

City Council Chambers
29844 Haun Road
Menifee, CA 92586



Bill Zimmerman, Mayor
Bob Karwin, District 1
Ricky Estrada, District 2
Lesa Sobek, District 3
Dean Deines, District 4

AGENDA

Menifee City Council Regular Meeting Agenda

Wednesday, January 17, 2024
4:30 PM Closed Session
6:00 PM Regular Meeting

Rebekah Kramer, Acting City
Manager
Jeffrey T. Melching, City Attorney
Sarah Manwaring, City Clerk

-
- 12.2 Ordinance Introduction Adding Section 11.20.200 to Chapter 11.20 of Title 11 of the Menifee Municipal Code Relating to the Abatement of Hazardous Vegetation on Vacant Parcels

RECOMMENDED ACTION

1. Introduce an Ordinance 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 on vacant parcels.



CITY OF MENIFEE

SUBJECT: Ordinance Introduction Adding Section 11.20.200 to Chapter 11.20 of Title 11 of the Menifee Municipal Code Relating to the Abatement of Hazardous Vegetation on Vacant Parcels

MEETING DATE: January 17, 2024

TO: Mayor and City Council

PREPARED BY: David Gutierrez, Police Captain

REVIEWED BY: Chris Karrer, Police Chief

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Introduce an Ordinance 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 on vacant parcels.

DISCUSSION

As the City Council is aware, in some cases, property owners of vacant parcels within City limits are not adequately maintaining their properties. The conditions of such properties (1) threaten public safety; (2) are a life-threatening safety concern; and/or (3) violate state and/or local laws and regulations. Pursuant to state law, a city may enact, by ordinance, procedures to administratively abate such public nuisances and to recover costs incurred as a result.

While the City has an existing Administrative Nuisance Abatement Ordinance located in Chapter 11.20 of the Menifee Municipal Code, the Chapter does not specifically outline the abatement process or procedures for hazardous vegetation abatement on vacant parcels. In addition, the adopted Riverside County hazardous vegetation abatement, Ordinance 695, being used by staff specifically references and governs only "Unincorporated" areas.

This language was recently successfully challenged during a hazardous vegetation citation appeal.

Staff believes that if adopted, the proposed Ordinance will provide the City the necessary specific Menifee Municipal Code language to ensure those vacant parcel property owners that choose not to maintain their properties pursuant to the Menifee Municipal Code are held accountable.

Additions for the Menifee Municipal Code proposed by Ordinance are shown in Exhibit A to the attached Ordinance.

STRATEGIC PLAN OBJECTIVE

Safe and Vibrant Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Ordinance Amending Title 11, Chapter 11.20
2. Riverside County Ordinance 695

ORDINANCE NO. 2023-__

**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 ____ day of _____ 2024, and **PASSED, APPROVED, AND ADOPTED**, this ____ day of _____, 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.

**ORDINANCE NO. 695
(AS AMENDED THROUGH 695.4)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 695 REQUIRING THE
ABATEMENT OF HAZARDOUS VEGETATION**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Ordinance No. 695 is hereby amended in its entirety to read as follows:

Section 1. FINDINGS.

- A. It is the intent of the Board of Supervisors that this ordinance shall apply to the abatement of hazardous vegetation on unimproved property;
- B. Riverside County generally has an arid climate conducive to wildfires and is prone to periodic Santa Ana wind events. Many of the County's native and non-native plant species can be highly flammable during normal dry periods and have contributed to significant wildfires within the County. Santa Ana wind events further exacerbate the fire danger and have resulted in catastrophic fire losses to life, property and the environment;
- C. Riverside County has a diverse and complex landscape which includes deserts, mountains and other brush covered wildlands which are home to many rare and sensitive plant and animal species;
- D. The Board of Supervisors has recognized the importance and uniqueness of this diverse and complex landscape through its adoption and implementation of the Western Riverside County Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan which preserves land for the protection of these species;
- E. Of paramount importance to the Board of Supervisors and the citizens of Riverside County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires; and
- F. It is the purpose of this ordinance to establish a hazardous vegetation abatement program that protects the lives and property of the citizens of Riverside County while at the same time protecting rare and sensitive plant and animal species and the environment.

- G. The Board of Supervisors finds that hazardous vegetation or combustible material poses a danger to the health, safety and welfare of the residents in the vicinity of any real property located throughout the territory of the County of Riverside for the reasons set forth above. Therefore, all hazardous vegetation or combustible material located on real property within the territory of the County of Riverside is deemed a public nuisance and poses a hazard to the safety of the landowners, residents in the vicinity, users of public highways and to the public generally.

Section 2. DEFINITIONS.

- A. Abate and/or Abatement. An act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- B. Abatement Costs. Any and all costs incurred by the County of Riverside to abate the hazardous weeds or combustible material on any property pursuant to this ordinance, including physical abatement costs, administration fees and any additional actual costs incurred by the Riverside County Fire Department for the abatement proceeding, including attorneys fees, if applicable.
- C. Combustible Material. Rubbish, litter or material of any kind other than hazardous vegetation that is flammable and endangers the public safety by creating a fire hazard.
- D. County Fire Chief. The Fire Chief of the County of Riverside or his designated representative, including:
- 1) Chiefs or Chief Engineers of all Fire Protection Districts within the territory of the political subdivision with the County where he serves, and their deputies;
 - 2) All employees of the Riverside County Fire Department Hazard Reduction Office; and
 - 3) Such other officers as are designated by the Board of Supervisors or the County Fire Chief.
- E. Hazardous Vegetation. 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, tumbleweeds.
- F. Improved Parcel. A portion of land of any size, the area of which is determined by the Assessor's maps and records and may be

identified by an Assessor's Parcel Number upon which a structure is located.

- G. Person. Natural person or corporation.
- H. Structure. Any dwelling, house, building or other type of flammable construction including but not limited to a wood fence attached to or near any other structure.
- I. Unimproved Parcel. A portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number upon which no structure is located.

Section 3. DUTY TO ABATE HAZARDOUS VEGETATION. Upon receipt of a Notice of Violation and Order to Abate, it shall be the duty of every owner, occupant, and person in control of any unimproved parcel of land or interest therein, which is located in the unincorporated territory of the County of Riverside as that territory is determined and classified by the Board of Supervisors to abate there from, and from all sidewalks and parkways, except for those roads accepted into the County Maintained System, all combustible material and hazardous vegetation, that constitutes a fire hazard which may endanger or damage neighboring property pursuant to the requirements of the Notice of Violation and Order to Abate received. No owner, occupant or person in control of any such unimproved parcel of land or interest therein shall be authorized to abate hazardous vegetation unless the owner, occupant or person has received a Notice of Violation and Order to Abate or alternatively has been issued a grading permit pursuant to the requirements of Ordinance No. 457. The removal of vegetation pursuant to this ordinance shall not exceed that set forth in the Notice of Violation and Order to Abate or grading permit. The Notice of Violation and Order to Abate and any clearance shall conform to Guidelines issued by the County Fire Chief implementing this ordinance, and which the Fire Chief may amend periodically.

- A. The requirements of this section shall be satisfied if there is cleared pursuant to the requirements set forth in a Notice of Violation and Order to Abate by the method described in said Notice:
 - (1) a one hundred (100) foot wide strip of land at the boundary of an unimproved parcel 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 of this clearance may be required on the unimproved parcel depending upon the location of the structure on the improved parcel).

The County Fire Chief or his or her designee may 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 or the environment.

The determination for appropriate clearance distances will be made based upon a visual inspection of the parcel 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. Examples of the clearance requirements above are attached hereto as Exhibit "A" for informational purposes only.

- B. Where the parcel's terrain is such that it cannot be disked or mowed, the County Fire Chief may require, or authorize, that other means of removal be used.

Section 4. ENFORCEMENT, INSPECTION AND AUTHORITY TO ENTER PROPERTY.

- A. For the purpose of enforcing this ordinance, the County Fire Chief may designate any person or persons as his/her deputy in the performance of the duties enjoined upon him/her by this ordinance, in addition to those named in Section 2.D. of this ordinance.
- B. For the purpose of enforcing or administering this ordinance, the County Fire Chief may enter any real property for the purpose of inspecting the property or for summary abatement proceedings whenever the County Fire Chief is informed or has reasonable cause to believe that hazardous vegetation or combustible material exists, constituting a condition dangerous or injurious to the health or welfare of persons or to the public, including the environment, is a public nuisance or is otherwise in violation of this ordinance.
- C. No person shall interfere with the entry of the County Fire Chief acting in the official course and scope of his duty.

Section 5. SUMMARY ABATEMENT PROCEEDINGS. In addition to the authority granted by law to the County Fire Chief in exigent situations, and pursuant to California Health and Safety Code §14930 and Government Code §25845, as amended, the County Fire Chief is authorized to enter real property and summarily abate any public nuisance determined by the County Fire Chief to constitute an immediate threat to public health or safety without prior notice or hearing.

Section 6. ABATEMENT PROCEEDINGS.

- A. Notice of Violation and Order to Abate. If the County Fire Chief determines that any real property is being maintained or permitted to exist in a manner prohibited by this ordinance, the County Fire Chief shall issue a written notice to the property owner and any known person in possession of the property, of the violation and order the hazardous vegetation or combustible material to be immediately abated. The notice of violation and order to abate ("Notice/Order") shall specify the corrective actions required to be taken and order the property owners and persons in possession to abate the hazardous vegetation or combustible material within thirty (30) days and state that the failure to bring the real property into compliance with this ordinance could subject the owner or persons in possession to civil, administrative and criminal penalties. Furthermore, the Notice/Order shall provide the property owner and person in possession of the opportunity to appear before the Riverside County Board of Supervisors and be heard prior to the abatement by the County. The failure of the notice to set forth all required contents shall not affect the validity of the abatement proceedings.
- B. Manner of Giving Notice. The County Fire Chief shall cause a copy of the Notice/Order to be mailed or otherwise delivered to all known persons to be in possession and to the property owner as such person's name and address appears on the last county equalized assessment roll. If the address is unknown, that fact shall be so stated and the notice shall be addressed to the person at the county seat. Service by mail shall be deemed complete at the time of deposit in the US mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.
- C. Hearing.
- (1) Request for Hearing. Any person who is adversely affected by the Notice/Order may appeal the Notice/Order by filing a written request for a hearing with the Riverside County Hazard Reduction Office within fifteen (15) calendar days. The request shall be postmarked within fifteen (15) calendar days of the postmark on the Notice/Order. Timely appeal shall stay any further action for abatement until the date set for hearing.

If no request for a hearing is timely made, the Riverside County Board of Supervisors herein declares that abatement of the hazardous weeds or combustible material shall have been deemed

ordered by the Board of Supervisors as of the date of the postmark of the Notice/Order.

- (2) Hearing. Upon timely written request by the recipient of the Notice/Order, a hearing shall be scheduled with the Riverside County Board of Supervisors or its designee (hereinafter "Board") with notice thereof mailed or otherwise delivered to the requesting person at least fourteen (14) calendar days before the scheduled hearing. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings.

At the time fixed in the notice of hearing, the Board shall receive evidence from the County Fire Chief and the owner or person in possession of the real property in violation, or their representatives and any other concerned persons who may desire to present oral or documentary evidence regarding the conditions of the real property or other relevant matter, if such persons are present at the hearing. In conducting the hearing, the Board shall not be limited by the technical rules of evidence. Failure of the owner or person in possession to appear shall not affect the validity of the proceedings or order issued thereon.

Upon conclusion of the hearing, the Board shall make its decision and in the event it so concludes, may declare the conditions on the real property to be in violation of this ordinance and to constitute a public nuisance. The Board may direct the owner or person in possession to abate the hazardous vegetation or combustible material within ten (10) days after mailing and posting of the Board's decision. The order shall include notice that if the hazardous vegetation is not abated as directed and within ten (10) days, the County Fire Chief may abate the hazardous vegetation and the abatement costs shall be a lien and an assessment against the real property.

The Board may grant any extension of time to abate such conditions that it may deem justifiable upon good cause being shown.

- D. Abatement of Hazardous Vegetation or Combustible Material by County Fire Chief. If, at the end of the time allowed for compliance in the original Notice/Order issued pursuant to Section 6.A. above, or as set forth in an order issued by the Board after a timely request for a hearing, and compliance has not been accomplished as directed, the County Fire Chief may order the hazardous vegetation or other combustible material to be removed by County fire officials

or employees, or may cause the removal to be carried out by a private contractor selected by the County Purchasing Agent in accordance with applicable statutes and in the manner and under the terms specified by the Board of Supervisors.

- E. Abatement Cost Recovery. As set forth in Government Code Section 25845, the owner and any person in possession of the real property upon which the hazardous vegetation or combustible material is found to exist shall be jointly and severally liable for all abatement costs incurred by the County without any further hearing.
- F. Notice of Abatement Costs. At the conclusion of the abatement by the County Fire Chief or designee, the County Fire Chief shall issue a bill setting forth the abatement costs to the owner and person in possession of the real property. The bill shall demand payment to the County of Riverside the total abatement costs and administration costs, plus attorneys' fees, if relevant, within fifteen (15) calendar days of its mailing.
- G. Abatement Costs Specially Assessed Against the Parcel. If the amount set forth in the Notice of Abatement Costs is not paid upon demand by the County, the abatement costs, including attorneys' fees, if applicable, shall be specially assessed against the real property pursuant to Government Code Section 22845, or by any other means provided by law. The assessment may be collected at the same time and in the same manner as ordinary County taxes are collected, and shall be subject to the same penalties and the same procedure of sale in case of delinquency as are ordinary County taxes.
- H. Notice of Abatement Lien. A Notice of Abatement Lien may be recorded against the real property subject to this abatement proceeding, setting forth the date upon which abatement of the nuisance was ordered either by notice issued by the County Fire Chief or by the Board of Supervisors after a hearing, the date the abatement was complete and the amount of abatement costs. Furthermore, the notice shall identify the parcel address, the record owner, the possessor of the property, if known and applicable, together with the last known address of the record owner or possessor. The abatement lien shall have the same effect as recordation of an abstract of a money judgment pursuant to Article 2 of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code of Civil Procedure (commencing with § 697.310, as amended). The lien has the same priority as a judgment lien on real property and continues in effect until released.

