



City of Santa Rosa

Legislation Details

File #:	17-0992	Version:	1	Name:	Urgency Ordinances re Debris Removal Opt-Out
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File created:	11/1/2017	In control:		In control:	City Council
On agenda:	11/28/2017	Final action:		Final action:	
Title:	REPORT - URGENCY ORDINANCE TO PROVIDE FOR CLEAN-UP OF PARCELS THAT CONTAIN FIRE DEBRIS AND DESTROYED STRUCTURES AND THAT ARE NOT COMMITTED TO THE CONSOLIDATED DEBRIS REMOVAL PROGRAM OR TO A PRIVATE SANTA ROSA FIRE CLEAN-UP APPLICATION				

BACKGROUND: Owners of residential parcels affected by the fires were offered two different paths for the clean-up and removal of fire debris. The Consolidated Debris Removal Program is a clean-up and wildfire debris removal service performed by the United States Army Corps of Engineers ("USACE") and paid for with public funds, with contributions from the property owner's insurance related to debris removal, if any. The last day for an owner to submit a Right of Entry ("ROE") form to participate in the Consolidated Program was November 13, 2017.

As an alternative, a property owner could pursue a private clean-up of his or her property by submitting a Santa Rosa Fire Clean-Up Application ("Application") and Work Plan to the Planning and Economic Development Department for approval. The last day for an owner to submit an Application and Work Plan to pursue a private clean-up was November 22, 2017.

As of the date of this report, approximately 85 parcels within the City have not yet committed to either the Consolidated Debris Removal Program or a private clean-up plan. To protect the public health and the environment, those remaining uncommitted parcels must be cleared of ash and debris promptly and with all appropriate health and safety precautions.

The proposed ordinances offer three alternative procedures for that clean-up.

RECOMMENDATION: It is recommended by the City Attorney that the Council adopt one of three alternative ordinances to provide for the clean-up of properties that contain fire debris and a destroyed structure and that are not yet committed to either the government sponsored Consolidated Debris Removal Program or a private Santa Rosa Fire Clean-up Application and Work Plan. The three alternatives are:

1. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and delegating authority to the Chief Building Official to cause those identified parcels to be cleared by the United States Army Corps of Engineers after two weeks notice.
2. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and authorizing the Chief Building Official to apply to the Superior Court for an inspection and abatement warrant, and upon issuance of such warrant, to inspect and clean the identified parcels utilizing the services of either the United States Army Corps of Engineers or private contractors.
3. Ordinance declaring such fire debris to be a public nuisance; delegating authority to the Chief Building Official to identify those parcels that contain a public nuisance due to fire debris and the absence of a clean-up plan; and directing the City Attorney to bring a civil action in the Superior Court against the owner of the property to enjoin the maintenance of the public nuisance and to compel private action to clear the property.

Sponsors:

Indexes: Exempt Project

Code sections:

Attachments: 1. Staff Report, 2. Ordinance Opt 1 - Abatement, 3. Ordinance Opt 2 - Warrant, 4. Ordinance Opt 3 - Injunction, 5. Presentation, 6. Ordinance Opt 2 - Warrant_Redlined, 7. Ordinance Opt 2 - Warrant_FINAL

Date	Ver.	Action By	Action	Result
11/30/2017	1	City Council	adopted	Pass