

TITLE 9

DIVISION 18: ABATEMENT OF WEEDS & OTHER VEGETATION

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**CHAPTER 1: APPLICABILITY**

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**§ 91801.00 WEEDS AND OTHER VEGETATION DEFINED**

Weeds and other vegetation as used in this Division, refer to weeds and other vegetation growing upon private or public property in the unincorporated areas of the County of Imperial and includes any of the following:

- A. Weeds as defined by Webster's Dictionary.
- B. Vegetation as defined by Webster's Dictionary.
- C. Sagebrush, chaparral or any other brush or weeds which attain such a large growth as to become, when dry, a fire menace to adjacent improved property;
- D. The Health and Safety Codes defines weeds as poison oak and poison ivy; and those that bear seeds of a downy or winged nature; those which become a fire menace when dry; and those which are otherwise noxious or dangerous.

**§ 91801.01 UNLAWFUL FOR OWNER OR OCCUPANT OF LAND TO ALLOW WEEDS AND OTHER VEGETATION TO ACCUMULATE ON PREMISES.**

It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation.

**§ 91801.02 APPEAL PROCEDURES**

Any person who is affected by the notice set forth in Sections 91802.03 et seq. may appeal to the Board of Supervisors within the time for compliance with the order. Said appeal shall be writing and filed with the Planning Director (or his or her designee). Timely appeal shall stay further action until the hearing date. Along with the written appeal, a non-refundable filing fee of \$125.00 shall be submitted to the Director.

The Director shall set the matter for hearing before the Board of Supervisors and shall notify the applicant of the date set for such hearing at least fifteen days prior to such date.

**§ 91801.03 APPEAL HEARING**

At the date and time set for hearing, the Board of Supervisors shall receive any evidence or information it deems appropriate and shall render its decision based upon such evidence or information.

The determination of the Board of Supervisors shall be conclusive.

**§ 91801.04 EXPENSE OF ABATEMENT**

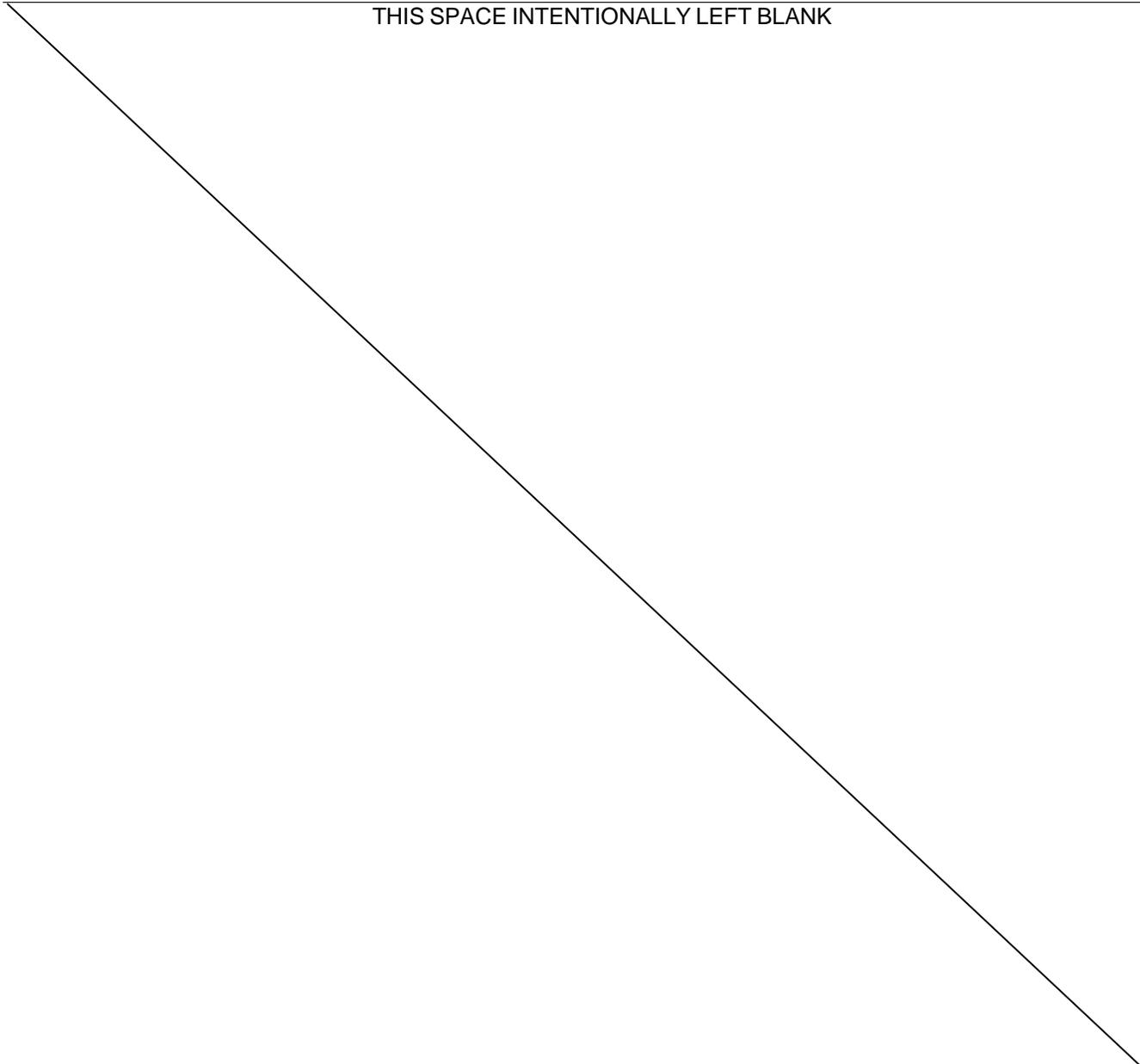
The expense of abatement of a nuisance as defined herein shall be determined, and notice shall be given, pursuant to Chapter 4 of Part 5 of Division 12 (commencing with Section 14905 et seq.) of the Health and Safety Code.

