



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 1, 2018

Agenda Item 7-D
Approvals:
City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: Community Development, Code Compliance Division
Prepared By: Adam Atamian, Code Compliance Manager

Subject: *WEED ABATEMENT 2018 – ORDER TO ABATE NUISANCES BY HAVING WEEDS, RUBBISH, AND REFUSE, REMOVED FROM VACANT AND UNOCCUPIED, DEVELOPED PROPERTIES.*

Fiscal Impact: Yes. The Weed Abatement Program is budgeted annually in the General Fund and \$156,000 was appropriated for fiscal year 2018 to cover all program costs (Acct. # 001-452-43000).

Summary: The City Council is asked to conduct a public hearing regarding the abatement of weeds, rubbish, and refuse and adopt a resolution authorizing the Community Development Director to abate the nuisances. The City's Weed Abatement Contractor will begin clearing all vacant properties in San Clemente that are not in compliance with the City's weed abatement standards after May 15, 2018.

Background: At the April 3, 2018 meeting, the Council adopted Resolution 18-08 declaring weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways and private property to be public nuisances and providing for its abatement. On April 05, 2018, the Code Compliance Division's Weed Abatement Contractor completed the required public notification process by mailing "notification of the need to abate" letters to owners of all vacant and unoccupied, developed properties in the City. This list was compiled using the most current information provided by the Orange County Assessor's office. The list was approved by the Council on April 3, 2018.

Discussion: Mailings were completed by April 5, 2018, and established May 15, 2018 as the last day for clearing of parcels by owners. Per Resolution 18-08, the Council set May 1, 2018 as the date for a public hearing where any objections to the abatement process could be voiced. As indicated in the letters of notification mailed to all vacant property owners, all debris and refuse must be removed. Weeds must be cut to a height no higher than one inch (1") from the ground, and the property must be maintained in this manner for the remainder of the calendar year.

Recommended Action: STAFF RECOMMENDS THAT the City Council adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING THE WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY.

Attachments: 1. Resolution No. _____

Notification: E. Stewart & Associates, Inc.
Public Hearing – notice published in *Sun Post News*

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY

WHEREAS, the City Council of San Clemente on April 3, 2018, adopted Resolution 18-08 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; and

WHEREAS, the Code Compliance Division has completed the necessary public notices to owners of each parcel identified in the Weed Abatement Program, as listed in Exhibit 1 of Resolution 18-08; and

WHEREAS, these property owners have been notified that all weeds must be cut to a height no higher than one inch (1") from the ground and the property must be maintained in this manner for the remainder of the calendar year; and

WHEREAS, pursuant to Government Code Section 39567.1, these property owners have been informed that if they do not remove the weeds, rubbish, refuse, and dirt, then the City will remove these nuisances, and the cost of the removal plus all related administrative costs will be billed to the non-compliant property owners; and if these costs are not paid to the City when billed, those costs will be assessed upon the land from or in front of which the weeds, rubbish, refuse, and dirt are removed and will constitute a lien upon such land until paid.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

SECTION 1: The City Council, pursuant to Government Code Section 39571, hereby directs the Community Development Director to abate the nuisances by having the weeds, rubbish, refuse, and dirt removed from vacant and unoccupied, developed properties within the City of San Clemente which are not in compliance with the weed abatement standards, as indicated on the notices mailed to the property owners, at such time as the City's Weed Abatement Contractor arrives at the property.

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