

# Resolution No. 2023-105 N.C.S. of the City of Petaluma, California

## **DECLARING WEEDS, REFERRED TO AND DESCRIBED IN THIS RESOLUTION, GROWING UPON PARCELS OF PUBLIC AND PRIVATE PROPERTY CONSTITUTE AND ARE A PUBLIC NUISANCE REQUIRING ABATEMENT, AND SETTING PUBLIC HEARINGS AT WHICH OBJECTIONS MAY BE HEARD**

**WHEREAS**, brush and weed abatement reduces fuel loads in areas of Petaluma known for being susceptible to grass and brush fires and is regarded as a proactive fire prevention measure designed to (1) prevent ignition by the reduction or removal of fuel; (2) slows, stops, or confines the spread of a fire in areas with excessive grass/brush; (3) allows time for fire suppression personnel to respond and extinguish a threatening fire; and (4) reduces the fire threat from properties that adjoin the City limits; and

**WHEREAS**, weeds may be seasonal and recurrent nuisances which require multiple abatements a season to reduce the fire threats presented by weeds; and

**WHEREAS**, the Petaluma Fire Prevention Bureau has developed an aggressive brush and weed abatement program which has served to protect the public health, safety and welfare of the citizenry of the City of Petaluma by reducing fire danger and the effects of excessive brush and weed fires for the past thirty-seven years; and

**WHEREAS**, this action of adopting a resolution to declare weeds a nuisance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline section 15304, "Class 4" – Minor Alterations to Land, because the project involves the minor alteration of the condition of land and/or vegetation; and

**WHEREAS**, Government Code sections 39560 et seq. provide a procedure for weed abatement by municipal entities, pursuant to which the City of Petaluma may adopt a resolution declaring certain weeds a nuisance and thereby allow the Fire Department to proceed with abatement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Petaluma as follows:

1. Declares that the above recitals are true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that this action of adopting a resolution to declare weeds a nuisance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline section 15304, "Class 4" – Minor Alterations to Land, because the project involves the minor alteration of the condition of land and/or vegetation.
3. Finds that all of the weeds now growing upon public and private parcels within the City of Petaluma referred to and described in the list prepared by the Fire Marshal, pages on file in the office of the Fire Marshal and attached hereto as Exhibit A, are weeds which bear seeds of winged or downy nature, or attain such a large growth as to become a fire menace when dry, and/or are otherwise noxious and dangerous, and all such weeds growing upon such public and private property are a public nuisance, pursuant to Government Code Section 39561, and are seasonal and recurrent nuisances pursuant to Government Code Section 39562.1 which the City proposes to abate; and
4. That the City Council hereby sets the time for a public hearing at 6:30 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers of the City Hall, 11 English Street, Petaluma, California, on July 17,

2023, at which time the City Council will hear and consider all objections to the proposed removal of weeds, rubbish, refuse and dirt; and

5. That pursuant to Government Code Section 39567.1, the City Clerk shall cause written notice of the proposed abatement to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date this resolution is adopted. The City Clerk may delegate this duty to the Fire Marshal. Said notice shall be substantially in the form provided by Government Code Section 39566.

Under the power and authority conferred upon this Council by the Charter of said City.

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**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 10<sup>th</sup> day of July 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:** McDonnell, Barnacle, Cader Thompson, Healy, Nau, Pocekay, Shribbs

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

## **EXHIBIT A**

### **List of Nuisance Properties**

APN	NUM	STREET
007-154-013	315	Lakeville Street