

**ORDINANCE NO. 06- 0928**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE  
AMENDING SECTIONS 8.28.040 AND 8.28.050 OF THE SUSANVILLE MUNICIPAL CODE REGARDING  
ABATEMENT PROCEDURES FOR ELIMINATION OF WEEDS AND RUBBISH**

THE CITY COUNCIL OF THE CITY OF SUSANVILLE does ordain as follows:

**Section 1.** Sections 8.28.040 and 8.28.050 of Chapter 8.28 of Title 8 of the Susanville Municipal Code are hereby amended to provide as follows:

**"8.28.040. Abatement procedure.**

**"In the event of a violation of Section 8.28.030, the fire chief of the city or his or her designated representative shall proceed as follows:**

**"A. Notice to Remove. The fire chief is authorized to give notice to the owner, agent, lessee or other person having charge or control of private property, to order the removal of weeds or rubbish from the property or abutting public property within ten (10) days. Such notice shall be by certified mail, return receipt requested (hereinafter referred to as "certified written notice" addressed to such owner, agent, lessee or other person having charge or control, at his or her last known address. In the event the notice by certified mail is directed to one other than the owner of the property, a courtesy copy of the notice shall be sent by regular first class mail to the owner at his or her last known address on file with the Lassen County Assessor's office.**

**"B. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner, agent, lessee, or other person having charge or control, to properly destroy weeds or remove rubbish within ten (10) days after receipt of the written certified notice, the fire chief is authorized to pay from the city code enforcement abatement budget for the destruction or removal of such weeds or rubbish. In the event that the written certified notice is returned to the post office because of inability to make delivery, the fire chief shall cause a written notice to be posted on the property, allowing ten (10) days, from the date of posting, for compliance with the order. Failure, neglect or refusal to take compliance action shall empower the fire chief to pay for the destruction or removal of such weeds or rubbish.**

**"C. If the owner, agent, lessee or other person having control of the private real property in the city fails to remove or destroy weeds and rubbish in accordance with the notice given, within ten (10) days after the mailing of such notice, or within ten (10) days after the posting of such notice where that is the case, it shall be the duty of the fire chief to destroy or cause to be destroyed, or remove or cause to be removed, such weeds or rubbish, and the fire chief and/or contracting agents of the city are expressly authorized to enter upon private property for such purpose, and it is unlawful for any person to interfere, hinder, or refuse to allow them to enter upon private property for such purpose and to destroy or remove weeds or rubbish in accordance with the provisions of this chapter. Any person owning, occupying, renting, managing, leasing, or controlling real property in the city shall have the right to destroy or remove weeds or rubbish or have the same destroyed or removed at his or her own expense at any time prior to the arrival of the fire chief or authorized representatives for such purpose.**

**"D. The city finance director shall keep an account of the cost to the city to destroy or remove weeds or rubbish as aforesaid for each separate lot or parcel of land and the portions of streets adjoining the same, and shall embody such account in a report and assessment list to the city administrator, who will present such report and assessment list to the city council. Such report shall refer to each separate lot or parcel of land by description sufficiently reasonable to identify the same, together with the expense proposed to be assessed against it. The cost of abatement may include incidental expenses, including, but not limited to, the expenses and costs to the city in the inspection of lots, preparations of notices, specifications and contracts, and in inspecting work, the cost of printing and mailing required under this article in an amount to be set by resolution of the city council, per each occurrence of abatement.**

**"E. The city administrator shall post a copy of such report and assessment list on a bulletin board near the entrance to the city hall, together with the notice of the filing thereof, and the time and place where and when it will be submitted to the city council for hearing and confirmation. The finance director shall mail to the persons in the manner prescribed in Section 8.28.040 a notice in the format substantially as follows:**

**"ASSESSMENT FOR DESTRUCTION OR REMOVAL OF  
WEEDS AND RUBBISH AND NOTICE OF HEARING THEREON."**

**"NOTICE IS HEREBY GIVEN that pursuant to the provisions of Susanville Municipal Code, Title 8, Chapter 8.28, the Fire Chief has destroyed or removed weeds or rubbish from the real property owner, occupied, rented, managed or controlled by you and from the portions of streets, alleys and sidewalks adjoining the same, which real property is described as follows:**

**"(here insert description of real property sufficient for reasonable and ready identification)**

**"The cost of said destruction or removal proposed to be assessed against the said real property is  
\$ \_\_\_\_\_"**

**"FURTHER NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at the hour of \_\_\_\_\_ p.m. in the Council Chambers of City Hall, of the City of Susanville, located at  
66 North Lassen Street, Susanville, Lassen County, California, the report of the Finance Director on the cost  
of destruction or removal of weeds or rubbish and the assessment list thereof will be presented to the City**

Council for consideration, correction and confirmation and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments, or to any matter or thing contained therein may appear and be heard. The failure to make any objection to said report and list shall be deemed a waiver of the same.

"Upon confirmation of said assessment by the City Council, the amount thereof will be payable. In the event the same is not paid said assessment will be added to the tax bill for said property and thereafter shall become a lien on said property.

"Dated: \_\_\_\_\_

\_\_\_\_\_  
City Administrator of City of Susanville

"F. At the time and place fixed for receiving and considering the report, the city council shall hear the same together with any protests or objections which may be raised by any interested person. Upon such hearing, the city council shall make such corrections or modifications in any proposed assessment which it may deem to be excessive or otherwise incorrect, after which such assessment shall be confirmed by resolution of the city council and the amount thereof shall constitute a lien on the subject real property assessed until paid. The confirmation and assessment by the city council shall be final and conclusive.

"G. Assessment Payment. Any person may pay the amount of such assessment for destruction of removal of weeds or rubbish on or before the fifteenth day of July following the date the confirmation of said assessment was made by the city council. If said assessment is not paid on or before said date, the total amount therefore shall be entered on the next county fiscal tax roll as a lien against the property and shall be subject to the same penalties and interest as are provided for other delinquent taxes or assessments of the city."

"Section 8.28.50. Any person violating any of the provisions of this chapter shall be guilty of an infraction."

**Section 2.** The City Clerk shall, within fifteen (15) days after its passage, cause this ordinance to be published at least once in the Lassen County Times, a newspaper of general circulation, published and circulated within the City.

**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**Section 4.** This Ordinance shall take effect upon the Thirty-First Day after its final passage.

Dated: **April 19, 2006.**

APPROVED: Rodney E. De Boer, Mayor  
ATTEST: Debra M. Magginetti, City Clerk

The foregoing ordinance was adopted at a regular adjourned meeting of the City Council of the City of Susanville, held on the 19<sup>th</sup> day of April, 2006, by the following vote:

AYES: Fahien, Callegari, Joy, Sayers and De Boer  
NOES: None  
ABSENT: None  
ABSTAINING: None

Approved as to Form: Debra M. Magginetti  
Kathleen R. Lazard, City Attorney