

CHAPTER 97: WEED CONTROL; SANITARY REGULATIONS

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GARBAGE, RUBBISH, AND WEED CONTROL

§ 97.01 SHORT TITLE.

This chapter shall be known and cited as the *Garbage, Rubbish and Weed Control Ordinance* of the city.

('67 Code, § 4-7-1)

§ 97.02 DEFINITIONS.

For the purposes of this subchapter, the following terms, phrases and words and their derivation shall have the meanings given herein unless the context indicates that a different meaning is intended.

BRUSH. Branches of trees sheared therefrom, a thicket of shrubs, or bushes.

DIRT. Any artificial accumulation of earth of a size, shape, or composition to constitute a hazard to the health or safety of the community.

GARBAGE. Accumulations of animal, fruit, or vegetable matter, liquid, or otherwise, that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable. (See also § 50.01 of this code.)

LOT. Any lot, parcel, tract, or piece of land, improved or unimproved, including the sidewalk area abutting or adjoining the lot, parcel, tract, or piece of land; and the parkways or areas lying between the curblineline and the street line of the adjoining or abutting lot, bounded on the sides by the prolongations in straight lines of the side lines of the lot in front of which such parkway or area exists.

NOXIOUS GROWTH. Weeds, vines or brush which bear seeds of a wingy or downy nature or which contain a high growth as to become a fire menace when dry, or which contain poisonous oils that become dangerous to the life and health of the community. Poison oak and poison ivy shall be deemed to be a noxious growth when the conditions of growth are such as to constitute a menace to the public health of the community.

PRIVATE PREMISES. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public squares, spaces, grounds, and buildings.

RUBBISH. Scrap metals, junk, disassembled parts of automobiles or machinery, construction or demolition materials, debris, litter, paper, cardboard, metal cans, glass, cut brush, dead trees, tree limbs, similar materials, or any other flammable materials.
(‘67 Code, § 4-7-2) (Ord. 86-12, passed 5-12-86)

§ 97.03 NOXIOUS GROWTH, RUBBISH, GARBAGE PROHIBITED.

(A) No person owning, managing, or having control or charge or occupancy of any lot or private premises shall:

(1) Allow noxious growths otherwise dangerous to the life, health, comfort, or convenience of the community to grow or remain upon such lot or private premises.

(2) Sow or disseminate, or allow or permit to mature, any noxious growth upon such lot or private premises.

(3) Suffer or permit any weeds, grass, rank growth or brush to grow or exist in excess of six inches above the grade in the area of growth.

(4) Cause or permit rubbish, garbage or dirt to be placed or to exist upon such lot or private property.

(B) It is the duty of every such person to prevent such growth, existence, or keeping. Each of the above conditions is declared to be detrimental to the public health, safety or general welfare and thus constitutes a public nuisance. To establish a prima facie violation of this section, it shall not be necessary to establish any facts except that the accused person owned, managed or had charge, control or occupancy of a lot or private premises wherein such condition existed or occurred. ('67 Code, § 4-7-3)

§ 97.04 ORDER AND NOTICE REQUIRING REMOVAL.

(A) If and when it shall appear that any condition described in § 97.03 of this subchapter exists on any lot or private premises, the Director of Public Works or his authorized agent may direct the abatement and/or removal thereof and cause notices to be posted upon or in front of such property to the effect that such weeds, vines, shrubs, brush, rubbish, or dirt, must be removed within ten days from and after the date of such posting. Such notices shall be conspicuously posted on or in front of the property on or in front of which the condition exists as follows:

(1) One notice shall be posted on or in front of each separately owned parcel.

(2) Not more than two notices shall be posted to any 50 feet to 100 feet frontage.

(3) Notices shall be placed at intervals not more than 100 feet, if the frontage of a parcel is greater than 100 feet, with one notice for each 100 feet of frontage.

(B) In addition to posting such notices, the Director of Public Works or his authorized agent shall send a similar notice to the owner of the subject property as shown upon any fee record, or upon the last equalized assessment roll by United States mail; but the failure of the owner to receive such a notice shall not affect the power of the city or any of its officers or employees to proceed as provided herein.

('67 Code, § 4-7-4) (Ord. 87-16, passed 9-14-86)

§ 97.05 FORM OF NOTICE.

(A) The headings of the notices required shall be in substantially the following form in letters not less than one inch in height:

NOTICE TO CLEAN PREMISES

NOTICE IS HEREBY GIVEN to the owner, manager, occupant or persons having charge or control of the property located at (describe property—for example an address, assessor's parcel number, physical description) that the condition(s) of (describe violation,[s]) exists upon the property which is/are in violation of the provisions of §§ 97.01 through 97.08 of the Riverbank City Code, which provides for the elimination of rubbish, garbage, weeds, dirt, noxious or dangerous growths, growing upon or accumulated upon or in front of property, obstructing the use of sidewalks, parkways, or streets or which constitutes a hazard to the health or safety of the community.

