

ORDINANCE NUMBER 1085

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF PERRIS AMENDING CHAPTER 7.08 OF THE
PERRIS MUNICIPAL CODE RELATING TO THE
ABATEMENT OF WEEDS AND RUBBISH

WHEREAS, Article XI, Section 7 of the California Constitution confers on cities the power to make and enforce within limits all local police, sanitary, public health and general welfare and other ordinances not in conflict with general laws; and

WHEREAS, the City Council of the City of Perris (“City Council”) has determined that the existence of weeds and rubbish on both private and public properties, including overgrown, dead, or decayed vegetation, rubbish, and unused or unusable discarded matter, creates a condition which is hazardous to the public health, safety and general welfare of the residents of the City of Perris, and which contributes substantially and increasingly to the threat of fire and the deterioration of the City; and

WHEREAS, the personal safety, property values, and the general welfare of the residents and property of the City of Perris are safeguarded from the threat of fire and ensured, in part, through the abatement of weeds and rubbish from both private and public properties located within the City; and

WHEREAS, the City Council has declared the existence of weeds and rubbish on both private and public properties to be a public nuisance requiring immediate abatement; and

WHEREAS, the City’s annual weed abatement program has been avoidably delayed due to concerns over the previous program, and unless immediate corrective measures are undertaken to alleviate existing hazards, the public health, safety and general welfare, specifically fire safety, aesthetic, social and economic standards, will be harmed; and

WHEREAS, the City Council finds it necessary to establish and clarify the abatement standards to be followed for the current annual weed abatement program, in order to cause the abatement of weeds and rubbish in the most expedient manner, while still providing due process to property owners in compliance with state law;

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

Section 1. That the above recitals are true and correct.

Section 2. The City of Perris Municipal Code Section 7.08.045 is added to read in its entirety as follows:

7.08.045 *Nuisance—Abatement Standards.* Property subject to abatement shall be cleared of all vegetation and rubbish in accordance with the following standards:

A. In the case of any property five acres or less, the requirements of this section shall be satisfied if the property is maintained in accordance with the following standards:

1. The property shall be clear-cut of all vegetation or plowed (disked) to mineral soil, if allowed by State or Federal Laws; and
2. The property shall be free of fire hazard nuisances including dry or dead grasses, shrubbery or trees, and combustible refuse and waste or any material growing that may in reasonable probability constitute a fire hazard; and
3. The property shall be free of waste and refuse which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property owned by neighbors, or that detrimentally affects property values in the surrounding neighborhood or community; and
4. The property shall be free of rubbish and vegetation which would hamper or interfere with the prevention or suppression of fire; and
5. Grasses located on the property shall be cut to a height not exceeding six inches; and
6. Trees located on the property shall be trimmed to their trunk at least eight feet above the level of the ground surface; and
7. The property shall be maintained in accordance with all of the preceding standards over the entire surface area up to the public way or adjoining top of curb, or where there is no curb or pavement, to the nearest roadway surface or existing traveled way.

B. In the case of any property larger than five acres, the requirements of this section shall be satisfied if the property is maintained in accordance with the following standards:

1. If allowed by State or Federal Laws, the property shall be clear-cut of all vegetation or plowed (disked) to mineral soil within a 100 foot strip at the boundaries of the property. Where the property is adjacent to a public way, the 100 foot abatement area, shall be measured from public way or adjoining top of curb, or where there is no curb or pavement, from the nearest roadway surface or existing traveled way; and
2. Vegetation on the property shall be crosscut or plowed (disked) in a lengthwise and widthwise pattern with 100-foot wide strips, at intervals of not less than 100 feet, resulting in a “checkerboard” pattern over the entire surface area of the property; and
3. The property shall be free of fire hazard nuisances including dry or dead grasses, shrubbery or trees, and combustible refuse and waste or any material growing that may in reasonable probability constitute a fire hazard; and

4. The property shall be free of waste and refuse which by reason of its location and character is unsightly and interferes with the reasonable enjoyment of property owned by neighbors, or that detrimentally affects property values in the surrounding neighborhood or community; and
5. The property shall be free of rubbish and vegetation which would hamper or interfere with the prevention or suppression of fire; and
6. Grasses located on the property shall be cut to a height not exceeding six inches; and
7. Trees located on the property shall be trimmed to their trunk at least eight feet above the level of the ground surface; and
8. The property shall be maintained in accordance with all of the preceding standards over the entire surface area up to the public way or adjoining top of curb, or where there is no curb or pavement, to the nearest roadway surface or existing traveled way.
9. The Fire Marshal may require firebreaks exceeding the 100-foot width or disking of larger than five-acre parcels if deemed necessary for the protection of the public safety and welfare.

C. In the case of Russian Thistle (Tumble Weeds) all properties, regardless of acreage, shall satisfy this section if the property is maintained in accordance with the following standards:

1. All properties shall be cleared of Tumble Weed growth or loose Tumble Weeds and maintained to mineral soil so as not to create hazardous fire safety conditions within the city, if allowed by State or Federal Laws; and
2. The property shall be maintained free of Tumble Weeds over the entire surface area up to the public way or adjoining top of curb, or where there is no curb or pavement, to the nearest roadway surface or existing traveled way.

Section 3: Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or summary thereof, to be published and posted in accordance with law.

Section 4: Urgency. Based upon the facts, circumstances, and findings in the above-stated recitals, which are incorporated herein, the City Council declares that the threat to the public welfare is of an immediate and urgent nature which requires the immediate adoption of this Ordinance on an urgency basis under the procedures established by Government Code Section 36931-36937. This Ordinance shall take effect immediately upon adoption.

Section 5: Severability. If any section, subsection, sentence, clause, phrase, or portion 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. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

APPROVED, SIGNED and ADOPTED this 8th day of May, 2001.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I Margaret Rey, City Clerk of the City of Perris, do hereby certify that the foregoing Ordinance Number 1085 was introduced at the regular meeting held on the 8th day of May, 2001, and adopted at a regular meeting held on the 8th day of May 2001, by the following called vote:

Ayes: Yarbrough, Larios, Motte, Rogers, Busch
Noes:
Absent:

CITY CLERK