City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: July 18, 2006

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Rolland M. Crawford, Division Chief/Fire Marshal

SUBJECT: 2006 Spring Weed Abatement Program
Report of Proceedings / Account of Costs

RECOMMENDATION

That the City Council: Receive the report of the 2006 Spring Weed Abatement Program, approve the report and accounting of costs, and adopt the accompanying Resolution establishing liens on properties.

BACKGROUND

The Uniform Fire Code, 2000 edition, adopted and amended by Loma Linda Municipal Code Chapter 15.28, establishes the authority for removing combustible vegetation when it is determined to be a fire hazard. Section 1103.2.4 states "Cut or uncut weeds, grass, vines and other vegetation shall be removed when determined by the chief to be a fire hazard. When the chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be clear of combustible vegetation to establish the fuel break."

ANALYSIS

The Spring weed abatement program began on April 3, 2006 with initial inspections of 497 parcels. Pursuant to Sections 103.4.1.1 and 103.4.1.4 of the Uniform Fire Code, 225 Notices to Clean Property (see Exhibit "A") were sent by regular mail on April 10, 2006 to the owners of those properties, which contained combustible vegetation. Follow-up inspections began on April 25, 2006. If abatement had not been accomplished by the owner by the start of follow-up inspections, or if arrangements for a time extension had not been made with this Office, the parcel was placed on an abatement list, which was given to the City's contractor for initiation of the abatement work. The contractor abated combustible vegetation on 7 parcels, listed on Exhibit "B". Upon completion of the abatement work payment was made to the contractor.

AGENDA ITEM 2

On June 15, 2006 an invoice specifying the cost of the work performed by the contractor, plus the City's administrative fee, was mailed to the owner of each parcel giving them the opportunity to make payment of the bill prior to July 18, 2006. (see Exhibit "C"). Owners also have the opportunity to appear at the hearing to ask questions on or dispute any bills or proceedings.

Subsequent to the July 18, 2006 hearing and Council action, the Report of Costs, with accompanying Resolution (see attached), will be forwarded to the Property Tax Division of the San Bernardino County Auditor/Controller-Recorder for collection as a lien on the property.

ENVIRONMENTAL

No adverse environmental impact. The Weed Abatement program removes weeds and flammable vegetation that are deemed to present a fire hazard.

FINANCIAL IMPACT

Recovery of abatement costs plus administrative fees are outlined on Exhibit "B".

ATTACHMENTS

Exhibit A: Copy of Notice to Clean Property
Exhibit B: Copy of List of Parcels Abated by City with costs
Exhibit C: Copy of Invoice
Copy of Resolution Adopting Report and Statement of Expenses and Imposing a Lien Upon Property for payment.

EXHIBIT "A"

City of Loma Linda

25541 Barton Road, Loma Linda, California 92354-3160 • (909) 799-2800 • FAX (909) 799-2890

Sister Cities: Manipal, Karnataka, India - Libertadore, San Martin, Argentina • www.lomalinda-ca.gov

NOTICE TO CLEAN PROPERTY

April 10, 2006

Assessor Parcel No:
Location:

Under the provisions of the Uniform Fire Code, 2000 edition, adopted and amended by Loma Linda Municipal Code Chapter 15.28, an inspection of the property listed above has been performed by this Department. Based upon the inspection, a fire hazard has been determined to exist on the property pursuant to the provisions of Uniform Fire Code Section 1103.2.4 Notice is hereby given that any weeds, tumbleweeds, grasses, vines, dead shrubs, dead trees, tree or other types of trimmings, or other combustible materials or debris present on your lot, field or parcel of land are a fire hazard or in all probability will become a fire hazard, and as such must be removed or abated. Additionally, combustible material must be cleared away from any road or street for a distance of 10 ft.

The combustible vegetation or material on your property must be removed or abated in an acceptable manner by **April 24, 2006**. Failure to remove or abate by this date will be cause for the City of Loma Linda or its designated contractor to enter onto the property to accomplish the abatement. In addition to the costs for cleaning, you will also be assessed an administrative fee of 30% of the cost of the work or $100, whichever is greater. Failure to pay the charges will cause a tax lien to be placed against the property.

Due to uncontrolled regrowth, a second or third clean up of the property may be necessary during the year. Property owners are advised that it is their responsibility to maintain their property in good condition and that any regrowth during the year may be subject to removal without further notice if determined to be a fire hazard.

This Notice is given pursuant to the provisions of Uniform Fire Code Sections 103.4.1.1 and 103.4.1.4, and requires action to remove the hazard which endangers life or property. For further information, please call (909) 799-2858.

