion.
- f. Remove the portion of a tree that extends within ten (10') feet of the outline of a chimney or stovepipe.
- g. Climbing vines must be removed from trees and structures.
- h. Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.
- i. Maintain the roof of a structure free of leaves, needles, or other vegetative materials.
- j. Maintain the property free of ladder fuels.

B. The Enforcement Official may mandate additional fuels management of an area more or less than the above referenced widths or height, for the protection of public health, safety or welfare or the environment if the Enforcement Official finds that the additional fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to a Structure on an Improved Parcel. The Enforcement Official shall determine appropriate defensible space distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the adjacent Improved Parcel at risk from an approaching fire. These factors shall include, but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the adjacent parcel or the structure(s) is located;

C. When an occupied building is less than one hundred feet from a property line and Combustible Material or Hazardous Vegetation on an adjacent parcel presents a fire hazard for the occupied building the owner of the parcel where the fire hazard exists shall be responsible for clearing the area on that owner's land which is within one hundred feet of the occupied structure and is needed to provide the necessary fire protection in the manner and to the extent required by the Enforcement Official.

D. Where the terrain, condition or environment on the adjacent Parcel is such that it cannot or should not be disked or mowed, the Enforcement Official may require, or authorize, other means of hazardous vegetation or combustible material removal.

E. No Parcel owner may allow any portion of vegetation on his property to interfere with street and emergency vehicle access, regardless of whether the access is along a public street or along a private residential access road. The Enforcement Official may provide written notice to the property owner requiring vegetation to be trimmed for a specified additional distance when the Enforcement Official determines the vegetation would otherwise interfere with street or emergency vehicle access.

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F. Any Unimproved Parcel of less than two acres (2ac.) shall be cleared of all waste, hazardous vegetation and combustible material prior to May 1 or the start of fire season, whichever occurs first. Lots on which weeds, dry grass, non-cultivated pastures, or other hazardous vegetation exists, shall be mowed, and shall be cut to a maximum height of two inches so as to not constitute a fire hazard throughout the calendar year.

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G. Any Unimproved parcel or multiple contiguous parcels under the same ownership consisting of more than two acres (2ac.) shall either be cleared of all waste, hazardous vegetation and combustible material or mowed as set forth in subsection (2) above, or shall construct and maintain a minimum thirty-foot wide firebreak around the perimeter of such property. Such actions should take place prior to May 1 or the start of fire season, whichever occurs first. Firebreaks shall be disked around the entire perimeter of the parcel. Scraping will also be allowed, provided that the scraped material is removed or spread evenly over the remaining property.

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H. The District's enforcement official or his or her designee may require a firebreak of more than thirty (30) feet in width to a maximum of one hundred (100) feet in width, or less than thirty (30) feet in width, as a firebreak for the protection of public health, safety or welfare or the environment. The determination of appropriate clearance distances for firebreaks will be made based upon a visual inspection of the parcel and shall consider all factors that place the property or adjoining structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining structure(s) is located.

I. Dry leaves or wood chips located on parcels must be disked or turned under or evenly broadcast over the parcel area. If leaves or wood chips are being retained for the purpose of mulch or compost, they must be placed in a container so as to not constitute a fire hazard.

A. ~~The requirements of this section shall be satisfied if there is cleared property pursuant to a notice to abate by cutting brush, trimming trees, thinning trees, disking, mowing, plowing or any other method described in the notice:~~

~~1. An area that extends to a minimum of (10) feet beyond the shoulder of the roadway, to a height of fifteen (15) feet along the boundary of an unimproved parcel; and/or~~

~~2. A one hundred (100) foot wide strip of land* around flammable structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel depending upon the location of the structure on the improved parcel).~~

~~*Note: The county fire warden, local fire protection district fire chief, or designee may require more than a one hundred (100) foot width (subject to CEQA guidelines) or less than a one hundred (100) foot width for the protection of public health, safety or welfare or the environment. The county fire warden, local fire protection district fire chief, or designee will determine appropriate clearance distances based upon a visual inspection of the parcel and shall consider all factors that place the property or adjoining structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining structure(s) is located. Examples of the clearance requirements above are set forth in Appendix A for informational purposes only.~~

~~B. Where the parcel's terrain is such that it cannot be disked or mowed, the county fire warden, local fire protection district fire chief, or designee may require, or authorize, other means of hazardous vegetation removal~~

~~C. It shall be the duty of every owner, occupant, and person in control of any parcel of land or interest therein, which is located within the City to remove, or abate, all hazardous vegetation and combustible material, which constitutes a fire hazard which may endanger or damage neighboring property.~~

