

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA DECLARING UNMAINTAINED WEEDS, GRASSES, AND VEGETATION, AND DEAD OR DYING COMBUSTIBLE DEBRIS A PUBLIC NUISANCE AND AUTHORIZING STAFF TO INITIATE THE ANNUAL WEED ABATEMENT PROGRAM.

WHEREAS, the City of Upland, California a member of the San Bernardino County Fire Protection District, is committed to reducing fire risk and preventing emergencies through enforcement of health and safety laws; and

WHEREAS, unmaintained weeds, grasses, vegetation, and dead or dying combustible debris may be declared a public nuisance under the City Municipal Code (8.12.180) and California Code (39561); and

WHEREAS, the City's annual Weed Abatement Program protects the community's health, safety, and welfare by inspecting properties, notifying owners, and ensuring the removal of fire hazards; and

WHEREAS, the inspection program is a five-month process, but compliance with health and safety codes is a year-round responsibility enforced by the Fire Marshal and Code Enforcement; and

WHEREAS, sufficient notice will be given to property owners to comply with the program; and

WHEREAS, failure to comply will result in the imposition of fees on property owners, including administrative, legal, abatement, and county fees; and

WHEREAS, properties in violation will be abated by the City, with the associated costs being assessed as a lien against the property.

NOW, THEREFORE, the City Council of the City of Upland hereby finds, determines and resolves as follows:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Compliance with California Environmental Quality Act. The City Council finds that this Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Resolution is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 3. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 4. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 6. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED and ADOPTED the 10th day of February, 2025.

Bill Velto, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 10th day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Keri Johnson, City Clerk