

RESOLUTION NO. 3733

**RESOLUTION OF THE CITY COUNCIL
OR THE CITY OF MONTE SERENO
DECLARING HAZARDOUS VEGETATION (BRUSH)
A PUBLIC NUISANCE AND PROVIDING FOR ABATEMENT**

WHEREAS, Sections 39560 and the following of the Government Code of the State of California authorize the City of Monte Sereno to declare that hazardous vegetation (brush) growing to such size and such type and in such locations as to constitute a fire hazard to the community may be declared a public nuisance and to compel owners, lessees, or occupants of buildings, grounds, or lots to remove or abate the hazardous vegetation (brush) to mitigate the fire hazard from such buildings, grounds, or lots to remove or abate the hazardous vegetation (brush) to mitigate the fire hazard from such buildings, grounds, property, and adjacent sidewalks and parkways, and upon the person's failure to do so, to remove or abate such hazardous vegetation (brush) at the owner's expense, making the cost of that abatement a lien upon the property, and

WHEREAS, the City of Monte Sereno has entered into an agreement with the County of Santa Clara to provide hazardous vegetation (brush) abatement services, and

WHEREAS, the maintenance of hazardous vegetation (brush) in violation of the Uniform Fire Code adopted by the City of Monte Sereno in the Hillside Areas identified and shown on the "Wild Land Urban Interface Fire Area" map (Attachment "A") constitutes a public nuisance and should be abated immediately; and

WHEREAS, the Fire Department has mailed notices to property owners in the Wildland-Urban Interface Fire Area notifying them of the need to abate hazardous vegetation (brush) violations and explaining the steps necessary to correct such violations.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Monte Sereno, and the City Council hereby finds that hazardous vegetation (brush) is a wood, perennial plant usually with multiple stems and trunks under ten feet in height and is indigenous to the hillside area. Hazardous vegetation (brush) is also known to have a high oil, high resin, or low moisture contention in their leaves and branches. Examples of this type of plant material include California Sagebrush, Greasewood or Chamise, Scotch Broom and Toyon. Unabated growth of hazardous vegetation (brush) upon and adjacent to private property within the Wildland-Urban Interface Fire Area and adjacent parkways and sidewalks is a public nuisance, and should be abated. The City Manager or designee shall act as the Superintendent for purposes of giving notice, supervising performance of the agreement with the County of Santa Clara, and evaluating the costs of abatement.

BE IT FURTHER RESOLVED, the City Clerk is directed to mail notice of this resolution to the persons designated by the Superintendent in conformance with the Government Code and publish notice of this resolution as provided in the Government Code.

FURTHER RESOLVED, that unless the hazardous vegetation (brush) violations are corrected by *June 1, 2019* or within the time specified in a written agreement with the Superintendent or the Superintendent's representative, the City of Monte Sereno shall cause such nuisance to be abated, and the expense thereof assessed upon the lots or lands from which or on which the abatement action occur, such expense to constitute a lien upon such lots or lands until paid, and to be collected upon the next real property tax roll upon which general municipal taxes are collected.

FURTHER RESOLVED, that on the 18th day of June, 2019 at a meeting of the City Council beginning at 7:00 P. M. in the Council Chambers, a public hearing will be held during which all property owners in Wildland-Urban Interface Fire Area in the City of Monte Sereno having any objections to the proposed abatement of hazardous vegetation (brush) will be heard and given due consideration.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Monte Sereno, California, held on the 7th day of May, 2019 by the following vote:

AYES: Council Members Ellahie, LaBouve, Leuthold and Mayor Turner
NOES: None
ABSENT: Council Member Lawler

BY *Rowena Turner*
Rowena Turner, MAYOR

ATTEST:

Andrea M. Chelemengos, City Clerk

BY *Andrea M. Chelemengos*