



# CITY OF SACRAMENTO

## DEPARTMENT OF FINANCE

BUDGET DIVISION

June 12, 1985  
FA:85265:KN:KMF

Transportation and Community  
Development Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Weed Abatement/Code Enforcement

### **SUMMARY**

This report provides an analysis of the weed abatement program as it is proposed in the 1985-86 Budget. In addition, information is provided on the various code enforcement and nuisance abatement activities performed by the City's non public safety departments.

### **BACKGROUND**

On May 21, 1985, the Budget and Finance Committee considered the transfer of the Weed Abatement activity from the Fire Department to the Revenue Division in the Finance Department. Following the discussion of the Revenue Division's budget, staff was instructed to report back on report back on specific program changes in the Weed Abatement activity to insure that the concerns of the committee members regarding the program are met. Staff was also directed to look at transferring the Weed Abatement activity to the Public Works Department or to Code Enforcement under the Planning and Development Department as well as the possible consolidation of all nuisance abatement and code enforcement activities under one department.

The Weed Abatement activity is part of the Fire Department. This has been mainly due to the weeds on a vacant lot becoming a potential fire hazard. The problems that have occurred in the past regarding this program have been related to contract administration (quality of work performed by private contractors), timely billing, and proper identification of legal owner. The Revenue Division took over the billing and lien process in 1982. Modifications were made at that time which reduced the billing date by three (3) months and the lien date by twelve (12) months.

A summary of the various nuisance abatement and code enforcement activities performed by non public safety departments are shown on Exhibit 1.

## ANALYSIS

The analysis will be divided into the following three parts: (I) Weed Abatement 1985-86 Proposed Budget. (II) Weed Abatement as a function of Public Works or Code Enforcement. (III) Nuisance Abatement: Public vs. Private Property.

### I. Weed Abatement 1985-86 Proposed Budget

A flow chart of the current weed abatement process is shown on Exhibit 2. This is a seventeen (17) month process from identification of property to the lien hearing. This program utilizes two (2) field staff to inspect 10,000 lots. The weed abatement process as proposed in the 1985-86 Budget is shown on Exhibit 3. This process reduces the seventeen (17) month period to ten (10) months. For properties that require only one discing, which is 60% to 70% of the properties, the process is reduced to seven (7) months. See Exhibit 4 for comparative chart. In addition to shortening the time period, the problems associated with contract administration will be addressed by having additional field staff to monitor the work performed by the contractors. The proposed plan intends to utilize existing field staff in the Revenue Division along with the field staff transferred from the Fire Department to monitor the work performed by the contractors. There will be a total of six (6) field staff available. During the weed abatement season (March-June) all of the field staff will be involved in the weed abatement program. This activity will be performed in conjunction with other code enforcement activities. Each of the field staff will be responsible for monitoring approximately 2,000 lots.

Discing is the predominate method utilized in the abatement process. Historically, the discing of the smaller lots has created problems. The heavy equipment required to properly disc the weeds cannot operate on these lots and the smaller equipment that can operate on these lots is not heavy enough to properly disc the weeds. Currently a "Flail Mower" is being tested on some of the lots. This method, as well as other methods of weed abatement, will be explored during the 1985-86 year. The conditions of the contract are such that if complied with by the contractors, the lots will be properly abated (See Exhibit 5).

During the 1985-86 fiscal year, the Revenue Division will submit a Data Processing Request for Services to fully automate the weed abatement system. The interface with the parcel system for proper ownership information and also the possible identification of undeveloped parcels (vacant lots) are areas that will be reviewed for possible automation.

### II. Weed Abatement As a Function of Public Works or Code Enforcement

#### PUBLIC WORKS

Advantages: As Solid waste staff abate trash or rubbish on public property, abatement proceedings can begin on adjacent private property. Litter control staff can identify lots to be abated in the course of their normal duties.

**Disadvantages:** Size of existing field staff and clerical staff along with staff transferred from Fire is not sufficient to absorb activity without major impact on existing program. The field inspection activity is not a separate activity, it is currently part of Solid Waste Administration.

#### **CODE ENFORCEMENT**

**Advantages:** Code Enforcement officers activities are currently related to abatement of public nuisances. Overlapping complaints would be reduced. Code Enforcement Officers are assigned geographic areas which would lend itself to the identification and follow-up work required by the weed abatement program.

**Disadvantages:** Normal code enforcement work may be delayed during the weed abatement season (Mar-Jun). Additional Code Enforcement Officers are included in the 1985-86 Proposed Budget to provide code enforcement in non CDBG target areas. Even with staff transferred from Fire, to make any effective changes to the weed abatement program, existing Code enforcement Officer will be required to devote time to inspecting vacant lots during the weed abatement season.

#### **III. Nuisance Abatement Public vs. Private Property**

Abatement of public nuisances such as trash, rubbish, junk debris and weeds require separate and distinct processes for public property as compared to private property. Abatement of these types of nuisances from public property can be accomplished by merely dispatching a City crew to remove the debris. In order to remove similar debris from private property the City is required to follow the "due process" steps as shown on Exhibit 6. An exception to this is if the debris on vacant lots contains garbage, then it is considered to be a health hazard and can be removed immediately.

The Public Works Department and the Parks and Community Services Departments are responsible for the abatement of public nuisances from public property. The Code Enforcement activity (Planning and Development Department) is responsible for the abatement of similar nuisances on private property. Exceptions are the litter control and the weed abatement programs. The litter control activity in the Solid Waste Division deals with illegal dumping on both public and private property. The weed abatement activity as discussed earlier in this report, has been part of the Fire Department and is now recommended to be part of the Revenue Division.

As a practical matter Solid Waste staff have been removing debris from vacant privately owned lots. The preliminary opinion from the City Attorney's Office is that the City staff should exercise caution when no health hazard exists in removing debris from private property without following due process. Included on Exhibit 7 is a comparison of the abatement proceedings of removing debris from public property versus private property.

