



**ORDINANCE NO. 1843 N.C. (2d)**

**AMENDING CHAPTERS 7.56 REGARDING VEGETATION  
MANAGEMENT AND BRUSH CLEARANCE**

**SECTION 1.** The title of Chapter 7.56 of the Vallejo Municipal Code is hereby amended to read as follows:

Chapter 7.56 –VEGETATION MANAGEMENT AND BRUSH CLEARANCE  
ORDINANCE

**SECTION 2.** Section 7.56.010 of the Vallejo Municipal Code is hereby amended to read as follows:

7.56.010 - Short title.

This chapter shall be known and may be cited as the "Vallejo Vegetation Management and Brush Clearance Ordinance."

**SECTION 3.** Section 7.56.015 of the Vallejo Municipal Code is hereby amended to read as follows:

7.56.015. Findings and Purpose

A. The Fire Chief, through its Fire Prevention Section of the Vallejo Fire Department shall be responsible for the administration of the Vegetation Management and Brush Clearance Ordinance. This Ordinance describes a program that serves to accomplish the following aims:

1. To educate the public regarding the fire hazard created by overgrown vegetation and rubbish and the public safety risk this creates for Vallejo residents.
2. To take precautionary measures to prevent potentially harmful fires, and property loss.
3. To ensure there is an annual City wide inspection program to abate vegetation and rubbish to reduce fuel available to potentially deadly fires, especially during the dry summer months.
4. To help reduce fire emergencies and the damage caused by them.
5. To comply with Health and Safety Code section 13146.4.

B. This ordinance, and program described herein, supplements other enforcement efforts by the City, including enforcement under Title 7.54 (Property Maintenance Ordinance). Nothing in this ordinance shall prevent enforcement officials, including Code Enforcement Officers from taking any and all enforcement action to enforce the Vallejo Municipal Code.



**SECTION 4.** Section 7.56.020 of the Vallejo Municipal Code is hereby amended to read as follows:

7.56.020 - Definitions.

As used in this chapter:

- A. "Brush" means scrub vegetation greater than six feet in height. Brush does not include vegetation as defined elsewhere herein.
- B. "City" means the City of Vallejo.
- C. "City Clerk" means the city clerk of the City of Vallejo.
- D. "City Council" means the council of the City of Vallejo.
- E. "Fire Chief" means the fire department's top executive officer for the City, or his designated representative or representatives.
- F. "Noxious vegetation" means any species of plant which is, or is liable to be, detrimental or destructive and difficult to control or eradicate.
- G. "Person" means any individual, firm, association, partnership, or corporation, and includes the City, county, recreation district, citation and flood control district, school district, and other public agencies of the local, state or federal government.
- H. "Rubbish" means waste or discarded matter, litter, trash, refuse, debris or dirt which is, or when dry may become, a fire hazard, or which is or may become a menace to health, or which is or may become offensive to the senses.
- I. "Street" includes a public street, alley, lane, court, parkway, driveway, sidewalk, and the area between a sidewalk and the curb.
- J. "Tax collector" means the finance director of the City, or his designated representative or representatives.
- K. "Brush and vegetation abatement" means the removal or destruction of brush, vegetation, or rubbish, or all from private or public property and streets in the city.
- L. "Brush and vegetation abatement program" means the program conducted by the city through its own personnel or by independent contractor hired by the City to remove or destroy brush, vegetation, or rubbish, or all, from private and public property and streets in the city.
- M. "Vegetation" for purposes of this chapter includes any of the following:
  - 1. Vegetation that is unwanted or by its proximity to structures, rights of way, roads or other improvements creates a fire hazard in the opinion of the Fire Chief.
  - 2. Weeds which bear seeds of a downy or twiggy nature;
  - 3. Sagebrush, chaparral, shrubs, vines or weeds which attain such large growth as to become, when dry, a fire hazard;
  - 4. Poison oak and poison ivy when the condition of growth is such as to constitute a menace to the public health;

5. Dry grass, stubble, shrubs, vines, dead or diseased trees or the branches or roots thereof, or other flammable material which endangers the public safety by creating a fire hazard; and
6. Weeds, grass, shrubs, vines and dead or diseased trees or the branches or roots thereof, which are otherwise noxious or dangerous.

**SECTION 5.** Section 7.56.030 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.030 - Nuisance Declared.**

The City Council hereby declares that all vegetation as defined herein, growing upon private or public property or streets in the City and all rubbish on such property or streets are public nuisances and are subject to abatement by eradication and/or removal under the provisions of Sections 7.56.060 through 7.56.140.

