


TO: James L. App, City Manager

FROM: Ken Johnson, ES Chief 

SUBJECT: **Weed Abatement Order**

DATE: September 15, 2009

NEEDS: For the City Council to consider confirming certain property conditions as nuisances (specifically fire hazards created by weed growth) and ordering abatement.

- FACTS:**
1. City and State Codes require property owners to maintain their property in a fire safe condition.
 2. Each year, Emergency Services notifies residents and property owners of the need to clear all weeds from their property by June 1.
 3. Property owners of record with the County Assessor, not in compliance after the deadline, are individually notified of the condition and need to abate.
 4. Multiple contact attempts with some property owners have failed to result in compliance.
 5. The City Council set a hearing date of September 15 for this item.

ANALYSIS &

CONCLUSION: Through its delegated authority, Emergency Services works to eliminate community fire hazards created by dry vegetation (weeds). This work includes a public information campaign, early warning letters to recurring problem properties, registered letters to property owners found in violation, and administrative citations.

Emergency Services has made reasonable attempts to achieve safety regulation compliance for those properties found in Exhibit "A". These nonetheless remain in violation. Elimination of the hazards necessitates the City Council conduct a public hearing prior to confirming the existence of a public nuisance and directing the ES Chief to have the weeds removed.

The City Council declared a nuisance condition for these properties (Exhibit A) on August 1 and order a hearing be held on August 15, 2009. All costs associated with City ordered and/or provided work will be recouped via tax assessment on the negligent properties.

POLICY

REFERENCE: Government Code § 39561.5

FISCAL

IMPACT: None.

OPTIONS:

- a. Adopt Resolution No. 09xx confirming the existence of public nuisances related to certain fire hazards within the City and providing the ES Chief with the authority required to abate the dangerous conditions; or
- b. Amend, modify or reject above option.

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES CONFIRMING EXISTENCE OF A PUBLIC NUISANCE BY REASON OF KEEPING WEEDS OR NOXIOUS GROWTH ON PROPERTIES WITHIN THE CITY BOUNDARY, THEREFORE CREATING A POTENTIAL FIRE HAZARD ON VARIOUS PROPERTIES THROUGHOUT THE CITY AND ORDERING THE SUPERINTENDENT TO ABATE THE NUISANCE

WHEREAS, the City Council of El Paso de Robles (“City”) on September 1, 2009, adopted Resolution 2009-xxx “A Resolution of the City Council of the City of Paso Robles Making Declaration of Public Nuisances Relating to Weed Abatement Within the City and Setting Public Hearing for 2009 Weed Abatement” which set a hearing for September 15, 2009 to consider all objections to the abatement of the nuisance (herein “Declaration of Nuisance”); and

WHEREAS, the Declaration of Nuisance, among other things:

- Declared that weeds or noxious growth growing on certain properties within the City to be a nuisance.
- Directed the City Clerk to give written Notice (herein “Notice to Abate”) to the property owners of each property, wherein the weeds and noxious growth were declared to be a nuisance, of a public hearing scheduled for September 15, 2009 at 7:30 p.m. for consideration of objections to the City’s Declaration of Nuisance; and

WHEREAS, the Superintendent, subsequent to the City Clerk providing the Notice to Abate, did conduct an inspection of the affected properties to determine whether or not said property owners had abated the weeds and noxious growth pursuant to the City Clerk’s Notice to Abate; and

WHEREAS, the Superintendent has determined that the weeds and noxious growth on those properties identified in Exhibit “A” have not been abated and create a fire hazard; and

WHEREAS, the City Council held a public hearing on September 15, 2009 and considered all objections to the proposed abatement of weeds and noxious growth.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the City Council of the City of El Paso de Robles, hereby confirms the immediate existence of a public nuisance on those parcels listed in the attached Exhibit “A” (incorporated herein by this reference) and pursuant to Govt. Code § 39571 orders the Superintendent to abate the nuisance by having the weeds and noxious growth removed.

BE IT FURTHER RESOLVED that the City Council authorizes the Superintendent to proceed with the abatement as follows:

1. Before the Superintendent arrives, any property owner may remove the weeds and noxious growth at his own expense. In that case, the assessment and lien shall be limited to the costs incurred by the City in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs.
2. The Superintendent may abate the nuisance(s) by City forces or hiring of contractors.
3. The Superintendent shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done by him or his agents and employees. The Superintendent shall submit to the City for confirmation and itemized written report (“Report”) showing such cost.
4. A copy of the Report shall be posted for at least three (3) days prior to its submission to the City on or near the chamber doors of the City Council, with a notice of the time of submission.
5. Return to City Council for the levy of abatement costs and the placement of said costs as a property tax lien.
6. The above recitals including references to the California Govt. Code, the Declaration of Nuisance and the Notice to Abate, are incorporated herein by reference and constitute further findings in support of the City’s approval of the Orders contained herein.

PASSED by the City Council of the City of Paso Robles at its regular meeting on the 15th day of September, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

EXHIBIT "A"

<u>A.P.N.</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>
009-203-011	725 Pine Street	Pine Street Lofts, LLC
009-203-019	731 Pine Street	Pine Street Lofts, LLC
025-422-014	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-015	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-016	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-017	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-018	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-019	00000 Experimental Station Road	Paso Robles VII, LLC
025-422-020	00000 Experimental Station Road	Paso Robles VII, LLC
009-154-025	820 Park Street	Park Street Partners
009-154-024	830 Park Street	Park Street Partners
025-391-066	00000 Ronan Road	David Kudija
009-516-052	52 Navajo Avenue	Hugh William Dugan
008-323-019	1519 Pine Street	Robert Craig
009-252-024	00000 Vine Street	Robert Craig
025-603-009	423 Montebello Oaks	Joshua and Bridgette Woodbury