

ORDINANCE NO. 2023-02

**CENTRAL FIRE DISTRICT OF
SANTA CRUZ COUNTY**

**AN ORDINANCE ESTABLISHING A WEED ABATEMENT PROGRAM
AND PROVIDING FOR COLLECTING THE EXPENSE OF ABATEMENT**

The Board of Directors of the Central Fire District of Santa Cruz County ("Board") ordains as follows:

ABATEMENT OF HAZARDOUS WEEDS AND RUBBISH

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CHAPTER 1. GENERAL PROVISIONS

Section 1.1 Short Title

This Ordinance may be cited as the "Central Fire District Weed Abatement Ordinance".

Section 1.2. Authority

This ordinance is authorized by §§14875 et seq of the California Health and Safety Code.

Section 1.3 Weeds Defined

Whenever the word "weeds" is used in this ordinance, it shall have the same meaning as § 14875 of the California Health and Safety Code.

Section 1.4 Purpose

The Board determines that weeds, may constitute a public nuisance or fire hazard within the District, and may be declared a nuisance and be abated. [14876]

Section 1.5 Public Nuisance

An owner, agent, lessee, or other person owning or occupying or having charge or control of any real property within the boundaries of the Central Fire District of Santa Cruz County (District) shall not permit weeds to remain upon said property.

CHAPTER 2. RESOLUTION

Section 2.1 Resolution Declaring Nuisance

Whenever any weeds are growing upon any real property or properties within the boundaries of the District, the Board may pass a resolution declaring the same to be a public nuisance, and order the Fire Chief to give notice of the passage of such resolution as herein provided, and stating that, unless such nuisance be abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the District and the expense thereof assessed upon the property from which such weeds shall have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of such weeds. [14880.]

Section 2.2. Property Street Address

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. [14881]

Section 2.3 Identification of Assessors' Parcel Number

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. [14883]

Section 2.4 Multiple Parcels

More than one parcel may be included in one resolution

CHAPTER 3. CONTENTS OF NOTICE TO DESTROY WEEDS

ARTICLE 1. PERSONS AUTHORIZED TO GIVE NOTICE

Section 3.1.1 Person Authorized

The Fire Chief shall be the person authorized to give notice of intent to destroy weeds. [14890]

ARTICLE 2. CONTENTS OF NOTICE

Section 3.1 Form of Notice

The notice of public nuisance shall be headed "Notice to Destroy Weeds" and be in substantially the following form: [14891, 14892]

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on _____, 20____, pursuant to the provisions of Ordinance No. _____, of the Central Fire District of Santa Cruz County, the Board of Directors of said District passed a resolution declaring that all weeds (as defined in §14875 of the California Health and Safety Code and Section 1.3 of Ordinance No. _____ of the District), growing upon any real property, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall, without delay, cause the removal all such weeds from the property or such weeds will be destroyed or removed and such nuisance abated by the District, in which case the cost of such destruction or removal will be assessed upon the property from which such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of the Board of Directors of the Central Fire District of Santa Cruz County to be held in the Board Room of said District at 930 17th Avenue, Santa Cruz, California, on (month) (day), 20____, at (time)____ p.m. or as soon thereafter as the matter can be heard, when and where their objections will be heard and given due consideration.

Dated: _____

CENTRAL FIRE DISTRICT OF SANTA CRUZ COUNTY

By: _____
Fire Chief, Central Fire District

ARTICLE 3. POSTING AND PUBLISHING NOTICE

Section 3.3.1 Mailing and Publishing Notice

Such notice shall be published at least once in a newspaper of general circulation published in the County of Santa Cruz, the first publication of which shall be at least ten days before the time fixed by the Board for hearing objections. The Fire Chief shall cause the notice of hearing to be mailed by registered or certified mail to the owner(s) of the property, as their names and addresses appear from the last equalized Santa Cruz County Tax Assessor assessment roll, or as they are known to the District Clerk, upon the property which the nuisance is located, at least ten (10) days before the time fixed by the Board for hearing objections. [14893, 14894]

Section 3.3.2 Manner of Posting

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.

ARTICLE 4. HEARING ON NOTICE

Section 3.4.1 Hearing

At the time stated in the notice, the Board shall hear and consider any and all objections to the proposed destruction or removal of such weeds and may continue the hearing from time to time.

Section 3.4.2 Determination of Outcome.

The Board by motion or resolution shall allow or overrule any and all objections, if any, after which the District shall be deemed to have acquired jurisdiction to proceed and perform the work of the destruction and removal of said weeds. [14899]

ARTICLE 5. PROCEEDINGS AFTER HEARING ON NOTICE.

Section 3.5.1 Order to Abate Nuisance

The Board shall, by resolution, order the Fire Chief to abate such nuisance, or cause the same to be abated, by having the weeds referred to destroyed or removed by any method, as may be determined by the Board. The Fire Chief or their deputy(ies), assistants, employees, contracting agents, or other representatives are authorized to enter upon private property to abate the nuisance. Any property owner shall have the right to destroy or remove such weeds personally or have the same destroyed or removed at their own expense, provided that such weeds shall have been destroyed or removed before arrival of the Fire Chief or their authorized agents or representatives to remove them.

