


TO: James L. App, City Manager

FROM: Ken Johnson, ES Chief 

SUBJECT: Nuisance Declaration

DATE: September 7, 2010

NEEDS: For the City Council to consider declaring certain property conditions as nuisances. This initiates the process required for the City itself to abate the associated fire hazard (weeds).

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.

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 City Council declare these properties as nuisances, conduct public hearings, and name the ES Chief as the enforcement superintendent prior to directing the work be done.

Costs associated with City ordered 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. 10-xx making declaration of public nuisances relating to weed abatement within the City and setting public hearing for 2010 weed abatement; or
- b. Amend, modify or reject above option.

RESOLUTION NO. 10-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 2010 WEED ABATEMENT**

WHEREAS, the Govt. Code § 39560, et seq., provides a procedure by which a City may declare weeds and other noxious growths on private property as public nuisance for abatement purposes; and

WHEREAS, the Govt. Code § 39561.5 defines weeds for the purposes of this abatement as follows:

- (a.) Weeds which bear seeds of a downy or wingy nature.
- (b.) Sagebrush, Chaparral, or any other brush or weeds which may attain such large growth as become, when dry, a fire menace to adjacent improved property.
- (c.) Weeds which are otherwise noxious or dangerous.
- (d.) Poison oak and poison ivy when conditions of the growth are such as to constitute a menace to public health.
- (e.) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard; and

WHEREAS, Govt. Code § 39560 provides that the City Council must designate a “superintendent” for purpose for enforcement of this action.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That for the purposes of the 2010 Weed Abatement program, the superintendent is Ken Johnson, City Fire Chief.
2. That the weeds or noxious growths growing on the properties identified in Exhibit “A” are hereby declared to be a nuisance.
3. The Fire Chief is hereby directed to give written notice to the property owners of each property identified in Exhibit “A” of a public hearing scheduled for September 21, 2010 at 7:30 p.m. at the regular Paso Robles City Council meeting for hearing of all objections re the City’s action to declare public nuisance.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of September, 2010 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

EXHIBIT A

<u>A.P.N.</u>	<u>PROPERTY ADDRESS</u>	<u>OWNER</u>
025-422-014	Experimental Station	Paso Robles VII, LLC
025-422-015	Experimental Station	Paso Robles VII, LLC
025-422-016	Experimental Station	Paso Robles VII, LLC
025-422-017	Experimental Station	Paso Robles VII, LLC
025-422-018	Experimental Station	Paso Robles VII, LLC
025-422-019	Experimental Station	Paso Robles VII, LLC
025-422-020	Experimental Station	Paso Robles VII, LLC
009-351-017	621 Tucker Ave.	American Home Mort. Servicing
009-072-043	28 Hilltop Dr.	John V. Wachtel