

STAFF REPORT

DATE: April 5, 2011
TO: City Council
FROM: William Weisgerber, Interim Fire Chief
SUBJECT: Weed Abatement 2011

Recommendation

Approve the attached resolution declaring weeds growing upon private properties within the City a fire hazard and a public nuisance and set a public hearing date on May 3, 2011 for those who object to the proposed removal of weeds from their lots.

Fiscal Impact

No fiscal impact. If the property owner fails to abate their lots, a contractor hired by the Fire Department will abate the lots and the property owner will be billed for the cost of abatement plus a 15% administrative charge.

Council Goal(s)

Public Safety

Background and Analysis

Every year a number of private properties are declared to be a fire hazard, therefore a public nuisance and in need of abatement. The resolution is passed and adopted and a date set for a public hearing for those owners who object to this resolution. The hearing date will provide us sufficient time to legally notice all of the affected property owners of the public hearing. Although the current requirements are to mow, flail or use livestock on the properties, we have provided the Parks and Open Space Superintendent with the list to identify any known sensitive habitat issues on these parcels. If any sensitive properties are identified, we will work with those property owners on the correct method of abatement.

Attachments

1. Resolution
2. Sample Letter
3. Criteria and Notice
4. Weed Abatement List
5. Map

RESOLUTION 11-XXX, SERIES 2011

**RESOLUTION DECLARING WEEDS GROWING UPON PRIVATE PROPERTY
WITHIN THE CITY OF DAVIS TO BE A PUBLIC NUISANCE: DIRECTING
THE CHIEF OF THE FIRE DEPARTMENT TO POST OR MAIL NOTICE TO
DESTROY WEEDS, AND PROVIDING NOTICE OF HEARING ON
OBJECTIONS THERETO PURSUANT TO CALIFORNIA GOVERNMENT
CODE, ARTICLE 2, SECTION 39560 THROUGH 39588**

WHEREAS, weeds now growing upon private property within the City of Davis are a fire hazard and therefore, a public nuisance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the weeds upon the described lots in EXHIBIT A are hereby declared to be a public nuisance.
2. That the Chief of the Fire Department be hereby authorized and directed to mail notice to the owner of each of the listed lots as shown on the last equalized assessment roll or post forthwith upon each of the listed lots a "NOTICE TO DESTROY WEEDS," which is in substantial conformity to the provisions of the California Government Code, Article 2, Sections 39560-39588.
3. That May 3, 2011 is hereby set as the time for hearing objections to the proposed removal of such weeds.

PASSED AND ADOPTED by the Davis City Council on this 5th day of April, 2011 by the following vote:

AYES:

NOES:

Joseph F. Krovoza
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

April 6, 2011

XXX
XXX
XXX

Dear Property Owner:

We are rapidly approaching the 2011 weed abatement season and City records show you to be a property owner of the parcel(s) on back of this letter. Your parcel(s) may be in need of abatement.

Please check your lot against the enclosed list of specifications. As you may be aware, burrowing owls and active burrows have been observed in various locations around the city. If your preferred method of weed abatement is disking or tilling, please note that **as of February 9, 2001, all disking, tilling and grading of property within the City is prohibited without prior approval by the City.** The ordinance does permit mowing and flailing as a method for weed abatement. For a copy of the ordinance, contact the City Clerk at (530) 757-5648, the Community Development and Sustainability Department at (530) 757-5610, or visit the City's website at www.cityofdavis.org/cdd/.

Property owners are to abate their weeds according to the enclosed specifications prior to June 6, 2011. If you have not completed this work before the City's contractor arrives at your property (after June 5, 2011) the contractor will abate any remaining nuisance upon the property and you will be billed for these services plus an administrative overhead charge. You are also responsible for regrowth throughout the year. NOTE: Please read the attached criteria.

Our intent is to have all the lots in the city abated of weeds and refuse according to the following schedule:

May 3, 2011	Objection Hearing scheduled at Community Chambers
June 5, 2011	Deadline for Property Owners to abate vacant lots
June 6- June 30, 2011	City contractor abates nonconforming lots

We appreciate your past efforts in clearing your lots and look forward to your continued cooperation. Please call (530) 757-5684 if you have additional questions.

William Weisgerber
Interim Fire Chief

Enclosures

**DAVIS FIRE DEPARTMENT
WEED ABATEMENT CRITERIA
2011**

The goal of the Fire Department weed abatement program is to reduce the number and size of vegetation fires in areas protected by the Davis Fire Department. Vegetation reduction will be performed to meet this goal, tempered by the economic burden placed on property owners by these requirements. Fire Department budget limitations also dictate the extent to which weeds are abated.

Weed abatement rules:

1. Grasses and related woody materials pose a greater fire hazard when standing than when cut and allowed to lie flat.
2. Dry vegetation is subject to abatement; green vegetation need not be abated if it will remain green and not subject to burning during the summer months.
3. Abatement may be required on vacant lots, or on lots occupied by a building.
4. It is not the intent of the program to remove all vegetation from lots. Occasionally, grass fires will occur on lots subject to weed reduction.
5. Weed abatement is not intended to be a blight mitigation or City beautification program.

Specific requirements:

1. Vegetation must be sufficiently dense to support a fire for abatement to be required; an average vegetation density of 25 per cent is prima facie evidence of this capability.
2. Vegetation shorter than 6 inches (15 cm) need not be abated.
3. At least 200 square feet of vegetation taller than 6 inches (15 cm) must be present on a parcel to be abated.
4. Vegetation subject to abatement shall be reduced in one of the following ways:
 - cutting, flailing or chopping, with the resulting material remaining no higher than 6 inches (15 cm) above the soil. (This may necessitate removal of vegetation from the parcel.)
 - disking, with at least 50 per cent of the material turned under the soil *
 - use of livestock. If you choose this method and have questions, please call John McNerney, the City of Davis' Wildlife Resource Specialist, at 757-5680.
5. Weeds shall be cut or turned under within 1 foot of buildings, fences or other combustible improvements.
6. Weeds on unimproved parcels 1 acre or smaller (44,000 square feet) shall be abated on the entire lot.
7. Weeds on unimproved, non-agricultural parcels larger than 1 acre (44,000 square feet) shall be cut or turned under in a perimeter configuration at least 50 feet from all property lines.
8. Where open agricultural land abuts buildings, combustible fences, or other combustible improvements, vegetation shall be cut or turned under in a border at least 50 feet wide adjacent to the improvements.

*** As of February 9, 2001, all disking, tilling and grading of property within the City is prohibited without prior approval by the City.** For a copy of the ordinance, contact the City Clerk at (530) 757-5648, the Community Development and Sustainability Department at (530) 757-5610 or visit the City's website at www.cityofdavis.org/cdd/

**NOTICE TO DESTROY WEEDS AND
REMOVE RUBBISH, REFUSE AND DIRT**

Notice is hereby given that on the 5th day of April 2011 the City Council of the City of Davis passed Resolution No. _____ Series 2011 declaring that dangerous weeds were growing upon or in front of the property on this parcel(s), and that rubbish, refuse and dirt were upon or in front of the real property described on the enclosed sheet, in the City of Davis, and more particularly described in the Resolution, and that they constitute a public nuisance which must be abated by the removal of said weeds, rubbish, refuse and dirt. Otherwise if said weeds are not removed by June 5, 2011, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from in or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the Resolution for further particulars. A copy of said Resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Davis to be held the evening of May 3, 2011, when said objections will be heard and given due consideration. Please call 757-5602, between 8:00 a.m. and 5:00 p.m. on weekdays, after April 27, 2011, for the expected time of this public hearing.

Dated this 5th day of April 2011.