- I. Attorneys Fees. Reasonable attorneys' fees may be recovered by the prevailing party in any civil action, administrative proceeding or special proceeding established by this ordinance. In the event a hearing is requested pursuant to the notice described above in Section 6 and the Board of Supervisors deems the real property to be a public nuisance and orders the County Fire Chief to abate the hazardous vegetation or combustible material, the County shall be deemed the prevailing party.

Section 7. HEARING OFFICIAL.

- A. Delegation of Authority. The Riverside County Board of Supervisors may delegate its authority to conduct the administrative abatement proceedings set forth in Section 6, above, to either of the following:
 - (1) The County hearing officer appointed by the Board of Supervisors pursuant to Riverside County Ordinance No. 643 and Government Code Section 27720, as amended. The hearing officer shall have full authority and duty to preside over hearings in the manner set forth in Riverside County Ordinance No. 643, as amended.
 - (2) A Weed Abatement Hearing Board (WAHB) designated pursuant to Government Code Section 25845, as amended. The WAHB shall have full authority to act and may preside over hearings with the same authority, power and duties of the hearing officer. The WAHB shall be comprised of three (3) persons as follows: one (1) member shall be an officer of the Riverside County Fire Department selected by the County Fire Chief, (but not an employee involved in inspecting or issuing the Notice/Order; and two (2) members shall be selected by the Board of Supervisors. Members shall serve at the pleasure of the appointing entity.
- B. Recommended Action. At the conclusion of a hearing by either the hearing officer or WAHB, a recommended decision shall be issued to the owner or person in possession of the real property subject to the hearing, and to any other interested person previously requesting notice. The hearing officer or WAHB shall also file the recommended decision with the Board of Supervisors. The recommended decision may alter the Notice/Order in any fashion and may include an order to the owner or person in possession of the real property to abate the hazardous weeds or combustible material within ten (10) calendar days of issuance of the order.

- C. No Further Appeal. Upon receiving the recommended decision from either the hearing officer or WAHB, the Board of Supervisors may adopt the decision as recommended on the consent agenda at its next regularly scheduled public Board meeting without further notice or hearing, or may set the matter for a de novo hearing before the Board of Supervisors

Section 8. OTHER REMEDIES. The provisions of this ordinance are to be construed as an added remedy of abatement and not in derogation of any other civil or criminal actions or proceedings or remedies otherwise provided by law.

A. Civil Actions.

(1) Injunctive Relief and Abatement. Whenever, in the judgment of the County Fire Chief, any person is engaged in or about to engage in any act or practice which constitutes or will constitute a violation of any provision of this ordinance or notice or order issued pursuant hereto, the County Fire Chief may request the County Counsel or District Attorney to commence proceedings for the abatement, removal, correction and enjoinder thereof, and requiring the violator to pay civil penalties and/or abatement costs or in addition, be subject to criminal prosecution.

(2) Civil Remedies and Penalties. Any owner or person in possession of real property who willfully violates the provisions of this ordinance or any notice or order issued pursuant hereto shall be liable for a civil penalty not to exceed \$1,000.00 for each day or portion thereof that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.

B. Criminal Actions.

(1) It shall be unlawful for any person to violate any provision of this ordinance. Any person violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this ordinance is committed, continued or permitted.

(2) Any person so convicted shall be guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation; guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) for a second violation on the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation. Notwithstanding the above, a first or second offense may be charged as a misdemeanor.

C. Treble Damages. Upon a second or subsequent civil or criminal judgment for a violation of this ordinance within a two year period the violator shall be liable to the County of Riverside for treble the abatement costs, in accordance with Government Code § 25845.5.

D. Notice of Noncompliance. Whenever a Notice/Order has been issued, the County Fire Chief may record a Notice of Noncompliance with the Office of the County Recorder of Riverside County and shall notify the owner of the property of such action. The Notice of Noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that any abatement costs incurred by the County as a result of the violation of this ordinance may be specially assessed as a lien on the property and that the owner has been so notified.

Section 9. SEVERABILITY. This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

The County Board of Supervisors hereby declares that it would have passed this ordinance and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.

Section 2. EFFECTIVE DATE. This amendment shall become effective 30 days after adoption.

Adopted:

695 Item 10.7 of 10/16/1990 (Eff: 11/15/1990)

Amended:

695.1 Item 3.7 of 04/08/1997 (Eff: 05/08/1997)

695.2 Item 3.33 of 07/02/2002 (Eff. Immediately)

695.3 Item 3.10 of 03/20/2007 (Eff: 04/19/2007)
695.4 Item 3.33 of 06/16/2009 (Eff: 07/16/2009)