

# Notice to Destroy Weeds

NOTICE IS HEREBY GIVEN that on December 2, 2009, pursuant to the provisions of Section 8.20.030 of the Morgan Hill Municipal Code, the City Council of said City passed a resolution declaring that all weeds growing upon any private property or in any public street or alley, as defined in Section 8.20.010, constitute a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall without delay, remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the City authorities, in which case the cost of such destruction or removal will be assessed upon the lots and lands from which, or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such lots or lands until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a meeting of said City to be held in the Council Chambers of the City of Morgan Hill located at 17555 Peak Avenue, Morgan Hill, California, on **Wednesday, January 27th, 2010, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, when their objections will be heard and given due consideration.

*The language and format for this notice is required by California Health and Safety Code Sections 14891 Et. Seq.*

**MORGAN HILL WEED ABATEMENT PROGRAM SCHEDULE**

- January 27, 2010**                      Public hearing to consider objection to Abatement List.
  
- April 1, 2010**                        **PARCEL ABATEMENT DEADLINE**  
 Parcel must be free from hazardous vegetation by this date or Inspector will order abatement.
  
- July/August 2010**                    Assessment Hearing date to be scheduled by City Council.

**2010 COUNTY WEED ABATEMENT FEES**

Please be advised that the property owner of any parcel found to be non-compliant on or after the April 1<sup>st</sup> deadline will be charged an inspection fee of \$298.00 and the property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor performs the abatement, you will not incur further charges. Should the abatement work be performed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee of 150%.

**2010 COUNTY CONTRACTOR'S WEED ABATEMENT PRICE LIST**

Prices INCLUDE a 150% County Administrative Fee

**A) Disc Work\*\***

PARCEL SIZE:	1 <sup>st</sup> Disc	+	2 <sup>nd</sup> Disc	= Total Discs
0-12,500 sq.ft.	<u>\$535.63</u>		<u>\$80.33</u>	<u>\$615.96</u>
12,501sq.ft.- 43,560sq.ft.	<u>\$535.63</u>		<u>\$107.13</u>	<u>\$642.76</u>
Larger than 1 Acre	<u>\$482.05</u>		<u>\$107.13</u>	<u>\$589.18</u> (PER ACRE)

\*\* It is required that parcels be disced twice a year. The cost for the first discing is higher due to additional work normally required during the first discing.

- B) HANDWORK**    \$113.83 PER PERSON, PER HOUR
- C) FLAIL**            6 Foot Mower \$192.80 PER HOUR
- MOWING**        12 Foot Mower \$385.65 PER HOUR
- D) LOADER WORK** \$334.78 PER HOUR
- E) DUMP TRUCK**   \$334.78 PER HOUR
- F) BRUSH WORK**   \$113.83 PER HOUR
- G) BOOM MOWING** \$441.88 PER HOUR
- G) DUMP FEE**        100%

Added to orders with debris removal at 100% of the dump site charge.

\*Please note-this program does not offer herbicide application as a method of abatement

# County of Santa Clara

Department of Agriculture and Environmental Management  
Weed Abatement Division



1553 Berger Drive  
Building 1  
San Jose, CA 95112  
(408) 282-3145  
Fax (408) 286-2460

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December 7, 2009

## IMPORTANT NOTICE TO ABATE WEEDS

Dear Property Owner:

To protect your property and the area surrounding it from possible fire, your jurisdiction, contracts with the County of Santa Clara to operate a Weed Abatement Program. The County is providing this notice and information packet to you as part of the Program. We encourage you to read the information carefully, and do not hesitate to call us for clarification or other information.

Your jurisdiction has or will adopt a resolution declaring your property as one that may contain potential fire hazards from weeds or other debris. In addition, your jurisdiction will be conducting a public hearing to consider an abatement order to require you to remove any hazardous vegetation or combustible debris. The public hearing will be held on the date and at the place stated in the attached notice to destroy weeds. The public hearing provides an opportunity for you to raise any objections and/or concerns to the requirement that you remove fire-hazardous vegetation and/or debris from your property prior to the deadline provided in the attached abatement schedule.

The Weed Abatement Program works in coordination with parcel owners if their property is habitat to protected species of plants and/or animals. If you believe your parcel includes an environmentally sensitive habitat, please check the box and explain this on the reply form to assist us in determining the best approach to weed abatement at your property.

