



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Three Parcels Within the City of Lodi And Set Public Hearing for September 15, 1993

MEETING DATE: September 1, 1993

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt the attached resolution - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Three Parcels Within the City of Lodi, and set the matter for public hearing for the regular City Council meeting of September 15, 1993.

BACKGROUND INFORMATION: Throughout the spring and summer months, the Lodi Fire Department has an ongoing program of contacting property owners to remove weeds on property they own within the City. Follow-up contacts are made in an effort to have the weeds removed at the earliest possible date. The City Council will recall that on June 16, 1993, it held a public hearing to hear protests regarding weed abatement on approximately 115 parcels in the City of Lodi that were not in compliance with the weed abatement requirements.

We are in receipt of a list from the Fire Department of three parcels within the City (see attached list) that are not in compliance with weed abatement requirements. These three parcels were notified originally and were cleaned according to the requirements; however, the parcels are once again not in compliance with the weed abatement requirements. Therefore, it is recommended that Council adopt the attached resolution - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings, as provided under the State of California Government Code Section 39501, et seq. (see Exhibit A attached). The subject resolution also calls for a public hearing to be held concerning this matter at the regular City Council meeting of September 15, 1993.

Also attached as Exhibit B are letters which Fire Marshal Gorbet sent advising the property owners of the three parcels on the attached list of a need to abate weeds on their property.

FUNDING: None required.

Jennifer M. Perrin
City Clerk

JMP

APPROVED _____

THOMAS A. PETERSON
City Manager



recycled paper

Page No. 1
08/24/93

191 E DARRELL & JR WOLTKAMP
1-79.0 25821 N JACKTONE RD
GALT CA 95632

A.P.N.: 049-190-27
66 COMMERCE STREET

196 FWS CONSTRUCTION PTP
1-87.0 PO BOX 588
LOCKEFORD CA 95237

A.P.N.: 049-190-35
89 GUILD AVENUE

327 RICHARD LOZANO
2-4.0 PO BOX 824
PALO ALTO CA 94302-824

A.P.N.: 047-210-26
610 S WASHINGTON ST



RESOLUTION NO. 93-109

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RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING
ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY.

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RESOLVED by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code Section 39501 - 39588 to declare as a public nuisance and abate:
 - a) all weeds growing upon streets, sidewalks and private property in the City and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chapparel, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The City Council declares as a public nuisance:
 - a) all weeds growing upon the streets, sidewalks and private property in the City and
 - b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.
3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code Section 39562.1, the seasonal and recurrent nuisances shall be abated under Sections 39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.
4. The Public Works Director is the person designated to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, September 15, 1993 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.
6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California on September 15, 1993 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 1st day of September, 1993.

Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the City Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-foot frontage and 100-foot frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

8. In addition to posting, the City Clerk shall mail written notice of the proposed abatement to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The Clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the City Clerk and the notice need not contain the heading in 1" letters.

Adopted by the City Council of the City of Lodi this 1st day of September, 1993 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

JENNIFER M. PERRIN
City Clerk

RES93109/TXTA.01V

93-109

EXHIBIT A

Page No. 1
08/24/93

191 E DARRELL & JR WOLTKAMP
1-79.0 25821 N JACKTONE RD
GALT CA 95632

A.P.N.: 049-190-27
66 COMMERCE STREET

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610 S WASHINGTON ST



CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
217 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-8739

May 18, 1993

MR RICHARD LOZANO
265 SOUTHDOWN RD
LLOYD HARBOR NY 11743

Dear Mr. Lozano:

RE: WEED ABATEMENT - VACANT LOT - 610 SOUTH WASHINGTON STREET,
LODI, CALIFORNIA

On May 17, 1993, a member of the Lodi Fire Department conducted an inspection of the premises indicated above. This inspection revealed the following condition that shall require correction:

1. Remove all weed growth and all other combustible waste material from the premises.

A reinspection has been scheduled for June 2, 1993, and will be conducted on or about that date.

Your cooperation in correcting the item listed above is appreciated.

If you have any questions, please contact the Fire Prevention Bureau.

