TO:       HONORABLE CITY COUNCIL
FROM:    CITY MANAGER    DEPARTMENT:  FIRE
DATE: DECEMBER 13, 2004     CMR: 487:04
SUBJECT: RECOMMENDATION THAT COUNCIL ADOPT THE ATTACHED RESOLUTION DECLARING WEEDS TO BE A NUISANCE AND SET JANUARY 18, 2005 FOR A PUBLIC HEARING

RECOMMENDATION
Staff recommends Council:

1) Approve and adopt the attached Negative Declaration, finding that no significant effects on the environment will result from the project to abate weeds;
2) Adopt the attached resolution declaring weeds to be a public nuisance and setting January 18, 2005 for a public hearing; and
3) Direct staff to publish a notice of hearing in accordance with the provisions of the Palo Alto Municipal Code.

DISCUSSION
Palo Alto Municipal Code Chapter 8.08 specifies weed abatement procedures. The chapter indicates it is unlawful for property owners or occupants to permit weeds to remain upon the premises, public sidewalks, streets or alleys. It also specifies the procedures to be followed to abate weeds. These are:

- Resolution of the City Council declaring weeds to be a public nuisance. This resolution sets the time and place for hearing any objections to the proposed weed abatement.
- Publication of notice. This notice informs property owners of the passage of the resolution and provides that property owners shall remove weeds from their property, or the abatement will be carried out by Santa Clara County (County). The City then publishes a legal advertisement in the local newspaper announcing the date of the public hearing.
- Hearing. The Council must conduct a public hearing, at which time any property owner may appear and object to the proposed weed destruction or removal. After hearing and considering any objections, the Council may allow or overrule any or all objections. If objections are overruled, the Council is deemed to have acquired jurisdiction to proceed, at which point the County will be asked to perform the work of destruction and removal of weeds.

On March 21, 1977, the City Council approved an agreement with Santa Clara County for the administration of weed abatement within the City of Palo Alto. This agreement has reduced the City's costs and staff time required for administration of weed abatement. For the past 27 seasons, the weed
abatement program has been expeditiously carried out by the Department of Agriculture and Resource Management, previously known as the County Fire Marshal’s Office, with results satisfactory to Palo Alto residents.

**RESOURCE IMPACT**
There is no direct fiscal impact to the City. The City of Palo Alto administers the weed abatement program with the County Department of Agriculture and Resource Management with a minimal amount of staff time. All charges for the weed abatement services are included as a special assessment on bills for taxes levied against the respective lots and parcels of land. Such charges are considered liens on these properties.

**ENVIRONMENTAL REVIEW**
A negative declaration for the project has been prepared showing that no significant environmental effects will result from the weed abatement program.

**ATTACHMENTS**
A: Environmental Assessment: Negative Declaration  
B: Resolution Declaring Weeds to be a Nuisance and Setting a Hearing

Prepared By:_____________________________
DAN FIRTH
Acting Fire Marshal

Department Head Review:_____________________________
JUDY JEWELL
Acting Fire Chief

City Manager Approval:_____________________________
EMILY HARRISON
Assistant City Manager