



Legislation Details (With Text)

File #: 21-261 **Version:** 1
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File created: 3/15/2021 **In control:** City Council/Public Financing Authority
On agenda: 4/5/2021 **Final action:** 4/5/2021
Title: Adopt Resolution No. 2021-22 declaring Weeds and Rubbish a nuisance on specific properties and fixing May 3, 2021, at 6:00pm for hearing protests and objections to the abatement thereof
Attachments: 1. Att#1 Resolution 2021-22

Date	Ver.	Action By	Action	Result
4/5/2021	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Sean Crumby, Director of Public Works

Subject:

Adopt Resolution No. 2021-22 declaring Weeds and Rubbish a nuisance on specific properties and fixing May 3, 2021, at 6:00pm for hearing protests and objections to the abatement thereof

Statement of Issue:

In preparation for one-time abatement, where necessary, the City annually identifies undeveloped, privately-owned land parcels in the city that have or will potentially accumulate weeds and/or rubbish. As the first step in the abatement process, and following California code to allow for cost recovery, the identified properties are declared by resolution to be a public nuisance.

Financial Impact:

No funding is required for this action.

Recommended Action:

Adopt Resolution No. 2021-22, "A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof."

Alternative Action(s):

Do not adopt the resolution and direct staff to take a different course of action.

Analysis:

The California Government Code includes a provision allowing local governments to declare weeds and rubbish a public nuisance as a precursor to abatement. Pursuant to this provision, the City of Huntington Beach has adopted Chapter 8.16 Weed Abatement into the Municipal Code. The chapter requires that, “all persons owning any real property within the City keep said property free from weeds . . . or other flammable materials that endanger public safety by creating a fire hazard.”

In accordance with HBMC Section 8.16.020 Nuisance Declared, the City Attorney’s Office has prepared a resolution declaring that certain weeds, rubbish, and refuse deposited on specific properties are a public nuisance, with provisions for posting of notice and abatement of said nuisance. The resolution fixes May 3, 2021, at 6:00 p.m., as the date and time for the hearing of objections to the abatement of said nuisance. Exhibit A of the resolution identifies the privately owned, undeveloped properties that are currently or potentially in violation of the Municipal Code.

Environmental Status:

The removal of weeds, refuse, and rubbish from undeveloped private properties is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(h), which exempts the maintenance of existing landscaping and native growth.

Strategic Plan Goal:

Non Applicable - Administrative Item

Attachment(s):

1. Resolution No. 2021-22, “A Resolution of the City Council of the City of Huntington Beach Finding and Declaring that Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof,” including Exhibit A: 2021 Weed Abatement - Vacant Parcels Private Ownership