



## OFFICE OF THE CITY CLERK

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### CITY COUNCIL STAFF REPORT

Meeting: November 15, 2022

#### Subject

Declare properties as having potential fire hazards from weeds or other potential nuisances for the Cupertino Weed Abatement Program.

#### Recommended Action

Adopt the Draft Resolution declaring properties as having potential fire hazards from weeds or other potential nuisances and set hearing on January 17, 2023 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. Cupertino Municipal Code Chapter 9.08.020 states the following:

*Whenever any weeds are growing upon any private property or properties or in any street or alley within the City. The City Council shall pass a resolution declaring the same to be a public nuisance and order the County Agricultural Commissioner to give notice of the passage of such resolution as provided in this chapter, and state therein that, unless such nuisance is abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the County Agricultural Commissioner, and the expense thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of the weeds.*

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 does not do so, and allow the County to recover the costs of abatement.

### Process for Weed Abatement Program Outlined

The weed abatement 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 to City Council to adopt a resolution declaring properties as having potential fire hazards from weeds or other potential nuisances and to set hearing on January 17, 2023 to declare a public nuisance and to consider objections for proposed removal date is at Step No. 1 of the overall process. On November 7, 2022, 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 steps in the process are outlined below:

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-Dec) (Attachment B, Exhibit A in Resolution)
2. 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, 2023 or it will be done for them, with cost of the abatement plus administrative costs assessed to their property (Dec). The City also sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline. If a property is abated before the April 30 deadline then the initial inspection fee will be waived (Jan).
3. City sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline. 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).
6. City 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).
7. 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 and a report that includes properties that failed the inspection and associated costs proposed to be assessed.

8. City notifies the property owners listed on the assessment report, notifying them of the hearing date. (July-Aug)
9. City Council holds a hearing, considers 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).

The attached draft resolution will declare the listed 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 adopts the resolution, property owners on the report will receive notices from the County and the City indicating that public nuisance declared their property must be abated, and that the City Council will conduct a public hearing on January 17, 2023 to consider appeal to any public nuisance declarations.

During the public hearing on January 17, 2023, the Council will consider approving the Weed Abatement Program report and to declare a public nuisance. If approved, the County will inspect those properties that were determined to be satisfying the Weed Abatement Program requirements. Property owners will have until April 30, 2023 to abate their properties.

#### Fiscal Impact

There is no fiscal impact at this step of the process.

#### Sustainability Impact

There is no sustainability impact.

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Reviewed by: Kirsten Squarcia, City Clerk

Approved for Submission by: Pamela Wu, City Manager

#### Attachments:

A - Draft Resolution and Exhibit A

B – 2023 Cupertino Commencement Report (Exhibit A)