



REPORT TO COUNCIL

City of Sacramento

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

Consent
February 24, 2009

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

Title: Weed and Rubbish Abatement

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** 1) declaring weeds, rubbish, refuse, and dirt to be a public nuisance pursuant to Government Code § 39561 and City Code Chapter 8.28; 2) declaring that weeds on specified parcels of property are seasonal and recurrent nuisances pursuant to Government Code § 39562.1 and City Code Chapter 8.28, and the description of said parcels are at Exhibit A to the Resolution; 3) authorizing notification be sent to the owners of said real property having any objections to the proposed abatement of said nuisances in the manner prescribed by Government Code §§ 39567 and 39567.1 and Chapter 8.28 of the Sacramento City Code; and 4) setting a public hearing for March 10, 2009 for objections to be heard and given due consideration.

Contact: Troy Malaspino, Assistant Chief, Fire Marshal, (916) 808-1300; Sabrina Burigsay-Wilson, Account Clerk II, (916) 808-8061

Presenters: Not Applicable

Department: Fire

Division: Fire Prevention

Organization No: 12001141

Description/Analysis

Issue: This is a yearly procedure as prescribed in Government Code § 39561 et seq. This procedure provides that if the respective owners do not abate the nuisances, a City Contractor may abate them at a cost determined by competitive bidding from licensed City Contractors plus an administrative charge of \$110.00 as set by Council action. See Government Code § 39576.5.

Policy Considerations: Pursuant to Government Code § 39561 et seq. and Chapter 8.28 of the Sacramento City Code authorizes abatement thereof, weeds growing upon the streets, sidewalks, or private property in the City.

Environmental Considerations:

California Environmental Quality Act (CEQA): In the event the Weed Abatement Officer detects a potentially sensitive area, the condition will be reported to the Environmental Services Division for direction and to be compliant to CEQA. 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.

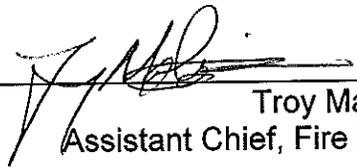
Sustainability Considerations: There are no sustainability considerations as listed in the Sustainability Master Plan applicable to declaring properties that were determined to need abatement of weed and rubbish.

Commission Committee Action: None

Rationale for Recommendation: The Sacramento City Fire Department requests authorization to proceed with the weed and rubbish abatement program to eliminate hazards to the health, safety, and well-being of the citizens of the City of Sacramento, pursuant to Government Code § 39561 et seq. and Chapter 8.28 of the Sacramento City Code.

Financial Considerations: The cost to print and mail annual weed abatement notices to owners of vacant parcels within the city is estimated at \$3,000. Funds are available in the program's FY2008/09 budget. The City's weed abatement program operates on full cost recovery.

Emerging Small Business Development (ESBD): No goods or 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:

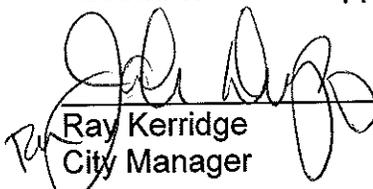
 _____
Ray Kerridge
City Manager

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Background

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 Officers as requested 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 7,751 weed and rubbish abatement notifications go out to parcel owners. Of those approximately 900 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. 2009-

Adopted by the Sacramento City Council

WEED AND RUBBISH ABATEMENT IN THE CITY OF SACRAMENTO

BACKGROUND

- A. The hereinafter described real property in the City of Sacramento is covered by weeds, rubbish, refuse, and dirt; and said weeds, rubbish, refuse, and dirt constitutes a hazard to the health, safety, and well-being of the citizens of the City of Sacramento.
- B. Government Code §§ 39561, 39562 and 39562.1 and Chapter 8.28 of the Sacramento City Code authorizes the Sacramento City Council to declare by resolution as public nuisances, and order abatement thereof, weeds growing upon the streets, sidewalks, or private property in the City and all rubbish, refuse, and dirt upon parkways, sidewalks, or private property within the City; and the weeds growing on the hereinafter described real property are of a seasonal and recurrent nuisance.
- C. The particular description of the parcels on which said nuisances exists are set forth at Exhibit A of this Resolution.

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

- Section 1. All weeds growing upon the streets, sidewalks, or private property in the City, and all rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City are declared public nuisances pursuant to Government Code § 39561 and City Code Chapter 8.28.
- Section 2. The weeds upon the hereinafter described real property in the City of Sacramento are declared to be seasonal and recurrent public nuisances to be abated pursuant to Government Code § 39562.1 and City Code Chapter 8.28; and the particular description of said parcels are set forth at Exhibit A to this Resolution.
- Section 3. Notices of the public hearing shall be mailed to all persons owning property described in this resolution in the manner provided by Section 39567.1 of the Government Code, or the property shall be posted as provided by the Section 39567 of the Government Code.
- Section 4. The owners of said real property who have any objections to the proposed abatement of nuisances by the City in the manner prescribed by the Government Code of the State of California and the Sacramento City Code

are hereby notified to attend the meeting of the City Council to be held at 6:00 PM on March 10, 2009, in the Chambers of the Sacramento City Council, 915 I Street, 1st floor, Sacramento, California, when their objections will be heard and given due consideration.

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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 2:00 PM on February 24, 2009, 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.