

## **WEED ABATEMENT PROCEDURE**

### **Administrative Abatement: When Weeds Do Not Present Immediate Safety Hazard**

1. Chief of Fire mails property owner(s) either at specific address or entire area known to be a hazard area a letter with "Notice of Weed Abatement." Letter will be sent 10 days from when Fire determines weeds must be abated.
  - Letter must comply with notice requirements of S.C.M.C § 4.18.030
  - Letter must reference S.C.M.C § 19.05.100.
  
2. Owner will have 10 days to appeal notice. If appealed, CMO will reserve hearing officer for end of the 10-day period. If successful at the hearing, Fire may abate weeds (following steps #5-7)
  
3. If there is no appeal, 15 days from mailing of "Notice of Weed Abatement" Fire will inspect properties for compliance with weed abatement procedures.
  - Fire must receive consent from the owner before entering and inspecting property.
  - If no consent is given, Fire can take note of any weeds that are in plain view (from view of anywhere the public is allowed) and contact City Attorney to apply for an inspection warrant (administrative abatement warrant).
    - If no consent and there is an immediate danger of fire (determined by Fire Chief) see Summary Abatement procedure below.
  - If consent is given and weed nuisance on property is not abated properly, Fire must inform property owner what steps must be taken to comply. Fire will inform owner that he/she has ten days from inspection to correct issue, or Fire will abate the nuisance and owner will be responsible for costs.
    - Fire will send a letter in accordance with step #1, including a summary of the conversation with the owner in which the owner was provided an additional ten days to correct the issue. If property is not in compliance after the ten-day time frame, proceed to step #5.
  
4. Attorney reviews County Recorder/Assessor records to verify current property ownership.
  - If determined that the City's notices were mailed to incorrect owner/address, Attorney requests that City resend its notice to current owner.
  - If City's notices were mailed to correct owner/address, Attorney proceeds to step #5.
  
5. Attorney prepares application for inspection warrant for administrative abatement.
  
6. Fire contacts weed abatement contractor and schedules time in which weeds will be abated.

7. City provides property owner with 24 hours' notice of intent to enter property pursuant to the administrative warrant and abate weed nuisance. (cc: Finance/ Debra Allen, Collections Specialist)
8. Abatement is performed within 24-hour period provided. After completion of the work and when Fire receives the invoice for the repairs, Fire immediately requests that Revenue bill owner for the recovery of costs. If it is not promptly paid, then under 4.18.040(4) Fire/Collections will have to ask CMO to set up a cost confirmation hearing (unless new Title 4 has been adopted). Collections will assist Fire Admin with procedures and provide invoicing template for Revenue. Owner is given 60 days to make payment.
9. Once the billing is completed, and a hearing has been heard on costs, Revenue forwards the invoice to Collections and a collection file is opened. Collections will send owner the invoice together with a demand for payment.
10. If owner fails to pay, Collections will record a "Notice of Lien" against the property pursuant to S.C.M.C. §13.30.130 and can contact CAO as needed.

### **Summary Abatement: When Weeds Present Immediate Safety Hazard**

1. If Chief of Fire determines the weeds or vegetation on a certain property pose an imminent life safety hazard, officials may proceed with summary abatement procedures pursuant to S.C.M.C Ch. 4.16.
  - No consent or warrant are required to abate a nuisance posing an immediate safety hazard. However, Fire should attempt to receive consent from owner if possible or obtain an administrative abatement warrant because the City can be open to liability.
    - Fire may obtain consent by following proper code enforcement procedure entering property and obtaining consent from owner; or
    - Fire may contact Code Compliance for any contact information on file.
2. Fire must document the condition and collect all evidence possible to demonstrate after the fact that conditions on the property posed an imminent life safety hazard.
3. After ensuring conditions are documented, Fire may proceed to abate nuisance with minimal amount of action necessary to eliminate any imminent life safety hazard.
  - Any remaining nuisance conditions that do not pose an immediate danger must be handled via the Administrative Abatement procedure.
4. After summary abatement of nuisance, Fire will provide all evidence of a violation and information about abatement, including its cost, to the Attorney.

5. The Attorney will prepare a notice that the summary abatement occurred and the owner's rights regarding the abatement, and Fire will serve the notice to the property owner.  
Notice must include:
  - Description of the actions taken by the city and the reasons for the actions;
  - The right to contest the abatement by appealing within ten days of receiving the notice;
  - A statement of the costs of the abatement and notice of the city's intent to collect;
  - If appealed, proceed to step 6. If not appealed, proceed to step 8.
6. City will schedule an administrative hearing on the matter and provide the responsible parties with notice of the hearing. The city shall serve the responsible party a notice of the hearing containing the time, place and date of the hearing no later than ten days before the hearing.
7. The hearing officer shall conduct an administrative hearing where each party shall have the opportunity to present evidence and the city shall have the obligation to establish that a summary abatement was necessary by a preponderance of the evidence.
8. If there is no appeal, or City is successful in demonstrating summary abatement was necessary,
9. Fire immediately requests that Revenue bill owner for the recovery of costs. If it is not promptly paid, then under 4.18.040(4) Fire/Collections will have to ask CMO to set up a cost confirmation hearing (unless new Title 4 has been adopted). Collections will assist Fire Admin with procedures and provide invoicing template for Revenue. Owner is given 60 days to make payment.
10. Once the billing is completed, and a hearing has been heard on costs, Revenue forwards the invoice to Collections and a collection file is opened. Collections will send owner the invoice together with a demand for payment.
11. If owner fails to pay, Collections will work with Attorney to record a "Notice of Lien" against the property pursuant to S.C.M.C. §13.30.130.