## DISCUSSION

The issue of consolidating all code enforcement activities into one department can not be answered by this report. Additional time is required to properly consider this issue. A preliminary analysis indicates that there are benefits that can result from consolidation. The 1985-86 Proposed Budget includes 10 FTE positions with a classification of Code Enforcement Officer. There are an additional 6 FTE positions with various classifications that should be considered as performing enforcement work. There are areas of over-lapping responsibilities and duties performed by these positions. A classification study would be necessary to consolidate the various positions. In addition to the classification study, the following issues should be addressed; which department to put Code Enforcement under; physical location; fiscal impact on affected department; and identify advantages and disadvantages of the consolidation.

Because of the Revenue Officer's familiarity with the Weed Abatement program, and the links between administering the contract, payments to contractor and customer billing, this report recommends transferring the Weed Abatement to the Revenue Division. Later, the the weed abatement activity should be considered in the context of consolidating all code enforcement activities.

## RECOMMENDATIONS

The staff recommends the following:

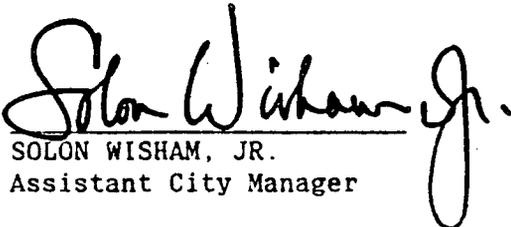
1. The Weed Abatement activity be transferred from the Fire Department to the Revenue Division as proposed in the 1985-86 Proposed Budget.
2. Direct the staff to report back with a study on consolidation of all code enforcement activities into one department fiscal year 1985-86.
3. Direct the City Attorney to review due process and recommend necessary legislative changes as it pertains to abatement of nuisances on private property.
4. Direct the Revenue Division to provide City Council with periodic reports on the status of the Weed Abatement program.

Respectfully submitted,



KEN NISHIMOTO  
Senior Management Analyst

RECOMMENDATION APPROVED:



SOLON WISHAM, JR.  
Assistant City Manager

CODE ENFORCEMENT/NUISANCE ABATEMENT  
ACTIVITY SUMMARY

Planning & Development

Public Works

Parks & Community Services

Finance

SIGN ORDINANCE

eliminate erection,  
construction,display of  
signs prohibited by ordinance

LITTER CONTROL

investigate dumping of waste,  
garbage,debris on public and  
private property

PARK SITES

abatement of junk and debris  
from park sites,median strips

UTILITY BILLING

water shut off noticing,  
new accounts,disputed accounts

AUCTION, OUTDOOR SALES

regulate garage sales,auctions,  
outdoor vending

NUISANCE ABATEMENT

abatement of debris and junk on  
public property,alleys,streets,  
sidewalks,drainage ditches.  
garbage from vacant property

WEED ABATEMENT(PUBLIC PROPERTY)

undeveloped park lands,and non  
landscaped median strips

BUSINESS TAX

identify new accounts,delinquent  
accounts

BUILDING CODE

regulate provisions of  
the city building code

WEED ABATEMENT(PUBLIC PROPERTY)

alleys,streets,drainage ditches

SPECIAL PERMITS

insure compliance of various  
special permits-taxi,bingo,vendor,  
auctioneer,arcade,dance,cardroom,  
bingo,commercial waste

TRAILER CAMPS

investigate complaints of  
occupied trailers,motor homes,  
travel trailers

WEED ABATEMENT(PROPOSED)

private property

NUISANCE CODE

investigate complaints of  
operable vehicles and or  
junk and debris on private  
property

COMPREHENSIVE ZONING CODE

investigate violations of land  
use regulations.parking vehicles,  
boats,campers on landscaped  
setbacks.off street parking,  
home occupations,non-conforming use

City of Sacramento  
Current Weed Abatement Process

November 15, 1983 Fire Department identifies lots and properties that are potential hazards. Staff from each fire house performs survey; 10,000 parcels identified.

December 15, 1983 Survey completed

January 15, 1984 City Council passes resolution declaring weeds and rubbish on the 10,000 parcels a public nuisance; sets hearing date.

January 16, 1984 Notification of Council action sent to 10,000 property owners.

February 1, 1984 Contractors bid on lots based on historical information.

February 28, 1984 Council holds protest hearing.

March 1, 1984 Weed abatement staff begin inspection of 10,000 lots. As lots are identified for abatement, a list is turned over to the contractors. 1,914 lots were abated by contractors. Weed abatement staff inspects both before and after work by contractor.

July 1, 1984 1st discing completed.

July 2, 1984 Weed abatement staff determines how many of the lots require second discing. 2nd notice is sent. Abatement process repeated if non-compliance following 2nd notice. (700)

October 1, 1984 2nd discing completed.

November 1, 1985 Property owners are sent bills (1,914 accounts) The receipt of the bill and updating payment information is done by Revenue Division.

March 1, 1986 Lien hearing for delinquent accounts. Special assessment liens approved to be placed on property.

City of Sacramento  
Proposed Weed Abatement Process

January 1, 1986	Update prior year masterfile from parcel system.
January 15, 1986	City Council passes resolutin declaring weeds and rubbish on the 10,000 parcels a public nuisance; sets hearing date.
January 16, 1986	Notification of Council action sent to 10,000 property owners.
February 1, 1986	Contractors bid on lots based on historical information.
February 28, 1986	Council holds protest hearing.
March 1, 1986	Revenue Division field staff begin inspection of 10,000 lots. As lots are identified for abatement, a list is turned over to the contractors. Estimate 2,000 lots will be abated by contractors. Revenue Division staff will inspect lots both before and after work by contractor.
June 15, 1986	1st discing completed.
June 30, 1986	Lien Hearing 1st discing
July 2, 1986	Revenue Division staff determines how many of the lots require second discing. 2nd notice is sent. Abatement process repeated if non-compliance following 2nd notice. (700)
September 15, 1986	2nd discing completed.
October 1, 1986	Lien hearing 2nd discing

ABATEMENT OF WEEDS, RUBBISH, REFUSE AND/OR DIRT  
UPON PARCELS OF PROPERTY  
SITUATED IN THE CITY AND COUNTY OF SACRAMENTO

WEED ABATEMENT CASE NO. 85029

SACRAMENTO  
CALIFORNIA

BIDS WILL BE RECEIVED NOT LATER THAN 10:30 AM ON \_\_\_\_\_  
AT THE OFFICE OF THE CITY CLERK, ROOM 203, CITY HALL, SACRAMENTO,  
CALIFORNIA 95314.

