



Corona Fire Department

Weed Abatement Procedure

PURPOSE

The intent of this procedure is to provide the minimum standards necessary to meet the safety requirements in accordance with Corona Municipal Code (CMC) Chapter 8.24 and the Public Resources Code. Failure to comply with these procedures may result in administrative enforcement.

SCOPE

This procedure applies to the City of Corona Fire Department Weed Abatement Program, notice to abate, duty, City action, administrative citation and the administrative hearing process, cost report and account, payment to the City, and assessment for enforcement of the Corona Municipal Code, California Fire Code, and Public Resource Code, as adopted by the City of Corona.

DEFINITIONS

Abate: to reduce in degree of intensity

Administrative Citation: a written notice containing the information required in Section 108.130 of the Corona Municipal Code, informing a responsible person of one or more violations of the City code and imposing an administrative fine or penalty.

Non-Emergency Health or Safety Violation: a violation of any City code pertaining to building, plumbing, electrical or other similar structural or zoning issues which does not create an immediate danger to health or safety.

Waste Matter: 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, and which consists of such matter and materials as rubble, asphalt, concrete, plaster, tile, rubbish, crates, cartons, metal, and glass containers.

Nuisance: All weeds, dry grasses, dead shrubs, dead trees, rubbish or any material growing upon the streets, parking area, sidewalks or upon private property within the city which bears seeds of a wingy or downy nature or which by reason of their size, manner of growth and location constitute a fire hazard to any building, improvements, crops or other property and weeds or grasses which, when dry, will in reasonable probability constitute such a fire hazard are a public nuisance.

PROCEDURES

SERVICE

If it is determined by the City Fire Chief, or his or her designee, that a public nuisance exists on any lot or premises, the Fire Chief shall cause a notice to be issued to abate the nuisance. The notice may be served in any of the following manners:

- A) Personal service on the owner, occupant or person in charge or control of the property;
- B) 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;

- C) By posting at a conspicuous place on the land or abutting public right-of-way and insertion of an advertisement at least once a week for the period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that a property in the city has been posted in accordance with policy/chapter and shall contain a general statement of the effect of such posting. The date of such newspaper advertisements shall not be considered in computing the appeal periods provide by this policy/chapter.

APPEAL

Within ten days from the date of posting, mailing, or personal service of the required notice, the owner or person occupying or controlling such lot or premises affected may appeal to the City Council. The appeal shall be in writing and shall be filed with the City Clerk. At the regular meeting or adjourned regular meeting of the City Council, not less than five calendar days nor more than 20 calendar days thereafter, it shall proceed to hear and determine such appeal. The decision of the City Council thereupon shall be final and conclusive. The City Clerk shall notify the appellant in writing no later than three days prior to the scheduling of the time, date and place of the hearing by mailing the notice to him or her at the address state in his for her written appeal.

DUTY

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 to remove the nuisance within ten days from the date of the notice, unless an appeal is sustained by the City Council.

ADMINISTRATIVE CITATION

If the lot or premises is not abated in the time prescribed in the notice, the Fire Chief, or his or her designee, may issue an Administrative Citation. The first citation will be issued the next working day after the prescribed due date, identified in the service notice. A second, and third citation may be issued in two week increments as described under Citation Fees. Once a third citation has been issued, the City will abate the property or nuisance in accordance with City Action, detailed below. To appeal the Administrative Citation, see the hearing process contained in this guideline. The Corona Fire Department Administrative Citation Policy and Guideline for Enforcement of the Fire Code are available for additional information.

CITY ACTION

If the lot or premises remains out of compliance with this policy, the Chief of the Fire Department shall cause such nuisance to be abated. The abatement work may be done by city crews or by private contractor. A report of the abatement proceedings and an accurate account of the cost of abating the nuisance on each separate property shall be filed with the City Council.

COST REPORT ACCOUNT

The City Clerk shall set the cost report and account for hearing by the City Council at the regular first or adjourned regular meeting, which will be held at least seven calendar days after the date of filing, and shall post a copy of the report and account, and notice of the time, date and place of hearing in a conspicuous place at or near the entrance to the Council chambers in City Hall.

