



## Council Agenda Report

**From:** Richard Gallagher, Interim Battalion Chief – Department of Emergency Services

**Subject:** Resolution for declaration of public nuisances relating to weed abatement and setting a public hearing for 2017 weed abatement.

**Date:** August 1, 2017

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### 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<sup>st</sup>.
3. After June 1<sup>st</sup>, Emergency Services conducts a City wide survey collecting the addresses or parcel numbers of properties in violation of Paso Robles Municipal Code 9.06 (Nuisance Abatement).
4. Property owners of record per the County Assessor, who are not in compliance are individually notified of the condition and need to abate. "Notice of Nuisance" letters (sent certified mail) are mailed within the first three weeks of June and owners are given 30 days to comply.
5. As of the week of July 17, those properties listed in Exhibit A, have failed to comply with the public nuisance ordinance.

### Options

1. Take no action.
2. Adopt Resolution No. 17XXX making declaration of public nuisances relating to weed abatement within the City for those properties found in Exhibit A; direct the superintendent to post the property with a "Notice to Abate" and provide written notice to the property owners of each property identified in Exhibit A of a public hearing scheduled for September 7<sup>th</sup>, 2017 providing opportunity to show cause why such condition should not be condemned as a nuisance.
3. Amend or modify the Resolution as submitted.
4. Reject the Resolution in its entirety.

### Analysis and Conclusions

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 recalcitrant property owners, registered letters to property owners found in violation, and administrative cautions.

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

Costs associated with the City-ordered work will be recouped via direct invoice or through special assessment lien on the negligent properties (if necessary).

**Fiscal Impact**

None for this action, other than staff time to post the notices, etc. and to publish the public hearing notice hearing.

**Recommendation**

Approve Resolution 17-XXX declaring the properties described in Exhibit A as public nuisances in violation of Paso Robles Municipal Code 9.06; direct the superintendent to post the property with a "Notice to Abate" and provide written notice to the property owners of each property identified in Exhibit A of a public hearing to be scheduled for September 7<sup>th</sup>, 2017.

**Attachments**

1. Exhibit A – Assessor Parcel Number, address, and owner.

RESOLUTION NO. 17-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES MAKING DECLARATION OF PUBLIC NUISANCES RELATING TO WEED ABATEMENT WITHIN THE CITY AND SETTING PUBLIC HEARING FOR 2017 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 a 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 a 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.

WHEREAS, Paso Robles Municipal Code 9.06 (Nuisance Abatement) prescribes the steps necessary to declare and abate conditions of public nuisance; and

WHEREAS, through its delegated authority, Emergency Services has worked to eliminate community fire hazards created by dry vegetation (weeds), including a public information campaign, early warning letters to recalcitrant property owners, registered letters to property owners found in violation, and administrative cautions; and

WHEREAS, Emergency Services has made reasonable attempts to achieve safety regulation compliance for those properties found in Exhibit "A," but they nonetheless remain in violation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the information contained in the staff report, dated August 1, 2017, testimony presented during the public hearing, and responses thereto, the City Council hereby finds and determines that:

- a. For the purposes of the 2017 Weed Abatement program, the superintendent is Richard Gallagher, Emergency Services Interim Battalion Chief.
- b. The weeds or noxious growths growing on the properties identified in Exhibit "A" are hereby declared to be a nuisance.
- c. The Interim Battalion Chief is hereby directed to post the property with the "Notice To Abate" and give written notice to the property owners of each property identified in Exhibit "A" of a public hearing scheduled for September 7th, 2017 at 6:30 p.m. at the regular El Paso de Robles City Council meeting for hearing of all objections re the City's' action to declare public nuisance.

APPROVED this 1st day of August, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Kristen L. Buxkemper, Deputy City Clerk