PAUL NAVAZIO
Interim City Manager

**DAVIS FIRE DEPARTMENT
MASTER WEED ABATEMENT LIST
2011**

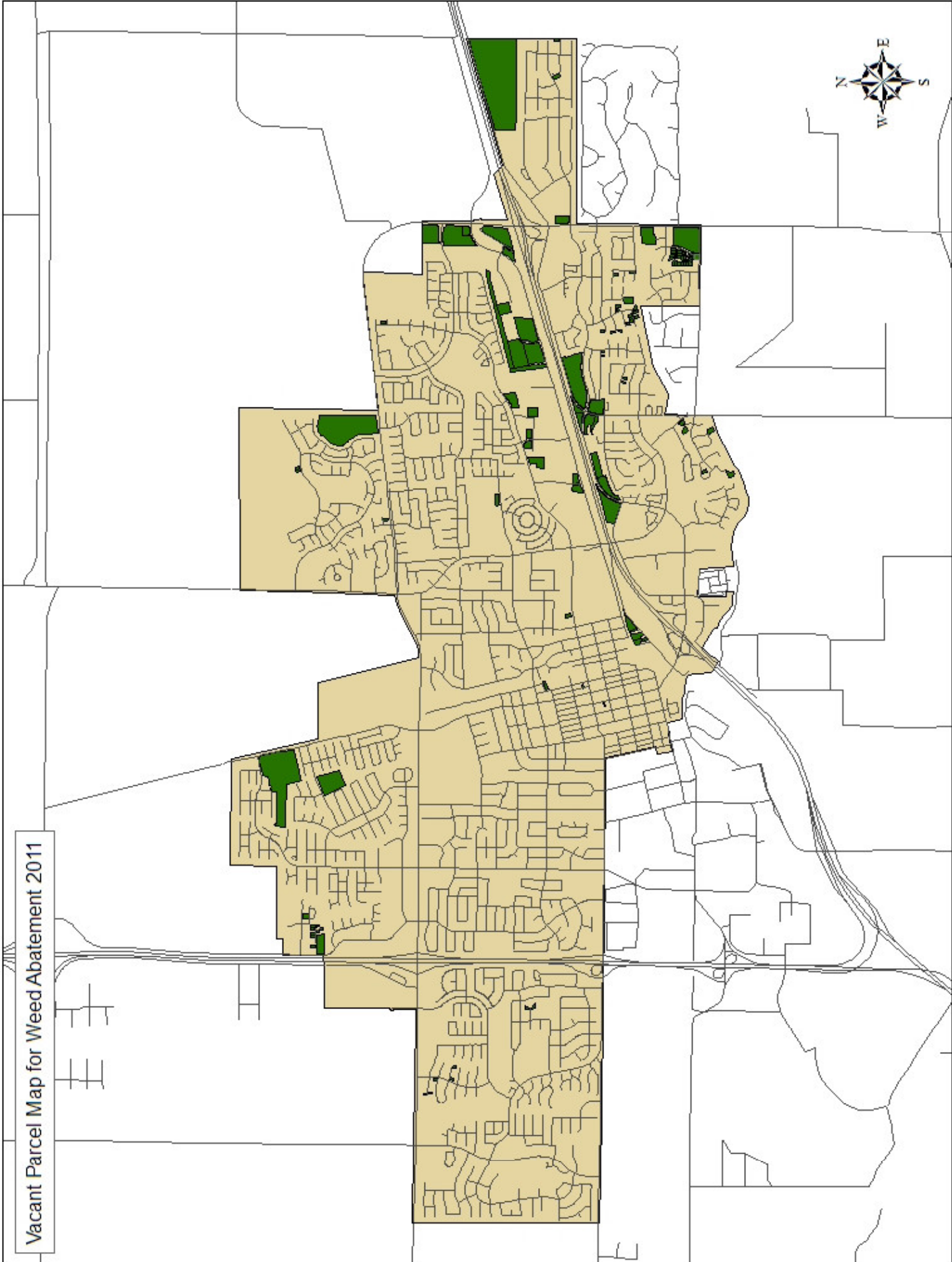
EXHIBIT A

	ADDRESS	JURISDICTIONS	PARCEL NO.	COMMENTS
4699x	Alhambra Drive	City	71-100-17	
2316	Benton Place	City	32-770-35	
2204	Bryce Lane	City	36-550-52	
2234	Bryce Lane	City	36-550-47	
602	Cantrill Drive	City	71-404-09	
603	Cantrill Drive	City	71-405-07	
1305	Cassel Lane	City	35-470-51	
1311	Cassel Lane	City	35-470-50	
1318	Cassel Lane	City	35-470-54	
1323	Cassel Lane	City	35-470-48	
1329	Cassel Lane	City	35-470-47	
1353	Cassel Lane	City	35-470-43	
1304	Cassel Place	City	35-470-52	
3050	Cassel Place	City	35-470-58	
2950x	Chiles Road	City	69-020-46	
3300x	Chiles Road	City	69-020-89	
5600	Chiles Road	City	68-050-08	
1311	Cottonwood Dr	City	69-512-06	
1315	Cottonwood Dr	City	69-512-07	
1319	Cottonwood Dr	City	69-512-09	
1323	Cottonwood Dr	City	69-512-08	
1401	Cottonwood Dr	City	69-511-05	
1405	Cottonwood Dr	City	69-511-06	
1409	Cottonwood Dr	City	69-511-04	
1413	Cottonwood Dr	City	69-511-03	
1427	Cottonwood Dr	City	69-511-02	
1433x	Cottonwood Dr	City	69-511-01	
2750	Cowell Blvd	City	69-390-05	
3030x	Cowell Blvd	City	69-020-84	
5448	Cowell Blvd	City	68-284-15	
2751	Del Rio Place	City	71-404-01	
4222	Dogwood Place	City	69-470-72	
800x	Drummond Ave	City	69-020-75	
413	E Street	City	70-211-12	
3003	E Covell Blvd	City	71-140-11	
2411	East Eighth Street	City	71-020-15	
919	Eucalyptus Street	City	69-470-54	
1405	Exeter Circle	City	69-480-35	
1406	Exeter Circle	City	69-480-41	
3131	F Street	City	35-970-50	
3601	Faraday Avenue	City	71-411-06	
3703	Faraday Avenue	City	71-411-05	

**DAVIS FIRE DEPARTMENT
MASTER WEED ABATEMENT LIST
2011**

EXHIBIT A

	ADDRESS	JURISDICTIONS	PARCEL NO.	COMMENTS
3723	Faraday Avenue	City	71-411-05	
3743	Faraday Avenue	City	71-411-05	
3808	Faraday Avenue	City	71-411-09	
3855	Faraday Avenue	City	71-411-03	
4009	Faraday Avenue	City	71-411-12	
4600	Fermi Place	City	71-425-01	
1411	Fifth Street	City	70-550-05	
2726	Fifth Street	City	71-404-04	
2992	Fifth Street	City	71-100-25	City responsibility
511x	G Street	City	70-194-10	
712	G Street	City	70-166-01	
2346	Glacier Place	City	36-702-02	
2351	Glacier Place	City	36-701-03	
1806	Glenn Place	City	36-530-37	
1807	Glenn Place	City	36-530-40	
250X	Grande Avenue	City	35-970-12	School site
5731	Guthrie Place	City	68-290-11	
4100	Hackberry Place	City	69-470-26	City responsibility
3805	Halcon Place	City	71-242-04	
3903	Hoopla Place	City	69-370-03	
2301	Isle Royale Lane	City	36-570-02	
315	Mace Blvd	City	71-100-50	
480x	Mace Blvd	City	68-021-01	
1400	Mace Blvd	City	71-100-49	
2001x	Mace Blvd	City	69-490-35	
4202	Mahogany Lane	City	69-511-09	
4208	Mahogany Lane	City	69-511-08	
4213	Mahogany Lane	City	69-512-11	
4214	Mahogany Lane	City	69-511-07	
4219	Mahogany Lane	City	69-512-10	
4333	Mahogany Lane	City	69-511-10	
4339	Mahogany Lane	City	69-511-11	
4344	Mahogany Lane	City	69-512-12	
4345	Mahogany Lane	City	69-511-12	
4351	Mahogany Lane	City	69-511-13	
4357	Mahogany Lane	City	69-511-14	
4363	Mahogany Lane	City	69-511-15	
4375	Mahogany Lane	City	69-511-17	
4376	Mahogany Lane	City	69-512-02	
4381	Mahogany Lane	City	69-511-18	
4382	Mahogany Lane	City	69-512-03	
4387x	Mahogany Lane	City	69-511-19	



Vacant Parcel Map for Weed Abatement 2011