If after the public hearing the Weed Abatement Program is approved for your property the County is authorized by its contract with the cities, and by state law, to perform an inspection of your property to determine whether the property has been cleared of hazards according to Minimum Fire Safety Standards (see enclosed brochure). Inspections will begin after the abatement deadline for your jurisdiction. This notice does not relieve you of your responsibility to complete the necessary work prior to the deadline for your jurisdiction.

If you fail to complete the abatement work prior to the County inspection of your property, you will be responsible for the cost of the inspection and your property will be scheduled for abatement by the County contractor. If you complete the abatement work before the County contractor, you will not be charged by the County. Should the abatement work be completed by a County contractor, you will be assessed the contractor's charges plus a County administrative fee. The County will use the least costly method of abatement considering the physical characteristics of your property and environmental concerns. Fees are detailed in the attached price list. The total amount will be included as a special assessment on your property tax bill following confirmation of the charges by your jurisdiction. Notice of the date of that meeting will be posted at a location prescribed by your jurisdiction (typically at the Civic Center) at least three days prior to the meeting.

**You can avoid all costs by completing the abatement work yourself according to Minimum Fire Safety Standards (see enclosed brochure) prior to the abatement deadline for your jurisdiction and maintaining the Minimum Fire Safety Standards for the duration of fire season, which typically runs through October. Parcels will be removed from the program after three (3) consecutive years of voluntary compliance (work completed prior to the deadline).**

*In preparation for this program, please take the time to complete and return the enclosed Reply Form so that you inform us of your intentions regarding maintenance of your property.*

**If you designate in your reply that you intend to abate the weeds yourself, you are expected to complete the abatement before the deadline listed on the abatement schedule and maintain fire safe conditions for the duration of the fire season. Responding that you intend to provide maintenance yourself does not release you from this responsibility to have the maintenance *completed* before your deadline and *repeated* as necessary to maintain Minimum Fire Safe Standards. County contractors will proceed to abate hazardous vegetation as necessary after the deadline for your jurisdiction.**

**Enclosed you will find the following information:**

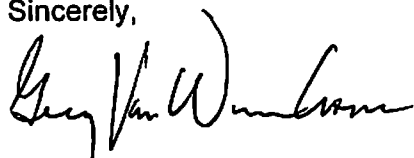
- ✓ **A Reply Form specific to your property. Please complete and return promptly.**
- ✓ **A Notice to Destroy Weeds informing you of an upcoming public meeting that you must attend if you have any objections to the proposed removal of hazardous vegetation or debris from your property.**
- ✓ **A Weed Abatement Program Schedule for your city and a current County price list.**
- ✓ **A Brochure about the Santa Clara County Weed Abatement Program.**

Please be aware that any abatement performed by the County contractor must be in compliance with all applicable environmental protection regulations. If your property falls within an area designated as possible habitat for burrowing owls or any other protected species of bird or animal, the methods of vegetation clearing may be regulated by specific laws or local ordinances.

If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell your property after the date of this letter, it is your responsibility to notify the new owner and to include the obligation to pay any abatement costs in your agreement of sale. Without taking this action, you will be responsible for all hazard abatement charges assessed to the property.

Our goal is voluntary compliance with the Minimum Fire Safety Standards, and it is our objective to ensure that all properties are safe from fire at all times during the year. If you have any questions about your property or need on-site advice to help you achieve compliance with the Minimum Fire Standards, please call the Santa Clara County Weed Abatement Program at (408) 282-3145.

