



Agenda Item Number: 2009-5-7A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: May 12, 2009

Department: Fire and Rescue **Staff Contact:** John Dantis, Deputy County Manager for Public Safety
John Garcia, Chief
Frank Barka, Deputy Chief
Chris Gober, Fire Marshal

TITLE: Bernalillo County Weed Abatement Ordinance

ACTION: Motion to adopt Ordinance 2009-_____ Weed Abatement Ordinance.

SUMMARY:

On April 13, 2009 the Board approved publication of the proposed Weed Abatement Ordinance. No comments were received in the Clerks Office or in the County Fire Department.

The proposed ordinance provides a means for Bernalillo County to abate weeds or other hazardous vegetation in an effort to protect the health and safety of the citizens of Bernalillo County, from the hazards created by weed growth, upon streets, sidewalks, or private property. The Ordinance will be enforced by the Bernalillo County Fire Department and Building and Zoning officials while conducting their normal business activities and through referrals from the public or other governmental agencies.

All landscape materials, vegetation, defensible space or other devices or safeguards required by this ordinance shall be maintained in conformance to the ordinance. The owner or the owner's designated agent shall be responsible for the maintenance of landscape materials and vegetation. Where the acreage of property is larger than two (2) contiguous acres, the property owner is required to have a twenty (20) foot wide strip of land cleared at the boundaries of the property. This will create a fire break between the properties and surrounding properties in order to limit spread of fire to adjacent properties and structures.

When County officials find any premise that is in violation of this code, Bernalillo County is authorized to issue corrective orders and notices. Orders and notices authorized or required by this Ordinance shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation. Orders or notices that are given verbally will be confirmed in writing at a later date.

The Bernalillo County Fire Department offers Defensible Space classes for the general public allowing property owners who are found in violation of this ordinance assistance if needed. Having the Weed Abatement Ordinance will not only protect the citizens of Bernalillo County from fire, but will also help create a cleaner more beautiful environment for everyone.

This Ordinance is intended to promote the general health, safety, and welfare of the people of the unincorporated areas of Bernalillo County by protecting their lives and property from fire

hazards arising from the maintenance, accumulation or storage of noxious weeds and other rank vegetation plants; and to provide regulation of weed growth on streets, sidewalks, and private property.

ATTACHMENTS:

1. Ordinance 2009-_____.

FISCAL IMPACT

There is no Fiscal Impact.

COUNTY MANAGER

See summary. TL 5/5/2009

DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY

The unincorporated areas of Bernalillo County are more than ever a mixture of urban and rural communities. This Ordinance will increase public safety by limiting Wildland fires which have the potential to spread to structure fires. The abatement of weeds will allow for a safer and healthier community for the citizens of Bernalillo County. I recommend approval of this item. JDantis 05/05/09

LEGAL

Approved as to form and legal sufficiency. Eric W. Schuler 05/05/2009

FINANCE

- | | |
|------------------------|---|
| Budget | Adoption of this agenda item will allow the County to adopt the Weed Abatement Ordinance. There is no fiscal impact as a result of this agenda item. Any savings could only be determined after a few years of data collection. Jennifer N. Gallegos, Financial Administrator III, 05/05/2009 |
| Purchasing | A purchasing comment is not required on this agenda item. Mary Rios, Senior Buyer 5/5/09 |
| Contracts | A contracts comment is not required on this agenda item.
Mary Rios, Senior Buyer 5/5/09 |
| Risk Management | This Ordinance is intended to protect the general health, safety, and welfare of the citizens of the unincorporated areas of Bernalillo County. David A. Baca, Risk Management Director. 5/6/09 |

ELECTED OFFICIAL/OTHERS

Fire & Rescue

The objective of the Weed Abatement Ordinance is to establish minimum regulations consistent with nationally recognized standard practices for the safeguarding of life and property. Regulations in this Ordinance are intended to limit the risk to life and structures from intrusion of Wildland fires to adjacent structures and to limit structure fires from spreading to Wildland fuels. This ordinance provides a means for Bernalillo County to abate weeds or other hazardous vegetation in an effort to protect the health and safety of the citizens of Bernalillo County, from the hazards created by weed growth, upon streets, sidewalks, or private property. This Ordinance can be enforced by the Fire Department, and

Building and Zoning officials by both normal business inspections while conducting their normal activities, and through referrals from the public.

All landscape materials, vegetation, defensible space or other devices or safeguards required by this Ordinance shall be maintained in conformance to the Ordinance. The owner or the owner's designated agent shall be responsible for the maintenance of landscape materials and vegetation. Where the acreage of property is larger than two (2) contiguous acres, the property owner is required to have a twenty (20) feet wide strip of land at the boundaries of the land. This will create a fire break between the property and surrounding properties. If a fire was to start on this property the fire would be contained and not spread to the surrounding properties.

When Bernalillo County finds any building or premises that are in violation of this code, Bernalillo County is authorized to issue corrective orders and notices. Orders and notices authorized or required by this Ordinance shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation. Either. Orders or notices that are given verbally shall be confirmed by service in writing. The Fire Department offers a Defensible Space class for the public and the violating property owner to assist in complying with this Ordinance.

Having the Weed Abatement Ordinance will not only protect the citizens of Bernalillo County from fire , but will also help create a cleaner more beautiful environment for everyone to work, live and visit. Frank Barka, Deputy Chief, 5/4/2009