



REPORT TO COUNCIL

City of Sacramento

30

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

Public Hearing
March 25, 2008

**Honorable Mayor and
Members of the City Council**

Title: Weed and Rubbish Abatement Hearing

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** authorizing the Fire Chief to proceed with the abatement of weeds and rubbish in the manner prescribed by Government Code Section (§) 39567 and §39567.1, and Chapter 8.28 of the Sacramento City Code.

Contact: Troy Malaspino, Assistant Chief, Fire Marshal, (916) 808-1620

Presenters: Troy Malaspino, Assistant Chief, Fire Marshal

Department: Fire

Division: Fire Prevention

Organization No: 2526

Description/Analysis

Issue: The Sacramento Fire Department has prepared a list of City parcels that have not been maintained free of weeds and rubbish in accordance with Government Code §39561. The City Council on March 11, 2008 by Resolution No. 2008-136 set a public hearing for March 25, 2008, at 7:00p.m., in the Chambers of the Sacramento City Council to hear and consider all objections to the proposed abatement of weeds and rubbish from various parcels of property situated within the City of Sacramento and more particularly described in Exhibit A of the Resolution. All property owners of affected parcels (see Attachment 1, i.e., Exhibit A) were mailed a notice on March 13, 2008, of said public hearing in accordance with Government Code §39567 and §39567.1. Provided there are no objections, staff recommends that the City Council adopt the attached resolution authorizing the abatement of weeds, rubbish, and/or dirt pursuant to Government Code §39560 et seq. to eliminate hazards to the health, safety, and well-being of the citizens of the City of Sacramento. In the event there are unresolved objections, staff recommends that Council close the hearing, and direct staff to prepare a resolution, including findings of fact to be presented to City Council on April 10, 2008.

Policy Considerations: Government Code §39568, §39569, and §39570 authorizes the legislative body (i.e. City Council) to consider all objections to the proposed removal of weeds and rubbish, and ruling over objections.

Environmental Considerations: In the event the Weed Abatement Officer detects a potentially sensitive area, the condition will be reported to the Environmental Service Division for direction. Abatement will be suspended at that location until instruction is provided. This process is similar to the approach taken when potentially hazardous materials are located at an abatement site.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The Sacramento City Fire Department requests a public hearing be held to consider objections of weed and rubbish abatement pursuant to Government Code §39568, §39569, and §39570 to eliminate hazards to the health, safety, and well-being of the citizens of the City of Sacramento. Property owners can object to the abatement of weeds and rubbish via phone, email, and mail as well as during the public hearing, as stated on the notices sent. Consideration will be given to all objections, and consistency will be exercised in coming to a determination.

Financial Considerations: The City anticipates the need to abate weeds and rubbish on approximately 7,461 parcels of property due to lack of abatement by owners of said parcels. The cost of said abatements in addition to a \$110 administration fee is a personal obligation of the property owner. Delinquency of payment will result in a special assessment against the property. This program recovers all costs through billing, penalties and liens of negligent properties.

Emerging Small Business Development (ESBD): No goods and services are being purchased as a result of this agreement.

Respectfully Submitted by: 
TROY MALASPINO
Assistant Chief, Fire Marshal

Approved by: 
RAY S. JONES
Fire Chief

Recommendation Approved:


RAY KERRIDGE
City Manager

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Background

On March 11, 2008, the City Council passed Resolution No. 2008-136, declaring that certain specified parcels of property in the City of Sacramento have noxious or dangerous weeds, rubbish, refuse, and/or dirt which constitute public nuisances, and setting March 25, 2008, for a public hearing to hear and consider any objections to the proposed abatement of weeds, rubbish, refuse, and dirt. Property owners of parcels to be abated have been notified by mail of this public hearing.

The weed abatement program was initiated on July 10, 1969, and has been in effect since the City of Sacramento first adopted the standards for weed and rubbish abatement. A database was created comprised of the hereinafter described real property in the City of Sacramento that was covered by weeds, rubbish, refuse and dirt; and said weeds, rubbish, refuse, and dirt that constituted a hazard to the health, safety, and well-being of the citizens of the City of Sacramento. Routine inspections made by the Fire Prevention Captain ensure that the described real property has been added to our database and/or is eliminated from our database when the property no longer constitutes a potential hazard to the health, safety, and well-being of the citizens of the City of Sacramento.

Presently 7,461 weed and rubbish abatement notifications go out to parcel owners. Of those approximately 940 will require abatement by the City of Sacramento due to lack of abatement by parcel owner. The real property on which said nuisances exist is on file at the Sacramento Fire Department, 5770 Freeport Blvd., Suite 200, Sacramento, CA 95822, and the office of the City Clerk, in Historic City Hall at 915 I Street, 1st floor, Sacramento, CA 95814.

An invoice will be issued by the City of Sacramento for abatement at the completion of the weed abatement season. Non-payment may result in the cost of the abatement being placed as a lien against the property.

RESOLUTION NO.

Adopted by the Sacramento City Council

WEED AND RUBBISH ABATEMENT IN THE CITY OF SACRAMENTO

BACKGROUND

- A. The Sacramento Fire Department has prepared a list of City parcels that have not been maintained free of weeds and rubbish in accordance with Government Code §39561.
- B. The City Council on March 11, 2008 by Resolution No. 2008-136, set a public hearing for March 25, 2008, at 7:00p.m., in the City Council Chambers to hear and consider all objections to the proposed abatement of weeds and rubbish from various parcels of property situated within the City of Sacramento.
- C. All property owners of affected parcels (see Attachment 1, i.e., Exhibit A), were mailed a notice on March 13, 2008, of said public hearing in accordance with Government Code §39567 and §39567.1.
- D. Property owners were given the opportunity to object to the abatement of weeds and rubbish via phone, email, and mail as well as during this public hearing, as stated on the notices sent.
- E. There were no objections presented concerning the abatement of the weeds, rubbish, and/or dirt at the public hearing and no objections were received by mail.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Owners of parcels of property declared to constitute public nuisances have been notified of the public hearing on March 25, 2008, to consider objections of weed and rubbish abatement in accordance with Government Code §39567 and §39567.1. These parcels are described as set forth at Exhibit A to this Resolution.
- Section 2. The Sacramento City Fire Chief is hereby ordered to proceed with the weed and rubbish abatement program pursuant to Government Code §39560 et seq., on parcels of property constituting a public nuisance. The weeds, rubbish, refuse, and dirt upon the hereinafter described real property, Exhibit A, in the City of Sacramento are seasonal and recurrent and hereby declared to constitute public nuisances which may be abated

by the City pursuant to the above cited sections of the Government Code and City Code.

Section 3. That if a property owner, at its sole expense, removes the weeds, rubbish, and/or dirt from its parcel or parcels of property, Exhibit A, before the City of Sacramento's contractor arrives to perform the abatement, then the property owner shall avoid the cost of having the worked performed by the City of Sacramento.

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Exhibit A: Parcel Descriptions



**City of Sacramento
Material for Review**

Item on File: Parcel Descriptions

The Parcel Descriptions include the assessor parcel number, situs address, owner name, mailing address and lot size for each parcel which is available for review at the City's official website at:

http://www.cityofsacramento.org/webtech/streaming_video/live_council_meetings.htm.

Also, the descriptions will be available on file at the Sacramento Fire Department, 5770 Freeport Blvd., Suite 200, Sacramento, CA 95822, and the office of the City Clerk, in Historic City Hall at 915 I Street, 1st floor, Sacramento, CA 95814.

Please note the descriptions are on hand with the City Clerk during this meeting of the City Council which is held at 7:00 PM on March 25, 2008, in the Chambers of the Sacramento City Council, 915 I Street, 1st floor, Sacramento, California.

If you have questions about this material, please call (916) 808-1300.