



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 3/21/2023

Agenda Item: 6N

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

Subject:
ESTABLISHMENT OF WEED ABATEMENT PROGRAM FOR 2023

Fiscal Impact:

Yes. The Weed Abatement Program is budgeted annually in the General Fund and \$160,000 was appropriated for fiscal year 2022-2023 to cover all program costs (Acct. # 001-452-43000).

Summary:

Each year, the City of San Clemente Code Compliance Division administers the City's Weed Abatement Program. To initiate the Weed Abatement Program for 2023, the City Council is requested to adopt the proposed resolution to declare weeds, rubbish, refuse, and dirt upon streets, sidewalks, parkways, and private property to be public nuisances. The intent of the weed abatement process is to reduce the possibility of weed and debris fires in San Clemente.

Background:

In early March, the City's Weed Abatement Contractor compiled a list of 539 vacant properties using the County Assessors' database. Included on the list are unoccupied, developed properties. Each listed property owner will be notified of the public hearing/abatement process as required by Section 39567.1 of the Government Code.

At the first City Council meeting in May, Council will consider a resolution establishing an "Order to Abate" weeds and debris, with an attached exhibit of the list of properties to be included in the program. After adoption of the resolution, the Weed Abatement Contractor will clear the properties not cleared by their owners by May 15th.

Discussion:

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 and recurrent nuisance. These properties are specified in the list provided as Attachment 2. The proposed resolution sets a public hearing (in accordance with Section 39568 of the Government Code) to consider all objections to the abatement.

Following adoption of the proposed resolution, a letter of notification will be mailed to the owners of vacant properties or unoccupied, developed properties on or about April 1, 2023. This letter notifies these owners of their responsibility to remove weeds, trash and debris, and the requirement to maintain their properties in this manner for the remainder of the calendar year. This letter gives the owners until May 15, 2023 to clear their vacant or unoccupied, developed properties.

To carry out the Weed Abatement program, the City assesses each private lot requiring weed abatement an administrative fee of \$200. The City then bills the owners of properties cleared by the Weed Abatement Contractor the cost of abatement plus the \$200 administrative fee. Unpaid bills are sent to the County for placement of liens to recover these costs. Historically, the City Council has waived the City's notification costs for the property owners who abate weeds on their own properties. Last year, the cost waived totaled \$2,566.52. In addition to private-property weed abatement activities, the City also pays the Weed Abatement Contractor to clear City-owned lots. In 2022, this service cost the City \$105,370.00. Over the last three years, the total annual cost of the Weed Abatement Program was \$131,855 in 2020, \$134,233 in 2021, and \$132,043 in 2022.

Council is requested to adopt a resolution that initiates the 2023 Weed Abatement Program. The proposed resolution also sets a public hearing for the first City Council meeting in May to hear objections to the weed abatement process.

City Council Options and Recommended Actions:

City Council Options

- Adopt Resolution 23-09 Initiating the Weed Abatement Program for 2023.
- Continue the Item with direction to provide additional information.
- Provide specific direction to the City Manager for action.
- Deny Resolution 23-09 with direction to reconsider the item.

Staff Recommendation

STAFF RECOMMENDS THAT the City Council initiate Weed Abatement Program for 2023 by adopting Resolution No. 23-09 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.

Attachment:

1. Resolution No. 23-09
2. APN - Vacant Lot List

Notification:

None.

RESOLUTION NO. 23-09

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 provisions 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 2, 2023 at 6:00 o'clock p.m., hereby is fixed as the time 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, LAURA CAMPAGNOLO, 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

Attachment 2 – Vacant Lot List is on file with the City Clerk.