CONTRACTOR/FIRM \_\_\_\_\_

SEALED PROPOSAL

The undersigned hereby proposes and agrees to furnish any and all required labor, materials, transportation and services for

THE ABATEMENT OF PARCELS OF PROPERTY AS INDICATED HEREIN BY THE  
COUNTY ASSESSOR'S PARCEL NUMBER AND FURTHER OUTLINED ON MAPS  
MADE AVAILABLE TO AND IN THE POSSESSION OF BIDDERS

in the City and County of Sacramento.

All work shall be done in accordance with applicable provisions of Standard Specifications of the City of Sacramento, Resolution No. 653, dated March 30, 1967 on file in the office of the City Clerk, and the Special Provisions for this years Weed Abatement Program, also on file in the office of the City Clerk, and made a part herein.

All contractors must comply with the rate of wages per hour as established by the Director of the Department of Industrial Relations under provisions of Sections 1770 and 1773 of the Labor Code of the State of California, a copy of which is on file in the office of the City Clerk; or such other rate of wages as may hereafter be established by the Director of the Department of Industrial Relations in compliance with Section 1770 of the Labor Code of the State of California.

Bid or contract bonds will not be required.

Work shall commence on the first case and/or cases on March 1st, unless otherwise notified. Work will be started on specific cases and in order of priority according to fire and health hazards as designated by the Weed Abatement Supervisor and/or Fire Marshal.

All cases shall be completed within 30 days from date of approval by the Weed Abatement Division for the phases of the abatement work, i.e., 1st discing and debris work completed within 30 days of first approval date; 2nd discing completed within 30 days of second approval date. No contractor will be awarded more lots than he can complete within the allotted time.

The parcels listed for bid on this proposal are for bidding purposes only. The City of Sacramento reserves the right to add or delete parcels on this contract as necessary, as determined in the sole discretion of the City.

The Contractor agrees to abate lots that are added to this contract for the same amount bid on other lots in this contract provided that the lots added are of like size and condition to the lots bid.

BASIS OF AWARD

The City of Sacramento reserves the right to make awards as follows:

- a. On each individual parcel.
- b. Reject any or all bids.

The undersigned Contractor hereby agrees to hold the City of Sacramento, a municipal corporation, its officers and employees, harmless from liability, suits, actions, claims and damages of every kind and description to which the City or its officers or employees may be subjected by reason of intentional or negligent injury to persons or property arising out of the granting of permission by the City to abate weeds refuse and debris from the parcels of property identified herein.

The Contractor shall take out and pay for Public Liability Insurance in the amount of \$100,000 Bodily Injury and \$25,000 Property Damage. This insurance shall be placed in a company satisfactory to the City of Sacramento and shall name the City of Sacramento as an additionally insured, and two (2) copies of Certificates of Insurance shall be furnished to the City prior to the start of any abatement work.

SEALED PROPOSAL  
Page 2

This Certificate of Insurance shall set forth the fact that the policy has been endorsed as follows:

"Notwithstanding anything contained in the Policy to the contrary, this Policy is not subject to cancellation or to a reduction in coverage until five (5) days after receipt of written notice of cancellation or reduction in coverage by the insured and the Controller of the City of Sacramento."

The Contractor shall also have a current valid business license from the City of Sacramento to do business as a Weed Abatement Contractor before any work can be started.

No subcontractor will be recognized as such, and all persons engaged in the work of abatement will be considered as employees of the contractor and he will be held responsible for their work, which shall be subject to the provisions of the Contract and Specifications.

NOTICE TO BIDDERS

All bidders are hereby notified that, in the event a contract is awarded to a bidder whose bid was made in collusion with other bidders for the same work, the resulting contract is not enforceable against the awarding agency and may be voided by that agency.

Perjury is a crime in California.

For the purpose of purchasing the services described herein, as a condition of submitting a responsive bid, City of Sacramento requires each bidder to execute the noncollusion statement set forth below.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares: that he holds the position indicated below as a corporate officer or the owner or a partner in the business entity submitting this bid; that the undersigned is informed of all the relevant facts surrounding the preparation and submission of this bid, that the undersigned knows and represents and warrants to City of Sacramento that this bid is prepared and submitted without collusion with any other person, business entity or corporation; and, that the bidder submitting this bid is the only person, business entity, or corporation with any interest in this bid.

I declare under penalty of perjury that the foregoing is true and correct.

CONTRACTOR/FIRM: \_\_\_\_\_

BY: \_\_\_\_\_  
(Signature)

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

ACCEPTANCE DATE:

\_\_\_\_\_  
FIRE MARSHAL

## SPECIAL PROVISIONS FOR THE WEED ABATEMENT PROGRAM

In these Special Provisions reference is made to the Standard Specifications of the City of Sacramento, adopted by City Council Resolution No. 653, which shall apply to the work. The Special Provisions set forth such additional requirements as may be necessary in this year's Weed Abatement program. The general conditions of this contract shall be governed by Sections 1 through 8 of the Standard Specifications unless altered by the Special Provisions or Sealed Proposal conditions.

