

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION**

Date: January 20, 2011

SUBJECT: Amendment to Weed Abatement Process

SUBMITTING DEPARTMENT: Community Development Department

PREPARED BY: Fernando Gonzalez, Code Enforcement Supervisor, and Rebecca L. Myers, Administrative Supervisor, for Richard T. Parker, Community Development Director

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) New Weed Abatement Process and Flowchart, b) Arizona Revised Statute, c) Ordinance Examples, d) Standard Code Enforcement Process Flowchart, e) Code Enforcement Graph; and f) Letters of Support

SUMMARY/BACKGROUND: Staff is notifying Council of an amendment to the internal process within the Community Development Department related to the processing of weed abatements. The Town of Prescott Valley Code Enforcement staff receives a large number of complaints for weed, open storage and other violations of Town Code every year; however, the most prevalent of these complaints are for weeds. Currently, there are several hundred open code cases involving a violation of weeds.

It is our intention to aggressively address the weed issue that plagues our community every year by introducing a weed abatement policy that outlines a specific timeframe in which weeds must be abated. This proposed policy is not intended to replace the existing code enforcement process currently in place; rather, it is our intent to utilize the updated process when standard code compliance efforts have failed and subject to the following guidelines:

- No response has been received to the Town's first notice of violation within ten (10) days from mailing;
- Weeds constitute a fire, life, safety and/or health issue based on fire load guidelines as outlined by the Central Yavapai Fire District's Fire Marshal;
- The property has been abandoned, is in foreclosure and/or property owner is deceased and no beneficiary/trustee can be identified; and/or
- The property owner is a repeat violator and/or has been in violation for same violation within the last twelve (12) months.

Article "9-04-040" of Town Code, states that if an owner, lessee or occupant of any property fails, neglects or refuses to remove or properly dispose of litter, weeds, yard waste or any other nuisance defined herein, which is located on the property, owned or controlled by such person, the Community Development Director, or his designee, shall give written notice to the owner and to the

lessee or occupant, if any, to remove all litter, weeds, yard waste or other nuisance from such property prior to the date of compliance on said notice. Such notice shall be given not less than thirty (30) days before the date set for compliance and shall include the legal description of the property, an estimate of the cost of removal by the Town, a statement that unless the owner, lessee or occupant of such property complies by the date shown in the notice, the Town will, at the expense of such person(s), remove said litter, weeds, yard waster of other nuisance, and an explanation of the right to appeal said determination to the Town Council in accordance with Section 9-04-060.

Research has found that Town Code mirrors those of state and other local jurisdiction regarding a thirty (30) calendar day time frame for compliance for weed abatement.

Having said this, Staff is proposing this policy to give those persons that have failed or neglected to comply with Town Code, thereby causing their property to become a nuisance and potential hazard due to the height of the weeds, to our community. It is proposed that the initial notification to the property owner, outline a thirty (30) calendar day notice to remove any and all weeds that are in violation of Town Code, as described in said notice.

Upon re-inspection of the property (10 days from initial notice), if found to still be in violation for weeds, a final notice of violation will be sent re-noticing the property owner of the date given in the NOV for compliance and an estimate of the cost of abatement and will also be advised of their ability to appeal the notice of violation. Upon re-inspection following the thirty (30) calendar day period, if the property is not in compliance, Staff may move forward with the abatement of the property.

The tentative date of implementation of this policy amendment is March 1, 2011.

OPTIONS ANALYSIS: No Options Analysis Provided – Discussion Purposes Only.

ACTION OPTION: No Action Options Provided – Discussion Purposes Only.

RECOMMENDATION: No Recommendations Provided – Discussion Purposes Only.

FISCAL ANALYSIS: The change in this internal process will require that the Town of Prescott Valley fund the cost of abatement; however, per adopted Town Code and State Statute, the cost of abatement, as well as related inspection service, administrative, recording costs and interest, will be recouped at some point after the date of abatement by recording a lien against the related real property.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____