

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ORDERING ABATEMENT OF PUBLIC NUISANCE PURSUANT TO PROVISIONS OF CUPERTINO MUNICIPAL CODE CHAPTER 9.08 AND RESOLUTION NO. 18-111

WHEREAS, the City Council has declared that the growth of weeds, the accumulation of garden refuse, cuttings and other combustible trash upon the private properties as described in Resolution No. 18-111 adopted November 20, 2018, to be a public nuisance; and

WHEREAS, after due notice, a public hearing was held at the regular meeting of the City Council on February 5, 2019 to allow the impacted property owners to contest the matter; and

WHEREAS, from the evidence presented, both oral and written, at the public meeting of February 5, 2019, the City Council finds it's in the City's best interests for the City to abate these conditions by authorizing the County's Agricultural Commissioner to do so on the City's behalf and in accordance with the law.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agricultural Commissioner is hereby ordered to abate such nuisance or cause the same to be abated by having the weeds that have been declared a nuisance, destroyed or removed by cutting, dicing, chemical spraying or any other method determined by the Commissioner to be appropriate, and that all debris, whether in piles or scattered, be hauled away;

2. That the Agricultural Commissioner and his/her 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, in accordance with all applicable legal requirements;

3. That any affected property owner shall have the right to destroy or remove such weeds 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 Agricultural Commissioner or his authorized representative to destroy or remove them by the Parcel Abatement Deadline of April 30, 2019.

BE IT FURTHER RESOLVED:

1. That 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 Chapter 9.08.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino on the 5th day of February 2019, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Steven Scharf, Mayor
City of Cupertino