

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, ADDING SECTION 11.20.200 TO CHAPTER 11.20 OF TITLE 11 OF THE MENIFEE MUNICIPAL CODE ESTABLISHING SPECIFIC REGULATIONS FOR ABATEMENT OF HAZARDOUS VEGETATION FOR VACANT PARCELS

WHEREAS, on December 5, 2018, the City Council of the City of Menifee adopted Ordinance No. 2018-254, replacing Chapter 11.20 relating to the abatement of public nuisances; and

WHEREAS, while Chapter 11.20 does identify hazardous vegetation, it does not specifically reference hazardous vegetation abatement for vacant parcels or the necessary remedies for vacant parcels; and

WHEREAS, since the founding of the City, staff has relied on adopted Riverside County Ordinance 695 to pursue the abatement of public nuisances caused by hazardous vegetation on vacant parcels within the City; and

WHEREAS, the City recently lost an appeal of a citation for hazardous vegetation on a vacant parcel due to the adopted ordinance referring to “Unincorporated” areas and a requirement to issue a Notice of Violation in addition to a Notice of Abatement; and

WHEREAS, the City Council believes that specifying regulations for the abatement process within Menifee Municipal Code 11.20 for hazardous vegetation would be in the best interest of the citizens of Menifee and is important to the overall quality of life in the City; and

WHEREAS, the City Council desires to add Section 11.20.200 within Chapter 11.20 of Title 11 of the Menifee Municipal Code, establishing regulations specific to abatement of hazardous vegetation on vacant land; and

WHEREAS, City Council finds and declares that the proposed amendment to Menifee Municipal Code Chapter 11.20 is not a “project” pursuant to the California Environmental Quality Act (“CEQA”).

NOW, THEREFORE, the City Council of the City of Menifee, California does ordain as follows:

Section 1. Section 11.20.200, as shown in Exhibit A, is hereby added to Chapter 11.20 of Title 11 of the Menifee Municipal Code.

Section 2. The City Council finds that this Ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15060(c)(2) and 15061(b)(3) in that the amendments to the Municipal Code are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will they have the potential of creating a significant effect on the environment.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause to be published as required by law.

This Ordinance was introduced and read on the 17 day of January 2024, and **PASSED, APPROVED, AND ADOPTED**, this 7 day of February, 2024.

Bill Zimmerman, Mayor

ATTEST:

Sarah A. Manwaring, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney

Exhibit A

TITLE 11

CHAPTER 11.20

SECTION 11.20.200

NUISANCE ABATEMENT FOR HAZARDOUS VEGETATION

(A) In addition to the definitions in Section 11.20.010, the following definitions apply to the City's hazardous vegetation and rubbish abatement program:

(1) **FIRE CHIEF** means the Fire Chief of the County of Riverside or their designee.

(2) **HAZARDOUS VEGETATION** includes vegetation that is flammable and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, and/or tumbleweeds.

(3) **RUBBISH** includes, but is not limited to, trash or refuse consisting of uncontained paper, cardboard, wood, dry grass or brush, dirt, plastic, rubber, metal or ceramic wreckage, glass, junk, disassembled automobiles, machinery, or parts thereof, or any other discarded material which may be combustible or deleterious to the public health, safety, or welfare, or any material which by reason of its location and/or character may hamper or interfere with the prevention or suppression of fire upon the premises or adjacent premises.

(B) It shall be unlawful, and is hereby declared a public nuisance, for the owner(s), lessee(s), or occupant(s) of vacant real property within the City to maintain, permit, or allow such premises to be maintained in such a condition where weeds, hazardous vegetation, or rubbish negatively affect the public health, safety, or welfare. It is also hereby declared the duty and responsibility of the owner(s), lessee(s), and occupant(s) of vacant real property within the City to prevent and abate any and all conditions of weeds, hazardous vegetation or rubbish that negatively affect the public health, safety, or welfare.

(C) It shall be the duty of every owner, lessee, and occupant of vacant real property within the City, parcel of land or interest therein which is in the City to clear therefrom, including sidewalks and parkways adjacent to such property, all weeds, hazardous vegetation and rubbish.

(D) The City Manager and/or Fire Chief shall have authority to declare violations of this section and to enforce the same against the owner(s), lessee(s) and occupant(s) of the property upon which such conditions exist.

(E) The City Manager and/or Fire Chief shall enforce the duty set forth in this section hereof, to issue a Notice of Abatement for Hazardous Vegetation by personal service or by mailing the notice by certified mail to the property owner as his or her name appears on the most recent equalized assessment roll and to the address as shown in the records of the County Assessor. The notice shall contain:

(1) A reasonable description of the lot or parcel of real property upon which the violation exists;

(2) A reasonable description of the violating conditions constituting the nuisance;

(3) The relevant standards for maintenance, prevention, and abatement of weeds, hazardous vegetation, and rubbish;

(4) Reference to this section;

(5) An order to remove the violating conditions and bring the property into compliance within 30 calendar days;

(6) A description of the consequences of failure to comply as prescribed in this section; and

(7) A statement that a written appeal may be filed with the City Clerk.

(F) The requirement of subsection C of this section shall be satisfied if the owner, lessee, or occupant clears the property by disking, mowing, or any other method described in said notice as follows:

(1) A one hundred (100) foot wide strip of land at the boundary of a vacant property adjacent to a roadway; and/or

(2) A one hundred (100) foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all this clearance may be required on the vacant property depending upon the location of the structure on the improved parcel).

The Fire Chief may at any time require more than a one hundred (100) foot width or less than a one hundred (100) foot width for the protection of public health, safety, or welfare of the environment. The determination for appropriate clearance distances will be made based upon a visual inspection of the property and shall consider all factors that place the property or adjoining structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or adjoining structure(s) is located.

The removal of vegetation need not exceed that set forth in the Notice of Abatement for Hazardous Vegetation or grading permit in accordance with Menifee Municipal Code Chapter 8.26, Grading Regulations.

(G) All appeal and hearing procedures for a Notice of Abatement for Hazardous Vegetation shall be governed by the provisions of Section 11.20.080 for a Notice of Abatement. Failure to file a timely and proper written appeal shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies.

(H) If after 30 days from the date the Notice of Abatement for Hazardous Vegetation was issued the nuisance upon the property has not been abated and no written appeal has been filed, City personnel and/or contractors may enter the

property, subject to requirements of law, and take such action as is reasonably necessary to abate the nuisance.

(I) The City shall keep an itemized accounting of the associated costs incurred by the City to abate the nuisance. All abatement and administrative costs incurred by the City may be recovered by any manner authorized by law, including by lien or special assessment pursuant to the procedures set forth in Section 11.20.160 and 11.20.170.

(J) Abatement of any nuisance under this section may, in the discretion of the City, be contracted to an outside contractor. Should the City contract the abatement process, the City may assign its interest in collecting payment for the work to the contractor which performed the work, as payment to the contractor.