

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ACCEPTING AND CONFIRMING THE 2020-2021 HAZARDOUS VEGETATION COMMENCEMENT REPORT COMPILED BY THE OFFICE OF SANTA CLARA ENVIRONMENTAL RESOURCE AGENCY, DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT, DIVISION OF HAZARDOUS VEGETATION; DECLARING THAT THOSE CERTAIN NOXIOUS OR DANGEROUS SEASONAL AND RECURRENT WEEDS, GROWING OR LIKELY TO BE GROWING, AND REFUSE, SITUATED OR LIKELY TO BE SITUATED, ON THOSE PROPERTIES IDENTIFIED IN THE REPORT ARE A PUBLIC NUISANCE; AND DIRECTING NOTICES OF JANUARY 28, 2020 PUBLIC HEARING AT 1:30 P.M. BE SENT TO AFFECTED PROPERTY OWNERS**

**WHEREAS**, the Director of the Department of Planning, Building and Code Enforcement (“Director”) has caused the Office of the Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to prepare a Hazardous Vegetation Commencement Report for the year 2020-2021 describing that noxious and/or dangerous seasonal and/or recurrent weeds, as defined in Chapter 9.12 of the San José Municipal Code, are growing or are likely to grow upon certain streets, parkways, sidewalks or private properties and that refuse, as defined in Chapter 9.12 of the San José Municipal Code, is situated or likely to be situated upon certain streets, parkways, sidewalks or private properties; and

**WHEREAS**, the existence of these weeds and/or refuse is considered dangerous or injurious to neighboring property and/or to the health, safety and welfare of the community at large;

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

1. The Council hereby accepts and confirms the Hazardous Vegetation Commencement Report (“Report”) for the year 2020-2021 prepared for the Director by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation, which describes 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 as referenced in the Report and that refuse is situated or is likely to be situated upon certain streets, parkways, sidewalks or private properties as referenced in the Report;
2. The Council hereby declares that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance which must be abated by removal of the weeds and refuse in order to protect the health, safety, and welfare of the residents of the City of San José (“City”) in the vicinity of those properties;
3. The Council hereby confirms that the streets, parkways, sidewalks and private properties upon which a nuisance exists are as shown on the Report for the year 2020-2021, which was made available to this Council for inspection by the Department of Planning, Building and Code Enforcement. A full and complete copy of the Report is available upon request from the Code Enforcement Division of the Department of Planning, Building and Code Enforcement; and
4. The Council hereby directs the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a public hearing on January 28, 2020 at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City and the County of Santa Clara.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk