

## ORDINANCE

### ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 11 (GARBAGE, REFUSE AND WEEDS) OF THE TOWN CODE REGARDING WEED ABATEMENT REGULATIONS

**WHEREAS**, the Town of Los Gatos originally adopted a Weed Abatement Ordinance in 1968;

**WHEREAS**, the Town Council recognizes that dry and overgrown weeds contribute visual blight and create hazardous conditions which increase risk of fire;

**WHEREAS**, On April 16, 2019, the Town Council recognizing the risk of wildfire in the Wildland Urban Interface (WUI) adopted the Town's Annex 9 to the Santa Clara County Community Wildfire Protection Plan (CWPP);

**WHEREAS**, the proposed amendment changes will reduce the risk of fire and effectuate safer passage for first responders and residents in the event of a wildfire;

**NOW, THEREFORE**, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

#### SECTION I

Section 11.20.010 of Town Code Chapter 11 are hereby amended to read as follows:

##### **Sec. 11.20.010. – Definition**

For the purposes of this article, the word "weeds" shall mean all weeds growing upon or abutting streets, alleys, sidewalks, or private property in the Town, including, but not limited to, the following:

- (1) Weeds which bear or may bear seeds of a downy or wingy nature;
- (2) Sagebrush, chaparral and any other brush or weeds which may attain such large growth as to become, when dry, a fire menace;
- (3) Weeds which are otherwise noxious or dangerous;
- (4) Poison oak when the conditions of growth are such as to constitute a menace to the public health;
- (5) Dead vegetation, fallen limbs, brush, combustible trash, or other flammable material which endangers public safety by creating a fire hazard.

ATTACHMENT 1

## **SECTION II**

Section 11.20.015 of Town Code Chapter 11 are hereby amended to read as follows:

**11.20.015.** - Removal by property owner required.

(a) No owner, agent, lessee or other person occupying or having charge or control of any building, lot or premises within the Town shall permit weeds to remain upon such premises, or public sidewalks, or streets, or alleys between such premises and the centerline of any public street or alley.

(b) Every property owner shall remove or destroy such weeds from such owner's property, abutting sidewalks, and the abutting half of any streets or alleys between the lot lines as extended.

(c) Property owners within the Wildland Urban Interface (WUI) whose property abuts Hillside Collector, Neighborhood Collector, and/or Local Street roadway classifications shall remove or destroy such weeds within five (5) feet of the roadway to prevent or avoid undue hardship in fighting fire.

## **SECTION III**

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

## **SECTION IV**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

## **SECTION V**

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

## **SECTION VI**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on October 15, 2019 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on November 5, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_