

CITY COUNCIL MEETING
JULY 3, 1985

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WEED ABATEMENT
PROCEEDINGS INITIATED
FOR 847 CHENEY COURT,
LODI

RES. NO. 85-72

Council was apprised that Section 39500 et seq of the Government Code of the State of California provides for proceedings whereby a City Council can declare, as a public nuisance, all weeds growing upon streets, sidewalks and private property in a city.

The Lodi Fire Marshal has sent notices of violation of the City of Lodi Fire Code to the owner of property located at 847 Cheney Court, Lodi, because of an accumulation of weed growth in vacant areas on that parcel. The subject owner has not responded in any way to these notices nor to the letter regarding the matter sent by the City Attorney on May 28, 1985.

Council adopted Resolution No. 85-72 declaring weeds a public nuisance and initiating abatement proceedings - 847 Cheney Court, Lodi, and set the Public Hearing to hear objections concerning the matter for 7:30 pm on Wednesday, August 7, 1985.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	July 3, 1985	
SUBJECT: RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND INITIATING ABATEMENT PROCEEDINGS - 847 CHENEY COURT, LODI, CALIFORNIA		

Section 39500 et seq of the Government Code of the State of California provides for proceedings whereby a City Council can declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City of Lodi.

Under the subject proceedings Council sets a Public Hearing to hear all objections to the proposed removal of weeds. Following the public hearing the Council may adopt a resolution overruling objections and determining to proceed with the abatement of the weeds growing upon public ways and private property in the City.

Council, under this Government Code section, has the authority to order the Director of Public Works to abate the nuisance and keep an accounting of the costs involved. The cost of the abatement constitutes a special assessment against the parcel and is a lien on the parcel. The Council may then direct the City Clerk to transmit a certified copy of the Resolution it adopts confirming the cost of abatement and providing for the collection on the regular tax bill to the County Assessor, County Tax Collector and County Auditor for entering upon the county tax roll and collection.

The City Attorney has advised this office that the Lodi Fire Marshal has sent notices of violation of the City of Lodi Fire Code to the owner of property located at 847 Cheney Court, Lodi because of an accumulation of weed growth in vacant areas on a parcel located at that address. The subject property owner has not responded in any way to these notices nor to the letter regarding the matter sent by the City Attorney on May 28, 1985. It is therefore requested that Council adopt the attached resolution - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - 847 Cheney Court, Lodi, California and set the Public Hearing to hear objections concerning the matter for 7:30 pm on August 7, 1985.

RECOMMENDED ACTION: Adopt Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings - 847 Cheney Court, Lodi, California and set the Public Hearing to hear objections concerning the matter for 7:30 pm on Wednesday, August 7, 1985.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

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MEMORANDUM

DATE: July 8, 1985

TO: Jack L. Ronsko
Public Works Director

FROM: Alice M. Reimche
City Clerk

SUBJECT: Weed Abatement Procedure
847 Cheney Court, Lodi

Attached is a copy of the Notice to Destroy Weeds and Remove Rubbish, Refuse and Dirt - Situs Address: 847 Cheney Court, Lodi, which procedure was initiated by the Lodi City Council at its Regular Meeting of July 3, 1985.

Pursuant to State of California Government Code Section 39501 et seq, the Superintendent of Streets 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 on or 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.

Upon the completion of the posting, please complete and return to my office a Declaration of Posting.

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: 847 CHENEY COURT, LODI

Notice is hereby given that on the 3rd day of July, 1985, 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 7, 1985, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 3rd day of July, 1985

Street Superintendent
Director of Public Works
City of Lodi

NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND DIRT

SITUS ADDRESS: 847 CHENEY COURT, LODI

Notice is hereby given that on the 3rd day of July, 1985, 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 7, 1985, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 3rd day of July, 1985

ALICE M. REIMCHE
City Clerk
City of Lodi

RESOLUTION NO. 85-72

RESOLUTION DECLARING WEEDS A PUBLIC NUISANCE AND
INITIATING ABATEMENT PROCEEDINGS - 847 CHENEY COURT
LODI, CALIFORNIA

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. Wednesday, August 7, 1985 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 3rd day of July, 1985, 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 7, 1985, at the hour of 7:30 o'clock p.m., when their objections will be heard and given due consideration.

Dated this 3rd day of July, 1985

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 3rd day of July, 1985, by the following vote:

Ayes: Council Members - Pinkerton, Olson, Reid,
Snider, & Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
City Clerk

EXHIBIT "A"

Parcel No. 033-250-05
Owner - James A. and M. Roesler
409 East Flora Street
Lodi, CA 95240

Situs Address
847 Cheney Court
Lodi, CA 95240