

RESOLUTION NO. R99-12

**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 of 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 23rd of February 1999, 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

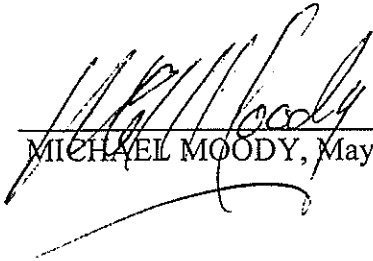
and place when and where any and all owners of Real Property having any objections to the aforementioned proposed removal of hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation following inspection and further notice by the County 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.

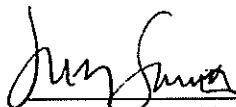
(b) the owners of the Real Property, upon which, or in front of which the nuisance exists, shall be presented, both in writing and at the above referenced hearing, with information regarding the cost of inspection, abatement enforcement, and non-compliance penalties.

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 9th day of February, 1999.


MICHAEL MOODY, Mayor

ATTEST:


JUDY SMITH, City Clerk

APPROVED AS TO FORM:



STEPHANIE SCHER, City Attorney

EXHIBIT 1

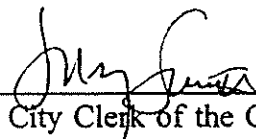
DESCRIPTION OF PROPERTIES

In accordance with Chapter 2, Part 5, Division 12 of the California Health and Safety Code (commencing with Section 14880), the Real Property, upon which, or in front of which the nuisance exists, are hereby described in attached Declaration List of Properties.

EXHIBIT 2

NOTICE TO DESTROY HAZARDOUS BRUSH, DRY GRASS, WEEDS,
COMBUSTIBLE GROWTH OR FLAMMABLE VEGETATION TO
INCLUDE NATIVES AND ORNAMENTALS

NOTICE IS HEREBY GIVEN THAT ON the 9th of February, 1999 the City Council of Palos Verdes Estates passed or will pass a resolution declaring that hazardous brush, dry grass, weeds, combustible growth or flammable vegetation to include native and ornamental vegetation where growing upon or in front of said improved property as specifically described by parcel number in the resolution, to be a potential fire hazard or nuisance which, upon inspection by the County of Los Angeles Fire Department is verified to be an existing hazard or nuisance and violation of the County Fire Code pertaining to clearance of brush and vegetative growth, must be removed and the nuisance abated by County authorities and the cost of removal assessed upon the land. In addition, the Board of Supervisors authorized and directed the County of Los Angeles Fire Department and the Agricultural Commissioner to recover their costs related to the enforcement of the fire code. All property owners having objection to the removal of brush, dry grass, weeds, combustible growth or flammable vegetation including natives and ornamental are hereby notified that they may attend a meeting of the City Council of the City of Palos Verdes Estates to be held in the Council Chamber of said City at 7:30 p.m. on February 23, 1999, when their objections will be heard and given due consideration. If the property owner does not want to present objections to the proposed removal of hazardous brush, dry grass, weeds, combustible growth or flammable vegetation, or the recovery of enforcement and abatement costs, he/she need not appear at the above-mentioned meeting(s).



City Clerk of the City of Palos Verdes Estates

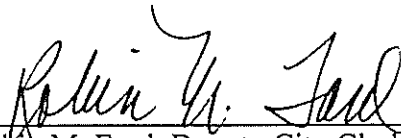
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Robin Ford, Deputy City Clerk for the City of Palos Verdes Estate, California, do hereby certify that the foregoing Resolution R99-12 was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 9th day of February, 1999, by the following vote:

AYES: COUNCILMEMBERS: Moody, Thompson, Humphrey,

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS: Councilmembers Finer and Mattingly



Robin M. Ford, Deputy City Clerk