

TO: James L. App, City Manager

FROM: Ken Johnson, ES Chief 

SUBJECT: Nuisance Abatement

DATE: October 2, 2012

NEEDS: For the City Council to conduct a public hearing to consider objections to an earlier nuisance declaration (weeds creating a fire hazard) and ordering nuisance abatement.

- FACTS:
1. City and State Codes require property owners to maintain their property in a fire safe condition.
 2. Certain properties (see Exhibit "A") remain non-compliant after the City undertook reasonable compliance efforts.
 3. The City Council declared these properties as public nuisances at its regular meeting of September 18, 2012 and ordered the superintendent to make final notice to all affected property owners of record.
 4. Affected property owners were notified by property postings.

ANALYSIS &

CONCLUSION: A limited number of properties within the City limits represent potential fire hazards due to the existence of weeds. Emergency Services made reasonable attempts to achieve safety regulation compliance for those properties found in Exhibit "A". These nonetheless remain in violation.

At its September 18, 2012 meeting, the City Council declared those properties listed in Exhibit "A" as public nuisances and ordered that property owner notifications be made. These notifications were made by posting notices on the properties.

Elimination of the hazards necessitates the City Council conduct a public hearing to consider objections to the nuisance declaration made on September 18, 2012 and order the superintendent (fire chief) to abate the nuisances.

Costs associated with City ordered work will be recouped via tax assessments on the negligent properties.

POLICY

REFERENCE: Government Code § 39561.5

FISCAL

IMPACT: None.

OPTIONS:

- a. Adopt Resolution No. 12-xx confirming the existence of public nuisances which have created potential fire hazards and ordering their abatement; or
- b. Amend, modify or reject above option.

RESOLUTION NO. 12-xx

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 18, 2012, adopted Resolution 12-157 “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 2012 Weed Abatement” which set a hearing for October 2, 2012 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 Fire Chief 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 October 2, 2012 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 October 2, 2012 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 2nd day of October, 2012, 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>
008-304-002	240 16 th Street	Edward R. Pimentel
025-603-002	428 Montebello Oaks	Federal Home Loan Mortgage