**§ 91801.05 COLLECTION OF EXPENSES**

The amounts of the cost for abating a nuisance shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of the respective assessment. Expenses shall be collected through the levy of assessments as specified in Article 3, Chapter 4, of Part 5 of Division 12 (commencing with Section 14915 et seq.) of the Health and Safety Code.

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**CHAPTER 2: ENFORCEMENT**

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**§ 91802.00 COMMISSION OF MISDEMEANOR**

Any person allowing weeds and/or other vegetation to accumulate on a premise as specified by Section 91801.00 et seq. herein shall be guilty of the commission of a misdemeanor, punishable as provided by this Title.

**§ 91802.01 DECLARATION OF PUBLIC NUISANCE**

Weeds and/or other vegetation may be declared to constitute a public nuisance and may be abated as provided for in this Chapter upon concurrence of any two (2) of the following County officials:

- A. The Fire Marshal;
- B. The Planning Director;
- C. The Director of Public Works
- D. The Agricultural Commissioner.

Whenever weeds and/or other vegetation exist upon any private or public property in the unincorporated area, said officials, by declaration, may declare the weeds and/or other vegetation a public nuisance.

**§ 91802.02 CONTENTS OF DECLARATION**

The declaration shall refer, by the name under which it is commonly known, to the property upon which the nuisance exists, or the declaration shall describe the property upon which, or in front of which, the nuisance exists by describing the property by reference to the tract, block, lot, code area, and parcel number as used in the records of the County Assessor or in accordance with the map used in describing property for taxation purposes.

**§ 91802.03 CONTENTS OF NOTICE**

The notice to abate weeds and/or vegetation shall be headed "Notice to Abate Weeds and/or Other Vegetation" and shall be substantially in the following form:

NOTICE TO ABATE WEEDS

NOTICE IS HEREBY GIVEN that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a declaration of Public Nuisance has been issued declaring that the weeds and/or other vegetation existing upon or in front of the property at \_\_\_\_\_, or nearest to \_\_\_\_\_ Street (or Road), in said County, and more particularly described in said declaration and that the same constitute a public nuisance which may be abated by the removal of

the same, otherwise the weeds and/or other vegetation will be removed and the nuisance will be abated by the County authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which, or in front of which, the weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said declaration for further particulars.

All property owners having any objections to the proposed removal of such weeds and/or other vegetation are hereby notified they have the right to appeal said declaration by filing said appeal in the Imperial County Planning & Development Services Department within two weeks of the date of this notice. A hearing will be held by the Board of Supervisors. The objections will be heard and given due consideration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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Name of County Planning Director  
Imperial County

**§ 91802.04 DESIGNATION OF PERSON TO GIVE NOTICE**

The Official designated to give notice to abate weeds and/or other vegetation is the County Planning Director.

**§ 91802.05 NOTIFICATION**

The notice to abate shall be mailed via return receipt/certified mail to the owner of record on the latest equalized tax rolls.

**§ 91802.06 ABATEMENT ORDER**

After final action is taken by the Board of Supervisors on the disposition of any protest or objections or in case no protests or objections are received, the Board of Supervisors shall order the officer, causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds and/or other vegetation removed.

**§ 91802.07 SEASONAL AND RECURRENT NUISANCE**

If the nuisance is seasonal and recurrent, the official shall so declare in his/her declaration. Thereafter, such recurring weeds and/or other vegetation shall be abated without the necessity of any further hearing.

**§ 91802.08 NOTICE OF RECURRENT NUISANCE; POSTCARD NOTICE; CONTENTS**

In the case of weeds and/or other vegetation previously declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a letter notice by certified mail to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall describe the property affected and shall state the nuisance that must be abated and that otherwise it will be abated by the County authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds and/or other vegetation are removed and that such cost will constitute a lien upon such lots or land until paid.

**§ 91802.09 AUTHORITY TO ENTER UPON PROPERTY**

The official and his/her assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds and/or other vegetation.

**§ 91802.10 ABATEMENT OF NUISANCE BY OWNER**

Any property owner may have weeds and/or other vegetation removed at his or her own expense if it is done prior to the arrival of the official (or his/her representatives) to do it.

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