



Tulare County Fire Abatement Ordinance Amendment

Ordinance to Amend Chapter 11 of Part IV of the Ordinance Code of
Tulare County, Pertaining to Abatement of Fire Hazardous Weeds and
Rubbish Nuisances

Process Improvements

- ▶ Earlier this year concerns were brought up regarding the abatement process used by the Fire Department.
- ▶ The main concerns were:
 - ▶ That notices were not received by property owners;
 - ▶ That the notices did not explain the steps to be taken to remove the violations;
 - ▶ That the statement of fees from the contractor was too vague;
 - ▶ And that the timelines to remove abatement violations and/or request an administrative review were not clearly explained.
- ▶ The proposed ordinance will address each of these concerns.

Changes to Definitions

- ▶ Cost of Administration
 - ▶ Expanded the definition to clarify ambiguous language and to explain what is considered an administrative cost.
- ▶ Board
 - ▶ Added “Board” to the definitions to explain that “Board” is referring to the “Board of Supervisors” throughout the ordinance.

Changes to Notice of Violation

- ▶ The changes clarify the information that should be contained in a notice and order to abate, and the process for serving these notices.
- ▶ The Notice of Violation shall be served by one or more of the following methods:
 - ▶ Personal delivery
 - ▶ First class or certified mail
 - ▶ Posting at the physical address
- ▶ The timeline for owners to correct violations has been extended from fifteen (15) business days to thirty (30) calendar days.
- ▶ The timeline for owners to make a request for an administrative review has been extended from seven (7) business days to fifteen (15) calendar days. In addition, this language will be added to the Notice of Violation.

Changes to Administrative Review: Request

- ▶ This section now includes an explanation of what is required on the Request for Administrative Review.
- ▶ Language has been added to clarify that the notice/order, if not appealed, shall constitute a final administrative order or decision of the Fire Chief.

Changes to Statement of Expenses

- ▶ Information regarding the statement of expense for abatement activities performed by the County, or an approved vendor, will include:
 - ▶ Name of the contractor, if any
 - ▶ Dates when the abatement activities were conducted and information about what activities were conducted on which dates
 - ▶ The number of individuals who worked on each type of abatement activity on the property
 - ▶ The total number of hours spent on each type of abatement activity on the property
 - ▶ The rate for each type of abatement activity
 - ▶ Itemized list for other fees or charges incurred in conducting the abatement, including but not limited to, dump fees or travel fees
 - ▶ Costs of administration including any applicable postage and attorney's fees

Changes to Liability for Cost of Abatement

- ▶ This section has been amended to clarify liability for the costs of abatement.
- ▶ Additionally, this section has been clarified that the Board of Supervisors may order the abatement costs to be specially assessed or liened against the property through later Board action.

Additional Changes

- ▶ Clarification has been made that this ordinance is enacted pursuant to multiple statutory authorities.
- ▶ Provisions clarifying that ordinance sections, provisions, etc., are severable and that the ordinance does not create a duty to enforce.

Summary

- ▶ The clarifications made through this ordinance have addressed each concern that was presented to the Board earlier this year.
- ▶ The proposed ordinance would allow the Fire Department to continue completing hazard abatement inspections and sending abatement notices, while insuring that the property owners are accurately informed about the abatement process.
- ▶ The proposed ordinance also allows for more time to correct any violations and to request an administrative review.