

# Lompoc City Council Agenda Item



**City Council Meeting Date:** August 3, 2010

**TO:** Laurel Barcelona, City Administrator

**FROM:** Arleen T. Pelster, AICP, Community Development Director

**Subject:** Approval of Resolution 5664(10), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance (409 South C Street)

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## **RECOMMENDATION:**

That City Council:

- 1) Approve Resolution 5664(10), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance; and
- 2) Authorize abatement of 409 South C Street as follows:
  - (a) Repair, replace, or remove all dilapidated fences;
  - (b) Trim or remove all grass and weeds that are overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
  - (c) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property.

## **BACKGROUND:**

On July 6, 2010, the City Council adopted Resolution 5658(10), declaring its intent to conduct a public hearing to declare a public nuisance with respect to the property located at 409 South C Street, Lompoc, CA. The owner and all other responsible parties for the property were provided proper notice of the public hearing by mail and by posting on the premises.

The property is not being maintained in compliance with the Lompoc Municipal Code. The property's landscaping is not maintained, resulting in overgrown grass and weeds, including weeds growing from the rain gutters on the roof, which harbor rats and vermin

and constitute an unsightly appearance. A wooden fence at the rear of the property is deteriorating and dilapidated. Despite the City's many efforts to contact a responsible party to voluntarily abate the property, the condition of the property has not improved sufficiently to satisfy the requirements of the Lompoc Municipal Code.

**DISCUSSION:**

Lompoc Municipal Code Chapter 17.140 sets forth detailed procedures for declaring and abating a nuisance. The procedures are itemized below:

- 1) Resolution Declaring Intent to Conduct a Public Hearing to Declare a Public Nuisance (LMC §17.140.030)
- 2) Notice of Hearing to Abate – Posting on Premises (LMC §17.140.040)
- 3) Serving Notice By Mail (LMC §17.140.050)
- 4) Hearing by City Council (LMC §17.140.060)
- 5) Service on Owner of Resolution to Abate (LMC §17.140.070)
- 6) Abatement by City (LMC §17.140.080)
- 7) Statement of Cost for Abatement (LMC §17.140.090)
- 8) Report – Hearings and Proceedings (LMC §17.140.100)
- 9) Assessment of Costs Against Property Lien (LMC §17.140.110)

**SUMMARY:**

Staff recommends adoption of Resolution 5664(10), A Resolution of the Council of the City of Lompoc, County of Santa Barbara, State of California, Declaring a Public Nuisance, and authorizing abatement of 409 South C Street as follows:

- 1) Repair, replace, or remove all dilapidated fences;
- 2) Trim or remove all grass and weeds that are overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
- 3) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property.



Arleen T. Pelster, AICP  
Community Development Director



**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

  
\_\_\_\_\_  
Laurel M. Barcelona, City Administrator

**ATTACHMENTS:**

Attachment 1: Resolution 5664(10), A Resolution of the Council of the City of Lompoc County of Santa Barbara, State of California, Declaring a Public Nuisance Declaring a Public Nuisance

**RESOLUTION NO. 5664(10)**

**A Resolution of the Council of the City of Lompoc  
County of Santa Barbara, State of California,  
Declaring a Public Nuisance**

**WHEREAS**, the Community Development Director has determined the property located at 409 South C Street, in the City of Lompoc, APN 085-294-001 ("Property") exhibits the following violations of the Lompoc Municipal Code ("LMC"):

- 1) LMC Section 17.140.010(B) – Buildings and fences dilapidated, warped, termite infested, and/or damaged by dry rot;
- 2) LMC Section 17.140.010(D) – Grass or weeds overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
- 3) LMC Section 17.140.010(H) – Lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property.

**WHEREAS**, the City Council of the City of Lompoc adopted Resolution 5658(10) on July 6, 2010 declaring Council's intent to conduct a public hearing on August 3, 2010 to ascertain whether the conditions existing on the Property constitute public nuisances pursuant to Lompoc Municipal Code Chapter 17.140, and, if so, to declare a public nuisance and order the abatement thereof; and

**WHEREAS**, a notice of the public hearing and a certified copy of Resolution 5658(10) were timely served upon the property owner by mail and posted on the property; and

**WHEREAS**, the Council conducted a duly noticed public hearing on August 3, 2010, at which time it received input from staff, heard evidence and public testimony regarding the condition of the Property and the proposed rehabilitation, repair, removal or demolition of the Property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1. Declaration of Public Nuisance.**

The City Council of the City of Lompoc hereby declares the property at 409 South C Street,

City of Lompoc, APN 085-294-001 a public nuisance pursuant to Lompoc Municipal Code Chapter 17.140, the conditions at the Property are detrimental to neighboring properties, property values and to public safety and welfare, and orders the abatement thereof.

**SECTION 2. Abatement of Public Nuisance.**

The City Council of the City of Lompoc hereby declares that the public nuisance at 409 South C Street, City of Lompoc, APN 085-294-001 shall be abated no later than August 17, 2010, by the owner, after which time the City of Lompoc will abate the property as follows:

- 1) Repair, replace, or remove all dilapidated fences;
- 2) Trim or remove all grass and weeds that are overgrown to an average height in excess of one foot from the ground level that are 1) likely to harbor rats or other vermin; 2) constitute an unsightly appearance; 3) dangerous to public safety and welfare; 4) detrimental to neighboring properties or property values;
- 3) Remove all lumber, junk, trash, or debris upon the premises which is visible from a public street, alley, or adjoining property.

**SECTION 3. Costs of Abatement.**

If the City abates the Property, the costs of abatement of 409 South C Street, City of Lompoc, APN 085-294-001, including resultant attorneys' fees, shall constitute a special assessment against the Property and, upon recordation in the office of the County Recorder of a notice of lien, shall constitute a lien on the Property for the amount of such assessment. The costs of the abatement may also be assessed against the property in the form of special assessment to be collected by the Tax Collector for the County of Santa Barbara at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or after such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

**SECTION 4. Effective Date.** This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on August 3, 2010, by the following vote:

AYE: Councilmember(s):

NO: Councilmember(s):

ABSENT: Councilmember(s):

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Michael A. Siminski, Mayor  
City of Lompoc

ATTEST:

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Donna N. Terrones, CMC  
City Clerk, City of Lompoc