



# CITY OF LODI

# COUNCIL COMMUNICATION

AGENDA TITLE: Consider the appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer on April 2, 1992

MEETING DATE: September 16, 1992

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a Public Hearing to consider the appeal received from Joe (Mark) Newfield regarding Notice of Public Nuisance and Order to Abate property located at 4 Sierra Vista Place, Lodi issued by James H. Siemers, Code enforcement Officer, on April 2, 1992.

BACKGROUND INFORMATION: Sometime in 1991 the storage structure at 4 Sierra Vista Place was damaged by fire. On January 3, 1992, Code Enforcement Officer James H. Siemers with assistance inspected the premises and ordered the building abated. The same order was issued again on April 2, 1992. Between these two dates the property owner, Joe (Mark) Newfield caused repairs to be made to the damaged structure but did not present the City plans for the work nor did he acquire necessary construction permits.

This public hearing was continued from the City Council meeting of August 5, 1992 to provide Mr. Newfield time to submit engineered plans and acquire permits which would nullify the abatement order. Although the plans were completed by the Michael Smith Engineering firm sometime ago, they have not been submitted.

If the Building Division has received the plans by the September 16, 1992 City Council meeting, the staff would recommend a continuance of the public hearing until the first Council meeting in November (i.e. November 4, 1992). In the event the plans are still not available, the City Council should provide the staff with direction.

Without engineered plans and inspections, the Building Division has no means of determining if the work performed by the owner has made the structure safe and in compliance with codes.

FUNDING: None required.

*James B. Schroeder*  
James B. Schroeder  
Community Development Director

JBS/cg  
Attachments

APPROVED

*Thomas A. Peterson*

THOMAS A. PETERSON  
City Manager



recycled paper

CC-1

CITY COUNCIL

JAMES W. PINKERTON, Mayor  
PHILLIP A. PENNINO  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JACK A. SIEGLOCK  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
BOB McNATT  
City Attorney

April 2, 1992

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE  
AND  
ORDER TO ABATE

Mark Newfield  
PO Box Q  
Woodbridge, CA 95258

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 045-250-21. Said property is more commonly known as 4 W Sierra Vista Place.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Unsafe Building Abatement Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On January 3, 1992, the Building Official caused said property to be inspected. The following violations were discovered:

1. Finding: Building has been damaged by fire.

This existing condition is in direct violation of Section 302, paragraph 4. of the Unsafe Building Abatement Code of the City of Lodi which reads:

Newfield (92-0002)  
April 2, 1992  
page 2

#### Dangerous Building

Sec.302. For the purpose of this code, any building or structure which has any or all **of** the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, **to** such an extent that the structural strength or stability thereof is materially **less** than it was before such catastrophe and **is less** than the minimum requirements **of** the Building Code for new buildings of similar structure, purpose or location.

#### DETERMINATION

As a result **of** the foregoing violations, the undersigned Building Official has declared the property to be a PUBLIC NUISANCE and has therefore **made** the following determination:

(a) The structure **on** the property in question shall **be** demolished and the property cleared **of** rubbish and debris. Demolition work shall be subject to the review **of** the Building Official in accordance with provisions set forth **in** Section **4409** of the Building Code **of** the City of Lodi.

Appropriate demolition permits shall be obtained from the City **of** Lodi prior **to** the commencement of any work required herein.

All demolition work required herein shall begin within 30 days of the date of this Notice and shall be completed within **45** days of the date **of** this Notice.

In all cases, the required work is subject to the inspection and final approval of **the** Building Official.

#### ORDER TO ABATE

Pursuant to Section 201 of the Unsafe Building Abatement Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner **of** the property in question, **TO** ABATE the substandard conditions listed herein in a manner and within **the** times determined above.

Newfield(92-0002)

April 2, 1992

page 3

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 501 et seq of said Unsafe Building Abatement Code. The appeal shall be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

Failure of any person to file an appeal in accordance with Section 501 of the Unsafe Building Abatement Code shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.

