



MEETING DATE: 5/3/04
ITEM NO. 9

COUNCIL AGENDA REPORT

DATE: APRIL 16, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: HAZARDOUS VEGETATION ABATEMENT
 A. ADOPT RESOLUTION DECLARING HAZARDOUS VEGETATION (BRUSH) A PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT
 B. SET JUNE 21, 2004 AS A PUBLIC HEARING TO HEAR PROTESTS ON THIS ANNUAL PROGRAM.

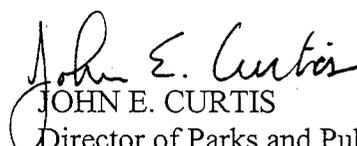
RECOMMENDATION:

1. Adopt resolution declaring hazardous vegetation (brush) a public nuisance and providing for their abatement.
2. Set June 21, 2004 as a public hearing to hear protests on this annual program.

DISCUSSION:

Hazardous vegetation (brush) pose a fire threat during the summer months and property owners should control them. To eliminate hazardous vegetation (brush), the Town historically has adopted a Hazardous Vegetation (Brush) Abatement Program. The time table listed below is in keeping with generally accepted procedures throughout Santa Clara County as recommended by the County Fire Marshal's Office.

Under the county program, property owners with hazardous vegetation (brush) problems are notified and given an opportunity to abate the hazardous vegetation (brush). If the problem is not addressed, the county contractor takes care of the hazardous vegetation (brush) and the cost is added to the owner's property tax bill.

PREPARED BY: 
 JOHN E. CURTIS
 Director of Parks and Public Works

Reviewed by: PSS Assistant Town Manager OK Attorney _____ Clerk _____ Finance
 _____ Community Development Revised: 4/16/04 8:42 am

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: RESOLUTION DECLARING HAZARDOUS VEGETATION (BRUSH) A
PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT

APRIL 16, 2004

DISCUSSION: - (Cont.)

A complete schedule of the program is as follows:

May 3, 2004 Town Council passes resolution declaring hazardous vegetation (brush) a nuisance and sets a public hearing (June 21, 2004).

May 26, 2004 Town Clerk publishes notice of June 21, 2004 Public Hearing for Town Council to hear protests to proposed charges. (Publish twice and post in three places). (Publish June 2, 2004, and June 9, 2004).

June 21, 2004 Public Hearing - Town Council hears protests and passes resolution allowing or overruling objections and ordering abatement as appropriate and specifying the method of abatement.

June 22, 2004 Properties which have not been cleared of hazardous vegetation (brush) are abated by a contractor for the County Fire Marshal.

July 23, 2004 County Fire Marshal returns account and assessment list of charges for work done by contractor **NOTE:** Town staff have expressed concern to County Fire Marshal that the schedule has little tolerance for delays.

August 2, 2004 Town Council Public Hearing on any proposed hazardous vegetation (brush) abatement charges; Council resolution confirming or modifying assessments.

August 3, 2004 Town Council returns list of charges to County Fire Marshal for filing with County Auditor as a special assessment.

CONCLUSION:

This is a standard procedure of the Town of Los Gatos. It has been enacted to reduce fire danger.

FISCAL IMPACT:

None.

ENVIRONMENTAL ASSESSMENTS:

Not a project as defined under CEQA and no further action is required.

PAGE 3

MAYOR AND TOWN COUNCIL

SUBJECT: RESOLUTION DECLARING HAZARDOUS VEGETATION (BRUSH) A
PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT

APRIL 16, 2004

Attachments:

Resolution declaring hazardous vegetation (brush) a public nuisance

Distribution:

Debbie Craver, Program Coordinator, Hazardous Management Program, Santa Clara County Fire
Marshal's Office, 70 West Hedding Street, San Jose, CA 95110

Dirk Mattern, Deputy Chief of Fire Prevention, Central Fire District, 14700 Winchester Boulevard,
Los Gatos, CA 95030

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
DECLARING HAZARDOUS VEGETATION (BRUSH)
A PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT

WHEREAS, Sections 39560 and following of the Government Code of the State of California authorize the Town of Los Gatos to declare that hazardous vegetation (brush) growing to such size and such type and in such locations as to constitute a fire hazard to the community may be declared a public nuisance and to compel owners, lessees, or occupants of buildings, grounds, or lots to remove or abate the hazardous vegetation (brush) to mitigate the fire hazard from such buildings, grounds, or lots to remove or abate the hazardous vegetation (brush) to mitigate the fire hazard from such buildings, grounds, property, and adjacent sidewalks and parkways, and upon the person's failure to do so, to remove or abate such hazardous vegetation (brush) at the owner's expense, making the cost of that abatement a lien upon the property, and

WHEREAS, the Town of Los Gatos has entered into an agreement with the County of Santa Clara to provide hazardous vegetation (brush) abatement services, and

WHEREAS, the maintenance of hazardous vegetation (brush) in violation of the Uniform Fire Code adopted by the Town of Los Gatos in the Hillside Areas identified and shown on the "Hazardous Fire Area" map constitutes a public nuisance and should be abated immediately; and

WHEREAS, the County of Santa Clara has mailed notice to 1,191 property owners in the Hillside Hazardous Fire Area notifying them of the need to abate hazardous vegetation (brush) violations and explaining the steps necessary to correct such violations.

RESOLVED, by the Town Council of the Town of Los Gatos, and the Town Council hereby finds that hazardous vegetation (brush) is a wood, perennial plant usually with multiple stems and trunks under ten feet in height and is indigenous to the hillside area. Hazardous vegetation (brush) is also known to have a high oil, high resin, or low moisture contention in their leaves and branches. Examples of this type of plant material include California Sagebrush, Greasewood or Chamise, Scotch Broom and Toyon. Unabated growth of hazardous vegetation (brush) upon and adjacent to private property within the Hillside Hazardous Fire Area and adjacent parkways and sidewalks is a public nuisance, and should be abated. The Director of Parks and Public Works shall act as the Superintendent for purposes of giving notice, supervising performance of the agreement with the County of Santa Clara, and evaluating the costs of abatement.

FURTHER RESOLVED, the Town Clerk is directed to mail notice of this resolution to the persons designated by the Superintendent in conformance with the Government Code and publish notice of this resolution as provided in the Government Code.

FURTHER RESOLVED, that unless the hazardous vegetation (brush) violations are corrected by June, 22, 2004, or within the time specified in a written agreement with the Superintendent or the Superintendent's representative, the Town of Los Gatos shall cause such nuisance to be abated, and the expense thereof assessed upon the lots or lands from which or on which the abatement actions occur, such expense to constitute a lien upon such lots or lands until paid, and to be collected upon the next real property tax roll upon which general municipal taxes are collected.

FURTHER RESOLVED, that on the 21st day of June, 2004, at a meeting of the Town Council beginning at 7:00 P. M. in the Council Chambers of the Civic Center, 110 E. Main Street, Los Gatos, CA, a public hearing will be held during which all property owners in Hillside Hazard Area in the Town of Los Gatos having any objections to the proposed abatement of hazardous vegetation (brush) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of May, 2004 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

