

ORDINANCE NO. 80-4

AN EMERGENCY ORDINANCE TO CONTROL AND ABATE WEEDS
AND OTHER GROWING PLANTS OR OTHER CONDITIONS WHICH
CREATE DANGER TO HEALTH AND SAFETY

THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DOES ORDAIN
AS FOLLOWS:

SECTION 1. No person, partnership, or corporation whether the same be the owner, agent or person in control of any lot, piece, or parcel of land within the City shall maintain such premises or allow the same to be maintained or permit the same to be maintained in a condition in which weeds, rubbish, or any material exist on the premises which may constitute a fire hazard or which may provide a refuge for rats or other vermin or may produce pollen which is injurious to health, safety, or welfare of residents of the vicinity or which otherwise is dangerous or injurious to neighboring property or the health or welfare of residents of the vicinity. The existence of any condition prohibited by this section is declared to be a public nuisance.

SECTION 2. Whenever the City Administrator finds that a condition prohibited by Section 1 exists upon any lot, piece, or parcel of land or upon any street, alley, sidewalk, or right-of-way abutting such lot, piece, or parcel of land, he shall give or cause to be given a notice in writing to remove such weeds, rubbish, or other material as provided in Section 3.

SECTION 3. A. Such notice shall be given by posting in a conspicuous place upon or in front of the lot, piece, or parcel of land on which, or upon the street, alley, sidewalk, or right-of-way adjacent to which, such weeds, rubbish, or other material may be. The notice shall be headed "NOTICE TO CLEAN PREMISES" in letters not less than one inch in height and the notice in legible characters, shall direct the removal of weeds, rubbish, or other material as the case may be and refer to this chapter for further particulars. The notice shall be in substantially the following form:

"NOTICE TO CLEAN PREMISES

"Notice hereby is given that contrary to the provisions of Ordinance No. 80-4 of the City of Ridgecrest, noxious and dangerous weeds and/or rubbish or refuse, are existing upon or in front of the following described property: (give the address, or if posting a whole street, the name of the street) that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish and refuse. Unless said removal is made within 10 days from the date of this notice the same shall be removed by the City and the cost of the removal assessed upon the land from which, or in front of which weeds, rubbish and refuse are removed and such cost so assessed will constitute a lien upon such land until paid.

"All persons having any objection to the proposed required removal may appeal to the City Council, in writing, within 10 days from the date of this notice.

"Dated this _____ day of _____, 19__.

City Administrator
City of Ridgecrest"

B. As an alternative to the posting of the notice, the notice required may be given personal service of a notice similar in substance by serving the same upon the owner, agent, or person in control of such lot, piece, or parcel of land or by mailing the notice by depositing such notice in the United States Mail in the city addressed to the owner of such lot, piece, or parcel of land at the address shown by the last equalized assessment roll.

C. The notice shall bear the date of posting, personal service, or mailing.

SECTION 4. Within ten days from the date of the notice the owner or any other person interested in the property, land, or lots affected by the notice may appeal to the City Council from the determination of the City Administrator. Such appeal shall be in writing, shall state the objections, and the name and address of the person filing the appeal. The appeal shall be filed with the City Clerk and shall be presented by the Clerk to the City Council at the next regular meeting of the City Council following the date of filing. The Council at such meeting, or at such meeting to which the matter may be continued by the Council, shall hear and pass upon the appeal and the decision of the Council thereupon shall be final and conclusive.

SECTION 5. A. Unless within ten days from the date of notice or in the event that an appeal has been made to the City Council, within ten days from the date of the determination of the appeal, unless the appeal is sustained, and the Council determines that no such removal shall be required, and written notice of the determination mailed to the one appealing at the address shown in the appeal, the weeds, rubbish or other material have not been removed from the premises in question or from the street, alley, sidewalk, or right-of-way abutting such premises as directed by the notice or by the City Council on appeal, the City Administrator thereupon shall cause the same to be removed and may enter upon private property for the purpose of so doing.

B. If upon appeal the requirements of the original notice have been modified by the City Council, the City Administrator in causing the weeds, rubbish, or other material to be removed shall be governed by the determination of the City Council.

