



Fernand Bogman of Upland is in a battle with the city over watering his front lawn. Bogman has been fined by the city and has a scheduled court appearance Tuesday. John Valenzuela – staff photographer

By [Liset Marquez](#), Inland Valley Daily Bulletin

Posted: 09/08/14, 5:09 PM PDT | Updated: 2 weeks, 1 day ago

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UPLAND >> Fernand Bogman has found himself in an unexpected battle with the city over the lack of water use on his front lawn.

The homeowner is facing legal action, being charged with a misdemeanor for failing to follow city code, and properly maintaining his front yard and parkway space. Both sides will be in court today.

Bogman says he's just trying to preserve water while city officials say they have been in a yearlong battle to get the homeowner to water his brown grass.

"It is incomprehensible that there is such a disconnect between the city staff who are just following pre-drought ordinances that prohibit residents from allowing their grass to brown and the public that has agreed to conserve water," Bogman said.

City officials do acknowledge it is a delicate situation — given the state's drought situation — but code enforcement only cites homeowners when they have neglected their yard. In this case, the city has been working with Bogman, to no avail, for more than a year, after receiving complaints from neighbors.

In fact, there are other homes along the 1000 block of 14th Street that have brown spots but the grass is still alive, said Jeff Zwack, the city's development services director.

City officials say Bogman has ignored his property to the point that there is no longer vegetation. Even causing the tree on the parkway to die.

Bogman's issues with the city go back to August 2013, prior to the severe drought conditions. Zwack said staff tried for several months to get the resident to water his lawn, but Bogman never contacted city staff about any efforts.

The initial fine for the code violations were \$100 each, Zwack said. If the fine is not paid or the violations are not fixed, the fee doubles. But Upland waited several months before doubling the fee, he said. The fines are now more than \$1,200.

"If the resident doesn't comply with what's being required, then process moves to the administrative citation," he said.



Liz Chavez, development services manager for Upland said there are currently 13 properties — out of 17,000 properties — going through the administration citation process. If the homeowner has received a citation, they have 15 days to correct the violation and then the fine will be waived, she said.

Typically, code enforcement officials try to work with the homeowner before the city can even get to that phase, Chavez said.

“We try to be flexible, to really help the property and homeowner be in compliance,” she said.

Upland sent two citations earlier this year to Bogman. The first was sent by registered mail. The city acknowledged it received a message from the post office that the citation was undeliverable, Bogman said.

When a second citation was sent, Bogman said he learned of the first fine and sent a response objecting. The resident said he had a hard time trying sort out his fines between the city and the collection agency.

Bogman said his property is not abandoned nor neglected but well-maintained. The resident says he wants to plant drought tolerant landscaping once the title of the home — which is currently under a trust between him and his ex-wife — transfers to his name.

“Everyone needs to conserve water. It will be a long time before we can get through the drought. It behooves each one of us to put in measures to conserve water,” he said.

About the Author



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