  
JAMES H. SIEMERS  
Code Enforcement Officer

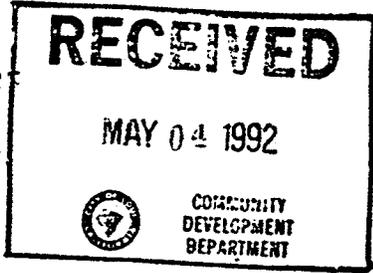
cc: Community Development Director  
Chief Building Inspector  
City Attorney  
Fire Marshall

Jim Schroeder

RECEIVED

SENTRY - 4 PM 12: 30

ALICE M. REMON  
CITY CLERK  
CITY OF LODI



April 30, 1992

Lodi City Council  
221 W Pine Street  
Lodi, Ca. 95240

Dear Council Members,

On April 2, 1992 I was mailed an Abatement Order on a building that I own at 4 Sierra Vista Place. The building was partially damaged by fire last summer and since then has been repaired.

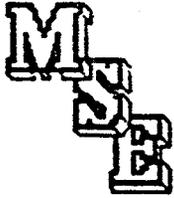
I had Mike Smith inspect the building and he agreed with me that this building did NOT need demolition.

This is a storage only building that requires no city utilities. It is also completely fenced and locked at all times as I only store personal items which require minimal attention.

Please accept my appeal and lift this demolition order as it could prove quite costly for me to further appeal, or worse yet, demolish a useful building.

Sincerely,

Joe Newfield



## Mike Smith Engineering

4 North Main Street - Lodi, CA 95240

(209) 334-2332 Fax (209) 334-0102

---

15 Apr 1992

Mark Newfield  
P.O. Box Q  
Woodbridge, CA 95258

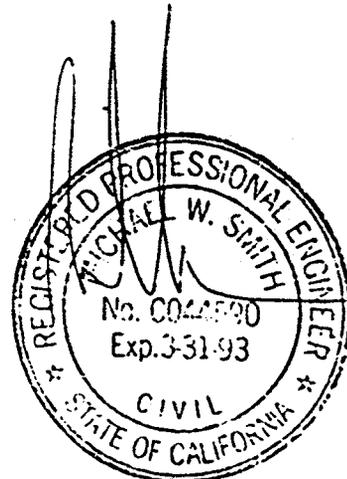
Dear Mark:

Having inspected your fire damaged storage building on South Sacramento Street here in town, I have concluded that this structure can be salvaged. If you were to have your contractor replace the more severely damaged members, and install additional studs and rafters next to those that are not completely burned, this structure could be as structurally sound as it was before the fire. This repair work should not require a very large amount of time or money to accomplish.

If you require any additional services or would like to discuss this subject further, feel free to drop in or call.

sincerely:

Michael W. Smith  
R.C.E. No. 44590  
MIKE SMITH ENGINEERING



DECLARATION OF MAILING

On August 7, 1992 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.

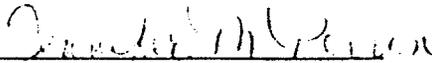
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

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

Executed on August 7, 1992, at Lodi, California.

---

Alice M. Reimche  
City Clerk



---

Jennifer M. Perrin  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: September 16, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

**Alice M. Reimche**  
City Clerk  
Telephone: 333-6702

CONTINUED

## NOTICE OF PUBLIC HEARING September 16, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

1. Appeal received from **Joe (Mark) Newfield** regarding Notice of Public Nuisance and Order to **Abate** property located at 4 West Sierra Vista Place, Lodi issued by James H. Siemers, Code Enforcement Officer, on April 2, 1992

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. 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:

  
Reimche

City Clerk

Dated: August 5, 1992

Approved as to form:

  
Bobby W. McNatt  
City Attorney

APPEAL FROM NEWFIELD  
MAILING LIST  
EXHIBIT B

James B. Schroeder  
Community Development Director

Joe (Mark) Newfield  
P.O. Box Q  
Woodbridge, CA 95258