APN	Property Address	Owners
009-061-001	1140 MerryHill	Amy C. Schoenbaum 817 Victoria Ave. Venice, CA 90291
008-092-027	2322 Olive	The Schnell Family Trust 914 Camanche Ct. Camarillo, CA
008-152-024	2245 Vine	Eric Ms. McCarnack 540 Oak St Paso Robles, CA 93446
008-324-001	1446 Park	Christine Mole 1313 University Ave San jose, CA 95126
008-292-015	1602 Pine	Hunter Morley Family Trust 405 Alberto Way #3 Los Gatos, CA 95032
008-181-003	2124 Pine	Neil & Karne Sorensen Trust PO Box 1591 Paso Robles, CA 93447
008-294-010	1615 Riverside	Anton D. Brooks 3028 Bright Ft Worth, TX 76105
009-401-010	505 Palm	Garrett Wesch 505 Palm Ct Paso Robls, CA 93446
009-411-037	536 Union	Heather and Steve Dunn 536 Union Road Paso Robles, CA 93446
009-431-033	649 Shannon Hill	Major Family Revocable Trust 639 Shannon Hill Dr. Paso Robles, CA 93446
008-361-012	224 Fairview	Michael A. Schriewer 1264 New Florissant Rd Florissant MO 63031
008-032-003	3231 Spring	Gorgonia Lopex 201 W. Main St. Santa Marica, CA 93458
008-051-031	3002 Riverside	The Oaks Hotel PO Box 1978 Paso Robles, CA 93447
025-403-074	2220 Prospect	Lisa Ryan 2220 Prospect Ave. Paso Robles, CA 93446
025-403-074	2020 Prospect	Lisa Ryan 2220 Prospect Ave. Paso Robles, CA 93446
025-011-029	1675 Lyle	Melissa Drea 17 Gilbert Hill Smiths Parish FLO5 Bermuda France 99999
025-061-008	920 Walnut	Rick High 920 Walnut Dr Paso Robles, CA 93446
025-030-016	714 Renate	Richard Bos 714 Renate Wy Paso Robles, CA 93446
009-441-034	727 Trigo	Justine Maedl 727 N. Trigo Lan Paso Robles, CA 93446
009-563-050	1214 Frances	Matthew Gaudinier 1214 Frances St Paso Robles, CA 93446
009-671-016	463 Janice	Gordon Wykoff 463 Janice St Paso Robles, CA 93446
025-111-011	935 Osos	Joanne Moore Trust 1600 Huntingto Dr South Pasadena, CA 90130
025-533-032	521 Red River	Jamie Blake 3112 Bay Meadow Ct. Livermore CA 94550
009-514-010	243 Cheyenne	Chritina Fuchs 243 Cheyenne Dr Paso Robles, CA 93446

APN	Property Address	Owners
009-514-009	245 Cheyenne	Linda Louder 245 Cheyenne Dr Paso Robles CA 93446
009-699-009	321 Quarterhorse	Julie Perry 321 Quarterhorse Ln Paso Robles, CA 93446
009-699-008	329 Quarterhorse	Kanny Family Trust 335 Poli St Ventura, CA 93001
009-699-007	337 Quarterhorse	David Ehlers 28374 Infinity Circle Santa Clarita, CA
009-774-010	744 Brahma	Elsayed Elsayed 744 Brahma St Paso Robles, CA 93446
009-779-022	801 Brahma	Kristine Lemo 801 Brahma St Paso Robles, CA 93446
009-777-052	762 Angus Ct	Willaim Ridino Construction PO Box 4399 Paso Robles, CA 93446
009-773-015	740 Angus Ct	Francis Schulte 740 Angus St Paso Robles, CA 93446
009-773-013	747 Guernsey Ct	Chantell Wofford 747 Guernsey Ct. Paso Robles, CA 93446
009-773-012	749 Guernsey	Daniel Marple 749 Guernsey Ct. Paso Robles, CA 93446
009-818-021	817 Oxen	Coker Ellsworth Development LLC PO Box 1238 Arroyo Grande, CA 93420
009-818-022	819 Oxen	Reetika Kumar 819 Oxen St Paso Robles, CA 93446
009-485-031	2091 Fallbrook Ct	Willaim Ridino Construction PO Box 4399 Paso Robles, CA 93446
009-4710027	1012 Par Ave	Vernon & Beverly Fein PO Box 27240 San Diego, CA 93446
009-471-026	1014 Par Ave	Anthony Jordan-Sanchez 1014 Par Ave Paso Robles, CA 93446
009-326-006	254 San Augustin	Carrie Moore 254 San Augustin Paso Robles, CA 93446
009-326-007	264 San Augustin	Grace Tignor 636 Trigo Lan Paso Robles, CA 93446
009-329-011	125 San Rafael	Jason Cohoon 125 San Rafael Paso Robles, CA 93446
009-328-005	244 Santa Cruz	Nayely Delgado-Figueroa 244 Sant Cruz Ave Paso Robles, CA 93446
009-329-009	284 Santa Fe	Denise McClymonds 284 Santa Fe Ave Paso Robles, CA 93446