The City Council shall consider the cost report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested may present a written or oral protest or objection to the report or account. At the conclusion of the hearing, the City Council shall approve the report and account as submitted or as modified or corrected by the City Council. The amounts so approved shall be liens upon the respective lots or premises upon which abatement was performed, and the City Council shall adopt a resolution assessing the amounts as liens upon the respective parcels of land as they are shown upon the most recent available property assessment roll.

The City Clerk shall prepare and file with the Auditor of the County of Riverside a certified copy of the resolution of the City Council as provide in the Corona Municipal Code.

PAYMENT TO CITY

The Finance Department of the City may accept payment of any amount due at any time prior to the City Council's final determination on the cost report and account.

ASSESSMENT

The provisions of California Government Code 39580 to 39585, inclusive, are incorporated in the Corona Municipal Code for 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

VIOLATIONS

The owner, occupant or agent of any lot or premises within the city who permits or allows the existence of public nuisance, as defined in the policy, upon any lot or premises owned, occupied or controlled by him or her or who violates any of the provisions of this policy is guilty of a misdemeanor.

CITATION FEES

Fees for violations are contained in the Corona Municipal Code Administrative Penalties Schedule. Fire and Building Code violations (Title 15) are assessed as follows:

Citation	Amount	Frequency/Schedule
First Offense	\$100.00	1 st working day after prescribed due date
Second Offense	\$200.00	14 days after 1 st citation
Third Offense	\$500.00	14 days after 2 nd citation

Fees are remitted to a third party agency on behalf of the City. Any requests for appeal shall accompany full payment of the citation.

THE ADMINISTRATIVE HEARING PROCESS

When the third party agency receives an appeal request a copy of the appeal request shall be forwarded to the Inspector, the case file shall be updated and include the reason for the appeal.

The Inspector shall work with the third party agency to schedule a hearing date. The hearing shall be scheduled no sooner than fifteen (15) days and no more than sixty (60) days from the appeal request.

The Inspector shall prepare a written staff report, with copies of any exhibits pertaining to the case. The original staff report and exhibits shall be placed in the case file, The appellant shall be notified of the hearing date and time via certified mail, and shall receive a copy of the staff report, no less than 10 days prior to the hearing. A copy of the staff report will be provided to the third party agency, who will forward the report to the assigned hearing officer.

A sign-in sheet will be provided at the hearing room for appellants on the day of the hearing. Hearings will be handled on a first come-first served basis. Failure of the party contesting the citation to appear at the hearing shall constitute forfeiture of the fine and a failure to exhaust his/her administrative remedies.

All hearings shall be recorded by a staff member acting as a proctor, and a copy of the recording will be kept in the appeal file.

At the commencement of the hearing, the hearing officer will read a prepared advisement regarding the purpose and scope of the hearing and his/her role. The hearing officer will then identify all interested

parties, having appellant(s) and witnesses provide their name, address and relationship for the record. All Inspectors and City Staff will provide their name and title with the City of Corona.

All parties will be sworn in.

The hearing officer will start testimony by identifying the specific citation(s) and violation(s) being contested. All relevant or unduly repetitious evidence shall be excluded.

The hearing officer will confirm that the appellant has received a copy of the Inspector's staff report and will introduce the staff report as evidence of the Inspector's statement and the City's position on the matter.

The hearing officer will then allow the violator the opportunity to provide his/her statement, witnesses, and/or evidence on their behalf.

The Inspector may be present during the hearing, but is not required to be in attendance, as their citation and written report constitute prima facie evidence of the respective facts contained on those documents.

The Inspector will be available to the hearing officer to answer any additional questions or provide additional information prior to the hearing officer issuing a written decision.

The hearing officer will later render a decision based on all relevant information and evidence, and will provide a written decision within fifteen (15) days of the appeal to the appellant via certified mail. The letter will include the recipient's right to appeal the decision to the Superior Court with jurisdiction over the matter. A copy of the letter will also be forwarded to the City.

Upon receipt of the decision letter, the Inspector shall update the case file with the outcome of the hearing and proceed as needed. Copies of the decision letter will be placed in the case file and in the appeal file.