



## Council Agenda Report

**From:** Paul Patti, Battalion Chief/Fire Marshal

**Subject:** Approval of Declaration of Public Nuisances Relating to Weed Abatement and Setting a Public Hearing

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15061, subd. (b)(3), 15378(b).

**Date:** June 6, 2023

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### Facts

1. City and State Codes require property owners to maintain their property in a fire safe condition.
2. In February 2018, the Council adopted an amendment to Ordinance 1048 establishing enforcement of hazardous fuels and refuse on a year-round basis.
3. Fire and Emergency Services personnel conducted a citywide survey during the week of May 15, 2023, collecting the addresses or parcel numbers of properties in violation of City Ordinance 1048 N.S.
4. Property owners of record, per the County Assessor, who were not in compliance were individually notified via U.S. Mail of the condition and need to abate.
5. Where applicable, occupants of properties who were not in compliance were also individually notified via U.S. Mail of the condition and need to abate.

### Options

1. Take no action.
2. Declare a public nuisance relating to weed abatement for those properties listed in Exhibit A. Property owners, listed in Exhibit A, have the opportunity to clear their weeds prior to the scheduled public hearing on June 20, 2023. If abatement has not been completed prior to the hearing, the owner will have an opportunity to show cause at the hearing why the property should not be declared a nuisance. The City will abate the nuisance for those properties that do not comply with the abatement notice and do not object or provide good cause for non-compliance at the June 20<sup>th</sup> public hearing. The City's costs of abatement and weed removal will be assessed upon the property from or in front of which the weeds, hazardous fuels, rubbish, and dirt are removed and will constitute a lien upon such property until paid.
3. Amend or modify the resolution as submitted.
4. Provide alternative direction to staff.

### Analysis and Conclusions

Through its delegated authority, Fire and Emergency Services works to eliminate community fire hazards created by hazardous fuels (dead vegetation). This work includes a public information campaign, letters to property owners found in violation, and site visits with individual property owners to help explain the importance of hazardous fuel reduction.

Fire and Emergency Services has made reasonable attempts to achieve safety regulation compliance for those properties found in Exhibit A. These remaining properties nonetheless remain in violation. Elimination of the

hazards necessitates that City Council declare these properties as nuisances, conduct public hearings, and name the Fire Chief or his designee as the enforcement superintendent prior to directing the work to be done.

All properties within the City limits were inspected by Fire and Emergency Services staff from the public right of way. Properties found not in compliance with the hazardous fuels and refuse ordinance (including City-owned properties) were notified of their non-compliance. The same high standards are applied to City-owned property as to private properties. Following adoption of the proposed resolution declaring the identified properties as a public nuisance, additional notices will be mailed or posted in accordance with Paso Robles Municipal Code Chapter 16.10 at least five days prior to the June 20, 2023 public hearing date.

Properties that have contacted us for exemptions such as livestock grazing areas or are identified by a biologist as being environmentally sensitive are not included in Exhibit A.

The intention of the ordinance is to have all properties in violation abated by June 30, 2023. Abatement work on City property will be completed by an outside contractor through existing contract.

### **Fiscal Impact**

None for this action, other than staff time to post the notices and the cost of publishing the public hearing notice. Costs associated with private properties that fail to abate their weeds, thereby requiring the City to contract for the work, will be recouped through special assessment liens on the negligent properties as outlined in Paso Robles Municipal Code 16.10.

### **Recommendation**

Approve Resolution 23-XXX declaring the properties described in Exhibit A to the resolution as public nuisances in violation of Paso Robles Municipal Code 16.10; and direct the Fire Marshal to post on the property or provide written notice to the property owners of each property identified in Exhibit A of the public hearing to be conducted by the City Council on June 20, 2023.

### **Attachments**

1. Resolution 23-XXX Weeds Abatement
  - a. Exhibit A – Weed Abatement Property List