

HEALTH AND SAFETY CODE

SECTION 14875-14876

14875. "Weeds," as used in this part, means vegetation growing upon streets, sidewalks, or private property in any county, including any fire protection district and may include any of the following:

- (a) Vegetation that bears seeds of a downy or wingy nature.
- (b) Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (c) Vegetation that is otherwise noxious or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
- (e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

14876. Weeds may be declared a public nuisance and may be abated as provided in this part.

BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION ADOPTING POLICIES AND
PROCEDURES FOR THE ABATEMENT OF
HAZARDOUS WEEDS AND RUBBISH PURSUANT
TO DIVISION 12, PART 5, OF THE CALIFORNIA
HEALTH AND SAFETY CODE

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RESOLUTION NO. 99-273

WHEREAS, the County desires to minimize the fire hazard posed by the overgrowth of vegetation on vacant parcels of land; and

WHEREAS, Division 12, Part 5 of the California Health & Safety Code authorizes the Board of Supervisors to declare by resolution the existence of a public nuisance whenever weeds are growing upon any street, sidewalk, or on private property in the County, and sets forth procedures for abatement of said public nuisances;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby approve the adopt the following policies and procedures for implementation of Division 12, Part 5 of the Health & Safety Code (Section 14875, et seq.):

POLICIES:

1. This resolution, and the procedures referred to herein, shall apply only to vacant parcels, which do not exceed 10 acres in size and are located in subdivisions, as defined by the subdivision map act.
2. The Board of Supervisors shall not declare the weeds on any vacant parcel to be a public nuisance unless and until the California Department of Forestry (CDF) or other authorized fire official verifies that the weeds (as that term is defined in Section 14875 of the Health & Safety Code) constitute a fire hazard.
3. Pursuant to Health & Safety Code Section 14880, the Board of Supervisors hereby designates the Amador County Code Enforcement Officer as the person to give notice to destroy weeds.

PROCEDURES: The County shall follow the procedures set forth in Division 12, Part 5, of the Health & Safety Code for the declaration of a public nuisance (Health & Safety Code Sections 14880-14884), notice to destroy weeds (Health & Safety Code Sections 14890-14896), hearing on

(RESOLUTION NO. 99-273)

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notice (Health & Safety Code Sections 14898-14899), proceedings after hearing on notice (Health & Safety Code Sections 14900-14902), expense of abatement (Health & Safety Code Sections 14905-14912), and collection of expenses (Health & Safety Code Sections 14915-14922).

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 29th day of June 1999, by the following vote:

AYES: Mario Biagi, Edward T. Bamert, Rich F. Escamilla and Richard P. Vinson

NOES: None

ABSENT: Louis D. Boitano


Vice Chairman, Board of Supervisors

ATTEST:

LISA M. BAKER, Clerk of the
Board of Supervisors, Amador County,
California

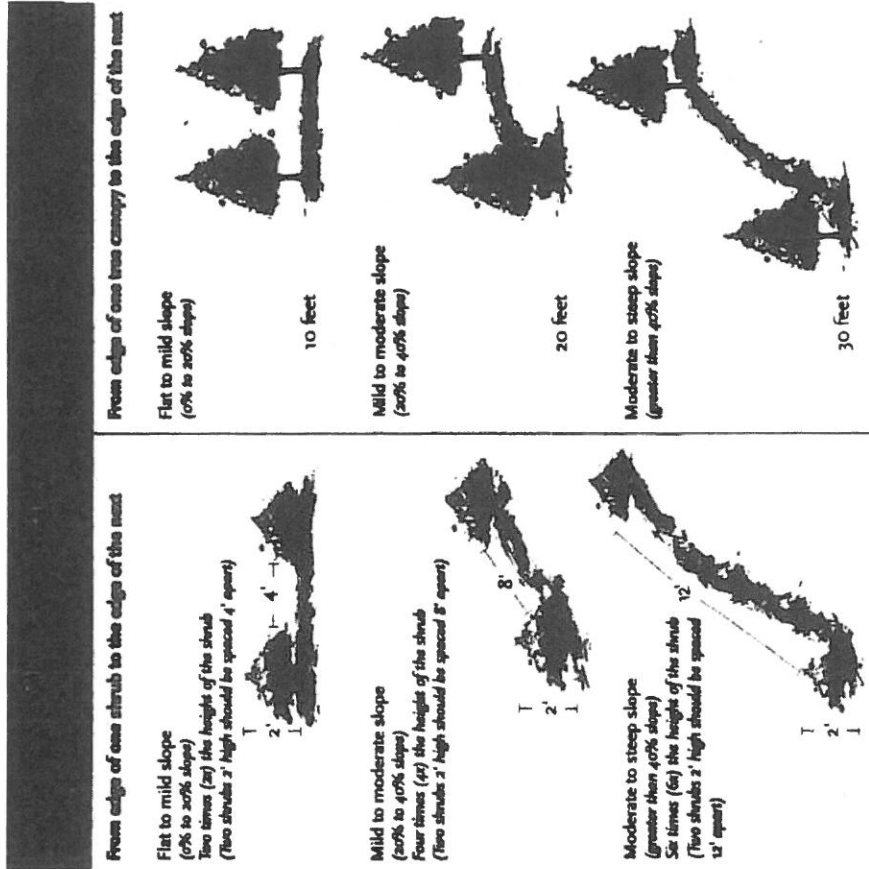

Deputy

2a: Grasses

Ideally, grass should not exceed four inches in height. In situations where these fuels are isolated from other fuels or where necessary to stabilize soil, grasses and forbs may reach a height of 18 inches.