### SCOPE OF WORK

The work to be covered under this contract consists in general of furnishing all labor, materials, tools, equipment, transportation, and all incidentals involved in the removal of weeds and refuse in the City of Sacramento.

The contract shall be non-exclusive and the City of Sacramento expressly reserves the right to employ or engage other persons to remove or destroy weeds and/or refuse under special assessment proceedings or otherwise.

### LOCATION OF WORK

The property upon which said abatement work shall be done consists of streets, parkways, sidewalks or private property, vacant or otherwise, upon which weeds or refuse have become a nuisance. Said properties have been determined by field survey by the Weed Abatement Supervisor and have been outlined and/or located on a map and/or maps which are in the possession of bidders.

### ANNUAL SCHEDULE AND BIDDING

Unless otherwise specified by the Weed Abatement Supervisor, the work outlined herein shall consist of two discings and/or mowings and shall include removal of trash in connection therewith each time.

Bids shall be made for first discing and/or mowing, second discing and/or mowing, and debris removal with a percentage of fifty percent (50%) minimum charged for the second discing and/or mowing. Contractors who feel that the percentage allowed is not adequate may bid higher. Bids received without a charge for the second discing and/or mowing will automatically be removed from the bidding.

Bids will be awarded on the total of first discing and/or mowing, second discing and/or mowing and debris work. Bid forms must be filled out completely or they will be removed from the bidding.

If a bid proposal contains a parcel that is listed for abatement and abatement is not required on that parcel, for whatever reason, that parcel will be removed from the bidding.

### PERFORMANCE OF CONTRACT

Property owners have been notified that they will have until March 1st (depending on weather conditions) to abate their property and all contractors should be prepared to start abatement action on that date. Failure to proceed when notified could result in awarded contracts being voided and bids awarded to the next lowest bidder.

The Weed Abatement Division will inspect all parcels in a specified area and give the contractor a written list of parcels in that area which the contractor is to abate. This procedure will be followed for both first (1st) and second (2nd) discings and/or mowing. No work shall be done on any parcel unless this notice is given. The approval to start work on specified parcels is automatically canceled if work is not started within forty-eight (48) hours of the approved starting date. The parcel shall be deleted from the contract and no work shall be done on the parcel if the Weed Abatement Division so notifies the contractor any time prior to abatement. No payment will be made for abatement work on any parcel unless the above conditions are met.

SPECIAL PROVISIONS

Page 2

The Contractor shall do no work on lots upon which the following conditions are observed:

1. A lot upon which construction has started.
2. A lot upon which an obvious attempt has been recently made to eradicate the weeds and/or remove rubbish and debris.
3. No work shall be done on any agricultural land unless directed by the Weed Abatement Supervisor.

Upon observing any of the above cases, the Contractor shall immediately notify the Weed Abatement Supervisor in writing of its existence and the Weed Abatement Supervisor shall inspect said lot and/or lots and determine whether or not the areas shall be included or deleted from the contract. Any Contractor who violates these conditions will be removed from the contractor list and will be suspended from abatement work for the City of Sacramento.

ERADICATION BY DISCING

Heavy-duty tractors and heavy-duty tandem discs (5' to 8') shall be used. Discs shall be set at an angle sufficient to cut the sod growth loose and turn the existing growth under and each discing shall destroy and bury the growth of weeds existing at that time. Parcels of five (5) acres or more in size are to have a fifty (50) foot firebreak cut around the entire perimeter of the property unless otherwise specified by the Weed Abatement Supervisor.

Each discing shall leave the property clean, reasonable smooth and in an acceptable condition. Equipment not suitable to accomplish the type of discing as specified above will not be allowed.

Unless otherwise specified by the Weed Abatement Supervisor, each lot or parcel shall not be disced for the second time within thirty (30) days from the date of the first discing.

Discing equipment shall be operated so as not to break or damage concrete sidewalks or other public improvements. However, weeds must be removed along fences, sidewalks and on park strips. NOTE: In residential areas mowing will be required in the above noted areas. Sidewalks shall be cleaned and free of weeds, debris, dirt, etc. so as to cause no obstruction to pedestrian traffic.

ERADICATION BY MOWING

Only lots specified to be mowed by the Weed Abatement Supervisor shall be mowed (except as noted above).

Parcels on which weeds, dry grass, etc. are mowed shall not exceed two (2) inches in height at completion of mowing. Dry grass and/or weeds so mowed shall be removed from the premises and not allowed to remain on the lot.

REFUSE REMOVAL

The Contractor shall remove from each lot designated by the Weed Abatement Supervisor to be disced and/or mowed, all refuse that will prevent discing and/or mowing as herein specified.

After each discing and/or mowing the Contractor shall remove refuse and/or debris from these lots so as to leave the property reasonable clear of such debris and/or refuse.

SPECIAL PROVISIONS

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Parcels consisting of five (5) acres or more in size will have the debris removed from the firebreak area only, unless otherwise specified by the Weed Abatement Supervisor.

PAYMENT

Payment shall be made in two payments. The first payment to cover the first discing and/or mowing and refuse removal, the second payment to cover the second discing and/or mowing.

The Contractor shall file invoices in triplicate on forms supplied by the Weed Abatement Supervisor. Invoices shall be submitted promptly as they are completed. Particular attention should be given by the Contractor to the accuracy of dates of work as required by the invoice. No invoice can be paid without exact completion dates.

These parcels shall be inspected by the Weed Abatement Division and shall only be certified for payment if the inspection establishes that the work is satisfactorily completed according to these specifications.

MISCELLANEOUS

The Contractor shall furnish the Weed Abatement Supervisor and his authorized representatives reasonable facilities for obtaining full information respecting the progress and manner of the work, should they so desire.

Equipment not suitable to produce the quality of work required will not be permitted to operate on the project. The Contractor shall provide adequate and suitable equipment to meet the above requirements, and when ordered by the Weed Abatement Supervisor, shall remove unsuitable equipment from the work.

