

	Pauma Valley Community Services District ORDINANCES	NO. 20 Approval Date: 8/12/75
WEED BATEMENT		Revision Date:

AN ORDINANCE OF PAUMA VALLEY COMMUNITY SEPVICES DISTRICT
DECLARING WEEDS TO BE A NUISANCE AND PROVIDING FOR THE
ABATEMENT OF WEEDS.

BE IT ORDAINED by the Board of Directors of the Pauma Valley Community Services District as follows:

Section 1. The procedure set forth in this ordinance for the abatement of a nuisance and making the cost of abatement of a nuisance which exists upon a parcel of land a special assessment against that parcel is adopted under Part 5 (commencing with Section' 14875), Division 12, of the California Health and Safety Code which is made applicable to community service districts by the provisions of California Government Code Section §61623.5.

Section 2. Findings: The Board of Directors of the Pauma Valley Community Services District makes the following findings and declarations:

The accumulation of weeds growing upon streets, sidewalks, or private property is hereby found to create a condition tending to reduce the value of private property, create a fire hazard, and be injurious to the health, safety, and general welfare of the public. These findings and declarations are made by this said Board of Directors having in mind, among other things, the value of the structures situated within the Pauma Valley Community Services District, the limited fire protection available to the property owners and residents within the boundaries of the Pauma Valley Community Services District, and the fires that have occurred in, upon and around the Pauma Valley Community Services within the calendar years 1974 and 1975.

Section 3. Definition: For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (a) "Weeds" shall include:
 - (1) Weeds which bear seeds of a downy or windy nature.
 - (2) Sagebrush, chaparral, and any other brush or weeds which attain such growth as to become a fire menace to adjacent improved property.

(3) Weeds which are otherwise noxious or dangerous.

(4) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(5) Dry grass, brush, litter, or other flammable material, which endangers the public safety by creating a fire hazard.

(b) "Lot" means any parcel of real property located within the boundaries of the Pauma Valley Community Services District, but shall not include land used primarily for the production of agricultural crops.

(c) "Owner" means any person, firm, or corporation owning, renting, leasing or otherwise controlling any parcel of real property located within the boundaries of the Pauma Valley Community Services District.

(d) "Improvement" means any building or structure, permanent or temporary, erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind located within the boundaries of the Pauma Valley Community Services District, and shall include agricultural crops.

Section 4. Prohibitions.

(a) No owner of any lot shall permit on such lot, or on any adjacent sidewalks, markings, or streets, any accumulation of weeds, dangerous or injurious to said property or neighboring property or the health, safety, and welfare of residents in the vicinity.

(b) No owner of any lot shall permit on such lot, or on any adjacent sidewalk, parking, or street, any accumulation of weeds dangerous or injurious to said property within thirty (30) feet of the exterior perimeter of any improvement thereon, provided, however, that the Board of Directors of the Pauma Valley Community Services District may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet of said improvement when it determines that the greater distance is necessary to protect said improvement.

(c) No owner of any lot shall permit on such lot any accumulation of weeds within thirty (30) feet of the property line when such accumulation endangers neighboring property or the health, safety, or welfare of residents of the vicinity, provided, however, the Board of Directors of the Pauma Valley Community Services District may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet when it determines that the greater distance is necessary to protect said neighboring property or residents of the vicinity.

Section 5. Public Nuisance. Whenever weeds are allowed to grow or accumulate on a lot, or an adjacent sidewalk, parking, or street so as to endanger health, safety, or

welfare of the residents of such lot or adjacent lot or vicinity, as prohibited by Section 4, the Board of Directors of the Pauma Valley Community Services District shall by resolution of said Board of Directors declare same to be a public nuisance and may abate said weeds as provided for in this ordinance.

Section 6. Identification of locale: The resolution shall refer, by the name under which it is commonly know, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located.

Section 7. Reference to particular street. If the private property fronts or abuts upon more than one street, highway or road, it is necessary to refer to only one of the streets, highways, or roads.

Section 8. Description of property: The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary.

Section 9. Multiple areas resolution: Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

Section 10. Official notifiers: The Board of Directors of the Pauma Valley Community Services District shall designate the person to give notice to destroy weeds. This may be any one of the following:

- (a) The President of the Board of Pauma Valley Community Services District.
- (b) The Secretary of the Board of Pauma Valley Community Services District.

