



**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: April 3, 2012

Agenda Item 66  
**Approvals:** [Signature]  
 City Manager \_\_\_\_\_  
 Dept. Head \_\_\_\_\_  
 Attorney \_\_\_\_\_  
 Finance \_\_\_\_\_

**Department:** Code Compliance  
**Prepared By:** Brent Panas, Code Compliance Officer

**Subject:** *ESTABLISHMENT OF WEED ABATEMENT PROGRAM FOR 2012.*

**Summary:** In early spring of each year the City Council adopts a Resolution (Attachment #1) pursuant to the Government Code, Section 39561, which finds and declares weeds and trash on specific parcels of property to be a seasonal, recurrent nuisance, and in need of abatement. These properties are specified in the Resolution. This Resolution sets a public hearing (in accordance with Section 39568 of the Government Code) to consider all objections to the proposed abatement. Each listed property owner will be notified of the public hearing/abatement process as required by Section 39567.1 of the Government Code.

The City of San Clemente Code Compliance Division administers the City's Weed Abatement Program. In early March, the City's Weed Abatement Contractor compiles a list of all vacant properties using the County Assessors' database. Council is then requested to adopt a resolution that opens the weed abatement process for the year. It will set a Public Hearing for the first Council Meeting in May to hear objections to the weed abatement process. Attached to the Resolution is the list of properties to be included in the program.

Following the adopted resolution, a letter of notification is then mailed to vacant property owners on or about April 4, 2012. This letter gives the owners until May 15, 2012 to clear their properties. The letter notifies owners of these vacant properties of the need for the removal of weeds, trash and debris, and the requirement to maintain their properties in this manner for the remainder of the calendar year. The intent of this procedure is to reduce the possibility of weed and debris fires in San Clemente. The public hearing held at the first Council meeting in May results in the "Order to Abate" by resolution, after which time the vacant properties can be cleared by the City's Weed Abatement Contractor. After this Council approval, the City Weed Abatement Contractor will clean the properties not cleared by their owners by May 15<sup>th</sup>.

On March 6, 2007 the Professional Services Agreement for Weed Abatement Services was approved by City Council. The agreement continued the practice of charging an Administration Fee of \$200 per property for non-compliant property owners. Historically, the City Council has waived the City's notification costs for postage, paper and staff for the compliant property owners.

**Recommended****Action:**

STAFF RECOMMENDS THAT the City Council initiate the process and weed abatement program for 2012 by adopting Resolution No. \_\_\_\_ entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

**Fiscal Impact:**

There is an initial budget impact. The City pays the Weed Abatement Contractor the costs to clear City owned lots. After May 15th, privately owned lots not cleared by the property owners (non-compliant) are cleared by the Weed Abatement Contractor with those costs paid by the City. The City then assesses an administrative fee of \$200 per lot to the non-compliant property owners. The City then bills the non-compliant property owners the cost to clear their lots plus the \$200 administrative fee, to recover the cost for clearing the lots. Unpaid bills are sent to the County for placement of liens to recover these costs. The City's notification costs (postage, paper and staff) to the vacant lots and vacant structured property owners that have complied with the abatement orders have been waived by Council. Last year, the cost waived totaled \$1,962.44. In the last three (3) years, the cost of abatement has been: (2009) \$134,207.00, (2010) \$123,088.20 and (2011) \$100,996.77. The cost to clear City owned lots in 2011 was \$88,079.49. Money has been budgeted for these expenses.

**Attachments:**

- (1) Resolution No. \_\_\_\_
- (2) APN Listings- On file with the City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTIONS 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Pursuant to the provision of California Government Code Sections 39561 and 39562, the City Council of the City of San Clemente determines and declares the following to be public nuisances:

- (a) All weeds as defined in Government Code Section 39561.5 which are growing upon the streets, sidewalks, or private property in the City, and;
- (b) All rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City.

SECTION 2. The properties upon which or in front of which the nuisances described in Section 1 exist are identified in Exhibit "A" to this Resolution listed by owner, street address, and Assessor's parcel number.

SECTION 3. Notice is hereby given that Tuesday, May 1, 2012 at 6:00 o'clock p.m., at the Council Chambers, Civic Center, 100 Avenida Presidio, San Clemente, California, hereby is fixed as the time and place for the City Council to hear and consider all objections or protests, if any, to the proposed abatement of weeds growing upon or in front of the properties identified in Section 2 and the abatement of all rubbish, refuse, and dirt upon or in front of the said properties.

SECTION 4. The City Clerk of the City of San Clemente is hereby instructed to prepare and cause to be mailed written notice of the proposed abatement to all persons owning property described in Section 2. The Clerk shall cause such written notice to be mailed to each person to whom such property is assessed as shown on the equalized assessment roll available on the date of this resolution. Said mailings shall comply with Government Code Section 39567.1 and the notice shall be substantially in the form provided by Section 39566, except that it shall be signed by the City Clerk and the heading need not comply with Section 39565.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of  
San Clemente, California

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) §  
CITY OF SAN CLEMENTE    )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
City Attorney