

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING VEGETATIVE GROWTH AND/OR REFUSE A PUBLIC NUISANCE

WHEREAS, the City of Atascadero Fire Department is commencing proceedings for the abatement of said nuisances; and

WHEREAS, abatement fees will be placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2008-2009 tax roll,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. That vegetative growth and/or refuse are a public nuisance and hereby declare to be such for the reasons that vegetative growth may attain such a large growth as to become a fire menace and/or drainage restriction, when mature, and said refuse may become a public nuisance, thereby creating a hazard to public health.

The City Council of the City of Atascadero finds and declares that vegetative growth and/or refuse on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of City and State laws. No further hearings need to be held, and it shall be sufficient to mail a notice to the owner of the property as their address appears upon the current assessment roll.

SECTION 2. A description of the parcel of lots of private property upon which, or in front of which, said nuisances exist, according to the official Assessment Map of said City of Atascadero, shall be posted annually in the office of the City Clerk and referred to as Exhibit A (Vegetative Growth) and Exhibit B (Weeds & Refuse).

SECTION 3. The City Clerk or designee is hereby ordered and directed to mail written notices of the proposed abatement to all persons owning property described in accordance with Section 6-13.08 of the Atascadero Municipal Code.

SECTION 4. Pursuant to Section 6-13.10 of the Atascadero Municipal Code, the City Council shall hear and consider all objections or protests to the required removal of said vegetative growth and/or refuse. The City Clerk shall post a copy of the public hearing notice in accordance with the Ralph M. Brown Act.

SECTION 5. Pursuant to Section 6-13.17 of the Atascadero Municipal Code, if the owner does not abate the hazard, it will be abated by the city contractor. The cost of the abatement plus a 150% administrative fee and county fee will be assessed upon the county property tax bill, and constitute a lien upon such land until paid.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _____
Mike Brennler, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Due to the length of Exhibits A and B, they are not included as attachments.
Complete copies of these exhibits are available for review in the
Office of the City Clerk.