

CC-274  
CC-272

CITY COUNCIL MEETING  
JUNE 20, 1984

190

WEED ABATEMENT  
WILLOW OAKS  
INDUSTRIAL  
PARK

City Clerk Reimche reminded the Council that the City is presently involved in foreclosure proceedings on a parcel known as Willow Oaks Industrial Park (Assessors Parcel No. 49-20-14 and 49-20-19, formerly 49-20-15) located on the north side of Turner Road between 99 and Cluff Avenue, Lodi. The City has now been advised by the City Fire Marshall that every effort has been made to have the owners remove the weeds from that parcel and that he is recommending that the Lodi City Council go forward with weed abatement proceedings on the subject parcel as provided under Government Code Section 39501-39588.

RES. NO. 84-083

Following discussion, on motion of Council Member Reid, Olson second, Council adopted Resolution No. 84-083 - Resolution declaring weeds a public nuisance and initiating abatement proceedings - north side of Turner Road between Highway 99 and Cluff Avenue - Willow Oaks Industrial Park and set the matter for Public Hearing at 7:30 p.m. on Thursday, July 5, 1984.

## COUNCIL COMMUNICATION

TO THE CITY COUNCIL FROM THE CITY MANAGER'S OFFICE	DATE June 13, 1984	NO.
SUBJECT: Proceedings re Weed Abatement		

Council will recall that the City is presently involved in foreclosure proceedings on a parcel known as Willow Oaks Industrial Park (Assessors Parcel No. 49-20-14 and 49-20-19, formerly 49-20-15) located on the north side of Turner Road between 99 and Cluff Avenue, Lodi.

We have now been advised by the City Fire Marshall that every effort had been made to have the owners remove the weeds from that parcel and that he is recommending that the Lodi City Council go forward with weed abatement proceedings on the subject parcel as provided under Government Code Section 39501-39588.

Council is respectfully requested to adopt the attached Resolution setting the matter for public hearing on Thursday, July 5, 1984 at 7:30 p.m.

*Alice M. Reimche*

Alice M. Reimche  
City Clerk

RESOLUTION NO.

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND  
INITIATING ABATEMENT PROCEEDINGS

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 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 property 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 of this reference. The council finds and declares that weeds on or in front of the parcels specified in EXHIBIT "A" are seasonal and recurrent in nature. In accordance with 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 calender year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.

4. The director of public works 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. Thursday, July 5, 1984 at the hour of 7:30 o'clock p.m. at the Lodi City Council Chambers, 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: The heading of the notice shall be "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 20th day of June, 1984, 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 City Council of the City of Lodi to be held at the Lodi City Council Chambers, Lodi, California on July 5, 1984, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 20th day of June, 1984.

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**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 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-feet frontage and 100-feet 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 4 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 June 20, 1984 by the following vote:

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

Alice M. Reimche  
City Clerk

**EXHIBIT "A"**

**Willow Oaks Industrial Park  
Assessment No. 49-20-14 and  
49-20-19 (formerly 49-20-15)  
13101 North Cluff Avenue -  
Situs Address  
P. O. Box 927  
Colusa, CA 95932**