TO:        HONORABLE CITY COUNCIL
FROM:      CITY MANAGER        DEPARTMENT:    FIRE
DATE:      DECEMBER 11, 2006    CMR:  421:06
SUBJECT:   ADOPTION OF A RESOLUTION DECLARING WEEDS TO BE A
            NUISANCE AND SETTING JANUARY 16, 2007 FOR A PUBLIC
            HEARING

RECOMMENDATION
Staff recommends Council:

1)  Adopt the attached resolution declaring weeds to be a public nuisance and setting January
    16, 2007 for a public hearing; and

2)  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 29 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**
The Santa Clara County Counsel has determined the Weed Abatement Program to be Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15308.

**ATTACHMENTS**
A: Resolution Declaring Weeds to be a Nuisance and Setting a Hearing

Prepared By: ________________________________
DAN FIRTH
Fire Marshal

Department Head Review: ________________________________
NICHOLAS MARINARO
Fire Chief

City Manager Approval: ________________________________
EMILY HARRISON
Assistant City Manager