

RESOLUTION NO. 19-

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
ORDERING ABATEMENT OF PUBLIC NUISANCE AND POTENTIAL
FIRE HAZARD (BRUSH) PURSUANT TO CUPERTINO MUNICIPAL
CODE SECTION 16.40.320 REGARDING DEFENSIBLE SPACE (BRUSH)
AND RESOLUTION NO. 19-057**

WHEREAS, the Cupertino Municipal Code Section 16.40.320 requires property owners in the locally adopted Wildland-Urban Interface Fire Area (WUI) to maintain effective defensible space by removing brush, flammable vegetation and combustible growth when required by the fire code official due to steepness of terrain or other conditions.

WHEREAS, the City Council has declared that the growth of brush upon the private properties as described in Resolution No. 19-057 to be a public nuisance and potential fire hazard; and

WHEREAS, after due notice, a hearing thereon was held at a meeting of the City Council on June 18, 2019; and

WHEREAS, from the evidence presented, both oral and written, it appears to be in the best interests of the City to acquire jurisdiction over and abate said nuisance.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Office of the Agricultural Commissioner is hereby ordered to abate such nuisance or cause the same to be abated by having the brush referred to destroyed or removed by cutting, discing, chemical spraying or any other method determined by him; that all debris, whether in piles or scattered, be hauled away;

2. That the Agricultural Commissioner and his deputies, assistants, employees, contracting agents or other representatives shall have express authorization to enter upon said private properties for the purpose of causing said public nuisance to be abated; and

3. That any affected property owners shall have the right to destroy or remove such brush or debris himself or herself or have the same destroyed or

removed at his/her own expense provided that such destruction or removal shall have been completed prior to the arrival of the Office of the Agricultural Commissioner or his authorized representative to destroy or remove them.

BE IT FURTHER RESOLVED:

1. That the Office of the Agricultural Commissioner shall keep account of abating said nuisance and embody such account in a report and assessment list to the City Council, which shall be filed with the City Clerk.

2. Said reports of costs, hearing and collection procedures involved shall be provided as stated in Cupertino Municipal Code Chapter 9.08.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino on the 18th day of June 2019, by the following vote:

Vote: Members of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Steven Scharf, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Grace Schmidt, City Clerk</p>	<p>_____</p> <p>Date</p>