The Contractor will not be allowed to use the City of Sacramento Sanitary Landfill for disposal of debris as has been the practice in the past.

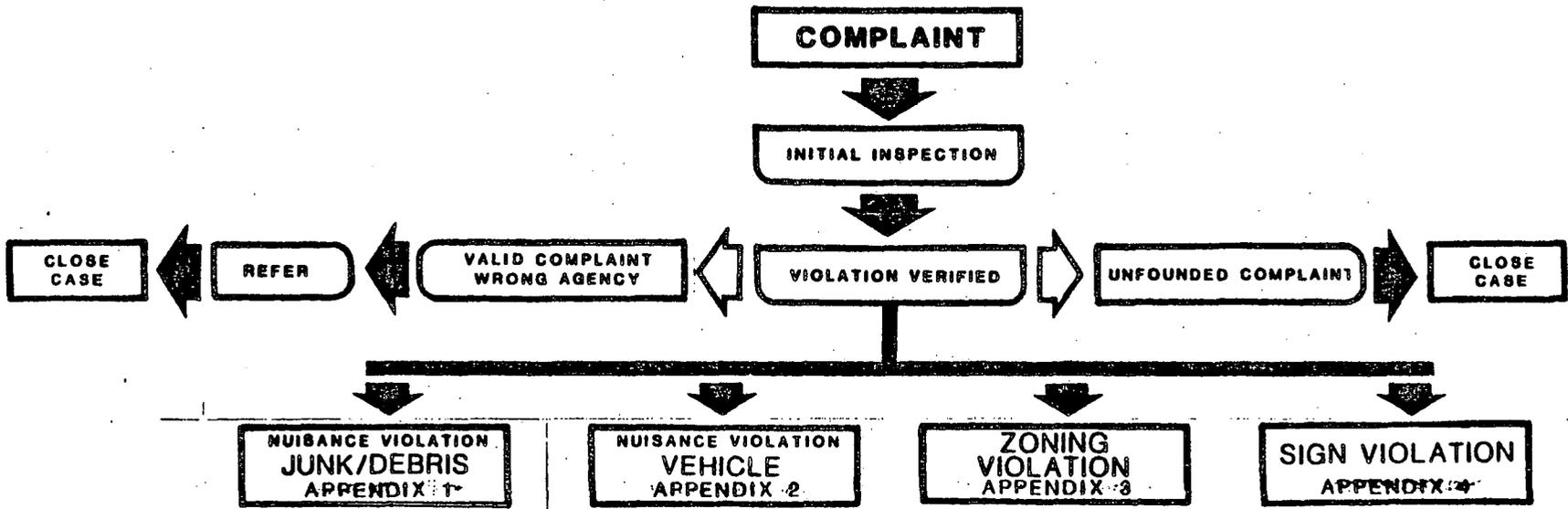
Contractors may use any of the following:

The County of Sacramento Refuse Disposal Site at 12701 Kiefer Blvd. which is open 7:00 a.m. to 5:00 p.m. (7 days a week).

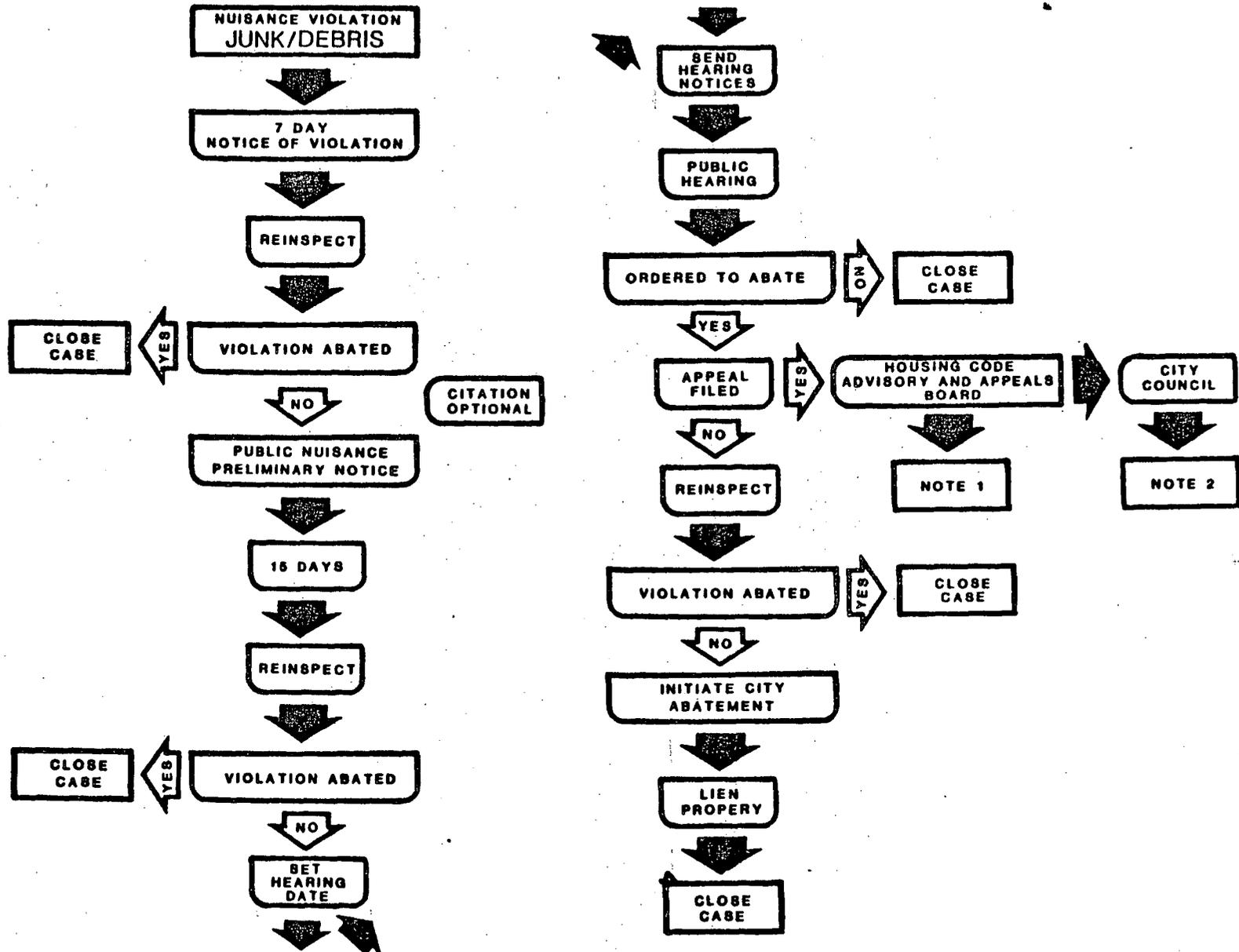
The County of Sacramento Refuse Transfer Stations at 8550 Fruitridge Road which is open 9:00 a.m. to 6:00 p.m. (7 days a week) or at 4640 Roseville Road which is open Monday through Friday from 6:00 a.m. to 6:00 p.m., and Saturday, Sunday and holidays from 8:00 a.m. to 6:00 p.m.