**SECTION 6.** Section 7.56.040 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.040 - Destruction and Removal—Required.**

It is unlawful for any person owning, occupying, renting, managing or controlling any real property in the City to cause or permit any vegetation, or to place, cause or permit any rubbish, to be or remain on such real property in the City or on portions of streets that join such real property to the centerline of the streets. It shall be the duty of every such person to remove or destroy such vegetation, and/or rubbish. Removal or destruction by burning within the City is unlawful unless the written permission of the Fire Chief and such other public official or agency having lawful jurisdiction is first obtained.

**SECTION 7.** Section 7.56.050 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.050 - Destruction and Removal—Methods.**

Brush and/or vegetation shall be removed or destroyed by utilizing the alternative methods of discing, rotovating, preventative chemical control, and cutting, or other process or processes as determined by the Fire Chief to be an efficient and economical means of abatement. Rubbish shall be removed to an approved dump site unless it is biodegradable and the Fire Chief authorizes its burial on the property. The property owner shall be granted the option of using any of the approved methods if the Fire Chief finds that the use of such method is practical under the circumstances. Brush, vegetation, or rubbish, or all, when removed from the property shall be sorted and disposed of only in the manner prescribed by applicable federal, state and local laws, and regulations adopted hereunder.

**SECTION 8.** Section 7.56.060 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.060 - Destruction and Removal—Notice.**

- A. On or before February 15th of each calendar year, the Fire Chief shall inspect the real property and streets throughout the City to determine compliance with the provisions of this chapter. By March 1st of each calendar year, the Fire Chief shall notify in writing each person owning, occupying, renting, managing or controlling any real property where brush, vegetation or rubbish, or all, which

such conditions are a violation of the Vegetation Management and Brush Clearance Ordinance and constitute a nuisance under this chapter

- B. The notice shall state that each person must abate the nuisance conditions within 60 days of the issuance of said notice and that if the brush, vegetation, or rubbish, or all is not abated by May 1st of that same calendar year, the City shall undertake the abatement and bill the property owner for such abatement.
- C. The notice shall contain a description of the real property requiring abatement, which description may be the number of the lot and block and the name of the map, tract or subdivision in which the real property is located, or may be the street and number thereof as signed to the real property, or may be any other description by which the real property may be reasonably and readily identified. One or more lots or blocks of land may be described in the same notice.
- D. A postcard shall accompany the notice whereon the person may state the option to do his/her own abatement work, or to place the property under the City's brush and vegetation management program. If the postcard is not returned within ten days after delivery thereof as reflected in the postal return receipt, it shall be presumed that such person has authorized and directed the abatement work to be accomplished under the City's brush and vegetation management program. The notice shall advise of said presumption. The notice shall further advise that whether or not the City receives a response within ten days, no further or additional notice will be given to the person.
- E. The notice shall describe in general terms the methods of eradication and removal performed under the City's brush and vegetation management program and set forth the amounts charged for the various units of work that could be done by the City or its weed abatement contractor.

**SECTION 9.** Section 7.56.070 of the Vallejo Municipal Code is hereby amended to read as follows:

7.56.070 - Destruction and Removal—Service of Notice.

- A. The notice provided for in Section 7.56.060 shall be sent by certified or registered mail and shall be deposited in the United States Post Office at Vallejo, California, with postage thereon fully prepaid, addressed to the person or persons listed as the owner of the real property in the most current equalized assessment roll of Solano County, including up-dated computer printouts, available to the fire chief at the time notice is prepared at his-~~er~~ their last known place of address as shown therein.
- B. If no address is therein shown and none is otherwise available to the Fire Chief, then the notice shall be securely affixed to the real property at such a location thereon as to be most likely observed by any person entering the property. Service of notice by posting the property shall be deemed complete for purposes of this chapter ten days after the notice is actually affixed to the property.
- C. In any instance where mailed notice is returned by the postal service undelivered because the person is not at that address and the Fire Chief has no further information as to a current mailing address for that person, the Fire Chief shall accomplish service of notice by posting the property in the manner prescribed in this section.

- D. As an alternative to the above described methods of service of the notice, the notice may be served by personal delivery of a copy of the notice to the person to be served. Service of a notice in this manner is deemed complete at the time of such delivery.

**SECTION 10.** Section 7.56.080 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.080 - Destruction and Removal—Large Parcels.**

In any instance where the property involved is one-half acre or larger in size and/or is located in a sparsely populated area of the City, the Fire Chief may direct that proper firebreaks be cut in lieu of requiring that the brush and/or vegetation be moved from or destroyed on the whole of such property.

