

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: May 7, 2024

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To: Honorable Mayor and City Councilmembers
From: Interim Fire Chief Todd Derum
Subject: Resolution Declaring Weeds a Public Nuisance

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RECOMMENDATIONS:

That the City Council adopts the attached Resolution in order to proceed with the City’s Weed Abatement Program.

EXECUTIVE SUMMARY:

This item is to request City Council to approve the attached Resolution declaring weeds growing upon private properties within the City a fire hazard and a public nuisance and set a public hearing date on June 4, 2024 for those who object to the proposed removal of weeds from their lots.

BACKGROUND AND DISCUSSION:

Every year a number of private properties are declared to be a fire hazard, therefore a public nuisance and in need of abatement. The resolution is passed and adopted, and a date set for a public hearing for those owners who object to this resolution. The hearing date will provide us sufficient time to legally notice all of the affected property owners of the public hearing. This is an annual program for weed abatement in the City. City Ordinance #647 provides for an abatement procedure and hearings.

The attached Resolution signifies the beginning of the City’s Annual Weed Abatement Program. The Resolution declares weeds a public nuisance and sets a date for public hearing in order to provide property owners a means of protesting the removal of weeds on their property.

The parcels of land listed on Exhibit “A” (attached) historically have weeds thereon. This list is adjusted as parcels are developed or we are notified of repeat locations. These weeds have the potential to become a fire hazard in the very near future as summer weather patterns cause the weeds to become dry and combustible.

If the weeds on these parcels are not removed by June 6th 2024, the City will abate the fire hazards and bill the property owners for the cost of abatement plus administrative costs.

STAFF ANALYSIS:

In recognition of Wildfire Awareness Month, the ongoing threat of vegetation fires and pursuant to City Ordinance #647, staff recommend the continuation of the City’s Weed Abatement Program.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

There is no fiscal impact with this item tonight; however, if the property owner fails to abate their lots, a contractor hired by the Fire Department will abate the lots and the property owner will be billed for the cost of abatement plus administrative costs.

OPTIONS:

None.

ATTACHMENTS:

- Resolution
- Exhibit A

APPROVALS:

Department Head Approval: Approval Date: 5.1.2024

CEQA Determination (Planning): Approval Date: 5.1.2024

The proposed action is not a project under the California Environmental Quality Act (CEQA)

If it is a project – Planning will need to include language

Administrative Services (Financial) Approval Date: 5.1.2024

Costs authorized in City Approved Budget: Yes No N/A

Account Code (f applicable) _____

City Attorney Approval: Approval Date: 5.1.2024

City Manager Approval: Approval Date: 5.1.2024

RESOLUTION NO. _____-2024

RESOLUTION ORDERING ABATEMENT OF WEEDS EXISTING WITHIN THE CITY OF SEBASTOPOL

WHEREAS, The City Council of the City of Sebastopol did, by Resolution No.6532-2023, adopted on May 7, 2024, declare that all weeds growing upon any private property or in any public street or alley, constitute a public nuisance; and

WHEREAS, pursuant to Ordinance No. 647 of the City of Sebastopol due notice has been given to certain owners of properties upon which, or in front of which, such weeds are growing; and

WHEREAS, on May 7th 2024, a public hearing was held by the City Council of the City of Sebastopol to consider all protests to the proposed removal of weeds and such protests have been given due consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sebastopol that all objections, if any, presented to said City Council at said public hearing are herewith overruled.

BE IT FURTHER RESOLVED that the City Manager, Fire Chief, employees or agents, are hereby expressly authorized to enter upon private property and abate such nuisances by having all weeds referred to, which have not heretofore been removed, removed from said properties as set forth on Exhibit A attached hereto, provided, however, that the property owner shall have the right to destroy or remove at his own expense such weeds prior to the arrival of the City Manager or his authorized representatives.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 7th day of May 2024.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor Diana Gardner Rich

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

<u>Parcel Number</u>	<u>Street</u>
004-350-024-000	7950 Bodega Avenue
004-370-017-000	7951 Bodega Avenue
004-350-076-000	8086 Bodega Avenue
004-281-021-000	7816 Brookside Avenue
004-052-001-000	6828 Depot Street
004-470-048-000	1208 Enos Avenue
004-124-001-000	7095 Fellers Lane
004-320-005-000	7154 Fircrest Avenue
004-172-017-000	763 First Street
004-340-020-000	1020 First Street
004-490-002-000	215 Golden Ridge Avenue
004-420-030-000	220 Golden Ridge Avenue
004-102-027-000	778 Gravenstein Hwy South
004-390-003-000	955 Gravenstein Hwy South
004-390-009-000	995 Gravenstein Hwy South
060-261-026-000	1011 Gravenstein Hwy North
060-261-028-000	1009 Gravenstein Hwy North
060-261-029-000	1003 Gravenstein Hwy North
004-660-031-000	Giusti Court
004-660-032-000	Giusti Court
004-660-033-000	Giusti Court
004-312-027-000	586 Harrison Street
004-390-011-000	7005 Hazel Cotter Court
004-470-042-000	1209 Jean Drive
004-470-043-000	1213 Jean Drive
004-340-025-000	950 McFarlane Avenue
004-291-043-000	385 Murphy Avenue
004-670-022-000	333 North Main St
004-272-052-000	Springdale Street
004-272-053-000	Springdale Street
004-272-054-000	Springdale Street
004-161-029-000	530 Swain Woods Terrace
004-083-025-000	6732 Walker Avenue
060-120-003-000	6733 Walker Avenue
004-272-057-000	7836 Washington Avenue
004-272-055-000	7850 Washington Avenue
004-272-060-000	7854 Washington Avenue
060-240-052-000	7870 Washington Avenue