You as owner, occupant or person otherwise in charge of the property may appeal to the Fire Marshal of the City of Loma Linda any of the requirements of this Notice pursuant to Loma Linda Municipal Code Section 2.08.030. Such an appeal shall be in writing and shall be submitted only after all reasonable efforts to resolve the matter have been exhausted with the staff of this Department. Said appeal may include any arguments why the property should not be declared a fire hazard and abated by the City. Any appeal shall be submitted to this Department within ten (10) calendar days from the date of this Notice.

If you are no longer the owner of this property or are in the process of selling it, please inform the new owner of this Notice, and advise this Department in writing of the date the title change occurred and the name and address of the new owner.

ROLLAND M. CRAWFORD
DIVISION CHIEF/FIRE MARSHAL

By: Gerald F. Patterson
GERALD F. PATTERSON
FIRE PREVENTION INSPECTOR

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EXHIBIT "B"

Spring 2006 Weed Abatement Program
Summary of Costs
Parcels Abated by City and Costs Not Paid by Property Owner

Parcel Number	Disking Date	Disking Area (Lot/Acre)	Disking Cost	Hand Work Date	Hand Work Hours	Hand Work Cost	Abatement Cost	Administrative Charges	Total Due
0281 091 41 0000	6-13-06	1.00	$50.00	0	0	0	$50.00	$100.00	$150.00
0283 082 43 0000	6-13-06	1.00	$50.00	0	0	0	$50.00	$100.00	$150.00
0283 114 25 0000	6-13-06	1.00	$50.00	0	0	0	$50.00	$100.00	$150.00
0283 141 13 0000	6-13-06	1.00	$50.00	0	0	0	$50.00	$100.00	$150.00
0292 121 56 0000	6-13-06	5.00	$250.00	0	0	0	$250.00	$100.00	$350.00
0292 121 81 0000	6-13-06	2.97	$148.50	0	0	0	$148.50	$100.00	$248.50

EXHIBIT "C"

City of Loma Linda

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Sister Cities: Manipal, Karnataka, India – Libertadore, San Martin, Argentina • www.lomalinda-ca.gov

INVOICE

June 15, 2006

Assessor Parcel No.:
Location:

Under the provisions of the Uniform Fire Code, 2000 edition, adopted and amended by Loma Linda Municipal Code Chapter 15.28, a fire hazard that existed on the above real property was abated by City contractor.

The following amount is now due:

	Spring 2006
Abatement Cost:	$
Administrative Charges:	$
Total Due:	**$**

Make checks payable to: City of Loma Linda - Weeds
25541 Barton Road
Loma Linda, CA 92354-3160

Payment must be received prior to **July 18, 2006** after which time a Public Hearing will be conducted to hear a Report of Cost. The Public Hearing is scheduled for **July 18, 2006** at 7:00 p.m. at the City of Loma Linda Council Chambers, 25541 Barton Road, at which time Total Charges will be assessed as liens against the above real property.

Any appeals for the abatement work performed or the amount billed above should be addressed to the City Council at the time of the Public Hearing.

ROLLAND M CRAWFORD
DIVISION CHIEF/FIRE MARSHAL

BY:

Gerald F. Patterson

GERALD F. PATTERSON
FIRE PREVENTION INSPECTOR

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA ADOPTING A REPORT AND STATEMENT OF EXPENSES FOR THE SPRING 2006 WEED ABATEMENT PROGRAM AND IMPOSING A LIEN UPON PROPERTY FOR PAYMENT THEREFOR

WHEREAS, the Weed Abatement Program of the City of Loma Linda has been carried out in accordance with Municipal Code requirements; and

WHEREAS, the City Council has held a hearing on the statement of expenses for abatement of the nuisances and has heard and considered the staff report and all objections or protests;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda as follows:

That the statement of expenses attached hereto as Exhibit "A" and incorporated herein by reference, is hereby confirmed and adopted as amended; and

That the statement of expenses (Exhibit "A") is fair, reasonable, and appropriate;

That the cost of the abatement work done or caused to be done by the City as shown on the statement of expenses is hereby ordered to be paid by August 8, 2006; and

That if said costs have not been paid by August 8, 2006, they shall constitute a lien upon the real property against which the nuisance was abated and shall be collected either by a personal civil suit against the person creating, causing or permitting the nuisance, or by a special assessment against the real property; and

That the City Clerk shall file a certified copy of this Resolution and report and statement of expenses as amended with the San Bernardino County Auditor, Assessor and Tax Collector, and shall direct the Auditor to enter the amounts of the charges contained in the report and statement of expenses against the real property described in the report and statement of expense; and

That the amount of the charges shall constitute a lien against the real property against which the charges have been imposed; and

That the Tax Collector shall include the amount of the charges on the bills for taxes levied against said real property and the same shall be collected in the same manner together with the general taxes for the City of Loma Linda, and shall be subject to the same penalties and interest.

PASSED, APPROVED AND ADOPTED this 18th day of July 2006 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Floyd Petersen, Mayor

ATTEST:

_____
Pamela Byrnes-O'Camb, City Clerk