

WEED ABATEMENT
PROCEEDINGS
INITIATED

RES. NO. 82-84

City Clerk Reimche apprised the Council that Section 39561 of the State of California Government Code provides that the legislative body may declare by resolution as public nuisances, and abate all weeds growing upon the street, sidewalks, or private property in the city. The Fire Marshall has determined that the weed/rubbish on the following parcels have not been abated in a manner required by the City of Lodi Fire Department and constitute a serious fire hazard:

1. 18 S. Main Street, Lodi
2. 317 East Kettleman Lane, Lodi
3. 1780 S. Hutchins Street, Lodi

It was recommended that Council proceed with abatement proceedings on the heretofore listed parcels.

Council, on motion of Council Member Pinkerton, Murphy second, adopted Resolution No. 82-84 declaring weeds a public nuisance in and on certain parcels as heretofore described within the City, initiating abatement proceedings and setting the matter for hearing on August 18, 1982.

COUNCIL COMMUNICATION

TO THE CITY COUNCIL and Honorable Mayor
FROM THE CITY MANAGER'S OFFICE, Alice M. Reimche

DATE
July 30, 1982

NO.

SUBJECT:
WEED AND RUBBISH ABATEMENT

K-7

Section 39561 of the State of California Government Code provides that the legislative body may declare by resolution as public nuisances, and abate----all weeds growing upon the streets, sidewalks, or private property in the City.

The Fire Marshal has determined that the weeds/rubbish on the following parcels have not been abated in a manner required by the City of Lodi Fire Department and constitute a serious fire hazard.

1. 18 S. Main Street, Lodi
2. 317 East Kettleman Lane, Lodi
3. 1780 S. Hutchins Street, Lodi

Therefore, it is recommended that the City Council proceed in accordance with the heretofore referenced sections by adopting a Resolution Declaring Weeds a Public Nuisance and initiating Abatement Proceedings, and setting the matter for hearing at the regular Council meeting of August 18, 1982.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

AMR/lf

RESOLUTION NO.

RESOLUTION DELCARING 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 sections 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 streets referred to in paragraph 2 are described in EXHIBIT "A" attached hereto and made a part by this reference.

4. The property upon which or in front of which the nuisance declared in paragraph 2 exist are described in EXHIBIT "B" attached hereto and made a part by this reference. The council finds and declares that weeds on or in front of the parcels specified in EXHIBIT "B" 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 calendar year, no further hearings will be held and notice shall be by mailing a post card as provided in section 39562.1.

5. 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.

6. August 18, 1982 at the hour of 8:00 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.

7. 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 18th day of August, 1982, 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 August 18, 1982, at the hour of 8:00 o'clock p.m., when their objections will be heard and given due consideration.

Dated this _____ day of _____, 1982.

Street Superintendent
Director of Public Works
City of Lodi

8. 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-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.

9. 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.

RESOLUTION NO. 82-84

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 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 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. August 18, 1982 at the hour of 8:00 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 4th day of August, 1982, 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 August 18, 1982, at the hour of 8:00 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 4th day of August, 1982.

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-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 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 on August 4, 1982 by the following vote:

Ayes: Council Members - Olson, Snider, Pinkerton,
Murphy and Reid

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk



EXHIBIT "A"

- a) 18 South Main Street, Lodi
Assessor's Parcel No. 043-072-11
Lyle Shelton - Delmar Supplies
1141 North Citrus
Orange, California 92669

- b) 1780 South Hutchins Street
Assessor's Parcel No. 057-370-15
Ken Snyder
P.O. Box 629
Manteca, California 95336

- c) 317 East Kettleman Lane, Lodi
Assessor's Parcel No. 047-270-18
Pitro's Pizza Parlor, Inc.
467 Cernon Street
Vacaville, California 95688

D 33 217

U. S. POSTAL SERVICE		DATE	AUG 9 1982
CASH RECEIPT			
RECEIVED FROM	B. J. P. S.		
THE SUM OF	85 Dollars, 100		
FOR	Postage		
BY (Signature and title)	JAMES J. HUBER, POSTMASTER		
BY	[Signature]		
PS Form 1096	Jan. 1971		
	*U.S.G.P.O.: 1980-654-574		