Section 11. Contents of notice: The notice shall be headed "NOTICE TO DESTROY WEEDS", in words not less than one inch in height, and said notice shall be substantially in the following form:

"NOTICE TO DESTROY WEEDS"

Notice is hereby given that on the _____ day of _____, 19____, the Board of Directors of Pauma Valley Community Services District passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to _____ Street (or road), in said District, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or

dangerous weeds, otherwise they will be removed and the nuisance will be abated by the District authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the Board of Directors of the Pauma Valley Community Services District, to be held _____(give date)when their objections will be heard and given due consideration."

Dated this _____ day of _____, 19_____.

(title of officer, board or commission causing notice to be posted)

Section 12. Place of posting: The notices shall be conspicuously posted in front of the property on which or in front of which the nuisance exists, or if the property has no frontage upon any street, highway or road then upon the portion of the property nearest to a street, highway or road, or most likely to (live actual notice to the owner.

Section 13. Manner of posting: The notices shall be posted not more than one hundred (100) feet in distance apart, but at least one notice shall be posted on each lot or parcel.

Section 14. Publication of notice: Notice of the hearing prescribed in Section 11 shall be published once in a newspaper of general circulation printed and published in the county, not less than ten (10) days prior to the date of the hearing.

Section 15. Alternative mailing procedure: As an alternative to posting and publication, notice in the form required in Section 11 may be mailed to the property owners as their names and addresses appear from the last equalized assessment role or as they are known to the secretary of the Pauma Valley Community Services District.

Section 16. At the time stated in the notices, the Board of Directors of the Pauma Valley Community Services District shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time.

Section 17. Determinations: Upon the conclusion of the hearing the board shall allow or overrule any or all objections, whereupon the board shall acquire

jurisdiction to proceed and perform the work of removal, and the decision of the board on the matter is final, except as provided in Sections 14920 and 14921 of the California Health and Safety Code, providing for cancellation or refusal of assessment and refunding requisites.

Section 18. Abatement orders: After final action is taken by the Board of Directors on the disposition of any protests or objections or in case no protests or objections are received, said board shall order its officers or employees or representatives causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds removed.

Section 19. Abatement of seasonal nuisances: If the nuisance is seasonal and recurrent, the Board of Directors of the Pauma Valley Community Services District shall so declare. Thereafter, such seasonal and recurring weeds shall be abated every year without the necessity of, any further hearing.

Section 20. Notice for seasonal abatement: In the case of weeds which have previously been declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a postcard notice to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the District authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

Section 21. Right of entry: The officer of the Board of Directors of Pauma Valley Community Services District and his assistants or the District employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds.

Section 22. Removal before officer's arrival: Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer of his assistant or the District employees, contracting agents or other representatives to do it.

Section 23. Cost Report: The person or persons authorized by the Board of Directors of Pauma Valley Community Services District pursuant to Section 22

abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the Board of Directors of the Pauma Valley Community Services District showing the cost of removing the weeds on or in front of each separate lot or parcel of land, or both.

Section 24. Copy of report; notice of hearing: Before the report is submitted to the Board of Directors of the Pauma Valley Community Services District, a copy of it shall be posted for at least three (3) days on or near the chamber door of the board with a notice of the time when the report will be submitted to the board for confirmation.

Section 25. Assessment hearing: At the time fixed for receiving and considering the report, the board shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement.

Section 26. Confirmation of report: Thereupon the board may make such modifications in the report as it deems necessary, after which, by order or resolution, the report shall be confirmed.

Section 27. Costs of abatement to be lien on property; collection; penalties: The amounts of the cost for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

PASSED, ADOPTED AND APPROVED by the Board of Directors this twelfth day of August, 1975.

APPROVED:


Stanley H. Kord, President of the
PAUMA VALLEY COMMUNITY SERVICES DISTRICT
and of the Board of Directors thereof.

I, J. R. POWELL, Secretary of the Board of Directors of PAUMA VALLEY COMMUNITY SERVICES DISTRICT do hereby certify that the foregoing Ordinance was adopted by the Board of Directors of said district at a special meeting of said Board on the 12th day of August, 1975, and that it was so adopted by the following vote, to wit:

AYES: Directors Greenleaf, Ford, Langley, Nielsen

NOES: Directors None

ABSENT: Directors Rible


Secretary