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Chapter 8.40 - WEEDS AND RUBBISH

8.40.010 - Definition.

"Waste matter" is defined for the purpose of this chapter as unused or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view, upon streets, sidewalks, or private property in the city which consists (without limitation or exclusion by enumeration) of such matter and material as:

- A. Rubble, asphalt, concrete, rebar, scrap metal, plaster, tile, pipes, old appliances, and any other debris;
- B. Rubbish, refuse, dirt, crates, cartons, metal and glass containers;
- C. Vehicle bodies and parts.

(Ord. 1028 § 1 (part), 2006)

8.40.020 - Nuisance declared.

- A. Weeds, dry grasses, dead shrubs, dead trees, stubble, brush, sagebrush, chaparral, weeds which bear seeds of a wingy or downy nature, and any other brush, vegetation or weeds which by reason of their size, manner of growth, and location constitute a fire or safety hazard to any building, improvements, crops, other property, or people, and weeds, grasses, and vegetation which, when dry or overgrown, will in reasonable probability endanger the public safety by creating a fire or other safety hazard, any of which are growing on the streets, sidewalks, or private property in the city are unlawful to maintain and are declared to be a public nuisance.
- B. Poison oak and poison ivy when conditions of growth are such as to constitute a menace to public safety, and weeds which are otherwise noxious or dangerous and a hazard to public safety, growing on the streets, sidewalks or private property in the city are unlawful to maintain and are declared to be a public nuisance.
- C. Any rubbish, litter, refuse, flammable material, or any material growing upon the streets, sidewalks, or upon private property within the city that constitute a fire or safety hazard, are unlawful to maintain and are declared to be a public nuisance.
- D. Waste matter as defined in Section 8.40.010 of this code, which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property by neighbors and the public, or which would materially hamper or interfere with the prevention or suppression of fire, create a safety hazard, or hamper the abatement of a nuisance upon the premises, as defined by this section, is unlawful to maintain and is declared a public nuisance.
- E. Cultivated and useful grasses and pastures shall not be declared a public nuisance. However, if the fire chief or his or her designee determines it necessary to protect adjacent property from fire exposure, an adequate firebreak may be required.

(Ord. 1048 § 1, 2007; Ord. 1028 § 1 (part), 2006)

8.40.030 - Notice to abate—Contents.

If it is determined that a public nuisance, as defined in this chapter, exists on any lot or premise, or upon any sidewalk, parking area or street adjacent to such lot or premise, the fire chief or development services director, or his or her designee, are authorized and empowered to notify the owner of any such lot, place or area within the city, or the agent of such owner, to abate such nuisance. Such notice shall be headed: "**NOTICE TO CLEAN PREMISES**" and shall, in legible characters, direct the abatement of the

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nuisance. The notice shall contain a description of the property in general terms reasonably sufficient to identify the location of said property and shall specifically describe the nuisance which exists on the property with reference to specific code provisions.

(Ord. 1028 § 1 (part), 2006)

8.40.040 - Notice—Service.

The notice to abate shall be served in one of the following manners:

- A. By personal service on the owner, agent, occupant or person in charge or control of the property; or
- B. By certified or registered mail, addressed to the owner, his agent, or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known. Service shall be deemed to have been completed upon the deposit of the said notice, postage prepaid, in the United States mail.

(Ord. 1028 § 1 (part), 2006)

8.40.050 - Appeal from requirements of removal notice.

Within ten days from the date of personal service, mailing or posting of the required notice provided for in Section 8.40.030 of this chapter, the owner or person occupying or controlling such lot or premises affected by such notice may appeal to the city council. Such appeal shall be in writing and shall be filed with the city clerk. The city clerk shall set a hearing date upon all appeals at a regular or adjourned regular meeting of the city council not less than fifteen days nor more than thirty days after the service of the notice as provided in Section 8.40.030 of this chapter. The clerk shall notify the owner or person appealing of such hearing date by mail or by personal service, as provided in Section 8.40.040 of this chapter. The city council shall proceed to hear and decide upon such appeal at such time, unless continued, and the decision of the city council thereupon shall be final and conclusive. The city clerk shall mail notice of the city council's decision to the affected party as provided in Section 8.40.040 of this chapter.

