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Chapter 280 Weed Control

- **Section 010 Authority**

This chapter is enacted pursuant to the authority of Sections 14930 and 14931 of the Health and Safety Code of the state of California, wherein it is provided that the board may enact ordinances to compel the owners, lessees, or occupants of buildings, grounds or lots in the unincorporated areas of the county to cut and remove hazardous weeds, rubbish, refuse and noxious vegetation from such property and adjacent sidewalks. (Ord. 586 § 1, 1974.)

- **Section 020 Findings**

The board finds and declares that the uncontrolled growth and/or accumulation of dirt, grass, weeds or other obstructions on sidewalks, parkings, streets, or in natural drainage channels, and that the growth and/or accumulation on lands of lots of grass, weeds, rank growths, brush, low hanging tree foliage, rubbish or other materials dangerous or injurious to neighboring property or the health, safety, or welfare of residents of the vicinity is a public nuisance in that it creates conditions tending to reduce the value of private property, promote blight and deterioration, create drainage problems and flooding of county roads and highways, invite plundering, create fire hazards, create traffic hazards, constitute an attractive nuisance creating a hazard to health and safety of minors, create a harborage for rodents and insects, and be injurious to the health, safety and general welfare of residents of the vicinity, and therefore may be abated as such in accordance with the provisions of this chapter. (Ord. 586 § 2, 1974.)

- **Section 030 Definitions**

A. "Noxious vegetation" includes and is synonymous with "weeds."

B. "Refuse" is all inclusive and means all types of rubbish and garbage and includes, but is not restricted to, putrescible or nonputrescible solid wastes both combustible and noncombustible.

C. "Rubbish" includes all the following, but is not restricted to nonputrescible wastes, such as paper,

cardboard, grass clippings, tree or shrub trimmings, wood, bedding, crockery, rubber tires, construction waste, discarded materials and debris, and similar waste materials.

D. "Weeds" as used in this chapter, includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Sagebrush, manzanita, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
3. Weeds and grasses which are otherwise noxious;
4. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
5. Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard;
6. Weeds, cattails, willows and other foliage and rank growths which tend to clog and obstruct the flow and drainage of water in natural drainage channels and ditches;
7. Trees with low branches, rank growth and heavy foliage near road and highway intersections which obstruct visibility and thereby create vehicular traffic hazards.

E. "Enforcing officer" as used in this chapter includes any of the following:

1. Public works director and his deputies;
2. Health officer and his deputies;
3. Fire chiefs and other officials of each local fire protection district in the county where board of directors consents to the participation of the district in these abatement procedures;
4. Agricultural commissioner and his deputies.
(Ord. 821 § 1, 1984; Ord. 586 § 3, 1974.)

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Section 040 Concurrent Authorities

This chapter is not the exclusive regulation for weeds, rubbish, refuse and noxious vegetation abatement within the unincorporated area of the county. It supplements and is in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the county, the state or any other legal entity or agency having jurisdiction. (Ord. 586 § 4, 1974)

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Section 050 Administration

The provisions of this chapter shall be administered and enforced by the enforcing officer as defined in subsection E of Section 7.28.030. (Ord. 821 § 2, 1984; Ord. 586 § 5, 1974.)

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Section 060 Inspection

The enforcing officer may enter upon private or public property whenever he has reasonable cause to believe there exists a condition which is in violation of this chapter; provided, however, that this right to inspection and entry upon the land may not be construed as granting the right to enter into any dwelling or appurtenances thereto which may be located on the land. (Ord. 821 § 3, 1984; Ord. 586 § 6, 1974.)

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Section 070 Abatement Notice--Issuance

Whenever a violation of this chapter occurs, enforcing officer shall mail notice to the owner, as appears on the current assessment roll of the county assessor, to the lessee of the property, or to any occupant of the property to abate the public nuisance by removal of grass, weeds, rubbish, refuse, noxious vegetation, or other materials dangerous or injurious to neighboring property or dangerous and injurious to the health or welfare of residents in the vicinity of the property. In the alternative, the notice to abate the public nuisance may be posted upon the property. The notice shall require removal of offensive weeds, rubbish, refuse and noxious vegetation by the date stated in the notice, that upon failure to comply with this notice the enforcing officer may enter upon the property to remove the offensive weeds, rubbish, refuse and noxious vegetation, and the cost of removal shall be a lien upon the property as provided in Section 7.28.140. Further, the notice shall advise the procedures which may be followed if the owner, lessee or occupant of the land wishes to request a hearing or appear at a hearing, as provided in Section 7.28.100. (Ord. 821 § 4, 1984; Ord. 586 § 7, 1974.)

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Section 080 Abatement Notice--Forms

The notice to abate the public nuisance shall be substantially in the following forms:

A. Primary Notice.

"NOTICE TO REMOVE GRASS, WEEDS, RUBBISH, REFUSE, NOXIOUS VEGETATION
AND OTHER OBSTRUCTIONS

Notice is hereby given to all owners, lessees, or occupants of the land situated at, and commonly known as _____, _____, that presently there exists on the aforementioned land, weeds, rubbish, refuse, noxious vegetation and other obstructions and that the presence of said weeds, rubbish, refuse, noxious vegetation and other obstructions constitutes a public nuisance and you are required to remove said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions by _____, or within _____ days of the date of this notice. More particularly the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions required to be removed are as follows:

Upon failure to remove the aforescribed grass, weeds, rubbish, refuse, noxious vegetation and other obstructions as herein required, said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions will be removed under authority of the County of Glenn, and the costs of such removal shall be made a legal charge against the owner of the land upon which the public nuisance exists and will constitute a lien on said property in favor of the County of Glenn, which lien will be enforced by appropriate proceedings.

