

CHAPTER 11.12  
REMOVAL OF DANGEROUS RUBBISH AND WEEDS

11.12.010 Duty to Remove Rubbish and Weeds. It is unlawful for any owner, lessee or occupant of any real property within the City to place or maintain dirt, rubbish, materials, grass, weeds or vegetation on or about such property or on or about adjacent sidewalks, parking areas, alleys or streets in a manner that is either dangerous or injurious to neighboring property or the health or welfare of residents in the vicinity; or interferes with the use of public rights-of-way. The conditions described in this section are hereby declared to be a public nuisance, subject to abatement by the City. (Ord. 2005-04).

11.12.020 Regulating Authority. The City Manager or his authorized designee shall serve as the Regulating Authority for the provisions of this Chapter.

11.12.030 Notice to Remove. Whenever the Regulating Authority discovers a violation of this Chapter, the Regulating Authority shall cause to be given a "NOTICE TO CLEAN PREMISES".

11.12.040 Notice to Clean Premises.

- A. The "NOTICE TO CLEAN PREMISES" shall contain: (Ord. 2005-04).
1. The date the Notice is mailed;
  2. The address of the property involved;
  3. A description of the violation;
  4. An order to cure the violation;
  5. A warning that if the violation is not cured within 15 days of the date of mailing of the Notice, or such additional time as may be expressly authorized by the Regulating Authority, the City shall abate the violation as a public nuisance and charge the owner for the costs incurred (Ord. 2005-04).
  6. A warning that the costs incurred may become a lien on the property and subject the property to foreclosure;
  7. A notice that the owner, lessee or occupant may contest the existence of the violation or deny the responsibility for its cure by filing a written appeal with the City Clerk within 10 days of the date of the mailing of the Notice; and (Ord. 2005-04).

8. A notice that the owner, lessee or occupant may appear and present evidence when the City Council considers the response.

B. On the date of mailing indicated in the "NOTICE TO CLEAN PREMISES", the Regulating Authority shall cause such Notice to be distributed by one of the following methods: (Ord. 2005-04).

1. By personal service on the owner, occupant or person in charge or control of the property; or (Ord. 2005-04)

2. By regular mail addressed to the owner or person in charge and control of the property, at the address shown on the last available property assessment roll, or as otherwise known. Service shall be deemed completed upon the deposit of said notice, postage prepaid, in the United States mail; or (Ord. 2005-04).

3. By posting at a conspicuous place on the land or abutting public right-of-way. (Ord. 2005-04).

11.12.050 City Council Consideration of Response to Notice to Clean Premises. If a written appeal to the "NOTICE TO CLEAN PREMISES" is received by the City Clerk within ten days of the mailing of the "NOTICE TO CLEAN PREMISES" which sets forth the reasons for the response, the matter shall be set for consideration by the City Council at the next regular meeting. The City Clerk shall notify the person submitting the appeal of the date on which the City Council will consider the response. (Ord. 2005-04).

11.12.060 Removal by City.

A. If no appeal is filed to the "NOTICE TO CLEAN PREMISES", then on the sixteenth day following the mailing of the "NOTICE TO CLEAN PREMISES", the Regulating Authority shall be authorized to abate the nuisance on the property. (Ord. 2005-04).

B. If an appeal is filed, then no sooner than five days after the rendering of a decision by the City Council, affirming the "NOTICE TO CLEAN PREMISES", the Regulating Authority shall be authorized to abate the nuisance on the property. (Ord. 2005-04).

11.12.070 Charge for Removal.

A. After abatement of the violation, the Regulating Authority shall prepare and submit to the City Council a report listing the proposed assessment to be levied against the property. The City Clerk shall set the proposed assessment for consideration by the City Council at the next regular meeting no sooner than 10 days from the date of sending notice of the proposed assessment. (Ord. 2005-04).

B. Notice of the proposed assessment shall be distributed in accordance with the procedures applicable to a "NOTICE TO CLEAN PREMISES" and shall contain the date and time when the City Council shall consider the report of the Regulating Authority and such information as the owner, lessee or occupant wishes to present regarding the amount of the proposed assessment.

11.12.080 Confirmation of Assessment. At the time set for considering the report of the Regulating Authority, the City Council shall hear any objections from persons liable to be assessed. The City Council may affirm, modify or reject the proposed assessment. The affirmation of any assessment shall declare that the amount is a lien upon the subject property.

11.12.090 Collection of Assessment.

A. The assessment roll as confirmed by the City Council shall be delivered to the City Treasurer or his authorized designee who may receive the amount due on the assessment and issue receipts at any time within ten days after the confirmation. (Ord. 2005-04).

B. At the end of the ten-day period, any unpaid assessment shall be given to the Tax Collector of San Diego County. (Ord. 2004-05).

C. The provisions of Government Code Sections 39580 and 39585, inclusive, are incorporated in this chapter by reference. The county auditor shall enter each assessment in the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes; and if delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes. (Ord. 2005-04).

11.12.100 Violation Penalty. (Ord. 2005-04). The owner, occupant or person in control of any lot or premises within the city who permits or allows the existence of a public nuisance, as defined in this chapter, upon any lot or premises owned, occupied or controlled by him, or who violated any of the provisions of this chapter, is guilty of a misdemeanor. (Ord. 2005-04).