

Weed Abatement Works!

Background

The Grand Jury received a citizen complaint indicating that an amount of money was arbitrarily attached to a property tax bill to cover the cost of weed abatement on the property. It was further alleged that no billing was received and to the property owner's knowledge no work was done.

Methodology

The Grand Jury obtained and reviewed a copy of Ventura County Fire Ordinance Number 24 with specific attention being paid to those sections involving the weed abatement program within the County.

The Grand Jury interviewed the Fire Prevention Officer regarding the workings of the weed abatement program.

The County Tax Assessor's program on the Internet was researched with regard to the addition of costs for weed abatement being added to property tax bills.

A request was made to the complainant for permission to use the property owner's name in order to research in more detail. Upon receiving this permission it was discovered that the complaint was for a 1992–1993 tax bill. Even though many years had passed it was decided to investigate the process involved in weed abatement and the passing of the costs to the property owner.

Findings

Review of Ventura County Fire Protection District Fire Ordinance Number 24 resulted in the following findings. Section numbers are those within the ordinance.

- F-01.** The chief, members of the fire prevention bureau and other representatives as designated by the chief shall have the powers of a peace officer in performing their duties under this code. They can issue citations for violations of the code. (103.2.1.2)
- F-02.** The chief, members of the fire prevention bureau and other representatives as designated by the chief shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread or any violation of the purpose or provisions of this code and any other law or standard affecting fire safety. (103.3.1.1)
- F-03.** The chief is authorized to issue a citation to persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy,

premises or vehicle when ordered or notified to do so. Such persons shall be subject to the criminal sanctions set forth in California State Health and Safety Code Section 13871. (103.4.4)

- F-04.** Definitions used within sections applicable to the weed abatement process:
- **Combustible Material:** includes seasonal and recurrent weeds, stubble, brush, dry leaves, tumbleweeds, rubbish, litter, or flammable material of any kind.
 - **Parcel:** is a portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number whether or not any buildings are present.
 - **Public Nuisance:** is a declaration by the chief that the presence of combustible materials on a parcel creates a fire hazard.
 - **Reference to Board of Directors** is to the Ventura County Board of Supervisors, as they are also the Board of Directors.
- F-05.** Nuisance as defined on the notices is as follows: "you are hereby notified that seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, tumbleweeds, rubbish, litter, or flammable materials of any kind present on your property, constitute a fire hazard and a public nuisance and must be cleared in accordance with the Ventura County Fire Protection District Ordinances and the California State Health and Safety Code."
- F-06.** All parcels declared a public nuisance shall be cleared entirely of combustible material. If the chief determines this impractical, the provisions of Section 1103.4.4 may be used. (1103.4.3)
- F-07.** Any person owning, leasing, controlling, operating or maintaining any building in upon, or adjoining any hazardous watershed fire area, and any person owning, leasing or controlling any land adjacent to such buildings, shall at all times maintain around and adjacent to such building an effective fire break made by removing and clearing away, all combustible material for a distance not less than 100 feet from all portions of the building. (1103.4.4)
- F-08.** The chief shall serve a written order upon the owner or possessor of a parcel, when, in his opinion, a public nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the public nuisance within ten days after such order is given. Every owner or possessor who fails or refuses to abate such public nuisance from such parcel within ten days after being served with such order is guilty of a misdemeanor. Evidence that the current assessment roll of the County shows real property assessed to a person shall constitute prima facia (sic) evidence that such person is the owner of such property. (1103.4.5)
- F-09.** The chief may, instead of, or in addition to, following the procedure set forth in section 1103.4.5, cause a notice to be mailed. (1103.4.6.1)
- F-10.** If a notice is mailed, the chief shall provide information specified in Section 1103.4.5 and shall include a description of the property according to that set forth on the County assessment roll, to the last assessee of the property at the

address given on said roll. The chief shall also provide such notice, including the description, to the Clerk of the Board of Directors three days prior to the Board hearing. The notice shall be mailed at least ten days before the Board of Directors meets to hear the report of the chief regarding the alleged public nuisance. It shall be the responsibility of the owner of record in the current assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the fire department of this change of ownership on the form provided. (1103.4.6.2)

