



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: January 18, 2022

Subject

Abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 21-112; hearing for impacted property owners to contest the matter of proposed abatement.

Recommended Action

Adopt the Draft Resolution ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 21-112; and conduct hearing for impacted property owners to contest the matter of proposed abatement.

Discussion

The purpose of the Cupertino Weed Abatement Program is 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 hazards if the property owner does not, and allow the County to recover the costs of abatement.

On December 7, 2021 the Council adopted Resolution No. 21-112, declaring the growth of weeds, the accumulation of garden refuse, cuttings and other combustible trash upon private properties to be a potential fire hazard and public nuisance. These properties are identified on the Weed Abatement Program Commencement Report prepared by the County (Attachment B, Exhibit A in Resolution). If Council wishes to adopt the Draft Resolution (Attachment A) ordering abatement of public nuisance, property owners on the Report will have until April 30, 2022 to abate any potential fire hazard on their property. On December 15, 2021, the County mailed a notice to property owners listed on the Weed Abatement Program Commencement Report (Attachment C) indicating that their property must be cleared of hazards according to Minimum Fire Safety Standards (Attachment E), and that the City Council would conduct a public hearing on January 18, 2022 in order to consider all property owners having any objections to the

proposed removal. City notices outlining the same information were mailed on December 22, 2021 (Attachment G).

How Parcels are Added to the Program

Parcels are added to the program through service requests from members of the public, a jurisdictional representative request, or when an inspector finds a non-compliant parcel en route from one active parcel to another. The identified parcels undergo an “add year” process prior to being added to the program. The add year is a buffer year, set aside for communications with the County and for property owners to gain an understanding of the program’s concerns, or to contest. All impacted parcels are expected to maintain the Minimum Fire Safety Standards (Attachment E) for the three years following the add year. The maximum grass height standard is 6 inches. The Program will not apply any fees to the parcel tax roll on the add year, only on the monitoring years. An initial inspection fee will be applied as “pass” or “fail” during the monitoring years. If a parcel fails, the monitoring years start over, to ensure that “three consecutive years of voluntary compliance” is achieved. County field officers perform inspections a few times a year. The inspection window for Cupertino runs annually from April 30 through October 31 and properties should be maintained throughout the year. If a property is abated before the April 30 deadline then the County administrative fee will be waived.

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. 4.

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, Exhibit A in Resolution).
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 H).
3. County sends notice to the property owners on the report notifying them of the hearing date and explaining that they must remove or destroy weeds by the abatement deadline of April 30, 2022 or it will be done for them, with cost of the abatement plus administrative costs assessed to their property (Dec) (Attachment C); The City also sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline (Attachment G). If a property is abated before the April 30 deadline then the initial inspection fee will be waived (Jan).
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).

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); The City also sends a courtesy letter to property owners listed on the report, reminding them of the abatement deadline and that the initial inspection fee will be waived if the property is abated before the deadline (Mar).
6. After April 30, the properties are inspected by the County to verify that weeds were removed and proceeds with abatement if the property fails the inspection. The County makes a report of all costs associated with the abatement and provides that report to the City (June-July). The County also provides a report of costs associated with the initial inspection fee for compliant properties, for payment by the City.
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).

Fiscal Impact

If a property is abated before the April 30 deadline then the County administrative fee will be waived. Any waived administrative fees will be billed to the City by the County to cover their cost of servicing the property.

Sustainability Impact

There is no sustainability impact.

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

- A – Draft Resolution and Exhibit A
- B – 2022 Cupertino Commencement Report (Exhibit A)
- C – County Letter to Property Owners to Abate Weeds
- D – County Hearing Notice to Destroy Weeds and Program Fees
- E – Minimum Fire Safety Standards Program Brochure
- F – Return Reply Form (RRF) Sample
- G – City Letter to Property Owners
- H – Approved Resolution No. 21-112