Further be notified that a public hearing will be held on _____ at _____, at which time you may present any evidence or testimony you may have of why the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions should not be removed from the subject land.

Dated this _____ day of _____, 19__."

B. Alternative Notice.

"NOTICE TO REMOVE GRASS, WEEDS,

RUBBISH, REFUSE, NOXIOUS VEGETATION AND OTHER OBSTRUCTION

Notice is hereby given to all owners, lessees or occupants of the land situated at, and commonly known as _____ that presently there exists on the aforementioned land, grass, weeds, rubbish, refuse, noxious vegetation and other obstructions and that the presence of said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions constitutes a public nuisance, and you are required to remove said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions by _____, or within _____ days of the date of this notice. More particularly the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions required to be removed are as follows:

Upon failure to remove the aforescribed grass, weeds, rubbish, refuse, noxious vegetation and other obstructions as herein required, said grass, weeds, rubbish, refuse, noxious vegetation and other obstructions will be removed under authority of the County of Glenn, and the costs of such removal shall be made a legal charge against the owner of the land upon which the public nuisance exists and will constitute a lien on said property in favor of the County of Glenn, which lien will be enforced by appropriate proceedings.

Further be notified that you may request a public hearing by the County Hearing Officer at which you may present any evidence or testimony you may have of why the grass, weeds, rubbish, refuse, noxious vegetation and other obstructions should not be removed from the subject land. Request for such a hearing must be made within 10 days of this notice.

Dated this _____ day of _____, 19 ____."

(Ord. 821 § 5, 1984; Ord. 586 § 8, 1974.)

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Section 090 Right of Entry

Any official designated in Section 7.28.060, in the performance of his official duties herein prescribed to remove the weeds, rubbish, refuse and noxious vegetation, may enter upon the land which is the subject of the notice to remove, or in the alternative the official may, pursuant to Section 7.28.130, contract with private parties to cause the removal of the weeds, rubbish, refuse and noxious vegetation, and those private parties shall have the right of entry upon the land to the same extent as the officials designated in Section 7.28.060. (Ord. 586 § 9, 1974.)

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Section 100 Hearing

Upon the request of the owner, lessee or occupant of the land which is the subject of the notice, a public hearing shall be held on the question of the removal of the weeds, rubbish, refuse and noxious vegetation and the assessment of the administrative costs and the levy of costs fixed pursuant to the provisions of this chapter.

Notice of the date and time of the hearing shall be mailed to the party requesting the hearing, the owner, lessee and occupant of the land. (Ord. 586 § 10, 1974.)

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Section 110 Conduct of Hearing & Decision

A. All hearings under this chapter shall be held before the county hearing officer, who shall hear all facts and testimony he deems pertinent. The county hearing officer shall not be limited by the technical rules of evidence or procedure.

B. The county hearing officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter, including the right to order the removal or partial removal of the weeds, rubbish, refuse and noxious vegetation or to dismiss the notice of removal and the orders therein contained, and shall determine who shall bear the costs, if any, of abatement.

C. The county hearing officer may consider the matter on submission of the sworn statement by either the enforcing officer, the party or parties who have been noticed to remove the weeds, rubbish, refuse and noxious vegetation or the sworn statement of both parties.

D. The decision of the county hearing officer shall be in writing and mailed by registered mail to the parties. (Ord. 821 § 6, 1984; Ord. 586 § 11, 1974.)

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Section 120 Appeal

A. Any party may appeal the decision of the county hearing officer by the filing of a written notice of appeal with the county clerk and clerk of the board. The written notice of appeal shall be made within five days of the county hearing officer's decision.

B. The appeal shall be heard by the board, which may affirm, amend or reverse the order of the county hearing officer or take any other action deemed appropriate.

C. The county clerk shall give written notice of the time and place of the hearing to the appellant and other parties to the original proceeding before the county hearing officer.

D. In conducting the hearing, the board shall not be limited by the technical rules of evidence. (Ord. 586 § 12 1974.)

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Section 130 Costs of Abatement

The board shall from time to time determine and fix by resolution, an amount to be assessed as administrative costs for proceedings undertaken pursuant to this chapter. The board shall also from time to time, by resolution, determine a formula for determining cost for removal of the weeds, rubbish refuse and noxious vegetation if the county uses its own personnel and equipment to remove the weeds, rubbish, refuse and noxious vegetation.

In the alternative, the enforcing officer may contract with private parties, subject to board approval, to perform the work of removal of weeds, rubbish, refuse and noxious vegetation. In such event, for purposes of this chapter, said private parties shall have the rights of the enforcing officer insofar as they pertain to the actual work required for the physical removal of the weeds, rubbish, refuse and noxious vegetation which are the subject of the notice of removal. (Ord. 821 § 7, 1984; Ord. 586 § 13, 1974.)

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Section 140 Abatement Costs -- Recovery

A. The provisions of Chapter 1.15 may be invoked by an enforcing officer or the board of supervisors in lieu of the provisions of this chapter.

Costs of abatement incurred by the county pursuant to sections 7.28.100, 7.28.110 and 7.28.130 may be recovered pursuant to Chapter 1.15 and shall also constitute a lien enforceable by sale of the property,

pursuant to Health and Safety Code 14931.
(Ord. 1060 § 39, 1995.)

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