

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources *SKA*

BOARD AGENDA # *B-1(a)

Urgent Routine

AGENDA DATE February 12, 2008

CEO Concurs with Recommendation YES NO
opt
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 07-135 at 1617 Maze Boulevard, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1617 Maze Boulevard, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-098

On motion of Supervisor Grover, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the January 24, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 1617 Maze Boulevard, Modesto, California. The property is zoned A-2 (general agriculture district).

The property contains a junkyard, debris, refuse and rubbish, an unlawfully occupied recreational vehicle, an occupied accessory building illegally converted into living quarters, an unsecured swimming pool and rubbish from the demolition of a fire damaged structure.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Abdul Kassim, owner(s) of the property, will have to abate the nuisance within two weeks after the Board of Supervisors' decision by complying with the following actions:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
4. Immediately vacating the accessory building (detached garage) and returning all non-permitted water and electrical to its source.
5. Lawfully securing the swimming pool from public access by ensuring all of the following characteristics are met within ten (10) days:
 - (a) Any access gates through the enclosure open away from the swimming pool, and are self-enclosing with a self-latching device placed no lower than 60 inches above the ground.
 - (b) A minimum height of 60 inches.
 - (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
 - (d) Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.

- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.
6. Obtaining a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulations as set forth in §2.93.050 to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

Should the owner(s) fail to comply within that two-week period, the County would proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owner(s). If the responsible person(s) fail to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

Additionally, regarding the illegal occupancy of the recreational vehicle, this item will be sent to County Counsel for criminal complaint review.

If the Board adopts the Nuisance Abatement Hearing Board's decision, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

POLICY ISSUE:

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Abatement Hearing No. CE07-135 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community, and the efficient delivery of public services.

STAFFING IMPACT:

There is no staffing impact associated with this request.



NUISANCE ABATEMENT HEARING BOARD

DECISION

**IN RE: 1617 Maze Blvd., Modesto, CA.
Abatement Hearing No. CE 07-135**


The Nuisance Abatement Hearing Board heard the above-referenced matter on, January 24, 2008. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 1617 Maze Blvd., in Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Numbers 007-040-008, is zoned A-2, General Agriculture District.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property are identified and listed in the title report contained in the staff report regarding this matter. The Assessors Inquiry lists as the owner(s) of record for the property as Abdul Kassim.
4. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: January 24, 2008



Marie Assali, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on FEB 12 2008 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 07-135
Assessor's Parcel 007-040-008
Address 1617 Maze Boulevard, MODESTO, CA

A. CONDITIONS OF VIOLATIONS:

Inspection of the above referenced property revealed the following violations of Stanislaus County Code §2.92.010:

1. Unlawful junkyard/accumulation of junk on the premises. This is a violation of §21.20.020 and §21.16.040 of the Stanislaus County Code.
2. Unlawful accumulation of debris, refuse, and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
3. Unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s). This is a violation of §18550 - §18607 of the California Health and Safety Code and §21.20.020 of the Stanislaus County Code.
4. Unlawfully occupying an accessory building (detached garage). This is a violation of §21.20.020 of the Stanislaus County Code.
5. Failure to lawfully secure a swimming pool and creating a substantial and imminent threat to the health, safety and welfare of any person or domestic animal is a violation of Stanislaus County Code §2.92.010 and the Health and
6. Failure to lawfully secure a fire damaged structure and creating a substantial and imminent threat to the health, safety and welfare of any person or domestic animal is a violation of Stanislaus County Code §2.92.010 and the Uniform Building Code §102.

B. CORRECTIVE ACTION REQUIRED:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
4. Immediately vacating the accessory building (detached garage) and returning all water and electrical to its source.
5. Lawfully securing the swimming pool from public access by ensuring all of the following characteristics are met within ten (10) days:
 - (a) Any access gates through the enclosure open away from the swimming pool, and are self-enclosing with a self-latching device placed no lower than 60 inches above the ground.
 - (b) A minimum height of 60 inches.