These stations will take for disposal most types of combustible and noncombustible wastes.

LIQUIDS, INFLAMMABLE, TOXIC MATERIALS (LARGE TREE STUMPS OR TIMBERS ARE NOT ACCEPTABLE).

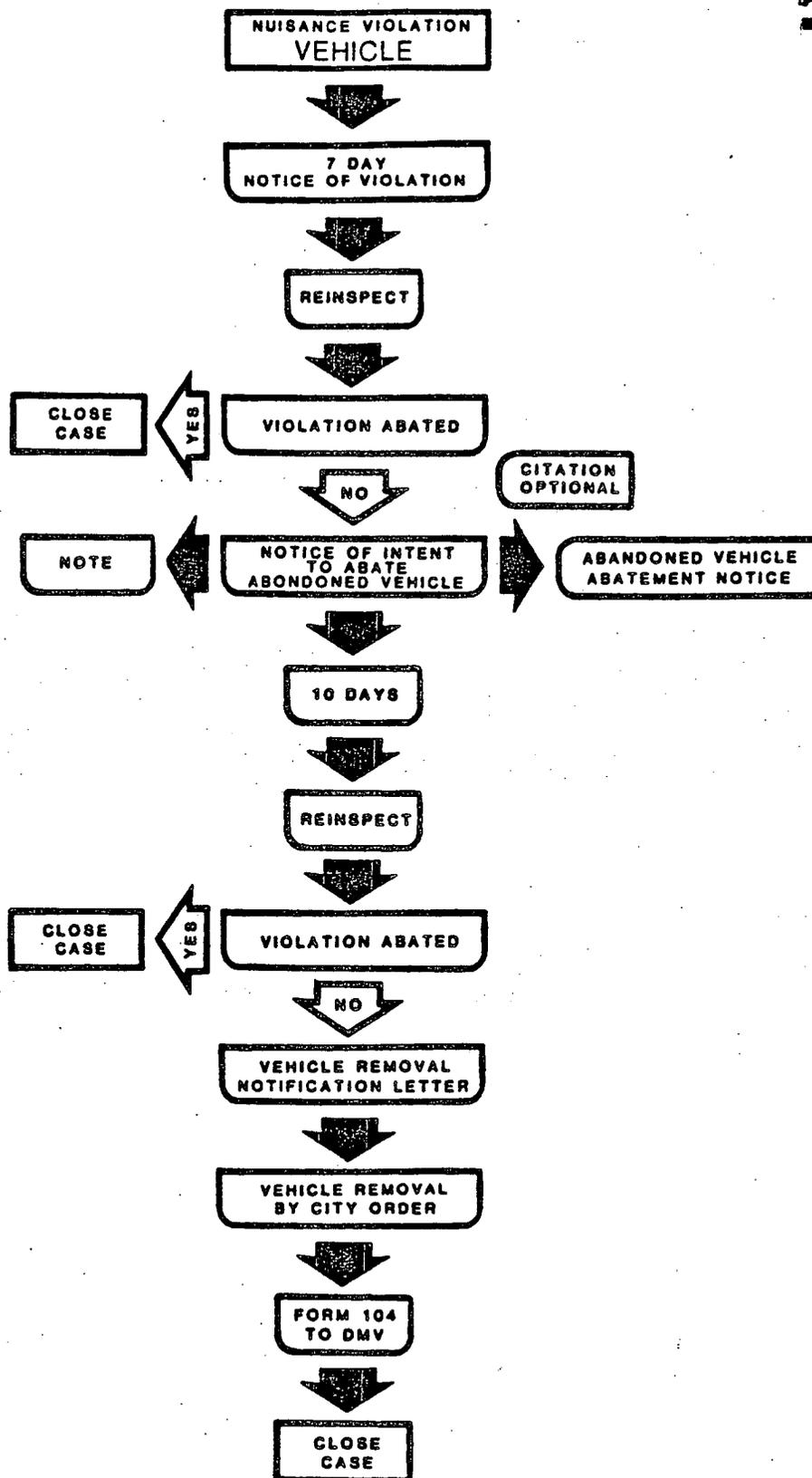


CODE ENFORCEMENT  
Due Process



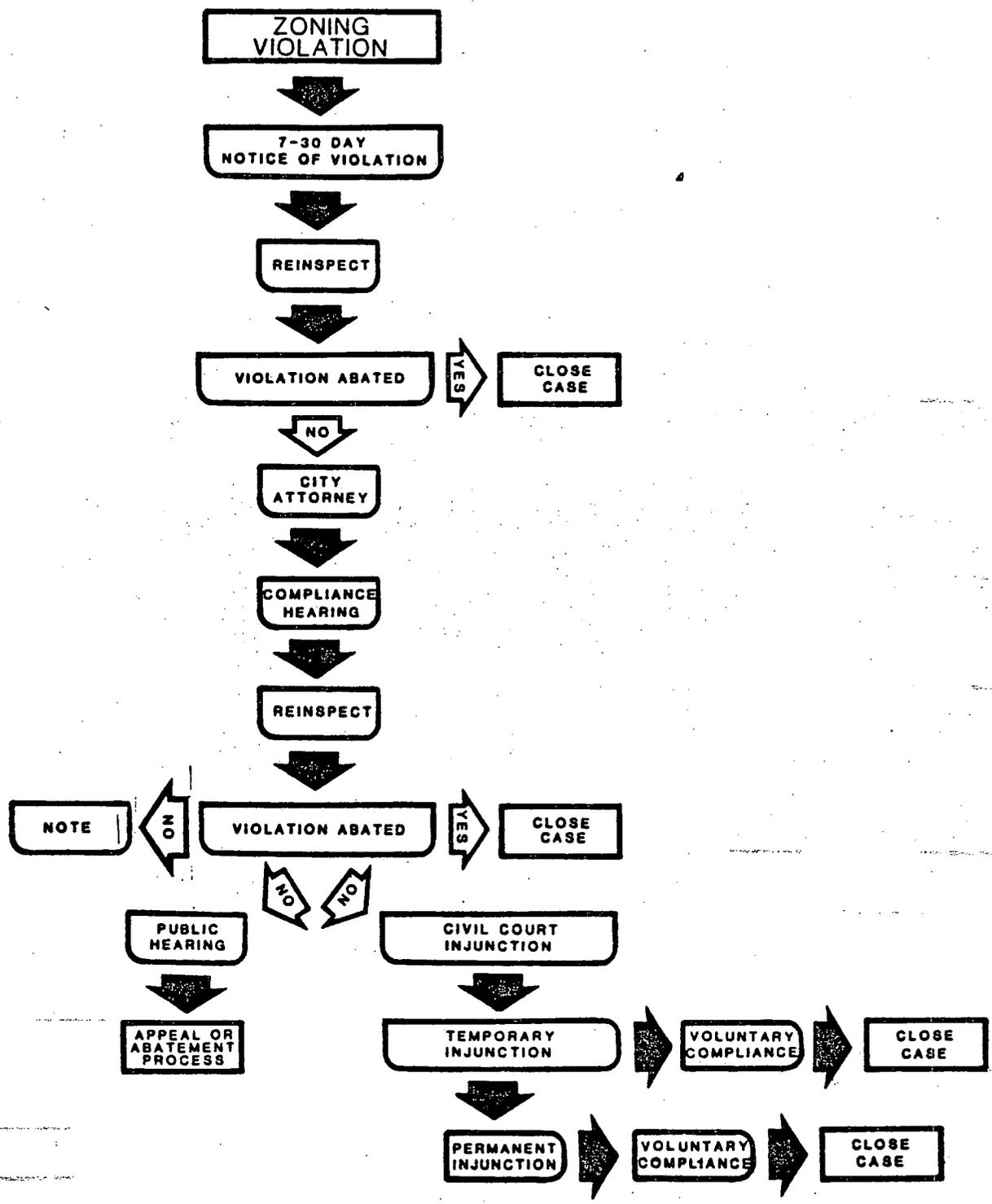
**NOTES:**

1. If the Housing Code Advisory and Appeals Board grants appeal, close case. If the decision of Hearing Examiner is affirmed, proceed with abatement.
2. If appealed to City Council following affirmation of decision by Housing Code Advisory and Appeals Board and Council grants appeal, close case. If decision of the Housing Code Advisory and Appeals Board is affirmed, proceed with abatement procedure.



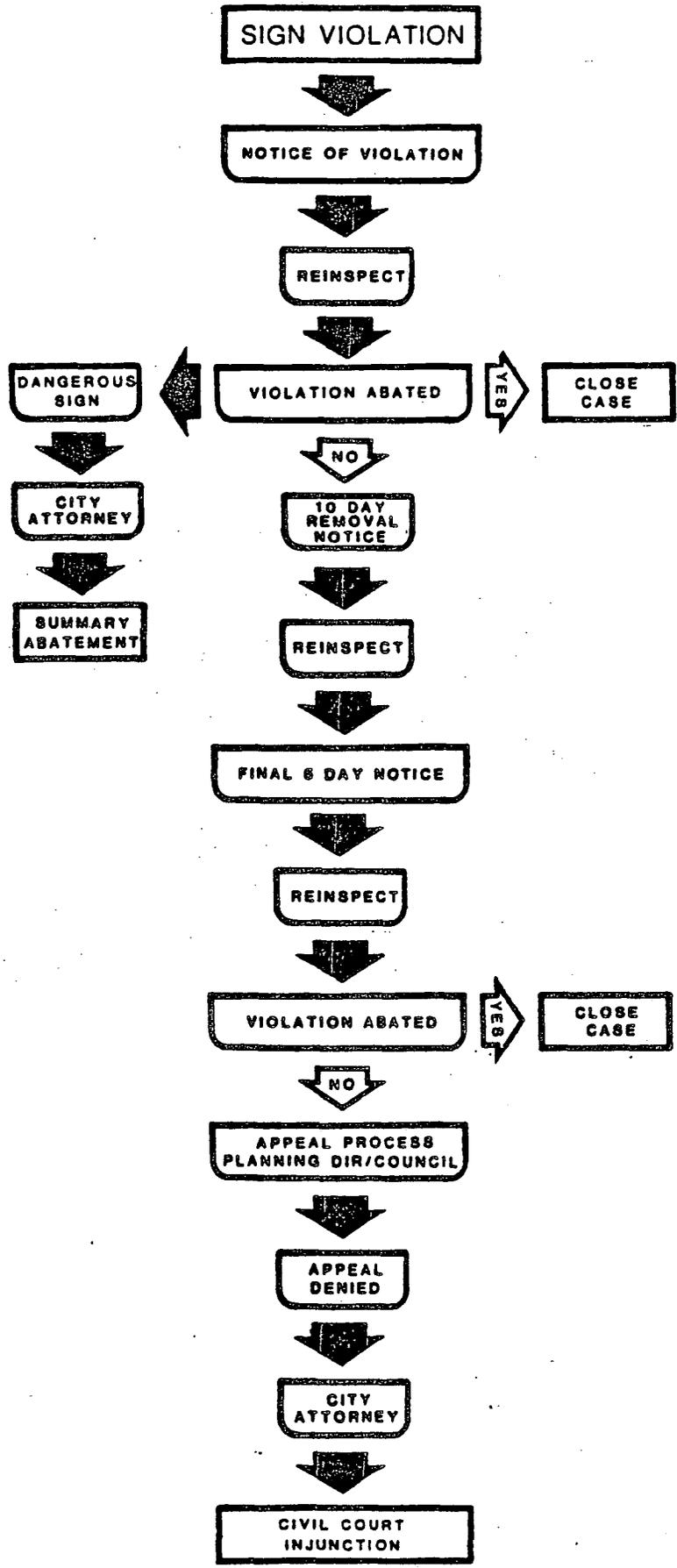
**NOTE:**

Whenever the owner of the premises on which the vehicle(s) is located, or the owner of the vehicle(s) requests a public hearing, the hearing procedure as outlined in Appendix 1 shall be followed. The party shall have the same appeal rights to the Housing Code Advisory and Appeals Board and the Council.



**NOTE:**

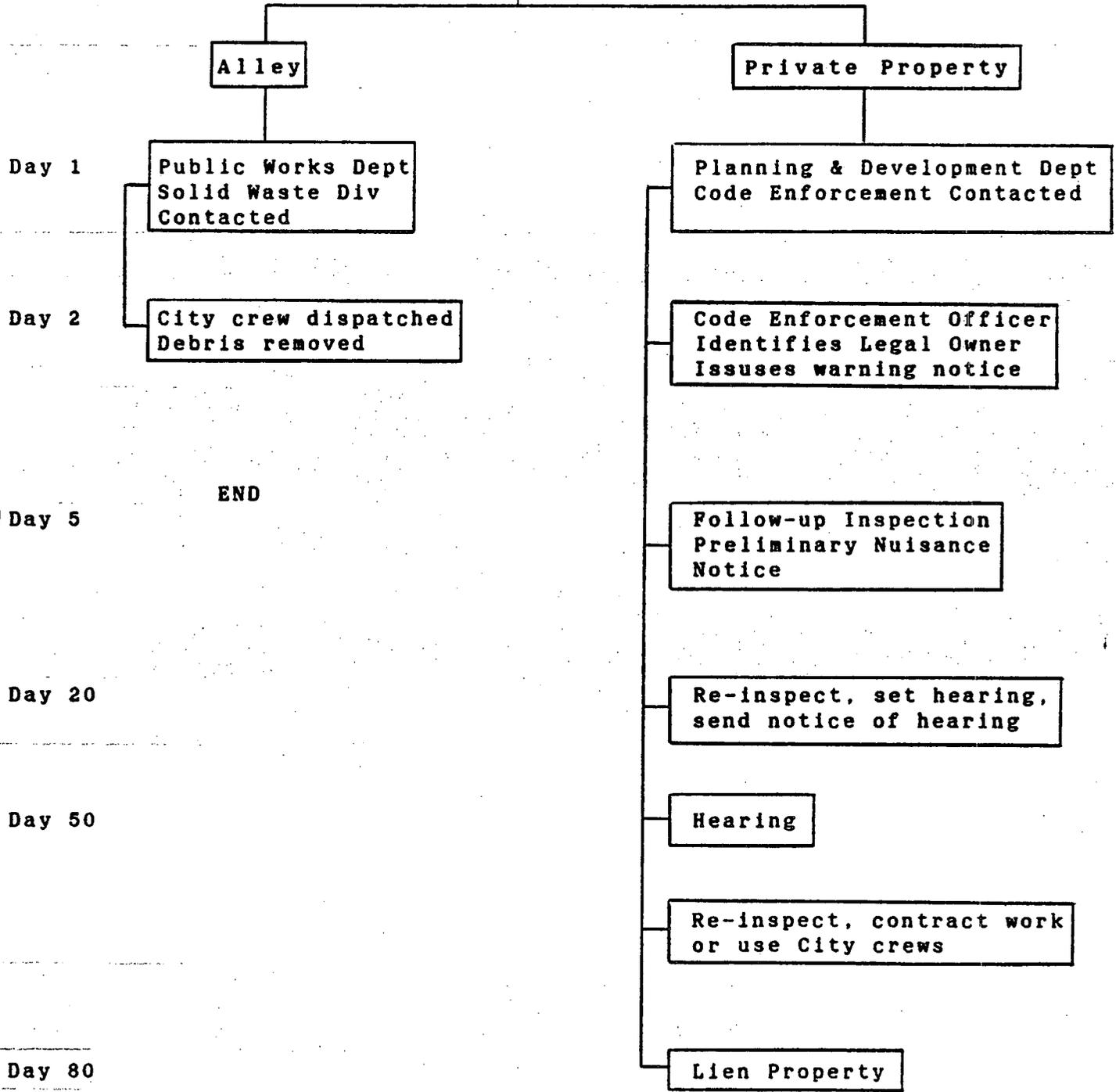
Type of violation dictates enforcement procedure followed. Certain violations not physically abateable must be referred to the City Attorney for Superior Court proceedings.



Public vs Private Abatement

COMPLAINT RECEIVED

Debris in the form of disgarded furniture and appliances in an alley and on property adjacent to alley



End