



POLICY AND PROCEDURE

Subject: Weed Abatement Billing Exceptions	Index: Land Use Number: 302-3
Effective Date: 5-3-00	Prepared By: Beaches, Parks & Recreation
Supersedes:	Approved By: <i>Sarah [Signature]</i>

1.0 PURPOSE:

The purpose of this policy is to provide equitable weed abatement billing procedures for property owners whose private parcels have been cleared by the City of San Clemente.

2.0 ORGANIZATIONS AFFECTED:

Beaches, Parks & Recreation

3.0 REFERENCES:

California Government Code: §39564; 39565; 39566; 39567; 39567.1; 39577; 39578; 39579. San Clemente City Code: Chapter 8.76, § 8.76.050; 8.76.060; 8.76.070; 8.76.080; 8.76.090; 8.76.100; 8.76.100; 8.76.120; 8.76.130; 8.76.140

4.0 POLICY:

It is the desire of the City of San Clemente to be fair and equitable in the weed abatement billing procedures for the clearing of private properties by the City. The City utilizes County of Orange Assessor's Office information to obtain the most current information on property ownership. This information becomes the basis for public notification for the annual Weed Abatement season and property owner responsibility to clear and keep parcels clean.

There are instances when a private parcel changes ownership, and the legal mandated notice of the need to abate does not reach the new owner due to the Orange County Assessor's rolls not listing the new owner. The abatement services are completed by the City and the actual property owner is unaware that they have been provided. However, this same property owner is responsible for the cost.

Furthermore, there are instances when a weed abatement billing remains unpaid, and is entered as a special lien on the property at the next property tax billing cycle. However, the current property owner of the parcel that is liened was not the property owner at the

time that the weed abatement service was provided by the City and is now responsible for the cost.

Finally, there are instances when the weed abatement services provided by the City are questioned by the property owner. The property owner may believe that the services provided extended beyond the owner's property line or services provided caused damage to property improvements, etc.

This policy is designed to provide the Beaches, Parks and Recreation Department with the ability and authority to resolve these issues and reduce or waive weed abatement costs when appropriate and warranted.

5.0 DEFINITIONS:

Weed abatement: The removal of weeds, debris, rubbish, etc. from undeveloped parcels in the City.

Beaches, Parks and Recreation Department: City department responsible for the operation of the Weed Abatement Program.

6.0 PROCEDURE:

6.1 **Property Ownership:** Upon notification from a property owner that he/she did not receive written notice of the need to abate, and confirmation is provided that his/her name was not listed on the attachment listing the names of owners of undeveloped parcels in San Clemente provided to the City Council when the request to notify was granted, the Beaches, Parks and Recreation Department has the authority to prorate or void billing for weed abatement/administrative costs.

6.2 **Liens:** When City Council has approved liens to be placed on properties for unpaid weed abatement billings, and property tax billings have been mailed by the County of Orange, should a property owner whose parcel has been liened be able to prove that he/she was not the property owner at the time the abatement service was accomplished by the City, then the Beaches, Parks and Recreation Department shall have the authority to prorate or void billing for weed abatement/administrative costs and to notify the County to remove said lien and in such event said billing and lien shall be rendered void.

6.3 **Miscellaneous Issues:** When notification from a property owner is received relating to miscellaneous weed abatement issues, including but not limited to:

6.3.1 billing for services provided on a specific parcel that allegedly crossed property lines to another parcel which billing inappropriately distributed costs;

6.3.2 services provided included collection of trash and debris that is contested or;

6.3.3 services provided allegedly causing damage to improvements on the property;

The Beaches, Parks and Recreation Department shall review each notification and make a determination to its validity and the Department shall have the authority to prorate or void weed abatement/administrative costs when deemed appropriate and reasonable.

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