- F-11.** At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the chief and any objections thereto. The chief or his designated representative shall attend, inform the Board as to the alleged public nuisance, and supply the description of the parcel upon which it exists, the name and address of the last known assessee thereof, and state what has been done in order to give notice of the hearing according to the provisions of this code. The Board may continue the hearing from time to time as it sees fit. (1103.4.6.3)
- F-12.** If, after the hearing, the Board of Directors finds that a public nuisance exists upon a parcel, the Board may direct the chief to abate the public nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the chief and a description of such parcel and, where available, the name and address of its last known assessee. (1103.4.6.4)
- F-13.** If the Board of Directors directs the chief to abate a public nuisance, he shall proceed to abate such nuisance unless it has been completely abated before his agents arrive to begin such abatement. The chief may expend fire department funds for such abatement and may contract with a person or persons for such abatement. (1103.4.6.5)
- F-14.** The chief shall keep an account of his expenses when abating a public nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the county assessment roll, of the parcel upon which such public nuisance existed and, when available, the name and address of the last known assessee. (1103.4.7.1)
- F-15.** The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten days before a hearing of the Board to confirm such account. Before the expiration of such ten days, any person may file a written request to be notified of such hearing. Upon confirmation the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the chief. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed. (1103.4.7.2)
- F-16.** The amount of expenses incurred by the chief for abating a public nuisance when confirmed by the Board of Directors shall constitute a special assessment against the parcel from which the said public nuisance was removed and a lien thereon for the amount of such assessment. (1103.4.7.3)

- F-17.** The Board of Directors shall deliver a copy of the account, as confirmed, to the Auditor of the County on or before the 10th day of August following such confirmation. (1103.4.7.4)
- F-18.** The County Auditor shall enter the amount stated in the account as a special assessment against the parcel described in the account. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments, 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 lien of a bona fide encumbrance 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, as confirmed, related to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the county treasury to be used on behalf of the fire department. (1103.4.7.5).
- F-19.** Each year, during the month of April, the Ventura County Fire Protection District mails out approximately 15,000 notices of weed abatement.
- F-20.** During the 2003-2004 cycle 58 parcels of these properties required additional action to have the weed abatement accomplished.
- F-21.** The Ventura County Fire Protection District conducts inspections for fire hazard clearance and completes a "Notice to Abate Fire Hazard." This form is mailed to the property owner of record and indicates that the deadline to remove the indicated fire hazard is June 1.
- F-22.** The mailed first notice to the property owner of record indicates that on a given date in May the Board of Supervisors of Ventura County will meet to hear the report from the chief regarding the alleged nuisance. Any person may attend this meeting and voice any objection to such report. The notice also indicates that the deadline is June 1 to remove the nuisance.
- F-23.** The second notice is mailed by the fire station responsible for the property. If the property has a dwelling on it, an attempt is made to talk to the occupant. If not able to, a final notice tag is affixed to the dwelling. Should it be an empty parcel, a sign is placed on a stake on the property indicating that this is a final notice and the nuisance must be abated by a given date.
- F-24.** Upon the next inspection, if the work has not been accomplished, a contract between a private firm and the Fire Protection District is initiated. Prior to commencing the work, photos are taken of the property, and additional photos are taken after the work has been accomplished. The fire prevention bureau then maintains the records, including the photos.
- F-25.** If the Ventura County Fire Protection District has to have the weed abatement accomplished, in addition to the cost of removing the nuisance paid to the contractor, there is a \$635 administrative fee added to the property owners tax bill. The breakdown of the administrative fee is as follows:

- Inspection/Education components \$134.00
- Administration of educational component \$6.27
- Enforcement component \$315.00
- Administration of enforcement component \$182.90
- (Less costs not covered by administrative fee - \$3.17)

- F-26.** A fire hazard reduction claim resolution form (vcfpd#117) is available at the local fire station for the property owner to file should there be a dispute of the charge for weed abatement or other items involved in the weed abatement process.
- F-27.** In reviewing the original complaint, the Fire Protection District records showed that after the original abatement, no further problem existed. In accordance with the District's computer program that parcel number was shown to no longer exist. The parcel number was changed in the Tax Assessor's office. Review of that new parcel number indicated that letters were sent in the following years. No Fire District action was taken to clear the weeds. The parcel owner apparently had taken care of it.
- F-28.** A sample of the properties in which the Fire District abated nuisances was taken. Pictures of the property taken from the same location of before and after conditions are maintained.
- F-29.** A review of the Ventura County Fire Protection District records indicated that the assessment against the complainant's property was proper.
- F-30.** A review of the Ventura County Fire Protection District records indicated that the weed abatement was actually accomplished.

Conclusions

- C-01.** It was found that the Ventura County Fire Protection District complied with the requirements of Ordinance Number 24. (F-01 through F-26)
- C-02.** The complainant's allegations of non-notification and the actual weed abatement not being accomplished were without foundation. (F-19, F-22, F-23, F-24, F-27, F-29, F-30)

Recommendations

None

Commendations

As indicated in the press, by comments on the televised news and in post fire reports, the requirement for a 100-foot clearance around dwellings can and did greatly contribute to the saving of much property within the County. The Grand Jury believes that the Ventura County Fire Protection District should be given thanks for the weed abatement program now in effect.