

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE OVERRULING ALL OBJECTIONS TO THE 2023-2024 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 13, 2022, the City Council of the City of San José (“City Council”) received evidence and by its Resolution No. 80818: (a) found and determined that noxious and/or dangerous weeds which are seasonal and/or recurrent are growing or are likely to grow upon the streets, parkways, sidewalks or private properties, all as shown in the Weed Abatement Commencement Report for the year 2023-2024 (“Report”), compiled by the County of Santa Clara’s Consumer and Environmental Protection Agency, which was submitted to the City Council on December 13, 2022; (b) declared that said seasonal and/or recurrent weeds situated or likely to be situated on those properties identified in the Report 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 of Santa Clara’s Consumer and Environmental Protection Agency to give notice of a public hearing on February 7, 2023 at 1:30 P.M. before the City Council pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code; and

WHEREAS, on February 7, 2023, the City Council heard and considered all objections from property owners to the inclusion of their properties in the County of Santa Clara’s Consumer and Environmental Protection Agency’s Weed Abatement 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 Weed Abatement Commencement Report for the year 2023-2024 of seasonal and recurrent weeds and refuse have been heard and are hereby overruled.
2. The Weed Abatement Commencement Report for the year 2023-2024 prepared by the County of Santa Clara's 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 County of Santa Clara's 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 Weed Abatement Commencement Report for the year 2023-2024 prepared by the County of Santa Clara's 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.

NVF:VXC:JMD
1/25/2022

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk