

Chapter 11.06 WEED ABATEMENT

11.06.010 Purpose.

The purpose of the Weed Abatement Program is to prevent fire hazards created by vegetative growth and the accumulation of combustible debris through voluntary compliance. The city's authorized agent(s) inspect parcels that have been declared a public nuisance and included in the program throughout the year. Abatement work is ordered by an inspector on properties when the minimum fire safety standards have not been satisfied, or if the owner has requested that the city's agent perform the necessary work. The abatement charges for any work performed by the city's agent and an administrative fee are included on the property tax statement as a special assessment. For provisions regarding the authority of the City Council to provide weed abatement, see Government Code Section 39501.

11.06.020 Definitions.

"Weeds," as used in this chapter, means all weeds growing upon streets, alleys, sidewalks or private property in the city and includes any of the following:

- A. Weeds which bear or may bear seeds of a downy or wingy nature;
- B. Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- C. Weeds which are otherwise noxious or dangerous;
- D. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
- E. Accumulation of garden refuse, cuttings and other combustible trash.

11.06.030 Duty to remove.

Every property owner shall remove or destroy such weeds from their property, and in the abutting half of any street or alley between the lot lines as extended. No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the city shall permit weeds to remain upon the premises, or public sidewalks or streets or alleys between such premises and the centerline of any public street or alley.

11.06.040 Resolution declaring nuisance.

Whenever any weeds are growing upon any property or in any street or alley within the City. The City Council shall pass a resolution declaring the same to be a public nuisance and order the city's authorized agent to give notice of the passage of such resolution as provided in this chapter, and state therein that, unless such nuisance is abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the city's authorized agent, and the expense thereof assessed upon the parcel(s), and/or in the front and rear of which, such weeds have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of the weeds.

11.06.050 Notice to destroy weeds—Form.

The notice shall be in substantially the following form:

NOTICE TO DESTROY WEEDS

NOTICE IS HEREBY GIVEN that on _____, pursuant to the provisions of Chapter 11.06 of the Los Altos Municipal Code, the City Council of the City of Los Altos ("City") passed a resolution declaring that all weeds growing upon any property or in any public street or alley, as defined in Section 11.06.020 of the Los Altos Municipal Code, constitutes a public nuisance, which nuisance must be abated by the destruction or removal thereof.

NOTICE IS FURTHER GIVEN that property owners shall, without delay, remove all such weeds from their property, and the abutting half of the street in front and alleys, if any, behind such property, and between the lot lines thereof as extended, or such weeds will be destroyed or removed and such nuisance abated by the city's authorized agent(s), in which case the cost of such destruction or removal will be assessed upon the parcel(s), or from the front or rear of which, such weeds shall have been destroyed or removed; and such cost will constitute a lien upon such parcel(s) until paid, and will be collected upon the next tax roll upon which general municipal taxes are collected. All property owners having any objections to the proposed destruction or removal of such weeds are hereby notified to attend a Public Hearing to be held in the Council Chambers located at 1 North San Antonio Road, Los Altos, CA, 94022, on _____, at _____ A.M./P.M., when and where their objections will be heard and given due consideration.

11.06.060 Hearing Officer assigned.

The City Council hereby assigns the City Manager or their designee to serve as the Hearing Officer on behalf of the City of Los Altos to consider any and all objections to the proposed destruction or removal of such weeds identified by the city's authorized agent(s).

11.06.070 Hearing.

- A. At the time stated in the notice prescribed in Section 11.06.050, the Hearing Officer shall hear and consider any and all objections to the proposed destruction or removal of such weeds and may continue the hearing from time to time to account for additional consideration of such objections. All those in objection to the proposed destruction or removal of such weeds shall provide the Hearing Officer with the following to be considered:
 - i. Written objection to the proposed destruction or removal of such weeds which includes the address and parcel information of the subject site, the property owner name(s) with contact information (e.g. phone number, mailing address, email address) and sufficient justification to explain the reason for existing non-compliance with the Weed Abatement Program.
 - ii. Printed photographs no smaller than 5" by 7" which clearly show all portions of the subject site.
 - a. Should additional photographs be determined to be necessary the Hearing Officer may continue the hearing to a date certain to allow time for the property owner(s) to obtain sufficient photographs for consideration.
- B. The Hearing Officer, by motion, shall allow or overrule any and all objections, if any, after which the city's authorized agent(s) shall be deemed to have acquired jurisdiction to proceed and perform the work of destruction and removal of the weeds.
 - i. Decisions of the Hearing Officer shall be final.
 - ii. The Hearing Officer shall forward a final list of all properties subject to weed abatement to the City Council for adoption by resolution. The City Council resolution shall be included on the consent calendar at the next scheduled public meeting.