Section 3.5.1 Abatement Order

After final action, the Board shall order the Fire Chief to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed. [14900]

Section 3.5.2 Seasonal Nuisances

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

Section 3.5.3 Notice of Seasonal Abatement

If weeds have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a postcard 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, 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. [14900.6]

CHAPTER 4. EXPENSE OF ABATEMENT

ARTICLE 1 DETERMINATION OF COST AND NOTICE

Section 4.1.1. Cost Accounting Report

The District shall keep an account of the cost of abating such nuisance and provide a written accounting to the Board. Such accounting shall refer to each parcel of land by assessor's parcel number used by Santa Cruz County Tax County Assessor's map books for the most recent year available, together with the expense proposed to be assessed against each separate parcel. Costs determined shall include actual cost of contracted abatement and any administrative costs involved in the notification of abatement and collection of monies. [14905]

Section 4.1.2 Notice of Report and of Hearing

The District shall post a copy of such report on or near the chamber door of the Board together with a notice of the time and place when and where it will be submitted to the Board for hearing and confirmation, notifying property owners that they may appear at such time and place and object to any matter contained therein. The posting shall be made and completed at least three days before the time such report shall have been submitted to the Board. Such notice shall be substantially in the following form:

**NOTICE OF HEARING ON REPORT
AND
ASSESSMENT FOR WEED ABATEMENT**

NOTICE IS HEREBY GIVEN that on _____, 20___, the Fire Chief of the Central Fire District of Santa Cruz County filed a report on abatement of weeds within the District, one copy of which is posted on the door of the District Board room.

NOTICE IS FURTHER GIVEN that on _____, 20____, at the hour of _____ p.m., in the Board room of said District, said report will be presented to the Board of Directors of said District for consideration and confirmation, and that any and all persons interested having any objections to said report or to any matter or thing contained therein, may appear at said time and place and be heard.

Dated: _____

CENTRAL FIRE DISTRICT OF SANTA CRUZ COUNTY

By: _____
Fire Chief, Central F.D.

ARTICLE 2. HEARING ON REPORT

Section 4.2.1 Hearing and Confirmation

At the time and place fixed for receiving and considering such report, the Board shall hear the same, together with any objections which may be raised by any of the property owners proposed to be assessed for the work of abating such nuisance, and the Fire Chief shall attend such meeting with their accounting, and upon such hearing, the Board may make such changes in the proposed assessments thereof as it may deem necessary, after which such accounting shall be confirmed by resolution. [14910, 14911]

Section 4.2.2 Lien

The adopted cost of abating such nuisances upon the various parcels of land respectively referred to in such accounting shall constitute special assessments against such respective parcels of land, and after thus made and confirmed, shall constitute a lien upon such parcels for the amount of such assessments until paid. [14912]

ARTICLE 3. COLLECTION OF EXPENSES

Section 4.3.1 Collection on Tax Roll

After the report is confirmed by the Board, the District shall submit to the County Recorder for recordation a certified copy of the resolution confirming the assessments, and shall cause a certified copy of the confirmed report to be filed with the County Auditor, County Assessor, and Tax Collector on or before the tenth day of August following such confirmation, in order that each such assessment may be entered on the County Tax Roll opposite the parcel of land. Thereafter, such amounts may be collected at the same time, and in the same manner, as taxes are collected and shall be subject to the same penalties and interest, and the same procedure and sale in case of delinquency as provided by law for such taxes. All laws and ordinances applicable to the levy, collection and enforcement of County Taxes are made applicable to such special assessment, except that it any real property to which such lien would attach has been transferred or conveyed to a bona fide purchase for value, or if a lien of a bond fide encumbrancer for value has been created and attached 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. [14915]

Section 4.3.2. Separate Bill for Assessment; Receipts

The County Tax Collector may, in his or her discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessment. [14916]

Section 4.3.3. Cancellation or Refund of Assessment

All or any portion of any such special assessment, penalty, or costs heretofore or hereafter entered, shall on order of the Board be canceled by the County 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: [14917, 14920]

- a. More than once;
- b. Through clerical error;
- c. Through the error or mistake of the Board or of the Fire Chief designated 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 District 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.

Section 4.3.5. Collection of Assessments

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. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes [14917, 14918]

Section 4.3.4. Claim for Refund

No order for a refund under the foregoing section shall be made except on a claim;

- a. Verified by a person who paid the special assessment, his or her conservator, guardian, executor or administrator;
- b. Filed within three years after making of the payment sought to be refunded.

Section 2.13 Priority of Lien

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.

Ordinance 2023-02

Read by the Board of Directors of the Central Fire District of Santa Cruz County at a regular meeting thereof held on March 9, 2023, and adopted by the following roll call vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0


Board Chair

ATTEST:


Secretary to the Board