~~D. All improved Parcels, shall comply with the following requirements:~~

~~(1) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest covered lands, brush covered lands, grass covered lands, or land that is covered with combustible/ flammable material, shall at all times do all of the following:~~

~~(a) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (b). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well pruned and maintained to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby~~

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~~vegetation to a structure or from a structure to other nearby vegetation. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum based products and wildland vegetation.~~

~~(b) The Fire Chief or Director or designee may require more than a one hundred (100) foot width (subject to CEQA guidelines) or less than a one hundred (100) foot width for the protection of public health, safety or welfare or the environment. The Fire Chief or Director or designee will determine appropriate clearance distances based upon a visual inspection of the parcel and shall consider all factors that place the property or structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining structure(s) is located.~~

~~(c) Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.~~

~~(d) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.~~

~~(e) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.~~

~~(f) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.~~

~~L(2)~~ An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

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~~K(3)~~ A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

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~~L.E.~~ Improved and unimproved parcels adjacent to roadways and determined by the Enforcement Official (or designee) to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement and the current condition of fuels on the improved or unimproved parcel is assessed by the Enforcement Official as an extra hazardous fire condition must be treated or abated.

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M. Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure. In addition, any new permit request will necessitate a vegetation management inspection and compliance before issuance of the permit.

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N. Good Neighbor and Neighborhood Protection Policy including Unimproved Parcels - A one hundred (100) foot wide strip of land* around flammable structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the adjacent improved parcel or the adjacent unimproved parcel depending upon the location of the structure on the improved parcel). For example, a structure could be within 70 feet of its property line. The adjacent property owner would need to assist its neighbor by completing fuels management on another 30 feet to create a 100 foot strip of treated land.

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O. Prior to the close of any real estate sales transaction within the City, the requirements for property owners to comply with ordinance shall be disclosed to all potential buyers.

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7-16-6: PROHIBITED CONDUCT

A person shall not dump hazardous vegetation, combustible material~~weeds~~ or refuse, nor shall he permit the dumping of weeds or refuse, nor shall he permit the accumulation of hazardous vegetation, combustible material~~weeds~~ or refuse, on his property or on any other property in such a manner as to constitute a fire hazard.

7-16-7: ENFORCEMENT OFFICIALS

The Enforcement Official shall have authority to enforce this chapter and issue citations for violations. For purposes of this chapter, the "Enforcement Official" may be:

- A. The Fire Chief of the El Dorado Fire Protection District (Fire Chief) or his/her designee;
- B. The City of Placerville Development Services Director (Director) or his/her designee.

7-16-8: INSPECTION

A. The Enforcement Official, or personnel acting under his or her direction, may enter upon private or public property whenever necessary to enforce or administer the provisions of this chapter; provided, however, that this right of entry and inspection shall not be construed to grant the right to enter into any dwelling or structure which may be located on the land. When there is no reasonable expectation of privacy, such as with respect to an abandoned dwelling or building, the City's designated enforcement official may enter onto that property without a warrant in order to inspect the property for the purposes of determining whether the provisions of this Ordinance have been violated.

B. For the purpose of enforcing or administering this chapter, the Enforcement Officer may enter any real property for the purpose of inspecting the property or for summary abatement proceedings whenever the county fire chief is informed or has reasonable cause to believe that hazardous vegetation or combustible material exists, constituting a condition dangerous or injurious to the health or welfare of persons or to the public, including the environment, is a public nuisance or is otherwise in violation of this chapter.

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7-16-9: ENFORCEMENT

Violations of this Ordinance may be enforced following the procedures and timelines specified in Section 10 of this Ordinance. As an alternative to such enforcement procedures, the enforcement official retains the discretion to commence a meet and confer process with property owners determined to be in violation of this Ordinance to attempt to agree to a mutually acceptable method for abating the waste, vegetation and combustible material existing on such property. Nothing shall prohibit the enforcement official from issuing a hazard abatement notice to a property owner and following the enforcement procedure specified in Section 10 with respect to property owners who do not agree to a mutually acceptable abatement method after discussions with the enforcement official.

7-16-10: SUMMARY ABATEMENT PROCEEDINGS

In addition to the authority granted by law to the Enforcement Officer in exigent situations, the Enforcement Officer is authorized to enter real property and summarily abate any public nuisance determined by the Enforcement Officer to constitute an immediate threat to public health or safety without prior notice or hearing.

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7-16-10: HAZARD ABATEMENT NOTICE

Proceedings under this chapter shall commence when a violation of this chapter is identified, and notice is given in the manner prescribed as follows. The Enforcement Official shall mail written notice to each person that has an ownership interest in the property to which the violation pertains. Ownership interest shall be determined based on the last equalized assessment roll available on the date of mailing of the notice. Notification shall also be accomplished by posting on the property where the owner's mailing address is not available or not current.