11.06.080 Order to abate nuisance.

The City Council by resolution shall order the city's authorized agent(s) to abate such nuisance, or cause the same to be abated, by having the weeds referred to, destroyed or removed by cutting, digging, spraying or any other method as may be determined by the city's authorized agent(s). The city's authorized agent(s) are expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to destroy or

remove such weeds or have the same destroyed or removed at their own expense; provided that such weeds shall have been removed prior to the arrival of the city's authorized agent(s) to inspect for or remove them.

11.06.090 Account and report of cost.

The city's authorized agent(s) shall keep an account of the cost of abating such nuisance and embody such account in a report and assessment list to the city. Such report shall refer to each separate lot or parcel of land by description sufficient to identify such lot or parcel, together with the expense proposed to be assessed against each separate lot or parcel of land. The expense shall include any additional charges necessary to pay for the costs of administering the program.

11.06.100 Posting and publishing notice of report.

The City Clerk shall make available a copy of such report and assessment list available at the public counter at City Hall located at, 1 North San Antonio Road, Los Altos, CA, 94022, together with the notice of the posting thereof, and of the time and place when and where it will be submitted to the hearing officer for hearing and confirmation, notifying property owners that they may appear at such time and place and object to any matter contained therein. A like notice shall also be published twice in a newspaper of general circulation, published, and circulated within the city. The posting and first publication of such notice shall be made and completed at least ten days before the time such report shall have been submitted to the hearing officer. The notice, as so posted and published, shall be substantially in the following form:

Notice of Hearing on Report and Assessment for Weed Abatement

NOTICE IS HEREBY GIVEN that on _____, the city's authorized agent(s) of the City of Los Altos ("City"), filed with the City a report and assessment on abatement of hazardous vegetation within the City, copies of which are available at City Hall located at, 1 North San Antonio Road, Los Altos, CA, 94022.

NOTICE IS FURTHER GIVEN that on _____, at the hour of _____ A./P.M., in the _____ located at _____ said report and assessment list shall be presented to the Hearing Officer for consideration and confirmation, and that any and all persons interested, having any objections to said report and assessment list, or to any matter or thing contained herein, may appear at said time and place and be heard.

11.06.110 Hearing and confirmation.

- A. At the time and place fixed for receiving and considering such report, the hearing officer shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating such nuisance, and the city's authorized agent(s) shall attend such meeting with record thereof, and upon such hearing, the hearing officer may make such modifications in the proposed assessment therefor as they may deem necessary, after which such report and assessment list shall be confirmed.
- B. The amount of the cost of abating such nuisance upon, or in the front or rear of, the various lots or parcels of land respectively referred to in such report, shall constitute special assessments against such respective lots or parcels of land, and after thus made and confirmed, shall constitute a lien on such property for the amount of such assessments, until paid.

11.06.120 Collection of assessment.

- A. Assessment Book. The notice of lien, after recording, shall be delivered to the tax assessor of Santa Clara County, who shall enter the amount in the county assessment book opposite the description of the particular property, and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

- B. Collection. Thereafter, the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary city taxes are collected and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes are made applicable to such assessment. The amount set forth in the notice of lien shall be returned to the city fund designated for code enforcement activities.

11.06.130 Weed Abatement Program.

Upon passage of the resolution by city council under Section 11.06.040 of this chapter, the property owner shall be placed into the city's weed abatement program. Once in the weed abatement program, a property owner is only removed from the program once one of the following conditions occurs: 1) the property is determined, during an inspection, to be free of weeds as defined in this chapter for three (3) consecutive years, 2) the property is developed or landscaped to remove the threat of weeds as defined by this chapter, or 3) the city council determines, at a public hearing confirming the properties to be included in the program as held in conformance with Section 11.06.110, that the property owner should be removed from the program.