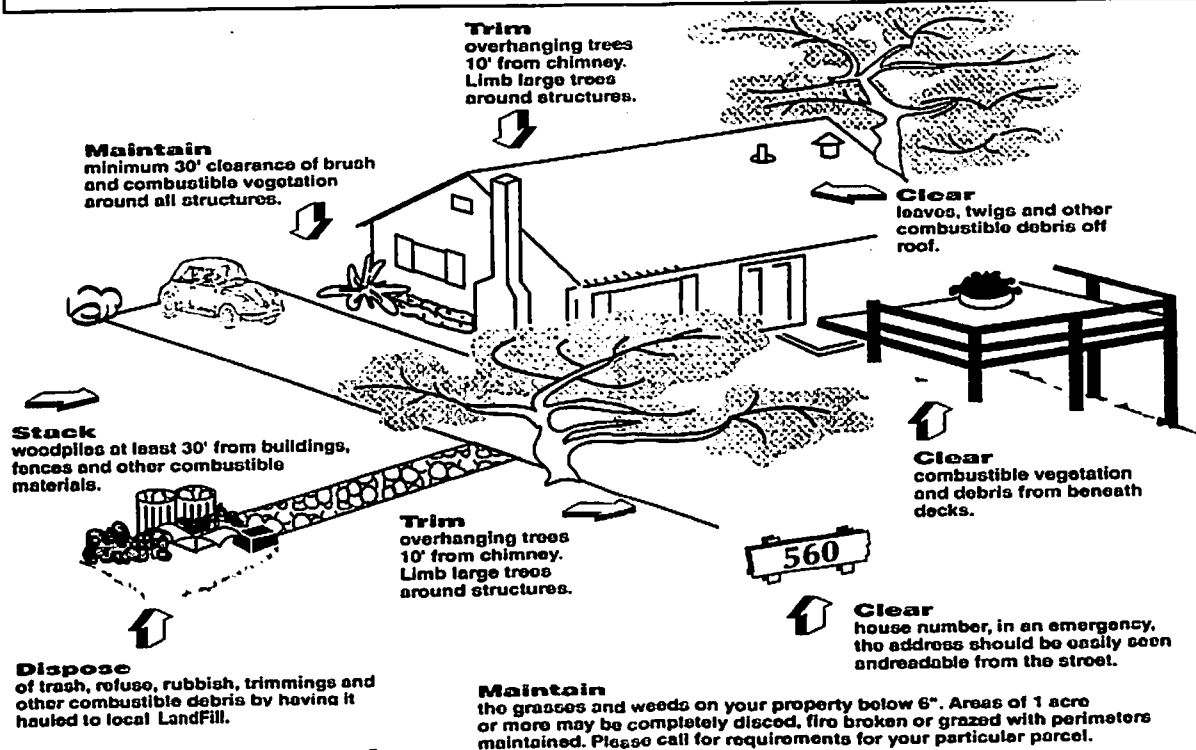
Sincerely,



Greg Van Wassenhove, Agricultural Commissioner  
County of Santa Clara

## MINIMUM FIRE SAFETY STANDARDS

1. Vegetation must not exceed 6 inches in height any time after the compliance deadline.
2. Maintain grasses and weeds below six inches for ten feet horizontally on both sides of all roadways, including driveways and access routes.
3. Clear flammable vegetation a minimum of thirty feet around any structure, occupied or not. Ornamental vegetation should be kept clear of dead material. Some conditions, such as slopes, may require up to a 100-foot clearance.
4. Parcels up to one acre shall be completely abated. Parcels one to five acres require 30-foot clearance around structures and perimeter property lines. Additional 30-foot cross fuel breaks may also be required.
5. Parcels larger than five acres require 30-foot clearance around structures and perimeter property lines in addition to 30-foot cross breaks as needed to separate the remaining vegetation into sections no larger than five acres.
6. Keep property clear of accumulation of combustible debris, such as trash, wood, and dead vegetation. Stacked firewood and neatly piled yard waste is not considered to be combustible debris.
7. Keep vegetation cleared from under the eaves of houses.
8. Trim tree branches to at least ten feet from chimney.
9. Clear leaves, pine needles and debris from roof and gutters.



## Fire Resistant Landscaping

The following is a partial list of fire resistant plants that you may choose to use around your home to reduce the risk of fire. Contact your local nursery for selections appropriate to your area.

### Trees:

African Sumac  
Brazilian Pepper  
California Pepper

### Shrubs:

Bearberry  
Carmel Creeper  
Carolina Cherry  
Catalina Cherry

### Escallonia

Hopseed Bush  
Italian Buckthorn  
Lemonade Berry  
Texas Privet

### Groundcover:

Aaron's Beard  
Australian Daisy  
Candytuft  
Capeweed

### Freeway Daisy

Ice Plant  
Ivy  
Morning Glory Bush  
Rock rose

# Fire Safety Through Vegetation Management

**Santa Clara County**  
Agricultural Commissioner's Office  
Weed Abatement Program



1553 Berger Drive #1  
San Jose, CA 95112  
Phone: (408) 282-3145  
Fax: (408) 286-2460

SCC.WeedAbatement@AEM.sccgov.org

## The Santa Clara County Weed Abatement Program

The Santa Clara County Department of Agriculture and Environmental Management and your city are working together to protect your community from fire. We need your help. Please read and follow the directions provided in this brochure regarding fire prevention on your property. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents if the County contractor must perform weed abatement work on the property or, if the property is not in compliance with Minimum Fire Safety Standards (MFSS) when it is first inspected by the County in the spring. Properties that fail the initial inspection will be charged an inspection fee, even if the resident completes the weed abatement. Properties that meet and maintain the MFSS will not be charged.

