RESOLUTION NO. 75190

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ACCEPTING AND CONFIRMING THE HAZARDOUS VEGETATION COMMENCEMENT REPORT FOR THE YEAR 2009-2010 COMPILED BY THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT; DECLARING CERTAIN NOXIOUS OR DANGEROUS SEASONAL AND RECURRENT WEEDS ARE GROWING OR ARE LIKELY TO GROW UPON CERTAIN PUBLIC AND PRIVATE PROPERTIES OR THAT REFUSE IS SITUATED OR LIKELY TO BE SITUATED UPON CERTAIN PROPERTIES WITHIN THE CITY OF SAN JOSE; DECLARING SUCH SEASONAL AND/OR RECURRENT WEEDS AND REFUSE A PUBLIC NUISANCE; AND DIRECTING THAT NOTICE OF THIS RESOLUTION AND A PUBLIC HEARING ON THE REPORT ON JANUARY 12, 2010 AT 1:30 P.M. BE GIVEN PURSUANT TO CHAPTER 9.12 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, the Director of the Department of Planning, Building and Code Enforcement ("Director") has caused the Santa Clara County Department of Agriculture and Resource Management to prepare a Hazardous Vegetation Commencement Report for the year 2009-2010 describing that noxious and/or dangerous 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:

SECTION 1. The Council hereby accepts and confirms the Hazardous Vegetation Commencement Report ("Report") for the year 2009-2010 prepared for the Director by the Santa Clara County Department of Agriculture and Resource Management, which Report 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.

SECTION 2. The Council hereby declares that the accumulation of these weeds and refuse upon property constitutes 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 in the vicinity of those properties.

SECTION 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 2009-2010, 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.

SECTION 4. The Council hereby directs the Office of the Santa Clara County Department of Agriculture and Resource Management to give notice of the passage of this Resolution and a public hearing on the Report before the Council in the Council Chambers at City Hall, located at 200 E. Santa Clara Street, San Jose, California, on January 12, 2010 at 1:30 p.m., or as soon thereafter as this matter will be heard and considered, to allow property owners of affected real properties to object to their inclusion in the Hazardous Vegetation Management Program and the proposed removal of weeds and refuse from their properties, all pursuant to the provisions of Section 9.12.010, *et seq.*, of Chapter 9.12 of Title 9 of the San José Municipal Code.

ADOPTED this 1st day of December, 2009, by the following vote:

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

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

Chuck Reed

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk