



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City - and set the matter for Public Hearing on July 2, 1997.

MEETING DATE: June 4, 1996

PREPARED BY: Fire Marshal

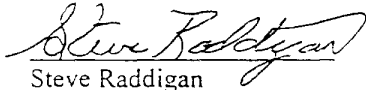
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RECOMMENDED ACTION: That the City Council adopt the attached resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City - and further set the matter for public hearing for the regular City Council meeting of July 2, 1997.


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.

A list of the various parcels within the City that are not in compliance with weed abatement requirements will be prepared by the Fire Department prior to the meeting. 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 July 2, 1997.

FUNDING: None required.

  
Steve Raddigan  
Fire Marshal

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

9 1-28.0	JOHN DONOVAN ETAL 225 W ELM ST LODI, CA 95240	A.P.N.: 049-180-13 1127 EAST BLACK DIAMOND WAY
13 1-36.0	JOHN DONOVAN 225 W ELM ST LODI, CA 95240	A.P.N.: 049-170-22 804 EAST BLACK DIAMOND WAY
150 1-36.0	DONALD & ROCHELLE ROEK 18948 N DAVIS RD LODI, CA 95242	A.P.N.: 049-020-30 835 EAST TURNER ROAD
238 1-36.1	DONALD & ROCHELLE ROEK 18948 N DAVIS RD LODI, CA 95242	A.P.N.: 049-020-31 847 EAST TURNER ROAD
239 1-36.2	JWR COMPANY PTP PO BOX 693014 STOCKTON, CA 95269	A.P.N.: 049-020-32 911 EAST TURNER ROAD
240 1-36.3	JWR COMPANY PTP PO BOX 693014 STOCKTON, CA 95269	A.P.N.: 049-020-33 923 EAST TURNER ROAD
241 36.4	ROEK BROTHERS PTP PO BOX 30038 STOCKTON, CA 95213	A.P.N.: 049-020-34 935 EAST TURNER ROAD
242 1-36.5	JWR COMPANY PTP PO BOX 693014 STOCKTON, CA 95269	A.P.N.: 049-020-35 947 EAST TURNER ROAD
14 1-38.0	JOHN & JOANNE DONOVAN PO BOX 456 LODI, CA 95241	A.P.N.: 049-170-21 810 EAST BLACK DIAMOND WAY
22 1-53.0	PINKERTON HOLDINGS INC 42 N CLUFF AVE LODI, CA 95240	A.P.N.: 049-050-55 31 NORTH CLUFF AVENUE
151 1-54.0	EDLUND J LOO 915 BLACK DIAMOND WY LODI, CA 95240	A.P.N.: 049-190-01 3 COMMERCE STREET
157 1-62.0	HERBERT PRESZLER JR 1727 TIMBERLAKE CIR LODI, CA 95242	A.P.N.: 049-190-09 167 COMMERCE STREET
277 1-95.0	JOHN AND V TERESI TRS PO BOX 819 LODI, CA 95241	A.P.N.: 049-040-61 225 NORTH GUILD AVENUE

78 1-105.0	TED A AND C MOLFINO 1701 EDGEWOOD DR LODI, CA 95240	A.P.N.: 049-040-57 1371 EAST PINE STREET
197 1-106.0	THOMAS AND CATHY TUCKER PO BOX 1298 LODI, CA 95241	A.P.N.: 043-111-05 336 EAST LOCUST STREET
230 1-108.0	H D ARNAIZ CORP PO BOX 8596 STOCKTON, CA 95208	A.P.N.: 041-460-40 548 YOKUTS DRIVE - VACANT AREA
495 1-39.0	H & E BELDT, TRUSTEE PO BOX 178 CLEMENTS, CA 95227	A.P.N.: 0491700006 827 EAST BLACK DIAMOND WAY
31 2-1.0	CENTRAL CALIF TRACTION 920 SE QUINCY TOPEKA, KS 66621	A.P.N.: 047-020-08 310 SOUTH MAIN STREET
33 2-2.0	GLADYS BOWLES 5828 E FAIRLANE RD ACAMPO, CA 95220	A.P.N.: 047-342-03 508 SOUTH CENTRAL AVENUE
770 -4.0	SHIRLEY Y COPP 483 SUNSET RT 2 SAN ANDREAS, CA 95249	A.P.N.: 047-210-26 610 S WASHINGTON STREET
38 2-3.0	CYE VAUGHAN JR 224 1/2 SAGE ST ELKO, NV 89801	A.P.N.: 049-160-06 927 E. INDUSTRIAL WY.
39 2-9.0	CYE VAUGHAN JR 224 1/2 SAGE ST ELKO, NV 89801	A.P.N.: 049-160-07 1005 E. INDUSTRIAL WY.
45 2-50.0	DARYL GEWEKE PO BOX 1210 LODI, CA 95241	A.P.N.: 047-280-21 1150 S. CHEROKEE LN.
46 2-51.0	TOKAY BOWL PTP 620 S CHEROKEE LN LODI, CA 95240	A.P.N.: 047-450-10 620 S. CHEROKEE LN.
274 2-15.3	GEORGE A GILLESPIE ETAL 22300 N LWR SACRAMENTO RD ACAMPO, CA 95220	A.P.N.: 049-070-09 1528 EAST LODI AVENUE
265 2-43.0	JOHN T & K VERNER 2707 E FREMONT ST STOCKTON, CA 95205	A.P.N.: 062-480-71 2221 S. CHEROKEE LN.-JOHNSON RANCH II

