

## *City of Brisbane*

### *Staff Report*

To: Honorable Mayor and City Council

From: Richard Johnson, Deputy Fire Chief/Fire Marshal, Fire Prevention Services Bureau  
Via Ron D. Myers, Fire Chief

Subject: Weed and Flammable Waste Abatement Hearing  
BMC Section 8.50.060

Date: Meeting of June 19, 2014

**Purpose:**

To reduce the threat of fire created by weeds and flammable waste located on private property, and to comply with the requirement to hold a public hearing on objections to any Notice To Abate.

**Recommendation:**

1. Open the Public Hearing pursuant to BMC Section 8.50.070 and hear any objections by noticed property owners of properties on which a nuisance has been declared to exist.
2. Close the Public Hearing and sustain or overrule any objections which have been raised.
3. Give direction to Enforcement Officer to abate the nuisance on each of the properties for which the original declaration of nuisance has not been rescinded by the City Council.

**Background:**

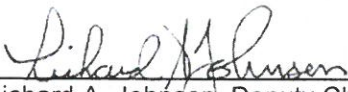
In April of 2009, the City Council adopted Chapter 8.50 of the Brisbane Municipal Code establishing a procedure for the abatement of weeds and flammable wastes that create fire hazards where the property owner fails to do so, and that enables the City to recover its abatement costs through a levy of an assessment against the property on which the abatement work has been performed. The City ordinance establishes the procedure, notice and hearing requirements for the City to abate the nuisance and recover costs of abatement.

**Discussion:**

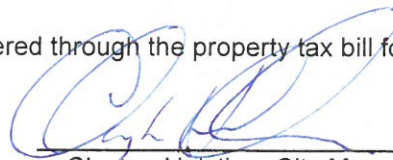
The City enforcement officer created a list of those properties on which weeds or flammable waste materials were found to exist which constituted a fire hazard and public nuisance. This list was reviewed by the Fire Chief, and then notices were sent to the property owners pursuant to BMC Section 8.50.060. Attached is a list of the steps taken in this process and the notices that were sent out. BMC Section 8.50.070 requires a time and place for a public hearing in which the property owner can disagree with or object to the request for abatement. The Notice of Abatement(as amended) identified the June 19, 2014 Council meeting as the time and place for the public hearing for any objections to the notice. If objections are presented by any property owner, the Council is required to sustain or overrule the objections at the conclusion of the hearing.

**Fiscal Impact:**

There are no fiscal impacts. Costs of abatement will be recovered through the property tax bill for each property.



Richard A. Johnson, Deputy Chief/Fire Marshal,  
Fire Prevention Services Bureau  
for Ron D. Myers, Fire Chief



Clayton Holstine, City Manager

## **Brisbane Weed Abatement Program Schedule-2014**

### **April 1, 2014**

1<sup>st</sup> Notice of need to abate and informational packet sent to all properties

### **May 1, 2014**

1<sup>st</sup> Inspection of all properties and data base created should 2<sup>nd</sup> notice needed

### **May 12, 2014**

2<sup>nd</sup> Notice sent to properties not in compliance (Courtesy Notice Only, Not Certified)

### **May 25, 2014**

2<sup>nd</sup> Inspection of properties not in compliance

### **May 30, 2014**

3<sup>rd</sup> Notice sent to properties not in compliance - Certified Letter and Notice To Abate/Remove. Per Ordinance, Notice is 15 Days prior to City Council Public Hearing

### **June 16, 2014 (Meeting date changed by Council action to June 19, 2014)**

Per Ordinance, Public Hearing before City Council for those property owners who want to demonstrate that they should not be subject to the weed abatement ordinance