The contents of written and posted notices shall include the following:

- a. A description of the property by reference to the assessor's parcel number as used in the records of the County Assessor, and by reference to the common name of a street or road upon which the property abuts, if the property abuts upon a road or street;
- b. A statement that there are weeds, rubbish or refuse upon the property;
- c. A request that such weeds, rubbish or refuse be removed or abated by a date certain, which shall not be less than fifteen (15) calendar days following the mailing or posting of the notice;
- d. A statement that the weeds, rubbish or refuse may be removed under authority of the City and the costs of such removal and abatement made a legal charge against the owner or owners of the property, a lien on the property and subject to collection with property taxes as specified under Section 38773.5 of the Government Code;
- e. A statement referencing the right to appeal the Enforcement Official's determination; and
- f. With respect to notices which are posted, a title which reads "Notice to Remove Weeds, Grass, Noxious Vegetation, Rubbish and Other Obstructions," the letters of the foregoing title to be not less than one inch (1 ") in height.

Notices which are posted shall be conspicuously posted in front of the property, or if the property has no frontage upon a road or street, then upon a portion of the property nearest to a road or a street most likely to give actual notice to the owner. Notices shall be posted not more than one hundred feet (100') in distance apart upon property with more than two hundred feet (200') of frontage, and at least one notice shall be posted on each parcel with two hundred (200) or less feet of frontage.

7-16-11: APPEALS

- A. Any person, who is adversely affected by the Hazard Abatement Notice specified in Section 10, may appeal such Hazard Abatement Notice to the Hearing Officer within fifteen (15) calendar days of the postmark on the Hazard Abatement Notice by filing a written appeal with the Enforcement Official. Timely appeal shall stay any further action for removal or abatement until the date set for hearing, unless the weeds, hazardous vegetation, waste or combustible material at issue presents an imminent fire hazard within 100 feet of any structure. **The Enforcement Official shall set the matter for hearing before the Hearing Officer who shall be the City of Placerville City Manager or his designee.** Any designee of the City Manager shall be someone not involved in any way in the issuance of the Hazard Abatement Notice. The Enforcement Official shall notify the Appellant by certified mail of the date and time set for such hearing, at least fifteen (15) days prior to said date. If the Appellant resides outside the County of El Dorado, such Notice of Hearing shall be mailed to

the Appellant at least twenty (20) days prior to the date set for the hearing. The Appellant shall have the right to appear in person or by agent, designated in writing, at the hearing, and present oral, written, and/or photographic evidence. The Hearing Officer shall issue its order denying or granting the appeal, which shall be in writing and be issued within fifteen (15) days of the date of the hearing. The decision of the Hearing Officer shall be final. Following the hearing notification deadline, the parcel shall be abated within seven (7) days. If abatement has not occurred within the seven (7) days, the City may abate the nuisance.

- B. Seasonal Designation: In the case of a parcel containing a fire hazard where abatement has occurred in two (2) previous years, and the fire hazard is seasonal or recurring, it shall be the decision of the Enforcement Official to declare the lot a seasonal public nuisance and the fire hazards shall be abated thereafter without the necessity of further hearing.

7-16-12: SEASONAL DESIGNATION

In the case of a parcel containing a fire hazard where abatement has occurred in two (2) previous years, and the fire hazard is seasonal or recurring, it shall be the decision of the Enforcement Official to declare the lot a seasonal public nuisance and the fire hazards shall be abated thereafter without the necessity of further hearing.

7-16-13: REMOVAL OF HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL

If compliance has not been accomplished at the end of the time allowed for compliance in the original notice, or as extended by administrative agreement of the Hearing Officer, the Enforcement Officer may order such weeds or other flammable vegetation and/or material to be removed by the City of Placerville or by private contractor selected by the City in accordance with City's abatement contracting procedures.

7-16-14: COLLECTION OF COSTS FOR ABATEMENT

When proceedings under this chapter result in the removal of weeds, grasses, hazardous vegetation, waste or combustible material from property by the City or their agents or contractors due to the refusal of a property owner to comply with this Ordinance, all costs incurred by the City in performing such removal may be assessed against the property. Such costs shall include the costs of labor, materials and equipment furnished by the City in removing such waste, hazardous vegetation and/or combustible material; the costs incurred by the City for payments to an independent contractor to remove such waste, hazardous vegetation and combustible material from the property; all administrative costs incurred by the City in removing such waste, hazardous vegetation and combustible material including actual costs of investigation, property inspection, boundary determination, measurement, clerical costs, and administrative overhead costs for supervision, insurance, costs of publication, mailing and posting of notices; preparation of contracts with independent contractors to perform the abatement work; review of bids by contractors; administration of

contracts for abatement activities; and other budgeted overhead items. If waste, weeds, hazardous vegetation and/or combustible material are ultimately removed from the property by the property owner subsequent to the deadline for removal specified in any Hazard Abatement Notice issued by the Enforcement Officer, the City shall be entitled under this Ordinance to assess against the property all such costs incurred securing such compliance with this Ordinance by the property owner up to and including the final date of compliance.

