



REPORT TO COUNCIL City of Sacramento

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

Public Hearing
March 17, 2009

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, if there are no unresolved objections, 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; if there are unresolved objections, staff recommends upon conclusion to the hearing, Council directs staff to prepare a resolution, including finding of facts to be presented to City Council on March 24, 2009.

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

Presenters: Kelly Heavin, Fire Captain, (916) 808-1622

Department: Fire

Division: Fire Prevention

Organization No: 12001141

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 February 24, 2009 by Resolution No. 2009-103 set a public hearing for March 10, 2009, at 6:00p.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. At the March 10, 2009 Council meeting, the City Council continued the public hearing to March 17, 2009 for good cause to ensure that the property owners received adequate notice of the public hearing. All property owners of affected parcels (see Attachment 1, i.e., Exhibit A) were mailed a notice on March 6, 2009, 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 finding of facts to be presented to City Council on March 24, 2009.

Policy Considerations: Government Code §39568, §29569, 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:

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.

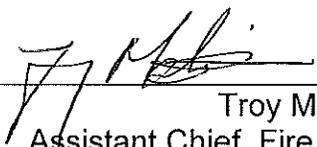
Sustainability Considerations: There are no sustainability considerations as listed in the Sustainability Master Plan applicable to holding a public hearing to listen to and rule over any objections from property owners in regards to any possible weed and rubbish abatement on their property.

Commission/Committee Action: None.

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 7,751 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 resolution.

Respectfully Submitted by: 
Troy Malaspino
Assistant Chief, Fire Marshal

Approved by: 
Ray S. Jones
Fire Chief

Recommendation Approved:

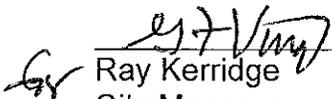

Ray Kerridge
City Manager

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Background

On February 24, 2009, the City Council passed Resolution No. 2009-103, 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 10, 2009, for a public hearing to hear and consider any objections to the proposed abatement of weeds, rubbish, refuse, and dirt. At the March 10, 2009 Council meeting, the City Council continued the public hearing to March 17, 2009 for good cause to ensure that the property owners received adequate notice of the public hearing. 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 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.

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 February 24, 2009 by Resolution No. 2009-103, set a public hearing for March 10, 2009, at 6:00p.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. At the March 10, 2009 Council meeting, the City Council continued the public hearing to March 17, 2009 for good cause to ensure that the property owners received adequate notice of the public hearing.
- C. All property owners of affected parcels (see Attachment 1, i.e., Exhibit A) were mailed a notice on March 6, 2009, 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 17, 2009, 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, see 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, see 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 work performed by the City of Sacramento.

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Exhibit A: Parcel Descriptions

Exhibit A



**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 6:00 PM on March 10, 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.