

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: PAUL LOWENTHAL, ASSISTANT FIRE MARSHAL
FIRE DEPARTMENT
SUBJECT: SANTA ROSA FIRE DEPARTMENT ANNUAL WEED
ABATEMENT PROGRAM REPORT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Santa Rosa Fire Department that the Council, by resolution, confirm the itemized report of the Fire Department of the cost of weed and rubbish abatement as provided for in Sections 9-08.020, 9-08.080, and 9-08.090 of the Santa Rosa City Code.

EXECUTIVE SUMMARY

The City of Santa Rosa requires, pursuant to Chapter 9-08, that residents abate noxious or dangerous weeds and rubbish and maintain their parcels throughout the declared fire season. In the absence of property-owner compliance, the Fire Department has provided that service and is requesting that Council approve the placement of liens against those properties for reimbursement.

BACKGROUND

In the interests of public safety, Santa Rosa City Code Chapter 9.08 authorizes the City's Fire Department to abate hazardous weeds and rubbish on private parcels when the property owner fails to do so after notice. The Department's costs of abatement may thereafter be invoiced to the property owner, and if not paid, placed as a special assessment on the tax roll of the affected parcel.

Prior to placement of the special assessment, City Code Chapter 9.08 requires a public hearing to hear objections to the cost of weed and/or rubbish abatement. The City Council may grant or overrule such protests.

The Fire Department has prepared an itemized report on the remaining unpaid costs of weed and rubbish abatement throughout the City for Fiscal Years 2017-18 and 2018-19. That report is attached as Attachment A and has been posted in accordance with

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Chapter 9.08. The City Council, by resolution, may confirm the itemized report of the costs of abatement or revise it as it deems appropriate.

The City Council authorizes the Santa Rosa Fire Department, County Auditor and Tax Collector to enact a special assessment as a lien upon respective parcels subject to the Weed and Rubbish Abatement Program.

A Notice of Public Hearing was published on July 27, 2019, to notify the public and any property owners of their opportunity for comment or protest.

PRIOR CITY COUNCIL REVIEW

NOT APPLICABLE

ANALYSIS

The Santa Rosa City Code requires the abatement of weeds and rubbish as a public nuisance. Pursuant to Santa Rosa City Code Chapter 9-08, on February 28, 2017, by Resolution No. RES-2017-028, the City Council declared as a public nuisance all weeds which: a) bear seeds of a wingy or downy nature that have attained a natural growth in height in excess of four inches, or attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and b) are on undeveloped parcels, on developed parcels over .5 acres with more than .5 acres of unimproved land, or on parcels located in a Wildland Urban Interface Fire Area within City limits.

The Santa Rosa Fire Department has conducted regular inspections and has notified, by mail, property owners of violations of these standards. The mailed notices inform the property owner of the owner's obligation to abate weeds and rubbish from their property and to maintain their properties in accordance with the City Code. The notice also informs the property owner that the property will be re-inspected and that if, at that time, the property remains in violation, the property may be referred to the City's Weed Abatement Contractor and fees may be imposed.

Where, upon reinspection, the property owner has failed to abate the unsafe conditions, a second notice, entitled Violation Notice, is sent. This second notice reiterates that the property owner is obliged to maintain the property, and notifies the owner that the City may abate the nuisance at the expense of the owner and that the costs of that abatement may be assessed to the tax roll as a lien against the property, if not paid upon billing. An appeal process is available should property owners wish to object.

The Santa Rosa Fire Department, as directed by the City Council, has abated weeds and rubbish within the City of Santa Rosa. In the 2018 season, 98 parcels were found to be in violation. Of those parcels, 16 required abatement by the Fire Department. As of June 30, 2019, there were 44 parcels which have unpaid balances for Fire Department

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related expenses, including violation notices, additional inspections and physical abatement work. We are also including 3 parcels with unpaid balances from 2017.

The total unpaid balance without Admin fees is \$17,513.82

Program recovery and physical abatement charges are billed to property owners that fail to abate their property by the abatement notice due date. Program costs, based on an hourly rate of \$141.00 for 2018, FY2018-19 (\$132.00 for FY 2017-18) include the direct cost for the contractor's abatement, inspections, responding to complaints, and notification of the contractor to perform physical abatement and program support costs.

Following the public hearing and upon confirmation of the itemized report of the costs of abatement by council, any charges left unpaid will automatically become a lien upon the respective parcels. An administrative charge of \$2.00 plus 1.0102% of the assessment amount are included in the lien. The administrative fee is to offset the cost of processing the lien and the 1.0102% covers the lost revenue on City funds unavailable for investment until the Assessor forwards payment to the City.

FISCAL IMPACT

The fees invoiced by the Weed Abatement program will be added to the County tax roll. All fees, including an additional Administration fee, will be reimbursed to the City.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

NOT APPLICABLE

NOTIFICATION

A Notice of Public Hearing was published on July 27, 2019.

ATTACHMENTS

- ATTACHMENT 1 – WEED ABATEMENT SUMMARY
- ATTACHMENT 2 – UNPAID WEED ABATEMENT REPORT
- RESOLUTION – EXHIBIT A

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