(Ord. 1028 § 1 (part), 2006)

8.40.060 - Time limit for compliance with notice.

It shall be the duty of the owner, the agent of the owner or the person in possession of any lot or premises in the city, within thirty days from the date of personal service, mailing or posting of the notice provided for herein, or in the case of an appeal to the city council, within thirty days from the determination thereof, unless the same is sustained, to comply with the requirements of such notice.

(Ord. 1028 § 1 (part), 2006)

8.40.070 - Noncompliance with notice—City effecting removal, destruction.

Upon the failure, neglect or refusal of any owner or agent, after notice as has been provided pursuant to this chapter, to properly comply with the order to abate the nuisance from the lot or premises within the time specified in this chapter, the fire chief or development services director, or his or her authorized representatives, shall cause such work to be done. The abatement work may be done by city crews or by private contractor. When the city has completed such work, or has paid for such work to be

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done, a report of the proceedings and an accurate account of the cost on each separate property shall be filed with the city clerk.

(Ord. 1028 § 1 (part), 2006)

8.40.080 - Removal—Cost charged to owner of property.

When the city has completed the work ordered to be done, or has paid for such work, the actual cost thereof, together with an administrative cost, shall be charged to the owner of the property, and the owner, or his/her agent, shall be billed therefor by mail, if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill will result in a lien upon the property.

(Ord. 1028 § 1 (part), 2006)

8.40.090 - Time of hearing upon failure of owner to pay costs.

Where the full amount due the city is not paid by such owner within thirty days after the date of billing, the city clerk shall set the report and account for hearing by the city council at the first regular or adjourned regular meeting which will be held at least seven calendar days after such thirty-day period has expired. The city clerk shall post a copy of such report and account and a notice of the time and place of hearing in a conspicuous place at or near the entrance of the council chambers in the city hall.

(Ord. 1028 § 1 (part), 2006)

8.40.100 - Confirmation of special assessment and lien on property.

The city council shall consider the report and account at the time set for hearing, together with any objections or protests by interested parties. Any owner of land or person affected by the proposed charge may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the city council shall either approve the report and account as submitted, or as modified or corrected by the city council. The decision of the city council on the report and the charge, and on all protests or objections, shall be final and conclusive. The amounts so approved shall be liens upon the respective lots or premises, and the city council shall adopt a resolution assessing said amounts as liens upon the respective parcels of land as they are shown on the last available assessment roll and determining that the weeds, rubbish, or waste matter constitute a public nuisance. The amounts so approved shall be charged to the property owner on the next regular tax bill, and thereafter such assessment shall constitute a special assessment against and a lien upon the property.

(Ord. 1028 § 1 (part), 2006)

8.40.110 - Filing of resolution.

The city clerk shall prepare and file with the county auditor/tax assessor a certified copy of said resolution of the city council.

(Ord. 1028 § 1 (part), 2006)

8.40.120 - Assessment of costs as taxes—Penalties for delinquency.

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The provisions of Sections 39580 to 39585, inclusive, of the Government Code are incorporated herein by reference and are made part of this chapter. The county auditor/tax assessor 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. 1028 § 1 (part), 2006)

8.40.130 - Discretion.

Where discretion is given in this chapter to determine a public nuisance or reasonable probability thereof or any material question of fact raised in this chapter, that discretion shall lie with the fire chief or development services director or his or her designee.

(Ord. 1028 § 1 (part), 2006)

8.40.140 - Violations declared.

The abatement and lien procedure described in this chapter is not the exclusive means to remedy the nuisance and is meant to be an additional remedy. The maintenance of premises so as to constitute a nuisance under the terms of this chapter is declared to be a violation of this code punishable as described in Section 1.24.010 of this code.

(Ord. 1028 § 1 (part), 2006)