

**OLIVEHURST PUBLIC UTILITY DISTRICT**

**RESOLUTION NO. 2187**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
OLIVEHURST PUBLIC UTILITY DISTRICT AUTHORIZING  
THE ABATEMENT OF WEEDS AND RUBBISH**

**WHEREAS**, the Olivehurst Public Utility District (District) owns and operates a fire department and, in connection therewith is empowered by Public Utility Code Section 16487.5, to exercise all the powers and duties of a "Fire Protection District" formed and existing under the Fire Protection District Act of 1987; and

**WHEREAS**, a fire protection district is authorized in accordance with the provisions of Health and Safety Code Section 13879 to take action to abate weeds and rubbish pursuant to Part 5 of Division 12, commencing with Section 14879, of said Health and Safety Code; and

**WHEREAS**, the Board of Directors of the District finds that certain roads and sidewalks, and certain parcels and lands, within the District are not maintained and frequently contain noxious weeds and rubbish, and other litter, that render them a public safety hazard due to the likelihood of fire and injury to human life; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Olivehurst Public Utility District, as follows:

1. Owners, lessees, or occupants of buildings, grounds or lots in the Olivehurst Public Utility District, can be required to remove weeds and rubbish from property and adjacent sidewalks if found by the Board to constitute a threat to public safety and if notified to do so in accordance with law, or such nuisance can be eliminated by the District at the landowner's expense.

2. The Board finds that weeds and rubbish are present throughout the District that constitute a public nuisance.

3. Within thirty (30) days after the effective date hereof, and thereafter on the first day of May (or such later day as a nuisance becomes apparent) of each succeeding year during which this resolution shall remain in force and effect, the Fire Chief of the Olivehurst Fire Department shall prepare and provide to the Board the legal description of those parcels wherein the presence of weeds or rubbish constitutes a threat to public safety by creating a fire hazard and that should be abated in accordance herewith. The Board shall, at the first regular meeting held at least ten (10) days thereafter, or a special meeting duly called, following notice and hearing as required by law, adopt its resolution declaring such weeds and other hazards a public nuisance and order the abatement thereof.

4. Within the resolution described in Paragraph 3, above, the Chief of the Fire Department shall be authorized to give the Notice to Destroy Weeds in accordance with Health and Safety Code 14891, et seq. of the Health and Safety Code. Said Notice shall provide as follows:

- a. If the owner, lessees or occupants fail, after Notice, to remove such hazards, the same shall be removed by the Fire Chief of the Olivehurst Fire Department, or such other contractor retained by the Board.
- b. Notice shall be given by the Fire Chief in the form contained in Exhibit "A" attached hereto, and shall be mailed to the property owners of such property as their names and addresses appear on the last equalized assessment roll of the County of Yuba, not less than ten (10) days before a public hearing shall be held thereon.

5. Property owners wishing to protest or object to such Notice, or otherwise wishing to appear to dispute or contest the imposition of an abatement order, may attend said hearing of the Board of Directors to present such objections and protests. At the conclusion of said hearing, the Board of Directors shall rule on said protests and determine whether or not the Notice and order to abate shall be upheld. The Board's decision shall be final.

6. "Weeds" as used in this Resolution means all weeds growing upon streets, sidewalks, or private property in the District, including any of the following:

- a. Weeds which bear seeds of a downy or wingy nature;
- b. Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent property;
- c. Weeds which are otherwise noxious or dangerous;
- d. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
- e. Dry grass, stubble, brush, litter, or other flammable fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

7. Weeds constituting a nuisance shall be abated by plowing, tilling, mowing, or disking, to be contracted for by the Board of Directors of the District. A statement of expense incurred in abating such nuisance by the District shall be presented to the landowner within thirty (30) days of such action.

8. If such owner, lessee or occupant does not, within ten (10) days after submission to him of a statement of expense in abating such hazard, pay the same to such person having performed the removal, then a lien shall be imposed upon the real property. Prior to the recordation of such lien, the landowner may, with fifteen (15) days of the submission, by first-class mail, to him of said statement of expense request a hearing before the Board of Directors to dispute said charges. The Board shall issue its decision within ten (10) days of such hearing, and its decision shall be final. If the Board finds that such abatement was performed and the costs

thereof incurred, then such lien shall be immediately recorded and shall thereafter be a lien upon the land where the abatement occurred.

9. Every person who violates any of the provisions of this Resolution, or who fails or refuses to correct or eliminate a fire or life hazard after written order of the District Board or its authorized representative, to wit, the Fire Chief, is guilty of a misdemeanor.

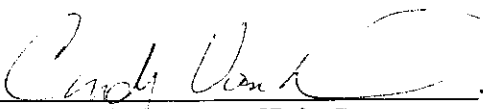
10. If any person who has been ordered to correct or eliminate a fire or life hazard believes that strict compliance with such order would cause undue hardship, he may within ten (10) days present a written request to the District Board for a hearing on and a review of such order. The request shall state the reasons therefore, and the District Board shall within thirty (30) days of the receipt of same hold a hearing and may, if it determines that the circumstances appear to justify such action, modify, vacate or affirm the order.

**PASSED AND ADOPTED this 18<sup>th</sup> day of September 2008.**

OLIVEHURST PUBLIC UTILITY DISTRICT

  
\_\_\_\_\_  
Philip R. Mills  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

  
\_\_\_\_\_  
Jeffrey A. Meith, Legal Counsel

\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 18<sup>th</sup> day of September 2008, by the following vote:

AYES, AND IN FAVOR THEREOF	:	Director Morrison, Carpenter, Hollis, Patty, and Miller
NOES	:	None.
ABSTAIN	:	None.
ABSENT	:	None.

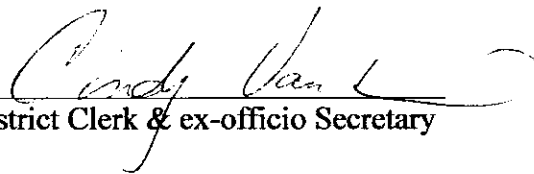
  
District Clerk & ex-officio Secretary

EXHIBIT "A"

**NOTICE TO DESTROY WEEDS**

Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_\_, 2008, the Board of Directors of Olivehurst Public Utility District ("OPUD") passed Resolution No. 2187 declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to \_\_\_\_\_ Street, within the boundaries of OPUD, in Yuba County, California, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by OPUD, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid, and/or will be added to the property taxes of the County of Yuba. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of OPUD, to be held on \_\_\_\_\_, 2008, when their objections will be heard and given due consideration.

Dated this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
[Title of officer causing Notices to be posted.]