

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE OVERRULING OBJECTIONS TO THE 2018-2019 HAZARDOUS VEGETATION COMMENCEMENT REPORT AND DIRECTING THE SANTA CLARA COUNTY CONSUMER AND ENVIRONMENTAL PROTECTION AGENCY TO ABATE THE SEASONAL AND/OR RECURRENT PUBLIC NUISANCES ON THOSE PROPERTIES IDENTIFIED IN THE REPORT PURSUANT TO CHAPTER 9.12 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE AND THE WEED ABATEMENT AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA

WHEREAS, on December 19, 2017, the City Council of the City of San José (“City Council”) received evidence and by its Resolution No. 78469 (a) found and determined that noxious and/or dangerous seasonal and/or recurrent weeds are growing or are likely to grow upon and/or that refuse is situated upon certain streets, parkways, sidewalks or private properties, all as shown in the Hazardous Vegetation Commencement Report for the year 2018-2019 (“Report”), compiled by the Santa Clara County Consumer and Environmental Protection Agency, which was submitted to the City Council on December 19, 2017; (b) declared that said seasonal and/or recurrent weeds and refuse constitute a public nuisance that must be abated by removal of said weeds and refuse in order to protect the health, safety and welfare of residents of the City of San José; and (c) directed the County Consumer and Environmental Protection Agency to give notice of the passage of Resolution No. 78469 pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code; and

WHEREAS, on or about January 10, 2018, notice of the passage of Resolution No. 78469 was mailed by the County Consumer and Environmental Protection Agency to owners of all parcels in the Hazardous Vegetation Management Program; and

WHEREAS, on January 30, 2018, the City Council heard and considered all objections from property owners to the inclusion of their properties in the Hazardous Vegetation Management Program, and the proposed removal of weeds and refuse from their properties at a public hearing held pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Any and all objections to the proposed removal of said seasonal and recurrent weeds and refuse from said streets, parkways, sidewalks, and private property in the City of San José as listed on the Hazardous Vegetation Commencement Report for the year 2018-2019 of seasonal and recurrent weeds and refuse have been heard and are hereby overruled.
2. The Hazardous Vegetation Commencement Report for the year 2018-2019 prepared by the Santa Clara County Consumer and Environmental Protection Agency is hereby accepted and confirmed.
3. The Director of Planning, Building and Code Enforcement is hereby directed to:
(a) cause the Santa Clara County Consumer and Environmental Protection Agency to abate the public nuisances or cause them to be abated by having said weeds and refuse removed from said streets, parkways, sidewalks and private properties; and (b) keep and maintain the accepted Hazardous Vegetation Commencement Report for the year 2018-2019 prepared by the Santa Clara County Consumer and Environmental Protection Agency on file at the Code Enforcement Division of Planning, Building and Code Enforcement for full particulars respecting the location of said streets, parkways, sidewalks and private properties.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk