



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: May 21, 2019

Agenda Item 7.B
Approvals:
City Manager [Signature]
Dept. Head [Signature] for CGD
Attorney _____
Finance [Signature]

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

Subject: **WEED ABATEMENT 2019 – 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 2019 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, 2019.

Background: At the April 2, 2019 meeting, the Council adopted Resolution 19-07 declaring weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways and private property to be public nuisances and providing for its abatement. On April 3, 2019, 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 2, 2019.

Discussion: Mailings were sent on April 3, 2019, and established May 15, 2019 as the last day for clearing of parcels by owners. Per Resolution 19-07, the Council set May 7, 2019 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. _____
 2. Vacant Lot List
 3. Affidavit of Mailing Notice
 4. Notice of Public Hearing Letter
 5. Notice of Public Hearing published in the *San Clemente Times*

Notification: E. Stewart & Associates, Inc.
Public Hearing – notice published in *SC Times*

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 2, 2019, adopted Resolution 19-07 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 19-07; 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

7B

ATTACHMENT 2 is available for inspection at the City Clerk's office.

CITY OF SAN CLEMENTE

AFFIDAVIT OF MAILING NOTICE

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF SAN CLEMENTE

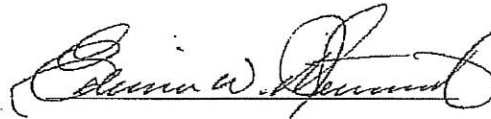
AFFIDAVIT OF MAILING NOTICE REQUIRING THE ABATEMENT OF WEEDS, RUBBISH, REFUSE AND DIRT FROM PRIVATE PARCELS – AS PER RESOLUTION NO. 19-07, PASSED BY THE CITY COUNCIL ON APRIL 2, 2019.

That I am the Contractual Weed Abatement Administrator for the City of San Clemente; that copies of the Notice of the Need to Abate noxious weeds, rubbish and dirt from private parcels as per Resolution No. 19-07, were mailed to each and every person set forth on the attached list of Resolution No. 19-07.

Said mailing was completed by placing a copy of said Notice in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at San Clemente, California.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on April 3, 2019 at San Clemente, California.



EDWIN W. STEWART
E. Stewart & Associates, Inc.
Contractual Weed Abatement Administrator
City of San Clemente



City of San Clemente Code Compliance Division

Weed Abatement Program

Phone: (949) 498-9250 Fax: (949) 498-4961

E-Mail: Ed@estewartinc.com

Dear Property Owner:

Every spring the City of San Clemente notifies the property owners of undeveloped parcels and vacant, developed parcels of their responsibility to remove weeds and debris from those properties. The native and naturalized landscape of San Clemente is susceptible to fire, along with the trash and debris that can collect on unoccupied properties. Therefore, it is very important to reduce this fire potential through the removal of weeds and debris.

Notice is hereby given that on Tuesday, May 7, 2019, the City Council of the City of San Clemente will be asked to pass a Resolution declaring that noxious or dangerous weeds may be growing upon or in front of the type of properties described above and that these weeds constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse, and dirt. These properties, including yours, will be described more specifically in the draft Resolution presented to the City Council on that date. Once the Resolution is adopted, should you choose not to remove the weeds and debris, they will be removed by the City, and the cost of removal billed to you. If not paid, the amount, including the City's administrative costs, will be assessed upon the land from which, or in front of which, the weeds and debris are removed and will constitute a lien upon such land until paid. In 2018 these administrative costs per lot were \$200.00. A copy of the draft Resolution will be on file prior to the May 7, 2019 City Council meeting, in the Office of the City Clerk at 910 Calle Negocio, San Clemente.

If you disagree with the proposed removal of the weeds and debris, you are encouraged to attend the City Council meeting to be held on Tuesday May 7, 2019, at 6:00 p.m., at the Council Chambers, Civic Center, 100 Avenida Presidio, San Clemente, California, when objections will be heard and given due consideration.

PLEASE NOTE: This notice refers to a parcel number(s) listed by the County Assessor's office most recent tax roll in your name. If you feel the property in question should not be included in the weed abatement program or you no longer are the owner of the undeveloped parcel or vacant, developed property, please contact the City's Contractual Weed Abatement Administrator, Stewart & Associates at (949) 498-9250, by email at ed@estewartinc.com, or by mail at: City of San Clemente Weed Abatement, c/o 1000 Calle Negocio, San Clemente, CA 92673. Please indicate the reason why your property should not be included in the weed abatement program. Please postmark any written correspondence to be received by May 15, 2019. If you wish to clean your own lot, your lot must be cleared to City standards by May 15, 2019, which require that weeds be cut to a height no higher than one inch (1") from the ground and all debris/trash be removed. The property owner must maintain the property in that manner for the **remainder of the calendar year**. All lots will be inspected for compliance. Please contact (949) 498-9250 if you require additional information regarding weed abatement.

Joanne Baade, City Clerk

Adam Atamian, Code Compliance Manager



City of San Clemente
City Clerk
Joanne M. Baade, City Clerk
Phone: (949) 361-8345 Fax: (949) 361-8309
BaadeJ@San-Clemente.org

TO BE PUBLISHED: 04/25/2019

NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT A PUBLIC
HEARING WILL BE HELD BY THE CITY COUNCIL
OF THE CITY OF SAN CLEMENTE, CALIFORNIA,
RELATIVE TO THE FOLLOWING:**

Weed Abatement Program 2019

To consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente. Further information may be obtained by contacting the Code Compliance Division at (949) 366-4705.

If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

NOTICE IS FURTHER GIVEN that said Public Hearing will be held at the meeting of the City Council on May 7, 2019 at 6:00 p.m. in the City Hall Council Chambers, 100 Avenida Presidio, San Clemente, California. All interested persons are invited to attend said hearing, or to submit written communication, to express their opinion for or against the program.

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

JOANNE BAADE
City Clerk and Ex-Officio
Clerk of the Council