2a: Horizontal Clearance for Shrubs and Trees

Uncleared ground fuels provide an open freeway for the rapid spread and increased intensity of fire. Clearance between shrubs should be 4 to 40 feet depending on the slope of the land and size and type of vegetation. Check the chart below for an estimation of clearance distance. Any questions regarding requirements for a specific property should be addressed to your local fire official.



2a: Vertical Clearance for Shrubs and Trees

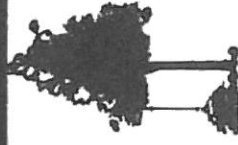
Low branches create "ladders" from the ground fuels to the trees.

To determine the proper vertical clearance between shrubs and the lowest branches of trees, use the formula below.



Example: A five foot shrub is growing near a tree.
 $3 \times 5 = 15$ feet of clearance needed between the top of the shrub and the lowest tree branches.

3x height of shrub to lowest branches of tree.



Note: A grouping of vegetation may be treated as a single plant if the foliage of the grouping does not exceed 10 feet in width. For example, three individual manzanita plants growing in a cluster with a total foliage width of 8 feet can be "grouped" and considered as one plant.

2b: Defensible Space with Continuous Tree Canopy

To achieve Defensible Space while keeping a larger stand of trees with a continuous tree canopy, adhere to the guidelines below:

- Prune lower branches of trees to a height of six to 15 feet from the top of the vegetation below (or the lower 1/3 of branches for small trees). Properties with greater fire potential such as steeper slopes or more severe fire danger will require pruning heights in the upper end of this range.
- Remove all ground fuels greater than four inches in height. Single specimens of trees or other vegetation may be kept if they are well-spaced, well-pruned and create an overall condition that avoids the spread of fire to other vegetation or to structures.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 14875-14876

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- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
- (e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public **safety** by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

14876. Weeds may be declared a public nuisance and may be abated as provided in this part.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 14880-14884

14880. Whenever weeds are growing upon any street, sidewalk, or on private property in any county, the board of supervisors, by resolution, may declare the weeds a public nuisance.

14881. The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located.

14882. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads.

14883. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, ~~code~~ area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary.

14884. Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **14890**

14890. The board of supervisors shall designate the person to give notice to destroy weeds. This may be any one of the following:

- (a) The county agricultural commissioner.
- (b) The county forester.
- (c) The county board of forestry.
- (d) Any other officer, board, or commission.

CALIFORNIA CODES
HEALTH AND SAFETY CODE
SECTION 14891-14892

14891. The notices shall be headed "Notice to destroy weeds," in words not less than one inch in height.

14892. The notice shall be substantially in the following form:
NOTICE TO DESTROY WEEDS.

Notice is hereby given that on the ___ day of ___, 19___, the board of supervisors of ___ county passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to ___ street (or road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

Dated this ___ day of ___, 19___.

(Title of officer, board or
commission
causing notices to be posted.)

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 14893-**14896**

14893. The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property nearest to a street, highway or road, or most likely to give actual notice to the owner.

14894. The notices shall be posted not more than one hundred feet in distance apart, but at least one notice shall be posted on each lot or parcel.

14895. Notice of the hearing prescribed in Section 14892 shall be published once in a newspaper of general circulation printed and published in the county, not less than 10 days prior to the date of the hearing.

14896. As an alternative to posting and publication, notice in the form required in Section 14892 may be mailed to the property owners as their names and addresses appear from the last equalized assessment role, or as they are known to the clerk.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION **14898**-14899

14898. At the time stated in the notices, the board of supervisors shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

14899. Upon the conclusion of the hearing the board shall allow or overrule any or all objections, whereupon the board shall acquire jurisdiction to proceed and perform the work of removal, and the decision of the board on the matter is final, except as provided in Sections 14920 and 14921 of this **code**.

CALIFORNIA CODES
HEALTH AND **SAFETY** CODE
SECTION 14900-14902

14900. After final action is taken by the board on the disposition of any protests or objections or in case no protests or objections are received, the board shall order the officer, board or commission causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed.

14900.5. If the nuisance is seasonal and recurrent, the board of supervisors shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of any further hearing.

14900.6. In the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a post card notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

14901. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

14902. Before the arrival of the officer, board, or commission, or their representatives, any property owner may remove weeds at his or her own expense. Nevertheless, in any case in which an order to abate is issued, the board by resolution or motion may further order that a special assessment and lien be imposed pursuant to Section 14912. In that case the assessment and lien shall be limited to the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical, and other related costs.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 14910-14912

14910. At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

14911. Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

14912. The amount of the costs for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed and the amount of the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs, shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

CALIFORNIA CODES
HEALTH AND **SAFETY CODE**
SECTION 14915-14922

14915. A copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

14916. The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

14917. Thereafter the amounts of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes.

14918. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes.

14919. The county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments.

14920. All or any portion of any such special assessment, penalty or costs heretofore or hereafter entered, shall on order of the board of supervisors be canceled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid:

- (a) More than once;
- (b) Through clerical error;
- (c) Through the error or mistake of the board of supervisors or of the officer, board or commission designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;
- (d) Illegally;
- (e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

14921. No order for a refund under the foregoing section shall be made except on a claim:

(a) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(b) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

14922. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

