



## Council Agenda Report

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

**Subject:** Resolution confirming the existence of public nuisance(s) creating a potential fire hazard and ordering the abatement of weeds or noxious growth to abate the nuisance.

**Date:** September 7, 2017

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### Facts

1. City Council declared that weeds or noxious growth on specific properties within the City to be a nuisance on August 1<sup>st</sup>, 2017 (Resolution No. 17-098).
2. “Notice to Abate” letters (sent certified mail, return receipt requested) were sent notifying each property owner of the condition and need to abate; each parcel was also posted with a “Notice to Destroy Weeds.”
3. The property owners were notified of the public hearing scheduled for September 7<sup>th</sup>, 2017 and invited to show cause why such condition should not be condemned as a nuisance, and why such nuisance should not be abated by the City.
4. As of the week of August 28<sup>th</sup>, 2017, 11 properties remain in violation.

### Options

1. Take no action.
2. Adopt Resolution No. 17xx confirming the existence of a public nuisance therefore creating a fire hazard and ordering the Superintendent to abate the nuisance within the City for those properties found in Exhibit A, or
3. Amend or modify the Resolution as submitted, or
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 11 parcels remain in violation as of the drafting of this report. Further progress, if any, will be reported to the Council orally on September 7.

Elimination of the hazard necessitates City Council confirm these properties as nuisances and order the Superintendent to abate the nuisance.

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. The charges for each of the unabated properties covers the full cost of the abatement, including administrative costs. The costs for properties that did abate after notice by the City, are not recouped.

**Recommendation**

Approve Resolution 17-xxx confirming the existence of public nuisance(s) described in Exhibit A and ordering the abatement of weeds or noxious growth to abate the nuisance.

**Attachments**

1. Resolution 17-xxx
2. Exhibit A – Assessor Parcel Number, address, and owner.

APN	Property Address	Owners		
008-294-010	1615 Riverside	Anton D. Brooks 3028 Bright Worth, TX 76105	Ft	
009-401-010	505 Palm	Garrett Wesch 505 Palm Ct Paso Robles, 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		
008-032-003	3231 Spring	Gorgonia Lopex 201 W. Main St. Santa Marica, CA 93458		
025-061-008	920 Walnut	Rick High 920 Walnut Dr Paso Robles, CA 93446		
009-671-016	463 Janice	Gordon Wykoff 463 Janice St Paso Robles, CA 93446		
009-777-052	762 Angus 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		
009-329-011	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		

**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 SUPERINTENDANT TO ABATE THE NUISANCE**

WHEREAS, the City Council of El Paso de Robles (“City”) on August 1<sup>st</sup>, 2017 adopted Resolution No. 17-098 “A of the City Council 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” which set a hearing for September 7<sup>th</sup>, 2017 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 7<sup>th</sup>, 2017 at 6:30 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 7<sup>th</sup>, 2017 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<sup>22</sup> (incorporated herein by 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/her 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 costs.
4. A copy of the Report shall be posted for at least three days prior to its submission to the City within the 24-hour City noticing board near the chamber doors of the City Council, with a notice of the time submission.
5. Return to City Council for the levy of abatement costs and the placement of said costs as a property lien.

6. The above recitals including references to the California Govt. Code, the Declaration of Nuisance and 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 El Paso de Robles at its regular meeting on the 7<sup>th</sup> of September, 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