Sincerely,

Robert L. Gorbet
Fire Marshal

RG/lh

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
217 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

June 16, 1993

F W CONSTRUCTION
PO BOX 588
LOCKEFORD CA 95237

Dear Property Owner:

RE: WEED ABATEMENT - 89 GUILD AVENUE, LODI -
A.P.N.: 049-190-35

On June 10, 1993, a member of the Lodi Fire Department conducted an inspection of the premises indicated above. This inspection revealed the following condition that shall require correction:

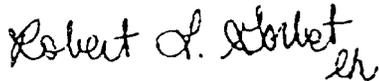
1. Remove all weed growth, combustibile debris, trash, rubbish and all other combustibile waste material from the premises.

A reinspection has been scheduled for June 30, 1993, and will be conducted on or about that date.

Your cooperation in correcting the item listed above is appreciated.

If you have any questions, please contact the Fire Prevention Bureau.

Sincerely,



Robert L. Gorbet
Fire Marshal

RG/lh

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
217 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-8739

June 17, 1993

E DARRELL & J R WOLTKAMP
25821 N JACKTONE RD
GALT CA 95632

Dear Property Owner:

RE: WEED ABATEMENT - 66 COMMERCE STREET, LODI -
A.P.N.: G49-190-27

On June 10, 1993, a member of the Lodi Fire Department conducted an inspection of the premises indicated above. This inspection revealed the following condition that shall require correction:

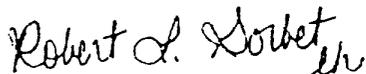
1. Remove all weed growth, combustible debris, trash, rubbish and all other combustible waste material from the premises.

A reinspection has been scheduled for June 30, 1993, and will be conducted on or about that date.

Your cooperation in correcting the item listed above is appreciated.

If you have any questions, please contact the Fire Prevention Bureau.

Sincerely,



Robert L. Gorbet
Fire Marshal

RG/lh

RESOLUTION NO. 93-109

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RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING
ABATEMENT PROCEEDINGS ON VARIOUS PARCELS THROUGHOUT THE CITY

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RESOLVED by the City Council of the City of Lodi that:

1. The Council elects to proceed under Government Code Section 39501 - 39588 to declare as a public nuisance and abate:

- a) all weeds growing upon streets, sidewalks and private property in the City and
- b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

In this resolution and in all subsequent proceedings, weeds means weeds which, when mature, bear wingy or downy seeds which will attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and includes sagebrush, chapparel, poison oak and poison ivy, when the conditions of growth are such as to constitute a menace to the public health, dry grass, stubble, brush, litter and all other flammable material which endangers the public safety by creating a fire hazard.

2. The City Council declares as a public nuisance:

- a) all weeds growing upon the streets, sidewalks and private property in the City and
- b) all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City.

3. The properties upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "A" attached hereto and made a part hereof by reference. The Council finds and declares that weeds on or in front of the parcel specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with Government Code Section 39562.1, the seasonal and recurrent nuisances shall be abated under Sections 39501-39588 and upon the second and subsequent occurrence in the same calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.

4. The Public Works Director is the person designated to perform the duties imposed by Government Code Sections 39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, September 15, 1993 at the hour of 7:00 o'clock p.m. in the Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, is fixed as the time and place for hearing all objections to the proposed removal of weeds, rubbish, refuse and dirt.
6. The Superintendent shall prepare notices as follows, and the heading of the notice shall read "Notice to destroy weeds and remove rubbish, refuse and dirt" in letters not less than 1" in height. The notice shall be substantially in the following form:

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the Lodi City Council to be held in the Council Chambers, Carregie Forum, 305 West Pine Street, Lodi, California on September 15, 1993 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 1st day of September, 1993.

Street Superintendent
Director of Public Works
City of Lodi

7. The superintendent is instructed to cause copies of the notice to be conspicuously posted on or in front of the property on or in front of which the nuisance exists. He shall post the notice at least 5 days before the time fixed for hearing objections by the City Council. He shall post 1 notice to each separately owned parcel of property of not over 50-foot frontage; not more than 2 notices to each separately owned parcel of property of between 50-foot frontage and 100-foot frontage; and notices at not more than 100 feet apart if the frontage of the parcel is greater than 100 feet.