SECTION 6. The City Administrator shall keep or cause to be kept in his office a permanent record showing the legal description as shown on the last equalized assessment roll of the county, of each piece of property or lot from which, or the street, alley, sidewalk, or right-of-way abutting the property from which the weeds, rubbish, or other material have been removed under the provisions of this chapter, and the record book shall show any and all expense incurred by the City and in the removal of the weeds, rubbish, or other material as the expense relates to each separate property ownership. Each entry in the record book shall be made upon the completion of work done on each piece of property or lot or upon the street, alley, parkway, or sidewalk abutting thereon. After such entry has been made in the book, the same shall constitute an assessment against the parcel of land and thereafter the assessment shall be confirmed by motion of the City Council and the assessment, after made and confirmed, shall become a lien upon the parcel.

SECTION 7. Between the first and fifteenth day of July of each year the City Administrator shall cause to be published in a newspaper certified to publish legal notices of the City a notice to the effect that any person affected or aggrieved by any act or determination of the City Administrator or of the City Council in connection with the provisions of this chapter may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk prior to the fifteenth day of July. At the next regular meeting of the City Council, after the fifteenth day of July or from time to time thereafter as may be determined by the Council, the Council shall hear and pass upon each such appeal, and the determination of the Council thereupon shall be final and conclusive. In the event any determination of the City Administrator or any assessment is changed or corrected, the City Administrator shall cause such correction to be made upon the record showing the assessment.

SECTION 8. At the expiration of the time for appeal or upon the determination by the City Council of all appeals so filed and in compliance with the requirements of any determination so made, the City Administrator shall deliver to the City Clerk an abstract of the entries of the permanent record in which the Public Works Director has shown each assessment, for the preceding fiscal year. Such abstract shall show the property affected and the amount charged there against. The City Clerk, prior to August 10th of each year, shall deliver to the County Auditor the amount of each such charge to be placed upon the assessment roll against the respective lots and thereafter the charges shall be of the same character and effect, subject to the same penalties, and shall be collected in the same manner and at the same time as City taxes are collected. The provisions of this section shall not apply to any piece or property or land or lot the charge against which has been paid prior to the delivery to the City Clerk of the abstract, but in such case an appropriate entry shall be made in the record book by the City Administrator showing that such charge has been paid so that when the same is delivered to the City Clerk all assessments shown thereon shall be valid and effective.

SECTION 9. Proof of the posting, serving in person or mailing of any notice, order, or determination provided for in this chapter shall be by affidavit of the person performing the duty and the affidavit must specify the time when the duty was performed. It shall be the duty of the City Administrator to keep such affidavits among the official records in his office.

SECTION 10. Any assessment or any portion of an assessment levied pursuant to the provisions of this chapter which heretofore or hereafter has been paid more than once, erroneously or illegally collected, paid in excess of the amount chargeable, or was not chargeable to the person or the property paying the same under the provisions of this chapter, by reason of a clerical error of the employees or officials of the City may be refunded by order of the City Council in the same manner, to the same extent and under the same conditions as now or hereafter are provided by the City for refund of payments of general taxes at any time after the abstract of charges taken from the record book of the City Administrator has been delivered to the County Assessor and entered upon the assessment books. The owner of any property assessed who may claim that the assessment is void in whole or in part may pay the same under protest. The protest shall be in writing, shall be received by the City Clerk on or before March 1st after the tax became due and payable and shall

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specify whether the whole or any part of the assessment is void and the grounds upon which such claim is founded. Such owner, after such payment, may recover the same in the manner and under the conditions provided in Section 39585 of the Government Code of the State.

SECTION 11. The City Council of the City of Ridgecrest makes a finding that this ordinance is required immediately for the preservation of the health, safety and welfare of the public as it is of vital necessity to provide for the control and abatement of weeds, rubbish, or other materials, and shall take effect immediately as an emergency ordinance.

SECTION 12. The City Clerk is instructed to publish this Ordinance as required by law.

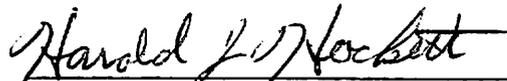
APPROVED AND ADOPTED this 16th day of April, 1980, by the following vote:

AYES: Mayor Hockett, Councilmembers Bergens, Burnett, Cheshire and Grossman.

NOES: None.

ABSENT: None.

ABSTAIN: None.


HAROLD J. HOCKETT
Mayor

ATTEST:


JACQUELINE C. REED
City Clerk