

**RESOLUTION NO. 74770**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ OVERRULING OBJECTIONS TO THE 2008-2009 HAZARDOUS VEGETATION COMMENCEMENT REPORT AND DIRECTING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT 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 JOSÉ MUNICIPAL CODE AND WEED ABATEMENT AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND THE COUNTY OF SANTA CLARA**

**WHEREAS**, on the 16<sup>th</sup> day of December, 2008 the City Council of the City of San José (“City Council”) received evidence and by its Resolution No. 74729 (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 property, all as shown in the Hazardous Vegetation Commencement Report for the year 2008-2009 (“Report”), compiled by the Santa Clara County Department of Agriculture and Resource Management for the Department of Planning, Building and Code Enforcement, which Report was submitted to the City Council on December 16, 2008; (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 Department of Agriculture and Resource Management to give notice of the passage of Resolution No. 74729 pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code; and

**WHEREAS**, on December 19, 2008, the County Department of Agriculture and Resource Management mailed a notice of the passage of Resolution No. 74729 to owners of all parcels in the Hazardous Vegetation Management Program; and

**WHEREAS**, on January 27, 2009, 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 JOSÉ 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 2008-2009 of seasonal and recurrent weeds and refuse have been heard and are hereby overruled.
2. The Hazardous Vegetation Commencement Report for the year 2008-2009 prepared by the Santa Clara County Department of Agriculture and Resource Management is hereby accepted.
3. The Director of Planning, Building and Code Enforcement is hereby directed to:  
(a) cause the Santa Clara County Department of Agriculture and Resource Management 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 property; and (b) keep and maintain the accepted Hazardous Vegetation Commencement Report for the year 2008-2009 prepared by the Santa Clara County Department of Agriculture and Resource Management on file at the Code Enforcement Division of the Department of Planning, Building and Code Enforcement for full particulars respecting the location of said streets, parkways, sidewalks and private property.

ADOPTED this 27th day of January, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk