



REPORT TO COUNCIL

City of Sacramento

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

Public Hearing
March 20, 2007

**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: Russell VanVuren, Fire Captain, Fire Prevention, 808-1622

Presenters: Russell VanVuren, Fire Captain, Fire Prevention, 808-1622

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 6, 2007 by Resolution No. 2007-130, set a public hearing for March 20, 2007, 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 and more particularly described in Attachment 1. All property owners of affected parcels (see Attachment 1, i.e., Exhibit A), were mailed a notice on March 7, 2007, 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 3, 2007.

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 Services 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.

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 this 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 940 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 or services are being purchased as a result of this agreement.

Respectfully Submitted by: 
Captain Russell VanVuren

Approved by: 
Forrest Adams, Interim Fire Chief

Recommendation Approved:

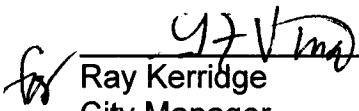

Ray Kerridge
City Manager

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Attachment 1

RESOLUTION NO. 2007-

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 6, 2007 by Resolution No. 2007-130, set a public hearing for March 20, 2007, 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 7, 2007, 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 20, 2007, to consider objections of weed and rubbish abatement in accordance with Government Code §39567 and §39567.1. These parcels are described at Exhibit A hereto.
- 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 hereto, 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 hereto, 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.

Attachments

Exhibit A Weed Abatement Parcel List Pg. 6

Weed Abatement Parcel List