**SECTION 11.** Section 7.56.090 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.090 - Destruction and Removal—By City—When.**

- A. Notwithstanding the receipt or non-receipt of the notice provided for under Section 7.56.060, if the person or persons owning, occupying, renting, managing or controlling any real property in the City fail, refuse, or neglect on or before May 1st of each calendar year to remove or destroy therefrom and from the portions of streets adjoining the property all brush, vegetation and rubbish in accordance with the provisions of this chapter, it shall be the duty of the fire chief, and his assistants, employees, contracting agents, or other representatives of the City, to destroy or remove such brush, vegetation, or rubbish and they, and each of them, are expressly authorized to enter upon such property, whether privately or publicly owned, for such purpose. It is unlawful for any person to interfere, hinder, or refuse to allow them to enter upon the property for such purpose in accordance with the provisions of this chapter.
- B. Any person owning, occupying, renting, managing or controlling real property in the City shall have the right to destroy or remove brush, vegetation, or rubbish, or all, or to have the same destroyed or removed at his own expense up to the time that the fire chief or his authorized representative or representatives give at the site to undertake such work. Then, the property shall be under the control of the Fire Chief for the purpose of accomplishing the abatement work, and it is unlawful for any person to interfere, hinder, or obstruct the Fire Chief or his lawful representative or representatives in doing the work.
- C. If the brush and/or vegetation has been removed or destroyed, but because of its seasonal or recurrent nature are again found growing on the real property or portions of streets adjoining the property during the remainder of the calendar year, the Fire Chief may issue additional notices in writing to such person or persons owning, occupying, renting, managing or controlling the real property to destroy or remove the same within ten days after delivery of the notice, and the notice shall be given in the manner prescribed in Section 7.56.070. The notice shall also contain an estimate for the city, or its contractor, to remove the brush, vegetation, or rubbish, or all. If the brush or vegetation are not removed or destroyed within the time allotted in the notice, the Fire Chief shall then proceed to have them removed or destroyed in accordance with the provisions of this chapter.

- D. Nothing in this chapter shall preclude the Fire Chief or other City enforcement department from taking additional action to abate litter, refuse, rubbish brush, or vegetation under the provisions of Chapter 7.60 of this code, where it is determined that the public health, safety and welfare required more expeditious action to remove or destroy such hazardous or offensive material.

**SECTION 12.** Section 7.56.100 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.100 - Destruction and Removal—By City—Cost Report, Billing and Accounting.**

- A. The Fire Chief shall promptly report in writing to the tax collector the cost of destruction or removal of brush, vegetation or rubbish, or all, which was done at the expense of the City, the dates same was done, and the name of the owner or owners and a description of the parcel or parcels upon which the weed abatement work was done, their mailing addresses, and any other information deemed pertinent.
- B. Upon receipt of the report, the tax collector shall immediately bill the person or persons responsible for payment of the cost of the weed abatement work, together with an administrative charge as set by a resolution of the City Council on file in the City Clerk's office, stating that the billing is due and payable within thirty days of its date, and if not paid within that time the amount thereof may become a lien on the property upon which the weed abatement work was performed and may be collected with taxes assessed on the secured tax roll of Solano County.
- C. The tax collector shall keep an account of the costs, including administrative charges, incurred by the City to destroy or remove brush, vegetation, and rubbish as aforesaid for each separate lot or parcel of land and the portions of streets adjoining the same and shall embody such account in a report and assessment list made to the City Council, which report shall be filed with the City Clerk. Such report shall refer to each separate lot or parcel of land by description reasonably sufficient to identify the same, together with the expenses, including administrative charges, proposed to be assessed against it. The report and assessment list need not contain any reference to lots or parcels of land upon which weed abatement has been done at the expense of the City, if the cost thereof has been paid to the City prior to the preparation of the report and assessment list.

**SECTION 13.** Section 7.56.110 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.110 - Destruction and Removal—By City—Notice of Report and Hearing.**

- A. The City Clerk shall post a copy of the tax collector's report and assessment list on the bulletin board near the entrance to the City Hall, together with notice of the filing thereof and the time and place when and where it will be submitted to the city council for hearing and confirmation. The tax collector shall mail to the person or persons whose property is mentioned in the report and assessment list and in the manner prescribed in Section 7.56.070, a notice in form substantially as follows:

**ASSESSMENT FOR DESTRUCTION OR REMOVAL OF BRUSH,  
VEGETATION, OR RUBBISH, OR ALL, AND NOTICE OF HEARING TO CONFIRM  
ASSESSMENT**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 7.56 of the Vallejo Municipal Code, the Fire Chief has destroyed or removed weeds, brush, vegetation or rubbish, or all, from real property owned, occupied, rented, managed or controlled by you and from portions of streets, alleys and sidewalks adjoining the same, which real property and the cost of said abatement work are as described and set forth on the enclosed billing.

NOTICE IS HEREBY FURTHER GIVEN THAT on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_, or as soon thereafter as the matter can be heard at \_\_\_\_\_, the report of the Tax Collector on the cost of destruction or removal of brush, vegetation, or rubbish, or all, and the assessment list thereof, will be presented to the \_\_\_\_\_ for consideration, correction and confirmation, and that at said time and place any and all persons interested in or having any objections to said report or list of proposed assessments, or to any matter or thing contained therein may appear and be heard. The failure to make any objection or protest to said report and list shall be deemed a waiver of same.

Upon confirmation of said assessment by the \_\_\_\_\_, the amount thereof will be due and payable. In the event the same is not paid within fifteen (15) days following confirmation, said assessment along with an additional fee as set by resolution of the City Council on file in the City Clerk's office will be added to the secured property tax roll of Solano County and thereafter shall become a lien on said property.

If you have any questions, or want additional information regarding this matter, please contact the Fire Prevention Section at 970 Nimitz Avenue, Vallejo, California, 94592, phone (707) 648-4565.

DATED: \_\_\_\_\_  
TAX COLLECTOR, City of Vallejo, California

- B. The posting of the tax collector's report and assessment list and the mailing of notice to property owners as above provided for shall be done at least ten days before the date of the hearing scheduled before the City Council.
- C. In every instance where weed abatement work has been performed at the expense of the city and a billing therefor has been rendered and is past due as of June 1st of any calendar year, the hearing for confirmation thereof shall be had by June 30th of that same calendar year; if the same is past due as of December 1st of any calendar year, the hearing for confirmation thereof shall be had by December 30th of that same calendar year.

**SECTION 14.** Section 7.56.120 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.120 - Destruction and removal—By City—Hearing and Confirmation.**

At the time and place fixed for receiving and considering the tax collector's report and assessment list, the City Council shall hear the same together with any protests or objections which may be raised or lodged by property owners or other interested persons. Upon the conclusion of such hearing, the City Council shall make such corrections or modifications in any proposed assessment or assessments which it may deem to be excessive or otherwise incorrect after which such assessment or

assessments shall be confirmed by resolution adopted by the Council. The City Council may delete from the report and cancel any proposed assessment found improper or unjustified. The confirmation of the report and assessments by the Council shall be final and conclusive.

**SECTION 15.** Section 7.56.130 of the Vallejo Municipal Code is hereby amended to read as follows:

**7.56.130 - Destruction and Removal—By City—Effect of Assessment—Notice of Lien.**

- A. It shall be permissible for any person to pay the amount of such assessment that has been imposed for the destruction and removal of brush, vegetation or rubbish, or all, within fifteen days following the date of adoption of the council resolution confirming the assessment. If the assessment is not paid on or before said date, the total amount thereof shall be entered on the next succeeding fiscal year's secured tax roll of Solano County for that property, and the assessment shall thereupon become a lien against the property, and the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. The lien of the assessment shall have the priority of the taxes with which it is collected. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.
- B. If the property is owned by a public agency of the local, state or federal government, the assessment shall not be entered on the county tax roll, but rather collected in the same manner as other unsecured obligations due and owing to the city.
- C. Further, if the assessment is not paid within fifteen days following the date of adoption of the City Council resolution confirming it, the Fire Chief may prepare and cause to be recorded in the office of the county recorder a notice of lien, which shall be in form approved by the City Attorney, and from the time of recording the notice of lien, the amount of the assessment shall be and constitute a lien upon the property having the force and effect of a judgment lien until released and discharged, or otherwise extinguished in the manner provided by law. When the assessment is paid, the Fire Chief shall promptly deliver to the person or persons entitled thereto a release of lien, which shall be in form approved by the city attorney, which may be recorded by such person or persons to extinguish the lien on the property. The Fire Chief shall not record a notice of lien against property owned by a public agency of the local, state or federal government.

**SECTION 16. Severability.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a 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 passed and adopted this Ordinance, and each one all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

**SECTION 17. Effective Date.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.



First read at a regular meeting of the Council of the City of Vallejo held on the 10<sup>th</sup> day of March 2020 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 24<sup>th</sup> day of March 2020 by the following vote:

AYES: Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, McConnell, Miessner, and Verder-Alliga  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

DocuSigned by:  
*Mayor Bob Sampayan*  
BOB SAMPAYAN, MAYOR

DocuSigned by:  
*Dawn G. Abrahamson*  
DAWN ABRAHAMSON, CITY CLERK