



DATE: July 17, 2023

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

FROM: Jeff Schach, Fire Chief
Jessica Power, Fire Marshal

SUBJECT: Public Hearing and Resolution Ordering Abatement of Nuisances Consisting of Weeds Growing Upon Public and Private Property in the City of Petaluma and Ordering the Fire Department to Abate Said Weeds by Contract if Property Owners Fail to Do So

RECOMMENDATION

It is recommended that the City Council conduct a public hearing and adopt the attached Resolution Ordering Abatement of Nuisances Consisting of Weeds Growing Upon Public and Private Property in the City of Petaluma and Ordering the Fire Department to Abate Said Weeds by Contract if Property Owners Fail to Do So.

BACKGROUND

On April 3, 2023, the City Council approved Resolution No. 2023-042 N.C.S. which declared that weeds growing upon parcels of public and private property are a public nuisance requiring abatement. A public hearing was subsequently set for April 17, 2023 to hear any objections to said Declaration. In compliance with Government Code section 39567.1 on April 6, 2023, a letter was sent to affected property owners alerting them of their right to attend this public hearing. There were no objections heard at the April 17, 2023 meeting.

The Fire Marshal's office began inspections of properties on the original list on June 1, 2023. As the weed season has progressed, additional parcels/owners not listed on the original abatement notification list have been identified (typically through complaints) as those which may require abatement. An inspection of the additional sites has taken place and since these parcels have been deemed to contain a weed-related fire hazard, the property owner(s) must be given the right to due process and given an opportunity to be heard by Council.

On July 10, 2023, the City Council approved Resolution No. 2023-105 N.C.S. with a list of newly identified nuisance properties. These newly identified parcels/owners have been made aware by letter that they have a right to a Public Hearing on July 17, 2023 and will have until

July 23, 2023 to clear their properties of nuisance weeds; otherwise, abatement by the City will take place and they will be assessed the direct costs of the abatement, plus an administrative fee of \$240 per parcel.

DISCUSSION

The Government Code requires the City Council to provide a venue for property owners to voice their objections regarding the City's weed abatement program and how the properties are abated. This public hearing, and subsequent resolution, meets the intent of the law which allows the Fire Department and its contractor to enter private property and force abatement of weed-related fire hazards, if property owners fail to abate. Property owners are highly encouraged to handle their own weed abatement, and abatement by the City only takes place after non-compliance with the stated abatement deadline of July 23, 2023.

All work performed (such as disking, mowing, blading, or hand work) is charged at one-hour minimums unless listed otherwise in the rates. Additional work over one hour is prorated on quarter-hour increments at the same hourly base rate. The Contractor is permitted to charge a pulling (or towing) fee for each parcel where mowing, blading, disking or a combination thereof is performed. This fee is not applicable where only hand work is provided. Differences in size and type of terrain and method of abatement used are all variables for costs incurred. The hourly costs for work performed are as follows:

Traditional Methods

Hand Weed Whip: (gasoline powered)	\$70.00/hour
Tractor Mowing:	\$150.00/hour with a 4-hour minimum
Dozer fire breaks with disking:	\$250.00/hour with a 4-hour minimum
Trucking w/ trailer:	\$150.00/hour
Mastication – Excavator:	\$2,200.00/day
Mastication – Skid Steer:	\$250.00/hour with 4-hour minimum
500 Gallon Water Buffalo (fire protection):	\$100.00/per hr, when required

Zero Emissions Abatement

Hand Weed Whip: (electric powered)	\$85.00/hour
Electric Tractor Service:	\$250.00/hour (4-hour maximum run time)

Staff researched alternatives to disking utilized for this program. In 2018, it was found that two lots were abated utilizing the disking method. Portions, if not all, of these lots may not be able to be abated by other methods due to the terrain. For the 2019 season and beyond, the contractor was provided direction to utilize other methods wherever feasible. The 2023 contractor is following the same direction. This may mean portions of lots are mowed, and portions are disked due to the terrain. Additionally, the City is exploring grazing to manage City-owned properties and will implement if and where feasible.

Staff have informed the contractor that if a bird survey finds birds or any other environmental issue that needs to be addressed, the contractor will notify the Fire Prevention Bureau (FPB)

team immediately before any work is completed. The FPB staff will work with the contractor, and other staff, or other departments that need to be involved to develop a plan for the lot to properly address the flora/fauna and the weed abatement.

The Contractor also agrees to honor any designated “Spare-the-Air Days” that occur during the weed abatement season, as designated by the Bay Area Air Quality Management District (“BAAQMD”). They agree not to utilize any gas- or diesel-powered equipment on those designated days and all scheduled weed abatement cutting will take place around those designated days, if any.

PUBLIC OUTREACH

This agenda item was noticed in compliance with the California Brown Act.

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

Defensible space is the buffer created between buildings and vegetation. Adequate defensible space acts as a barrier to slow or halt the progress of a fire that would otherwise engulf your property. It also helps ensure the safety of firefighters defending your home. Weed abatement is one part of defensible space activities.

The weed abatement program is designed to reduce the spread of wildfire should one occur. Reducing the spread of wildfire reduces the carbon emissions produced by wildfire.

ENVIRONMENTAL REVIEW

This action was already analyzed under the California Environmental Quality Act (CEQA) at the July 10, 2023 hearing and found the action exempt 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 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

The weed abatement program is structured to be a 100% cost recovery program. Direct costs of abatement are charged based on actual costs to clear the parcels. A per-parcel administrative fee is added to each public and private parcel that is abated, to cover the cost of the weed abatement inspector, program management and administrative support. The administrative fee for the 2023 weed abatement season is \$240 per parcel and is based on the City's actual and reasonable costs of administering the program. The fee is approved by City Council Resolution and is identified in the City's adopted schedule of fees for services. All direct and administrative costs are recovered through payment by the individual property owner(s) and/or collection of special assessments against the specific parcels by the County Assessor in connection with property tax payments.

ALTERNATIVES

The alternative to the program would be to not conduct the public hearing and rely on property owners to complete the work without direction or enforcement options. The weed abatement program is a proactive fire prevention measure designed to reduce fuel loads in areas susceptible to grass or brush fires. If property owners chose not to abate their lots, the City would have an increased fire risk.

ATTACHMENTS

1. Resolution
2. Resolution No. 2023-105 N.C.S.
3. Letter Mailed to Property Owners
4. Proof of Service by Mail
5. Memo to Petaluma City Council Listing Properties Within 500' of Councilmembers' Properties