Program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on your jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged an inspection fee, and the owner will be sent a courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay a fee equal to the contractor's charges plus a County administrative fee. All fees will be included in your property tax bill.

### Our Goal Is Voluntary Compliance

#### Property Owner's Responsibilities

- Do not allow a fire hazard to exist on your property. The Minimum Fire Safety Standards (MFSS) in this brochure give you guidelines to follow in order to maintain your property and protect against a fire hazard. **Please contact our office if you need guidance or have any questions regarding the requirements!**
- Make arrangements to have your property maintained throughout the year. Contractors can be found in the yellow pages. You may choose to have the County contractor maintain your property. A current price list is included in your packet.
- Please complete and return the Reply Form provided in your mailing packet by the date on the form. Indicate your preference regarding performance of weed abatement services.

## Program Staff Responsibilities

- Weed Abatement Inspectors will perform periodic inspections on all parcels included in the Santa Clara County Weed Abatement Program. Properties that fail the initial inspection will be charged an inspection fee, even if the resident completes the weed abatement.
- Inspectors will order the County contractor to perform all necessary abatement work on any parcel where the MFSS are not met. An attempt will be made to give the owner a courtesy notice prior to initial abatement.
- On properties where the MFSS have been met, but a fire hazard still exists, the Agricultural Commissioner's Office will send a letter to the owner specifying additional work that needs to be performed.
- The County contractor uses several methods of abatement including discing and handwork. The property owner is free to select whatever method they choose, provided the MFSS of all federal, state and local laws are met.
- The Agricultural Commissioner's Office will place inspection costs and the charges for County contractor services plus a County administrative fee on the property owner's tax bill during the next fiscal year.

## Burrowing Owls

These small owls nest in abandoned ground squirrel burrows. Discing collapses the burrows and kills the young. These owls are listed as a state Species of Special Concern and are protected by the federal Migratory Bird Treaty Act. If you suspect burrowing owls on your property you must use another form of weed abatement such as mowing or weed eating. If you request the County perform abatement services, please notify program staff or your City if burrowing owls are known to exist on your property.

## Frequently Asked Questions

#### Q. Why have I received an Abatement Notice?

A. Typically, a property is placed on the program if a Weed Abatement Inspector identified a potential fire hazard on the property. Fire Departments and other agencies also submit complaints to the Agricultural Commissioner's Office.

#### Q. What is required of me now that I am on the Program?

A. All property owners are required to maintain their property free of fire hazards throughout the year.

## More FAQ:

#### Q. What is the SC County Weed Abatement Program?

A. This is a monitoring program and our primary objective is voluntary compliance. See the first two paragraphs of this brochure for further specifics.

#### Q. How long will I be on the Program?

A. Your property will remain on the Program for three years. If no hazards are found during that time your property may be removed from the program.

#### Q. How much will this cost me?

A. There will be no cost to you if the Minimum Fire Safety Standards (MFSS) are met by the given deadline and maintained through the fire season by the County. If the parcel does not meet the MFSS when it is first inspected in the spring, or if work is required by the County contractor, you will be charged a fee. Our goal is to ensure that the MFSS are met at the lowest possible cost to the property owner.

#### Q. How will I be billed?

A. Should the parcel fail the initial inspection, the charges for the inspection and any abatement work performed will appear as a special assessment on your next property tax bill.

#### Q. Why have you performed work on my property while the vegetation is still green?

A. Grass, weeds or piles of combustible debris have been declared a public nuisance by your jurisdiction. Abating fire hazards in the spring to minimize volume of combustible material helps us to be more effective during the peak fire season.

#### Q. Will you notify me prior to beginning abatement work?

A. Property owners are responsible for preventing fire hazards on their property. If the MFSS have been met, but further work is necessary, you will receive notice prior to the County contractor performing the work. If the MFSS have not been met, an attempt will be made to give the owner a courtesy notice prior to initial abatement.

#### Q. Where can I find someone to provide abatement services?

A. Weed Abatement contractors can be found in the Yellow Pages under "Weed Control Services" or "Discing Services". You may have the County contractor perform the necessary work; see your mailing packet for a current price list as administrative costs are charged.

#### Q. How can I get additional information or assistance regarding the specific requirements for my property?

A. Weed Abatement Inspectors are available to assist you and answer your questions. Please call our Customer Service line at (408) 282-3145 to schedule a consultation with program staff or to obtain additional information.