The enforcement official shall keep an account of such administrative and removal costs of abatement and shall submit to the City Council for confirmation an itemized written report showing such unpaid costs and their proposed assessment to the respective properties subject to the Hazard Abatement Notice. The report shall be filed with the City Clerk not less than 15 calendar days in advance of the confirmation hearing required below.

Upon receipt of the report, a public hearing shall be scheduled to receive any protests and to confirm the cost report. A statement of the proposed costs and notice of the time, date and place of the hearing, together with reference to the report on file with the clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed as shown on the last equalized assessment roll available on the date of mailing of the notice to the address or addresses of the owner or owners shown on the roll or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not less than 15 calendar days in advance of the hearing.

Notice of the time, date and place of the public hearing by the City Council shall be published once in a newspaper of general circulation published within the City. With respect to each property proposed to be assessed for which the name of the owner or owners is not shown on the last equalized assessment roll, or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners as such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property if the property has an address and the address is known to the enforcement official, the name of the street or road upon which such property abuts if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the enforcement official. Such publication shall be made not less than 15 calendar days in advance of the hearing.

At the time fixed for receiving and considering the report, the City Council shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the costs of abatement. The City Council shall then confirm or modify, if necessary, the report by motion or resolution.

7-16-15: LEVYING OF ABATEMENT COSTS AGAINST PROPERTY

- A. The costs of abatement incurred by the City once approved by resolution of the City Council, shall be mailed to the owner of the property, demanding payment within thirty (30) days of the date of mailing. If the costs as confirmed are not paid by the responsible property owner within 30 days of the date of mailing of the notice,

such costs shall be assessed against the parcel of land as a nuisance abatement lien in accordance with Government Code Section 38773.1. The Notice of Lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the abatement of the nuisance was ordered and the date that the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost constituting the lien. Recordation of a Notice of Abatement Lien pursuant to this Section shall have the same effect as recordation of a money judgment recorded pursuant to Code of Civil Procedure Section 697.310 et seq. and shall create a lien which has the same priority as a judgment lien on real property which shall continue in effect until released. On the order of the City Council, or any designee of the City Council, an abatement lien created under this Ordinance may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

- B. As an alternative to, or in addition to the lien procedure detailed in subsection A above, the abatement costs incurred by the City may be levied against the parcel of land subject to abatement activities by the City as a real property assessment in accordance with Government Code Section 38773.5. Any assessment imposed on real property pursuant to this Section may be collected at the same time and in the same manner as ordinary real property taxes are collected by the County of El Dorado and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary real property taxes. Notice of any assessment that is levied on real property pursuant to this Section shall be given to the property owner by certified mail from City. The City shall transmit the notice of such assessment levied on real property pursuant to this Section to the County Auditor-Controller of El Dorado County with instructions to collect the assessment on the real property tax rolls for the ensuing fiscal year. Such notice shall be transmitted to the County Auditor-Controller prior to August 10 in any fiscal year.

7-16-16: ATTORNEY FEES

In the event an action is filed over any of the proceedings set forth in this Chapter, the prevailing party shall be entitled to reasonable fees and costs.

7-16-17: VIOLATIONS

1. A violation of any of the provisions of this Chapter, or failure to comply with any of the regulatory requirements of this Chapter is an infraction and also constitutes an Administrative Violation pursuant to Title I, Chapter 4A of the Placerville City Code.
2. Every violation of this Chapter is punishable by (1) a fine not exceeding one hundred dollars (\$100) for the first violation; (2) a fine not exceeding two hundred dollars (\$200) for the second violation of the same ordinance provisions within one year, and (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of

the same ordinance provisions within one year.

7-16-18: Severability.

This chapter and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this chapter shall not be affected thereby. The City Council hereby declares that it would have passed this chapter and each part thereof, regardless of the fact that one (1) or more parts thereof be declared unconstitutional or invalid.

7-16-19: Authority to Promulgate Reasonable Rules and Regulations

The City Council reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this Chapter to enforce, interpret, and carry out the provisions of this Chapter.

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