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DATE: January 22, 2024

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: David Catalinotto, Senior Management Analyst

SUBJECT: Adoption (Second Reading) of Ordinance No. 2878 N.C.S. Establishing a Process for Hazardous Vegetation and Rubbish Inspection and Abatement for Wildfire Safety

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### **RECOMMENDATION**

It is recommended that the City Council adopt (second reading) Ordinance No. 2878 N.C.S. establishing a process for abatement for hazardous vegetation and rubbish inspection and abatement for wildfire safety.

### **BACKGROUND**

On January 8, 2024, the City Council unanimously introduced Ordinance No. 2878 N.C.S. to establish a process for abatement for hazardous vegetation and rubbish inspection and abatement for wildfire safety. The Ordinance was introduced by the City Council without changes to the draft presented at the January 8, 2024 Council meeting.

### **DISCUSSION**

The California Government Code offers two avenues for cities to address overgrown vegetation and rubbish on private property, specifically for fire protection purposes, and provides a mechanism to place liens on properties that do not comply voluntarily. The first approach involves Section 39501 of the Government Code, allowing cities to establish their own procedures for removal through the enactment of an ordinance. For cities without an existing hazardous vegetation abatement ordinance, the second method involves adhering to the process outlined in Government Code Sections 39520 through 39703.

The proposed ordinance substantially mirrors the language and process of the Government Code's weed abatement process. However, it streamlines the process by combining the first two legislative actions. The streamlining will allow the City the ability to enter and abate nuisance properties quicker than under the Government Code's process and as the City's weed abatement program is cost recovery this will result in fewer hours and costs being allocated to abated

properties. Additionally, the proposed ordinance will provide more noticing and due process than the Government Code’s process as the proposed ordinance requires notices to be published in the Argus Courier and for the nuisance letter informing the property owners of their ability to object to City Council authorizing staff to abate their properties to be sent 7 days before the hearing while the Government Code requires only 5 days. Lastly, the proposed ordinance will require any use of chemicals to abate the nuisance properties to be done subject to the City’s adopted integrated pest management plan.

For a more in-depth discussion on the proposed ordinance, please review the staff report for the first reading of the ordinance which occurred on January 8, 2024. Here is a link to that item: <https://cityofpetaluma.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=b97bf896-8d61-407b-a73d-745029d87cd3>

### **PUBLIC OUTREACH**

This agenda item appeared on the City’s tentative agenda document on January 8, 2024 which was a publicly noticed meeting. Because the ordinance was introduced unanimously, this item was moved to the consent calendar.

### **COUNCIL GOAL ALIGNMENT**

The proposed action supports the following City Council Goals, Objectives, and Workplan Items:

A Safe Community that Thrives

OBJECTIVE 1: maintain and enhance public safety and prepare for emergencies and disasters, through crime and fire prevention and traffic safety.

Workplan Item #74. Evaluate all City facilities, including Police and Fire stations and corporation yard facilities; and develop maintenance and replacement recommendations.

Workplan Item #78. Improve public safety through proactive crime and fire prevention activities.

### **CLIMATE ACTION/SUSTAINABILITY EFFORTS**

The hazardous vegetation abatement program is designed to reduce the spread of wildfire should one occur by reducing the amount of combustible vegetation such as weeds on a parcel. This provides the Fire Department time to respond and put the fire out when it is smaller in size and spread, therefore doing less damage to the environment and property. In turn, it therefore also reduces the spread of wildfire and the carbon emissions produced by wildfire.

### **ENVIRONMENTAL REVIEW**

Ordinance 2878 N.C.S. is exempt from the California Environmental Quality Act (CEQA) pursuant to:

**A. Common Sense Exemption.** Notwithstanding the potential of this ordinance to result in reasonably foreseeable physical change in the environment through its regulation and abatement of hazardous vegetation, this ordinance is exempt from the requirements of CEQA pursuant to the commonsense exemption in CEQA Guidelines Section 15061(b)(3) in that CEQA applies only to projects that have the potential for causing a significant effect on the environment and, in accordance with the findings and analysis in this section, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

This ordinance would not in and of itself directly impact that environment. Rather, the proposed ordinance imposes regulatory standards for property owners to maintain their hazardous vegetation and to remove combustible material to prevent fires which is already regulated under both the California Fire Code, adopted by the City of Petaluma, and Petaluma Municipal Code Chapter 1.10 “Code Enforcement, Generally.” The removal of overgrown vegetation and rubbish helps protect the environment from potential fires and other hazards that result from accumulation of weeds and trash. Additionally, this ordinance is permitted by state law, Government Code Sections 39501 and 39502.

**B. CEQA Guideline Section 15308.** This Ordinance is also exempt pursuant to CEQA Guideline Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) as this Ordinance will protect against fires and will not involve mature or scenic trees, except for forestry and fire management purposes. It is a regulatory action that will reduce the start and spread of wildfires and assure maintenance and enhancement of a natural resource in the city.

**C. CEQA Guideline Section 15304 (Minor Alterations to Land).** This project is also exempt pursuant to CEQA Guideline Section 15304 (Minor Alterations to Land) because the project involves the minor alteration of the condition of land and/or vegetation and there are no cumulative impacts, unusual circumstances or other factors that would make the exemption inapplicable pursuant to CEQA Guidelines section 15300.2.

## **FINANCIAL IMPACTS**

There are no financial impacts associated with adopting the ordinance. Any costs to the City for performing the hazardous vegetation abatement can be recovered as liens and special assessments against the abated properties. This cost recovery process is the same under both the proposed ordinance and the Government Code’s hazardous vegetation abatement process.

## **ATTACHMENTS**

1. Ordinance No. 2878 N.C.S.