The said condition(s) must be abated on or before _____, 19/20 ____ . If not abated on or before said date, the City of Riverbank may abate the condition or cause it to be abated and the costs thereof will be assessed against the land and become a lien thereon.

Any person objecting to the abatement work specified in this notice may appeal by filing a written statement of such objection, specifying the address, or description of the property concerned, the reasons for objection, and the name, address, phone number (if any) and status (owner, manager, tenant, lessee or other) of the person making the objection. All such statements must be filed with the City Clerk of the City of Riverbank, City Hall, Riverbank, California, not later than the date for abatement set forth hereinabove.

(B) Upon receipt of such written statement, the City Clerk will set such matter upon the agenda of the City Council and objectors will be notified by mail of the time and place of the meeting at which the City Council will hear and consider such objections. Such meeting shall not be sooner than three days after the mailing of such notices.

(C) At the time stated in the notice(s) the City Council shall hear and consider all objections to the proposed abatement work. The City Council may continue the hearing from time to time. At the conclusion of the hearing, the City Council may allow or overrule any objections. The decision of the City Council is final. If the objection is overruled, the objector shall have five days thereafter to perform the abatement work. If the work is not performed within that time, the Director of Public Works or his authorized agent shall proceed as hereinafter set forth in § 97.06(A) of this chapter.
(‘67 Code, § 4-7-5)

§ 97.06 ABATEMENT BY CITY; COSTS TO BE SPECIAL ASSESSMENT AND LIEN; COLLECTION.

(A) If, at the end of the period mentioned in the notice, the owner has failed to perform the abatement work required in the notice, the Director of Public Works or his authorized agent shall cause such work to be performed, and shall report the expense of the work to the Finance Director. The Finance Director shall charge the expense of such work to the owner. If the owner fails or refuses to pay the amount of the expense within the period of 30 days after being billed therefor by the city, the Finance Director shall report such unpaid expenses to the City Council. Upon receipt of such report, the City Council shall set a date and time for the hearing on the report, and notice shall be mailed to each person whom the real property is assessed in the last equalized assessment roll available on the date of mailing the notice. The address of the owner shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice of hearing.

(1) At the time fixed for the hearing on the report of expense, the City Council shall hear it with any objections of the property owner liable to be assessed for such work. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by resolution.

(2) The resolution confirming the report shall direct the County Auditor to add the amount of unpaid expenses as shown on the report, and as confirmed by the resolution, to the next regular municipal tax bills assessed against the parcels shown in the report.

('67 Code, § 4-7-6)

(B) The cost of performing the abatement work authorized by this chapter shall constitute a special assessment against the parcel of land. After the assessment is made and confirmed, it is a lien on the parcel.

('67 Code, § 4-7-7)

(C) The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.

('67 Code, § 4-7-8)

§ 97.07 RIGHT OF ENTRY.

The Director of Public Works or his authorized agent may enter upon private property to perform any abatement work authorized by this subchapter.

('67 Code, § 4-7-9)

§ 97.08 PROCEDURE NOT EXCLUSIVE.

The procedure provided in this subchapter shall be cumulative and in addition to any other procedure or procedures provided in ordinances of this city or by state law for the abatement of any of the conditions described in § 97.03, and abatement under this subchapter shall not prejudice or affect any other action, civil or criminal, for the maintenance of any such condition.
(‘67 Code, § 4-7-13) (Ord. 87-16, passed 9-14-87)

SANITARY REGULATIONS**§ 97.20 APPLICATION.**

The provisions of this subchapter shall apply to all territory within the corporate limits of the city, hereinafter called the city.
(‘67 Code, § 4-1-1)

§ 97.21 ENFORCEMENT.

(A) It shall be the duty of the Health Officer to enforce all of the provisions of this code and it shall be unlawful for any one to interfere with the Health Officer in the performance of his duty.
(‘67 Code, § 4-1-2)

(B) The term *HEALTH OFFICER* shall be construed to include any of his assistants, deputies, inspectors or any other official representatives or members of the Health Officer’s staff.
(‘67 Code, § 4-1-3)

§ 97.22 NUISANCE DEFINED.

NUISANCE. Embraces public nuisance as known at common law or in equity, jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the over-crowding with occupants in any room with insufficient ventilation or illumination, or inadequate or insanitary sewage, or plumbing facilities, or uncleanness, and whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.
(‘67 Code, § 4-1-4)

§ 97.23 HAULING OF OBJECTIONABLE SUBSTANCES.

It is hereby declared to be a nuisance and it shall be unlawful for any person to permit any vehicle