TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DATE: DECEMBER 15, 2008

SUBJECT: Adoption of a Resolution Declaring Weeds to be a Nuisance and Setting January 12, 2009 for a Public Hearing for Objections to Proposed Weed Abatement

RECOMMENDATION

Staff recommends Council:

1) Adopt the attached resolution declaring weeds to be a public nuisance and setting January 12, 2009 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 requires property owners or occupants to remove certain weeds, as defined in Section 8.08.010 that exist upon their premises, public sidewalks, streets or alleys. It also specifies the procedures to be followed to abate weeds, in the event owners do not remove them. These procedures 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.
- Public 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 the City Council 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. The action taken by the Council at the December 15 meeting will set this public hearing date for January 12, 2009.

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 31 seasons, the weed abatement program has been expeditiously carried out by the County Department of...
Agriculture and Resource Management with results satisfactory to Palo Alto residents.

**RESOURCE IMPACT**
There is no direct fiscal impact of this action 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.

The Weed Abatement Program is a cost recovery program and does not receive funding from city or county general funds. Beginning in 2009, and pursuant to Government Code Section 39573 and Health and Safety Code 14902, the County will include an inspection/investigation charge of $298 to property owners who are issued a notice to abate at the time of initial inspection.

**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 January 12, 2009 for a Public Hearing for Objections to Proposed Weed Abatement

Prepared By: ____________________________
GORDON SIMPKINSON
Acting Fire Marshal

Department Head Review: ____________________________
NICHOLAS MARINARO
Fire Chief

City Manager Approval: ____________________________
JAMES KEENE
City Manager