



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

# 3

915 I Street. Sacramento. CA 95814-2604

CONSENT REPORT

August 7, 2008

**Honorable Members of the  
Law and Legislation Committee**

**Title:** Ordinance: Amending City Code Chapter 8.28 Relating to Weed and Rubbish Abatement

**Location/Council District:** Citywide

**Recommendation:** Staff recommends the Committee approve the ordinance to be forwarded to City Council for adoption.

**Contact:** Troy Malaspino, Assistant Chief, Fire Marshal, 808-1620

**Presenter:** Troy Malaspino

**Department:** Fire

**Division:** Fire Prevention

**Organization No:** 12001141

## **Description/Analysis**

**Issue:** City Code chapter 8.28 does not accurately reflect the responsibility and authority for citywide weed and rubbish abatement. Previously, the Neighborhood Services Manager was responsible for administering all weed and rubbish abatement. In the mid-1990's, responsibility for vacant land weed and rubbish abatement was transferred to the Fire Department. Weed and rubbish abatement of property associated with a dwelling remained with the Code Enforcement Division of the Neighborhood Services Department. Chapter 8.28 was never amended to reflect that change.

**Policy Considerations:** The proposed ordinance is consistent with the Sacramento City's Strategic Plan goals of enhancing the quality of life by providing accurate and open access to government.

**Environmental Considerations:** This activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guideline.

**Committee/Commission Action:** None.

**Rationale for Recommendation:** The purpose of the proposed ordinance changes is to clarify the authority and responsibility for administering the weed and rubbish abatement program.

**Financial Considerations:** There are no financial considerations associated with this action.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased as a result of this proposed ordinance.

Respectfully Submitted by:  \_\_\_\_\_  
Troy Malaspino  
Assistant Chief

Approved by:  \_\_\_\_\_  
Ray Jones  
Fire Chief

Recommendation Approved:

\_\_\_\_\_  
Ray Kerridge  
City Manager

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## Background

Current city code reflects previous authority for all weed and rubbish abatement as the Neighborhood Services Manager. In the mid 1990's authority for weed and rubbish abatement of vacant lands was assigned to the Fire Department, while Neighborhood Services retained authority of weed and rubbish abatement of properties that contain a dwelling. Overall abatement has been responsible for reducing the number of grass and trash fires by approximately 900 each year, while abating about 1,000 vacant lots throughout the city. The program operates at full cost recovery.

The existing code and proposed changes are:

### **8.28.010 Weed and rubbish abatement—Generally.**

Weed and rubbish abatement in the city shall be performed pursuant to Title 4, Division 3, Part 2 of the Government Code (Sections 39500 et seq.) except as modified by the following provisions. (Prior code § 61.14.1401)

### **8.28.020 Duties of neighborhood services manager, *fire chief*, and revenue manager.**

Any duties imposed on the street superintendent ~~of~~ or city clerk by the Government Code sections referenced in Section 8.28.010 of this chapter may be performed by the neighborhood services manager, *the fire chief*, the revenue manager, and their designees. Abatement of the nuisance may be performed pursuant to contract. (Prior code § 61.14.1402)

### **8.28.030 Account of costs of abatement—Submission of itemized report to council.**

The neighborhood services manager *and the fire chief, or their designees*, shall keep an account of the cost of abatement in front of or on each separate parcel where work is done, and shall submit to the city council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to cover incidental expenses and costs of the city incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing required under this chapter. (Prior code § 61.14.1403)

### **8.28.040 Lien or personal obligation.**

The cost of abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment, as set forth in Chapter 8.04 of this title. (Prior code § 61.14.1404)

**Attachment 2**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 8.28.010 THROUGH 8.28.040 OF TITLE 8 OF THE SACRAMENTO CITY CODE RELATING TO WEED AND RUBBISH ABATEMENT UNDER HEALTH AND SAFETY**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**Section 1.**

The City Council finds and determines that:

- A. The City of Sacramento values transparency of government and open access to government.
- B. City Codes and ordinances should provide the most accurate and recent information possible to those that access government.

**Section 2.**

City Code Chapter 8.28 of Title 8 is amended to read as follows:

**8.28.010 Weed and rubbish abatement—Generally.**

Weed and rubbish abatement in the city shall be performed pursuant to Title 4, Division 3, Part 2 of the Government Code (Sections 39500 et seq.) except as modified by the following provisions.

**Section 3.** City Code Chapter 8.28 of Title 8 is amended to read as follows:

**8.28.020 Duties of the neighborhood services manger, the fire chief, and revenue manager.**

Any duties imposed on the street superintendent or city clerk by the Government Code sections referenced in Section 8.28.010 of this chapter may be performed by the

neighborhood services manager, the fire chief, or the revenue manager, and their designees. Abatement of the nuisance may be performed pursuant to contract.

**Section 4.** City Code Chapter 8.28 of Title 8 is amended to read as follows:

**8.28.030 Account of costs of abatement—Submission of itemized report to council.**

The neighborhood services manager and the fire chief, or their designees, shall keep an account of the cost of abatement in front of or on each separate parcel where work is done, and shall submit to the city council for confirmation an itemized written report showing such cost. The cost of abatement shall include an administrative charge to cover incidental expenses and costs of the city incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing required under this chapter.

**Section 5.** City Code Chapter 8.28 of Title 8 is amended to read as follows:

**8.28.040 Lien or personal obligation.**

The cost of abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment, as set forth in Chapter 8.04 of this title.

Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Passed for Publication:

Published:

Effective: