



# City of Palo Alto

## City Council Staff Report

(ID # 6355)

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**Report Type: Action Items**

**Meeting Date: 12/14/2015**

**Summary Title: Declaration of Weeds a Nuisance**

**Title: Adoption of a Resolution Declaring Weeds to be a Public Nuisance and Setting January 11th, 2016 for a Public Hearing for Objections to Proposed Weed Abatement**

**From: City Manager**

**Lead Department: Fire**

**Adoption of a Resolution Declaring Weeds to be a Public Nuisance and Setting January 11th, 2016 for a Public Hearing for Objections to Proposed Weed Abatement [For the 2016 Weed Abatement Cycle](#)**

### **Recommendation**

Staff recommends that Council:

- 1) Adopt the attached resolution declaring weeds to be a public nuisance and setting January 11th, 2016 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.

### **Background**

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 39 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.

### **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.
- Public 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 14<sup>th</sup>, 2015 meeting will set this public hearing date for January 11th, 2016.

### **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.

### **Policy Implications**

This procedure is consistent with existing City policies.

### **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:**

- Resolution - Declaring Weeds to be Nuisance (PDF)

**NOT YET APPROVED**

Resolution No. \_\_\_\_\_  
Resolution of Intention of the Council of the City of Palo Alto  
Declaring Weeds to be a Nuisance and Setting January 11, 2016 for a  
Public Hearing for Objections to Proposed Weed Abatement

R E C I T A L S

A. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, are anticipated to develop during calendar year 2016 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto sufficient to constitute a public nuisance as a fire menace when dry or are otherwise combustible, or otherwise to constitute a menace to the public health as noxious or dangerous.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, which are anticipated to develop during calendar year 2016 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto, are hereby found and determined to constitute a public nuisance. Such nuisance is anticipated to exist upon some of the streets, alleys, sidewalks, and parcels of private property within the City, which are shown, described, and delineated on the several maps of the properties in said City which are recorded in the Office of the County Recorder of the County of Santa Clara, reference in each instance for the description of any particular street, alley, or parcel of private property being hereby made to the several maps aforesaid, and, in the event of there being several subdivision maps on which the same lots are shown, reference is hereby made to the latest subdivision map.

SECTION 2. THEREFORE, IT IS ORDERED that the said public nuisance be abated in the manner provided by Chapter 8.08 of the Palo Alto Municipal Code:

IT IS FURTHER ORDERED that a public hearing shall be held on the 11th day of January, 2016, at the hour of 6:00 pm, or as soon thereafter as the matter may be heard, at the Council Chambers of the Civic Center of said City, at which the Council shall hear objections to the proposed weed abatement of such weeds and give any objections due consideration;

IT IS FURTHER ORDERED that the Fire Chief of the City of Palo Alto is directed to give notice of the public hearing in the time, manner and form provided in Chapter 8.08 of the Palo Alto Municipal Code.

SECTION 3. Unless the nuisance is abated without delay by the destruction and removal of such weeds, the work of abating such nuisance will be done by the County of Santa Clara Department of Agriculture and Resource Management Office on behalf of the City of Palo Alto, and the expenses thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds shall have been destroyed and removed.

***NOT YET APPROVED***

SECTION 4. The Santa Clara County, County Counsel has determined the Weed Abatement Program to be categorically exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15308.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
Director of Administrative Services