



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/15/2019

ITEM NO: 9

DATE: October 9, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Introduce an Ordinance, by title only, effecting an amendment to Chapter 11 (Garbage, Refuse and Weeds) of the Town Code regarding Weed Abatement regulations.

RECOMMENDATION:

Introduce an Ordinance (Attachment 1), by title only, effecting an amendment to Chapter 11 (Garbage, Refuse, and Weeds) of the Town Code regarding Weed Abatement regulations.

BACKGROUND:

On January 22, 2019, the Town Council accepted the Town Attorney's 2019 Ordinance and Policy Priority recommendations. Listed sixth on the priority list was the Town's Weed Abatement Ordinance. The Town's Weed Abatement Ordinance was adopted in 1968 and establishes a program and procedure to maintain weeds in an effort to eliminate hazardous conditions. Following the devastating wildfires of the past few years, the Town should update the Ordinance to expand the definition of weeds to include other dead vegetation, fallen limbs, and combustible trash on private property and add additional language to clarify and strengthen the Town's weed abatement program.

In addition during the development of the Wildland Urban Interface Evacuation Assessment, staff conducted a review of the Town's Municipal Code as it relates to wildfire mitigation. Currently the Town has multiple references to regulatory areas that touch either directly, or indirectly, on the development of a wildfire evacuation plan and community wildfire preparedness. Relevant references can be found in Chapters 6, 9, 11, 26, and 29 of the Town Municipal Code and in the Hillside Development Standards and Guidelines (HDS&G). Based on that assessment, staff anticipates bringing forward recommended changes to Chapter 9 (Fire Prevention and Protection) and Chapter 29 (Tree Protection) in the near future.

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Director of Parks and Public Works and Town Attorney

DISCUSSION:

Dry and overgrown weeds are a nuisance and safety hazard. In addition to contributing to visual blight, dry weeds create a hazardous condition increasing the risk of fire. Weed abatement codes are designed to require property owners to maintain their properties such that weeds do not become overgrown and become a fire hazard. In addition, the abatement of weeds can help effectuate the safe entry of first responders into wildfire events, and the safe evacuation of residents from wildfire events.

As such staff has recommended edits and additions to Sec. 11.20.010 "Definitions" and Sec. 11.20.015 "Removal by property owner required." Most substantively, staff is recommending that private property owners within the Wildland Urban Interface clear weeds within five feet of the roadway. Staff's recommendations are provided in a draft Ordinance (Attachment 1) and in redline format (Attachment 2).

CONCLUSION:

Staff recommends that the Town Council adopt the proposed Ordinance (Attachment 1).

COORDINATION:

The preparation of this Ordinance was coordinated with the Town Attorney.

FISCAL IMPACT:

There is no fiscal impact associated with this Ordinance.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Ordinance
2. Draft Amendments (redline)