



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: December 3, 2019

Subject

Declare properties as having potential fire hazards or other potential nuisances from weeds for the Cupertino Weed Abatement Program; set hearing date to declare a public nuisance and to consider objections for proposed removal.

Recommended Action

Adopt the Draft Resolution declaring properties as having potential fire hazards or other potential nuisances from weeds; and set hearing on January 21, 2020 to declare a public nuisance and to consider objections for proposed removal.

Discussion

The Cupertino Weed Abatement Program is in place to prevent fire hazards and other nuisances posed by vegetative growth (weeds) and the accumulation of combustible materials. This program is managed by the Santa Clara County Department of Agriculture. Cupertino Municipal Code Chapter 9.08 requires property owners to remove or destroy weeds on their property for fire and public health protection. The weed abatement process is in place to notify the property owners of this responsibility, authorize the County to remove the weeds if the property owner doesn't, and allow the County to recover the costs of abatement.

Process for Weed Abatement Program Outlined

The process consists of eight steps that begin in November and go through August of each year, as shown on the following list. At this time the process is at Step No. 2. On November 11, 2019, the County filed with the City the report of properties that have been identified as being noncompliant with the abatement program requirements (Attachment B, Exhibit A in Resolution).

The attached Resolution declares these properties as being a potential fire hazard due to weeds and/or combustible materials, or a potential nuisance due to weeds that are noxious, dangerous, or pose health risks. If Council wishes to adopt it, property owners on the report will receive a notice from the County indicating that their property must be abated, and that the City Council will conduct a public hearing on January 21, 2020 in order to consider objections to the proposed abatement.

During the public hearing on January 21, the Council will be asked to approve the Weed Abatement Program report and to declare a public nuisance. If approved, the County will be authorized to perform an inspection of the properties on the report to determine if the property has met the Weed Abatement Program requirements. Property owners will have until April 30, 2020 to abate their property.

1. County prepares a report of all properties that have been non-compliant in removing weeds in the last three years and provides that report to the City (Nov) (Attachment B).
2. City Council adopts a resolution declaring properties as having potential fire hazards or other potential nuisances from weeds and sets hearing to declare public nuisance and to consider objections for proposed removal (Nov-Dec) (Attachment A).
3. County sends notice to the property owners on the report notifying them of the hearing date and explaining that they must remove weeds by the abatement deadline of April 30 or it will be done for them, and with cost of the abatement plus administrative costs assessed to their property (Dec).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution declaring weeds a public nuisance and ordering abatement (Jan-Feb).
5. County sends a courtesy letter to property owners listed on the report, notifying them again of the abatement deadline, and noting that they will work with the property owner to be sure the weeds are removed (Jan-Feb).
6. After April 30, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the inspection fails. County makes a report of all costs associated with the abatement and provides that report to the City (June-July).
7. City notifies the property owners listed on the assessment report, notifying them of the hearing date. (July-Aug).
8. City Council holds a hearing, notes any disputes, and adopts a resolution placing a lien assessment on the properties to allow the County to recover the cost of weed and/or brush abatement (July-Aug).

Prepared by: Kirsten Squarcia, Deputy City Clerk

Reviewed by: Grace Schmidt, City Clerk

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A - Draft Resolution and Exhibit A

B - 2020 Cupertino Commencement Report (Exhibit A)