

**TOWN OF
APPLE VALLEY, CALIFORNIA
AGENDA MATTER**

Subject Item:

DISCUSSION OF LANDSCAPE MAINTENANCE ISSUES

Summary Statement:

At the September 27, 2011 Town Council Meeting, Council Member Roelle expressed concern regarding the increased levels of blight throughout the community, especially on residential properties. Mr. Roelle requested this matter be placed on a future agenda so Council could conduct a detailed discussion on this topic and related matters.

Chapter 9.75, Water Conservation/Landscaping, of the Development Code does not contain specific language which addresses the maintenance of existing landscaping. This chapter addresses landscaping criteria for new development. The Municipal Code addresses the maintenance requirements in Sections 6.30.030-A, 6.30.030-F4 & F5 and 6.030.040 as shown on the next page.

(Continued)

Recommended Action:

Move to receive and file the report and to provide direction to staff as deemed appropriate.

Proposed by: _____ Planning Division _____ Item Number _____

Town Manager Approval: _____ Budget Item Yes No N/A

6.30.030 Unlawful Nuisances

Each and every one of the following conditions or acts is declared to be a nuisance:

A. Fire Hazards. Dry or dead shrub, dead tree, combustible refuse and waste or any material growing upon a street, sidewalk or private property within the Town which constitutes a fire hazard to a building, improvement, crop or which, when dry, will in reasonable probability constitute a fire hazard;

F. Maintenance of Property. It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises in this Town to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon;

4. *Overgrown vegetation:*

- a. Causing detriment to neighboring properties or property values or causing a hazardous condition to pedestrian and/or vehicular traffic, or*
- b. Likely to harbor rats, vermin and other nuisances,*

5. *Dead trees, weeds and debris:*

- a. Constituting unsightly appearance, or*
- b. Dangerous to public safety and welfare, or values,*
- c. Detrimental to nearby property or property*

6.30.040 Abatement of Public Nuisance Generally

Any property found to constitute a public nuisance in violation of Section 6.30.030 may be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures set forth in this chapter. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the Town from enforcing other Town ordinances or abating public nuisances in any other manner provided by law."

A Development Code Amendment was adopted by the Town Council on November 14, 2006, requiring all new development to provide front and street side yard landscaping on new development. As part of this discussion, the Council considered requiring front yard landscaping for existing development as well, but this requirement was not included in the final language approved by the Council. After this discussion, the Council elected not to include landscaping requirements for existing development in the Development Code Amendment it, eventually, approved.

For all new projects, the Planning Commission and staff include a condition that the projects maintain their landscaping. This condition reads as follows:

"All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in an neat, orderly, disease and weed free manner at all times."

With respect to property maintenance, specifically regarding landscaping in residential areas, the Code Enforcement Division enforces Municipal Code requirements regarding the removal of overgrown vegetation, dead trees, dead tree limbs, and shrubs. Because there is no landscaping requirement for existing development, there is no requirement for single-family homes or multi-family homes to maintain any landscaping that may exist. If a house with landscaping becomes vacant, the requirement would be for the property owner to remove any violations as listed above and, if the lawn becomes brown, it would be allowed to remain brown provided it was cut short.

For new development, where the Conditions of Approval for an entitlement requires the landscaping to be maintained, Code Enforcement will ensure the property owner complies with the Conditions of Approval. As an example, Code Enforcement required the owner of the Ultra Star complex to maintain the frontage landscaping of the property. Additionally, the Lowes store property owner on Dale Evans Parkway was required to turn the water back on and maintain the landscaping.

The Apple Valley Fire District implements a Weed Abatement Program. This is a proactive program, the implementation of which results in citations issued to those property owners who do not maintain their vacant parcels, including trees/landscaping on developed property. The Fire District's program is town-wide and, according to the Fire Chief, Art Bishop, the program is conducted a couple of times a year and also includes enforcement on residential properties.

A survey of neighboring jurisdictions was completed, identifying landscape maintenance requirements for Victorville, Hesperia, Redlands and the County. Like the Town, these regulations pertain to new development and standard conditions of approval.

Neighboring Agency Requirements

Victorville –

“(e) Landscaping Maintenance. All landscaped areas and approved curbing shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants where necessary, the regular watering of all planting and the repair of landscaped curbing.”;

Hesperia –

“C. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, and trimming. Turf shall not exceed six inches in height. All dead plant material shall be removed and replaced in a timely manner.

D. All irrigation systems shall be kept operable, including adjustments, replacements, repairs and cleaning as part of regular maintenance. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

E. All landscaped areas shall be kept free of weeds and debris.”

City of San Bernardino –

“1. Maintenance of approved landscaping shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.

2. Prior to the issuance of a Certificate of Occupancy, the landowner shall file a maintenance agreement or covenant and easement to enter and maintain, subject to the approval of the City Attorney. The agreement or covenant and easement to enter and maintain shall ensure that if the landowner, or subsequent owners, fails to maintain the required/installed site improvements, the City will be able to file”

Redlands –

“A. Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.

B. Required landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. This watering system shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure a sufficient amount of water for plants within the landscaped area. Sprinklers shall be shielded from sidewalk areas. Where the water system consists of hose bibs alone, these bibs shall be located not more than fifty feet (50') apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be so spaced as to assure complete coverage of the required landscaped area.”

The issues identified by Council member Roelle present a significant challenge to the Town in much the same fashion as communicated to staff by the cities surveyed. Simply put, Council should anticipate significant push back from the community if landscaping requirements for existing development are imposed by Council. The adoption of such a program will, almost certainly, require considerable staffing and financial resources to implement.

To prevent the spread of blight in the community, Council should be aware that some communities has successfully established landscape and lighting maintenance districts. In addition, volunteer groups, neighborhood watch associations, Chambers of Commerce and effective work relationships with lenders and owners of foreclosed homes have had some success when neighborhood and community groups have been engaged prior to program implementation.