



Legislation Details (With Text)

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**Title:** Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting February 9, 2021 for Public Hearing

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2021\_01-12 (Resolution Declaring Weeds a Nuisance), 2. 2021\_01-12 (Notice to Destroy Weeds) FOR PUB, 3. POST MEETING MATERIAL, 4. Resolution No. 21-8929

Date	Ver.	Action By	Action	Result
1/12/2021	1	City Council and Authorities Concurrent	Adopted	

**REPORT TO COUNCIL**

**SUBJECT**

Action on Adoption of a Resolution Declaring Weeds a Public Nuisance and Setting February 9, 2021 for Public Hearing

**COUNCIL PILLAR**

Deliver and Enhance High Quality Efficient Services and Infrastructure

**BACKGROUND**

The City of Santa Clara has deemed the overgrowth of weeds on properties within the City a public nuisance. The City mandates that property owners conduct weed abatement activities through their own means in a timely manner. However, there are some property owners that, even with proper notification, do not comply with the weed abatement orders. As outlined in the City’s Municipal Code Chapter 8.15, the City authorizes the Fire Department to abate weeds on any non-compliant property.

**DISCUSSION**

The Fire Department requests to commence the 2020-2021 Weed Abatement Program for the forthcoming season. It is requested that the City Council, in accordance with Section 8.15 of the City Code, adopt the attached Resolution declaring weeds to be a public nuisance. Additionally, the Fire Department requests that Council authorize the posting of a Notice of Public Hearing scheduled for February 9, 2021, to hear public input regarding the proposed destruction and/or removal of weeds from non-compliant properties. The City contracts with Santa Clara County to perform all weed abatement services within the City.

**ENVIRONMENTAL REVIEW**

Santa Clara County has determined the Weed Abatement Program to be categorically exempt from

the California Environmental Quality Act ("CEQA") pursuant to Guideline 15308.

### **FISCAL IMPACT**

The County's costs of abatement are assessed to the parcel owner and are managed by the County. Costs include inspection, correspondence, abatement services, and cost recovery collection. There is generally no cost to the City other than staff time and expense. However, in the event there is a programmatic shortfall at the County, the City will be charged for the shortfall based on our pro-rata share of expenses; any such shortfall is estimated to be less than \$2,500. Such costs are significantly less than a full abatement program implemented by City staff.

### **COORDINATION**

This report has been coordinated by the Finance Department and City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

1. Adopt a Resolution ordering the abatement of nuisance consisting of growing weeds in the City;  
and
2. Set February 9, 2021 as the date for the required Public Hearing.

Reviewed by: Ruben Torres, Fire Chief

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Resolution - 2021\_01-12 (Resolution Declaring Weeds a Nuisance)
2. Public Notice - 2021\_01-12 (Notice to Destroy Weeds) FOR PUB