81 4-1.0	LARRY UNDERHILL 1300 W LODI AVE LODI, CA 95240	A.P.N.: 037-280-21 2 SOUTH LEE AVENUE
127 4-7.0	JAMES SHERIDAN QUINN 811 S PLEASANT AVE LODI, CA 95240	A.P.N.: 045-180-19 811 SOUTH PLEASANT AVENUE
105 4-8.0	DR RANDY ROGET 510 S FAIRMONT AVE LODI, CA 95240	A.P.N.: 033-080-28 500 S. FAIRMONT AV.-508 S. FAIRMONT
184 4-21.0	ARTURO LOPEZ 1701 S MILLS AVE #76 LODI, CA 95242	A.P.N.: 027-300-01 905 INTERLAKEN DR.
186 4-24.0	CHRIS R & L KESZLER ETAL 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-300-11 2452 GRENOBLE CT.
187 4-25.0	RIBHI & R IBRAHIM 2315 ALADDIN WY LODI, CA 95242	A.P.N.: 027-300-18 1105 INTERLAKEN DR.
198 -32.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-02 1127 HEIDELBERG WAY
199 4-33.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-04 1151 HEIDELBERG WAY
200 4-34.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-05 1150 HEIDELBERG WAY
201 4-35.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-08 1114 HEIDELBERG WAY
213 4-42.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-37 1129 VIENNA WAY/CORNER OF VIENNA WAY
204 4-43.0	CHRIS & LAVETA KESZLER 317 W LODI AVE LODI, CA 95240	A.P.N.: 027-350-15 1155 VIENNA DRIVE
215 4-52.0	LODI SUNWEST SENIOR PROJ PO BOX 1505 LODI, CA 95241	A.P.N.: 027-300-31 942 COLOGNE COURT

16 4-53.0	LODI SUNWEST SENIOR PROJ PO BOX 1505 LODI, CA 95241	A.P.N.: 027-300-33 926 COLOGNE COURT
217 4-54.0	LODI SUNWEST SENIOR PROJ PO BOX 1505 LODI, CA 95241	A.P.N.: 027-300-34 918 COLOGNE COURT
97 4-65.0	TEMPLE BAPTIST CHURCH 801 S LWR SACRAMENTO RD LODI, CA 95242	A.P.N.: 027-040-31 801 S. LWR. SACRAMENTO RD.
109 5-1.0	JOHN AND KIMBERLY TETZ 815 TILDEN DR LODI, CA 95242	A.P.N.: 043-023-04 217 N. SCHOOL ST.
285 5-3.0	AIR PACIFIC COMPRESSOR PO BOX 798 LODI, CA 95241	A.P.N.: 041-180-09 710 NORTH SACRAMENTO STREET
110 5-4.0	MICHAEL & CATHY NILSSEN 1133 CHATEAU CT LODI, CA 95242	A.P.N.: 041-340-01 803 N. SACRAMENTO ST.
116 14.0	CAREY DEVELOPMENT CO 2575 GRAND CANAL BLVD 301 STOCKTON, CA 95207	A.P.N.: 015-300-09 1000 BLOCK WOODHAVEN LN.
262 5-15.0	DANA SMITH 211 AVENA AVE LODI, CA 95240	A.P.N.: 015-230-29 1245 WOODHAVEN LANE
496 5-12.0	FRANCES NEAL 1132 GREENOAKS WAY LODI, CA 95240	A.P.N.: 0391120002 1731 W EDGEWOOD DR

RESOLUTION NO. 97-70

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 §§ 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, chaparral, 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 §39562.1, the seasonal and recurrent nuisances shall be abated under §§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 §39562.1.
4. The Public Works Director is the person designated to perform the duties imposed by Government Code §§39560-39588 upon the Superintendent, and all references in these proceedings to Superintendent means that person.

5. Wednesday, July 2, 1997 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 4th day of June, 1997, 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 July 2, 1997 at the hour of 7:00 o'clock p.m. when their objections will be heard and given due consideration.

Dated this 4th day of June, 1997.

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 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 pursuant to Government Code §39567.1 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 City 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.

Dated: June 4, 1997

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I hereby certify that Resolution No. 97-70 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 4, 1997, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

ALICE M. REIMCHE  
Acting City Clerk