(c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.

(d) Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.

(e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

6. Obtaining a building permit from the Department of Public Works, Development Services, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulations as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry.

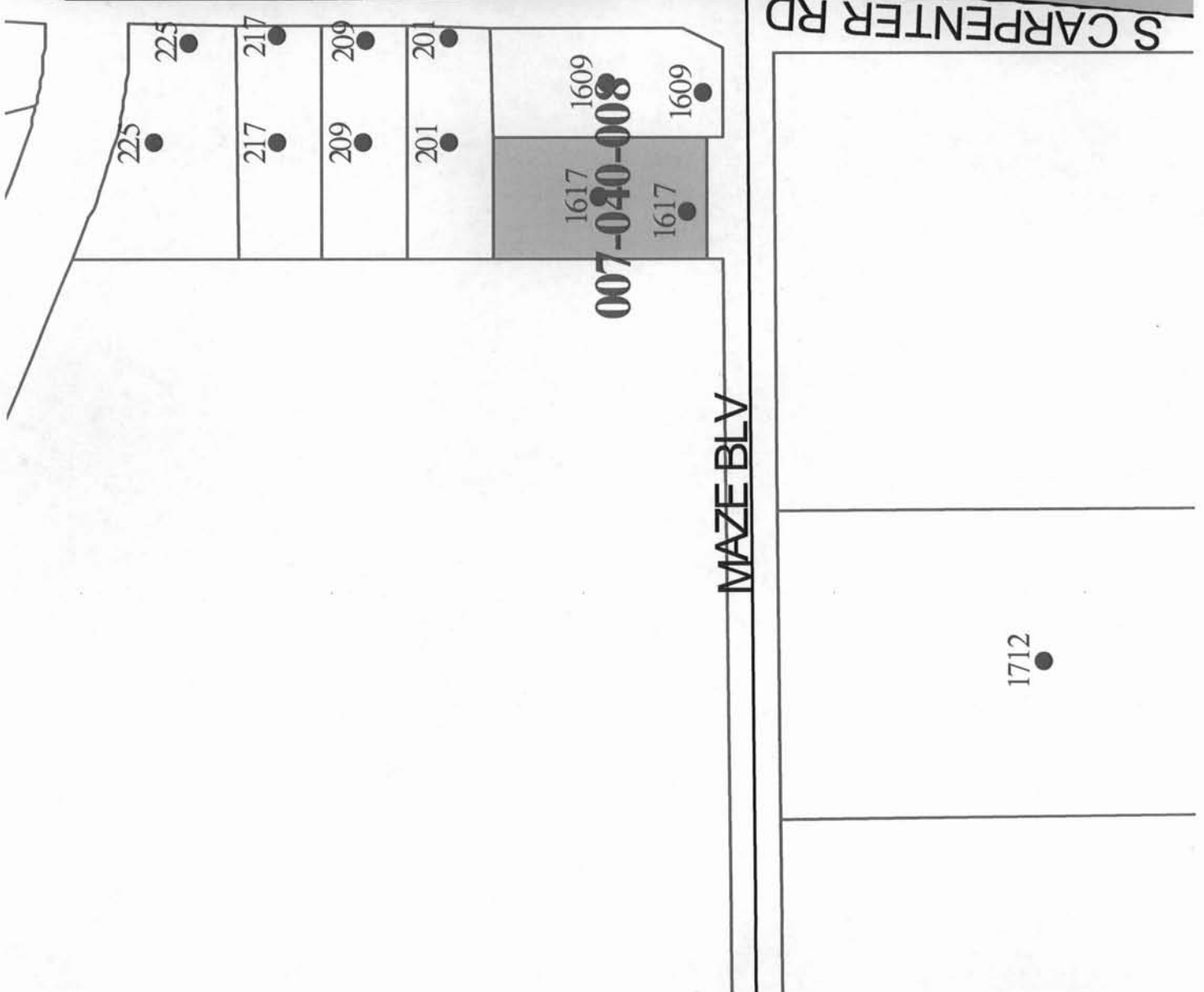
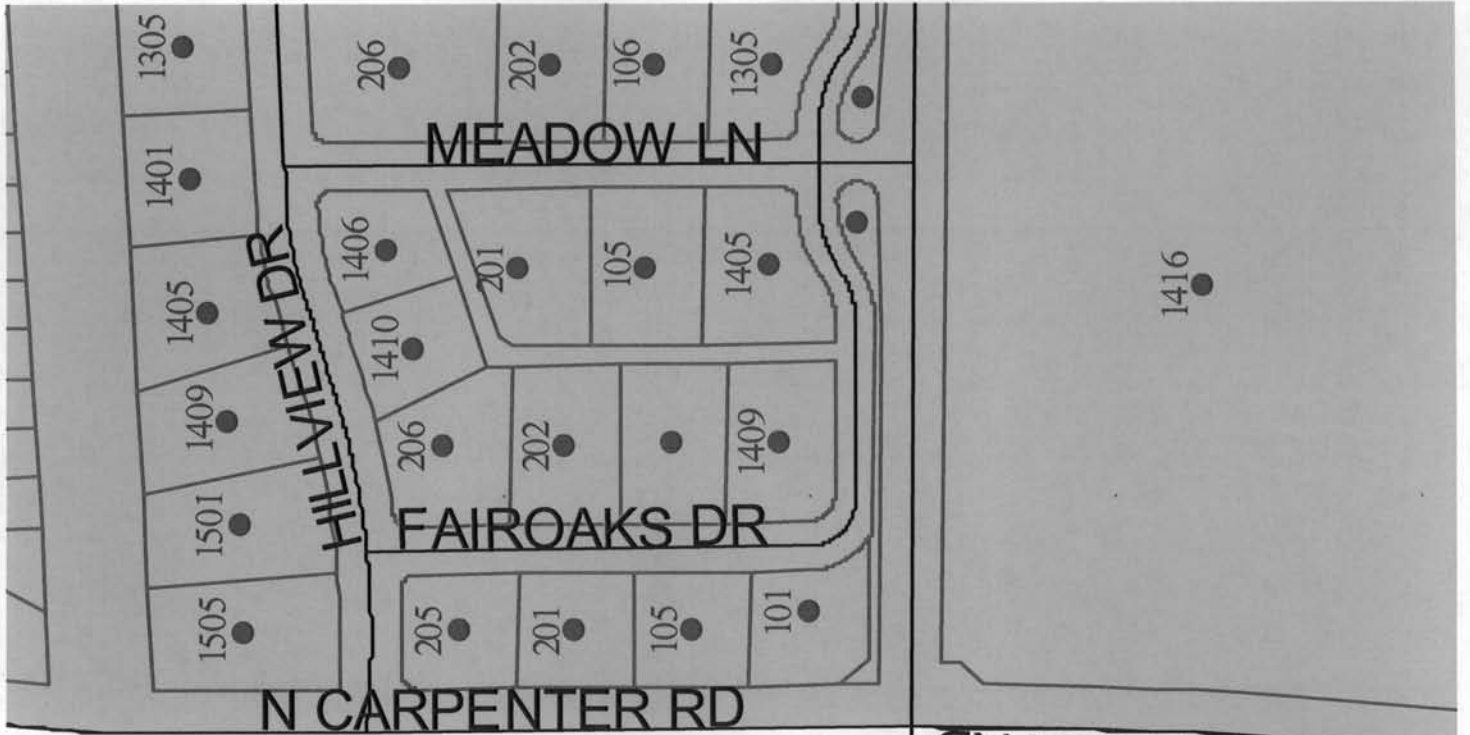
NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the attracted nuisances.

PLEASE NOTE: A compliance inspection will be conducted on or after June 4, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested

Enclosures Stanislaus County Code
Uniform Building Code
California Health and Safety Code

1617 Maze Blvd. Modesto

07-0135



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1617

04/02/2007



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