


STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARTIN D. KOCZANOWICZ, CITY ATTORNEY 

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING GROVER BEACH MUNICIPAL CODE TO ADD CHAPTER 7, SECTION 6700 TO ARTICLE VI, RELATING TO WEED ABATEMENT

BACKGROUND

Since 2011 the Five Cities Fire Authority has annually administered the weed abatement programs in accordance with the procedures for each of the three member agencies. Each agency has its own distinct process and timetable for the abatement of weeds. Fire Chief requested that consideration was given to standardize the weed abatement process and enforcement in all three agencies. City Council agreed and directed staff to work with all concerned in preparation of the attached Ordinance which will be considered by each jurisdiction in a very similar format.

DISCUSSION

The attached draft will standardize the weed abatement process and also incorporate the processes and enforcement available under state law. Adoption of this Ordinance will result in greater efficiencies for the Five Cities Fire Authority in administering the weed abatement process within the Five Cities Fire Authority boundaries.

ALTERNATIVES

The Council has the following alternatives to consider:

1. Introduce and conduct the first reading, by title only, of the draft Ordinance, conduct the public hearing, and schedule second reading and adoption for the next City Council meeting, or
2. Provide alternate direction to staff.

RECOMMENDED ACTION

It is recommended that the Council introduce and conduct the first reading, by title only, of the draft Ordinance, conduct a public hearing, and schedule second reading and adoption for the next regularly scheduled City Council meeting.

APPROVED FOR FORWARDING



**ROBERT PERRAULT
CITY MANAGER**

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Bright |
| <input type="checkbox"/> Peterson | <input type="checkbox"/> Marshall |
| <input type="checkbox"/> Lee | <input type="checkbox"/> Nicolls |

FISCAL IMPACT

There is no specific financial impact from this action, though some savings may ultimately be realized by the City if Five Cities Fire Authority incurs operating efficiencies through standardization.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.
The Public Hearing Notice was published in *The Tribune* on Friday, March 7, 2014 and posted in City bulletin boards designated for public notices.

Attachments

1. Draft Ordinance No. 14-XX, An Ordinance of the City Council of the City of Grover Beach Amending Grover Beach Municipal Code to Add Chapter 7, Section 6700 to Article VI, Relating to Weed Abatement.

ORDINANCE NO. 14-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH
AMENDING ARTICLE VI OF THE GROVER BEACH MUNICIPAL CODE TO ADD
CHAPTER 7 SECTION 6700 RELATING TO WEED ABATEMENT**

WHEREAS, the City of Grover Beach is a member agency in the Five Cities Fire Authority, along with City of Arroyo Grande and Oceano Community Service District, for the purposes of providing more efficient and effective fire protection within each agency's respective jurisdiction; and

WHEREAS, since 2011, the Five Cities Fire Authority has annually administered a weed abatement program for all three agencies in accordance with the procedures for each of them; and

WHEREAS, each agency has its own distinct process and timetable for the abatement of weeds and dry grasses, and the Fire Chief for the Five Cities Fire Authority has recommended that standardization of the weed abatement program of the parent agencies will provide greater efficiencies in the delivery of fire protection services; and

WHEREAS, Community Services Districts are authorized by Government Code Section 61100(t) to follow the procedures in Health and Safety Code Section 14875, et seq. to abate weeds, and pursuant to Government Code Section 39502, cities may adopt an ordinance to provide for the removal of weeds, and can make the cost of removal a lien on the property; and

WHEREAS, based on the foregoing, the City of Grover Beach has determined that it should adopt and incorporate by reference the provisions of Health and Safety Code Sections 14875, et seq. as an alternative weed abatement procedure, and provide that the Five Cities Fire Authority hold all hearings, issue all notices and otherwise implement the weed abatement programs, so that Grover Beach, Arroyo Grande and Oceano Community Service District that make up the Joint Powers Authority have a standardized weed abatement process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GROVER BEACH does ordain as follows:

PART 1. Chapter 7, Section 6700 is hereby added to Article VI of the Grover Beach Municipal Code to read as follows:

6700. Alternative Weed Abatement Procedures; Five Cities Fire Authority.

- A. This section is adopted pursuant to the authority set forth in California Government Code Section 39502 in order to provide for the removal of all weeds, rubbish, and other materials dangerous or injurious to neighboring property or the health and welfare of residents of the vicinity and to make the cost of removal a lien upon the property owner. In addition to other procedures for the abatement of weeds, grass and rubbish, the City hereby adopts the procedures contained in California Health and Safety Code Sections 14875 through 14922 as its alternative weed abatement procedure.

- B. In accordance with the terms of the Joint Powers Agreement which deems the Five Cities Fire Authority to be the Fire Department for the City of Grover Beach, the Five Cities Fire Authority is hereby authorized to hold all hearings, issue all notices and take all necessary actions to implement and enforce the weed abatement procedures contained in California Health and Safety Code Sections 14875, et seq.

PART 2.

If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance of any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence or clause be declared unconstitutional.

PART 3.

This Ordinance shall become effective thirty (30) days after the date of its adoption; and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held _____, 2014 and **PASSED, APPROVE, and ADOPTED** by the City Council on _____, 2014 on the following roll call, to wit:

AYES: Council Members –
NOES: Council Members –
ABSENT: Council Members –
ABSTAIN: Council Members –



DEBBIE PETERSON, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

Approved as to form:

MARTIN C. KOCZANOWICZ, CITY ATTORNEY