8. In addition to posting, the City Clerk shall mail written notice of the proposed abatement to all persons owning property described in paragraph 3 of this resolution. The notice shall be mailed to each person to whom the property is assessed as shown on the last equalized assessment roll. The Clerk shall mail the notice at least 5 days before the time set for the hearing. The notice shall be in substantially the form described above which is posted on the property, except that the notice shall be signed by the City Clerk and the notice need not contain the heading in 1" letters.

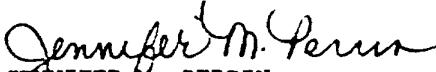
Adopted by the City Council of the City of Lodi this 1st day of September, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


JENNIFER M. PERRIN
City Clerk

93-109

RES93109/TXTA.02J

EXHIBIT A

Page No. 1
08/24/93

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PALO ALTO CA 94302-824

A.P.N.: 047-210-26
610 S WASHINGTON ST

DECLARATION OF MAILING

On September 3, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 1993, at Lodi, California.


Jennifer M. Perrin
City Clerk

Peggy Nicolini
Deputy City Clerk



CITY OF LODI
CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: September 15, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing
Please Contact:

Jennifer M. Perrin

City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

September 15, 1993

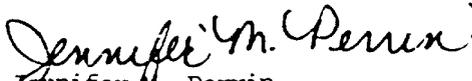
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Resolution declaring weeds a public nuisance and initiating abatement proceedings on three parcels within the City of Lodi

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: September 1, 1993

Approved as to form:


Bobby W. McNatt
City Attorney

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT

E DARRELL & J R WOLTKAMP
25821 N JACKTONE RD
GALT CA 95632

Dear Property Owner:

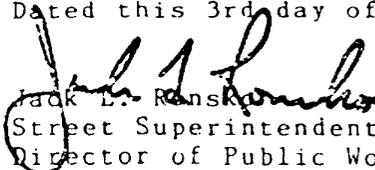
RE: 66 COMMERCE STREET, LODI
PARCEL #049-190-27

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

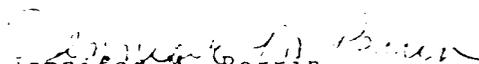
As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993


Jack L. Renski
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

**NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT**

FWS CONSTRUCTION PTF
PO BOX 588
LOCKEFORD CA 95237

Dear Property Owner:

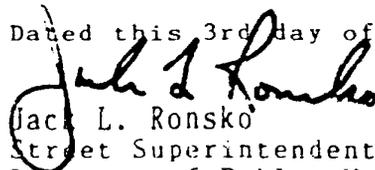
RE: 89 GUILD AVENUE, LODI
PARCEL #049-190-35

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a Resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

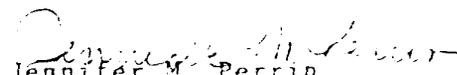
As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

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Dated this 3rd day of September, 1993


Jack L. Ronsko
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

NOTICE TO DESTROY WEEDS
AND REMOVE RUBBISH, REFUSE AND DIRT

RICHARD LOZANO
PO BOX 824
PALO ALTO CA 94302-824

Dear Property Owner:

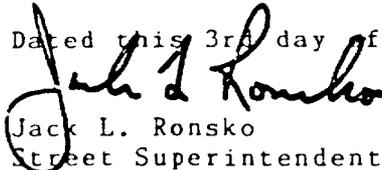
RE: 610 SOUTH WASHINGTON STEET, LODI
PARCEL #047-210-26

Notice is hereby given that on the 1st day of September, 1993, the City Council of the City of Lodi passed a resolution (Resolution No. 93-109) declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the city and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk, 221 West Pine Street, Lodi, California.

As of the above date, your parcel contained an excessive amount of weeds. If you have any questions concerning this notice, please contact the Lodi Fire Prevention Bureau by calling (209) 333-6739.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Lodi to be held at the Carnegie Forum, 350 West Pine Street, Lodi, California, on September 15, 1993, at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 3rd day of September, 1993


Jack L. Ronsko
Street Superintendent
Director of Public Works
City of Lodi

By Order of the Lodi City Council

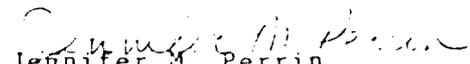

Jennifer M. Perrin
City Clerk

EXHIBIT B

Page No. 1
08/24/93

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