

Attachment 1

RESOLUTION 23-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DECLARING PROPERTIES WITHIN THE CITY LIMITS AS PUBLIC NUISANCES DUE TO HAZARDOUS FUELS AND / OR REFUSE

WHEREAS, the Govt. Code 39560, et seq., provides a procedure by which a City may declare weeds and other noxious growths on private property as a public nuisance for abatement purposes; and

WHEREAS, the Govt. Code 39561.5 defines weeds for the purposes of this abatement as follows;

- (a.) Weeds that bear seeds of a downy or wingy nature.
- (b.) Sagebrush, Chaparral, or any other brush or weeds that may attain such a large growth as to become, when dry, a fire menace to adjacent improved property.
- (c.) Weeds that are otherwise noxious or dangerous.
- (d.) Poison oak and poison ivy when conditions of the growth are such as to constitute a menace to public health.
- (e.) Dry grass, stubble, brush, litter or other flammable material which endangers the public safety by creating a fire hazard; and

WHEREAS, Govt. Code 39560 provides that the City Council must designate a “superintendent” for purpose of enforcement of this action.

WHEREAS, Paso Robles Municipal Code 16.10, CC Ordinance No. 1048 N.S., prescribes the steps necessary to declare and abate conditions of public nuisance; and

WHEREAS, through its delegated authority, Fire and Emergency Services has worked to eliminate community fire hazards created by dry vegetation (weeds), including a public information campaign, early warning letters to property owners found in violation, and site visits with individual property owners to help explain the importance of hazardous fuels reduction.

WHEREAS, Fire and Emergency Services has made reasonable attempts to achieve safety regulation compliance for those properties found in Exhibit “A,” but they nonetheless remain in violation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES
HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the information contained in the staff report, dated June 6, 2023, the City Council hereby finds and determines that:

- a. For the purposes of the 2023 Weed Abatement program, the superintendent is Paul Patti, Fire Marshal.
- b. The weeds or noxious growths growing on the properties identified in Exhibit A are hereby declared to be a nuisance.
- c. The Fire Marshal is hereby directed to post the property with the “Notice To Abate” and/or give written notice to the property owners of each property identified in Exhibit “A” of a public hearing scheduled for June 20, 2023 at 6:30 p.m. at the regular El Paso de Robles City Council meeting for hearing of all objections regarding the City's’ action to declare public nuisance.

Section 3. This resolution is not subject to the provisions of the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the project may have a significant effect on the

Attachment 1

environment and will protect persons and property from emergencies caused by the risks of fire, explosions, and earthquakes (CEQA Guidelines section 15061(b)(3), Pub. Res. Code section 21080(b)(4)).

APPROVED by the City Council of the City of El Paso de Robles by the following vote on June 6, 2023.

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A – Property List - Assessor Parcel Number, address, and owner