

RESOLUTION No. R01-06

**RESOLUTION OF THE CITY OF PALOS VERDES ESTATES
DECLARING PUBLIC NUISANCE**

WHEREAS, hazardous brush, dry grass weeds, combustible growth or flammable vegetation to include native and ornamental vegetation where growing upon or in front of real property often attain such growth as to become, when dry, a fire menace to said or adjacent improved parcels or which are otherwise noxious or dangerous: and

WHEREAS, the presence of hazardous brush, dry grass, weeds combustible growth or flammable vegetation to include native and ornamental vegetation upon or in front of real property are conditions which endanger the public safety and constitute a public nuisance and therefore should be abated; and

WHEREAS, such hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation are a seasonal and recurrent nuisance on or in front of real property located within the City of Palos Verdes Estates (the "City"); and

WHEREAS, the City has a duty to protect the public safety and to take any and all actions necessary to abate a public nuisance; and

WHEREAS, the County of Los Angeles Fire Department conducts annual inspections to verify existing hazards and public nuisances where such hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include ornamental and native vegetation on the hereinafter described real property; and

WHEREAS, Division 12, Part 5 of the California Health and Safety Code (Sections 14875 through 14922, inclusive), authorizes the City Council, by resolution, to declare a public nuisance and to authorize the abatement thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES AS FOLLOWS:

SECTION 1. Council Finds. The City Council of the City of Palos Verdes Estates hereby finds that hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation in and upon and in front of the real property hereinafter described in Exhibit 1 (the "Real Property"), when verified by inspection by the County of Los Angeles Fire Department are hereby declared to be a seasonal recurrent public nuisance which should be abated.

SECTION 2. Notice. (a) The County of Los Angeles Fire Department (the "Chief") is hereby designated, authorized and directed to give notice to destroy said hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation from the Real Property.

(b) Not less than 10 days prior to the date of the hearing, the Chief shall cause notice to be given to each owner of Real Property by mail as their names and residential addresses and a description of the property in question appear from the last equalized assessment roll, or as they are known to the clerk, and said notice shall be substantially in the form as provided in Exhibit 2 to this resolution.

SECTION 3. Hearing. In conjunction with the County of Los Angeles Fire Department (the "Chief"), Tuesday, the 27th of February, 2001, at the hour of 7:30 p.m. in the Council Chamber of the City, located at 340 Palos Verdes Drive West, Palos Verdes Estates is fixed by the City as the time and place when and where any and all owners of Real Property having any


objections to the aforementioned proposed removal of hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation following inspection and further notice by the County of Los Angeles Fire Department may appear before the weed abatement referee and the brush clearance referee and show cause why said hazardous brush, dry grass, weeds, combustible growth or flammable vegetation including native and ornamental vegetation should not be removed in accordance with this Resolution, and said objections will then and there be heard and given due consideration.

SECTION 4. Recovery of Inspection Costs. (a) The Chief and the Commissioner are hereby authorized and directed to recover its abatement enforcement costs in a manner consistent with prior action of the Board adopting an Administrative Penalty, Abatement Enforcement Cost, and inspection fee on all Real Properties failing to comply with the second official notice to abate hazards on public property identified during physical inspection by the County of Los Angeles Fire Department. The recovery of these costs is vital to the ongoing operation governing the identification and abatement of those properties that constitute a public nuisance and endanger the public safety.

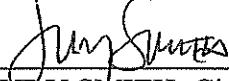
(b) The owners of the Real Property, upon which, or in front of which the nuisance exists, shall be presented, both in writing and at the above referenced hearing, with information regarding the cost of inspection, abatement enforcement, and non-compliance penalties.

SECTION 5. The City Clerk shall Certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 13th day of February, 2001.


CHAD R. TURNER, Mayor

ATTEST:


JUDY SMITH, City Clerk

APPROVED AS TO FORM:


STEPHANIE R. SCHER, City Attorney