

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

DEPT: Environmental Resources

BOARD AGENDA # *B-2(c)

Urgent

Routine

CEO Concurs with Recommendation YES NO

AGENDA DATE March 25, 2008

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 07-0313 at 1827 John Street, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1827 John Street, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-199

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) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Christine Ferraro
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 February 28, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 1827 John Street, Modesto, California. The property is zoned R-2 (medium density residential district).

The property contains a junkyard, debris, refuse, rubbish, weeds, rank growths and an unsecured vacant parcel.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Heriberto Ramos, 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. Removing grass, weeds, and rank growths on the property and adjacent sidewalks.
4. Conforming to the regulations as set forth in §2.94.050 to secure the property against unauthorized entry by erecting a fence around the property that will deter any nuisance condition from existing (i.e. a six-foot chain link or solid fence). A fence height over six feet requires you to obtain a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557).

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.

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. CE07-0313 (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: 1827 John St., Modesto, CA
Abatement Hearing No. CE 07-0313**


The Nuisance Abatement Hearing Board heard the above-referenced matter on, February 28, 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 1827 John St., Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-024-037, is zoned R-2, medium density residential 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 as identified in the title report. The title report lists Heriberto Ramos as the owner(s) of record.
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: February 28, 2008



Marie Assali, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on MAR 25 2008 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number : CE 07-313
Assessor's Parcel No : 037-024-037
Address : 1827 JOHN STREET, 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 §21.32.020 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. Unlawful accumulation of grass, weeds, and rank growths on the property. This is a violation of §9.20.040 of the Stanislaus County Code.
4. Unlawful vacant and/or unsecured property facilitating a nuisance. This is a violation of §2.94.040 of the Stanislaus County Code.

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. Removing grass, weeds, and rank growths on the property and adjacent sidewalks.
4. Conforming to the regulations as set forth in §2.94.050 (attached) to secure the property against unauthorized entry by erecting a fence around the property that will deter any nuisance condition from existing (i.e. a six-foot chain link or solid fence). A fence height over six feet requires you to obtain a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557).

PLEASE NOTE: A compliance inspection will be conducted on or after September 7, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested above.

Enclosures: Stanislaus County Code

1827 John St. Modesto

CE07-313

1913	1909	1905	1339
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1837	1835	1829	1823	1821	1813	1809	1801
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DONALD ST

1912	1908	1904	1900
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HANCOCK ST

1838	1832	1830	1828	1820	1816	1812	1810	1804	1405
									1407

1915	1909	1905	1407
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1406	1831	1827	1825	1821	1817	1813	1809	1805	1801
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037-024-037

JOHN ST

1

07/23/2007



2

07/23/2007



3

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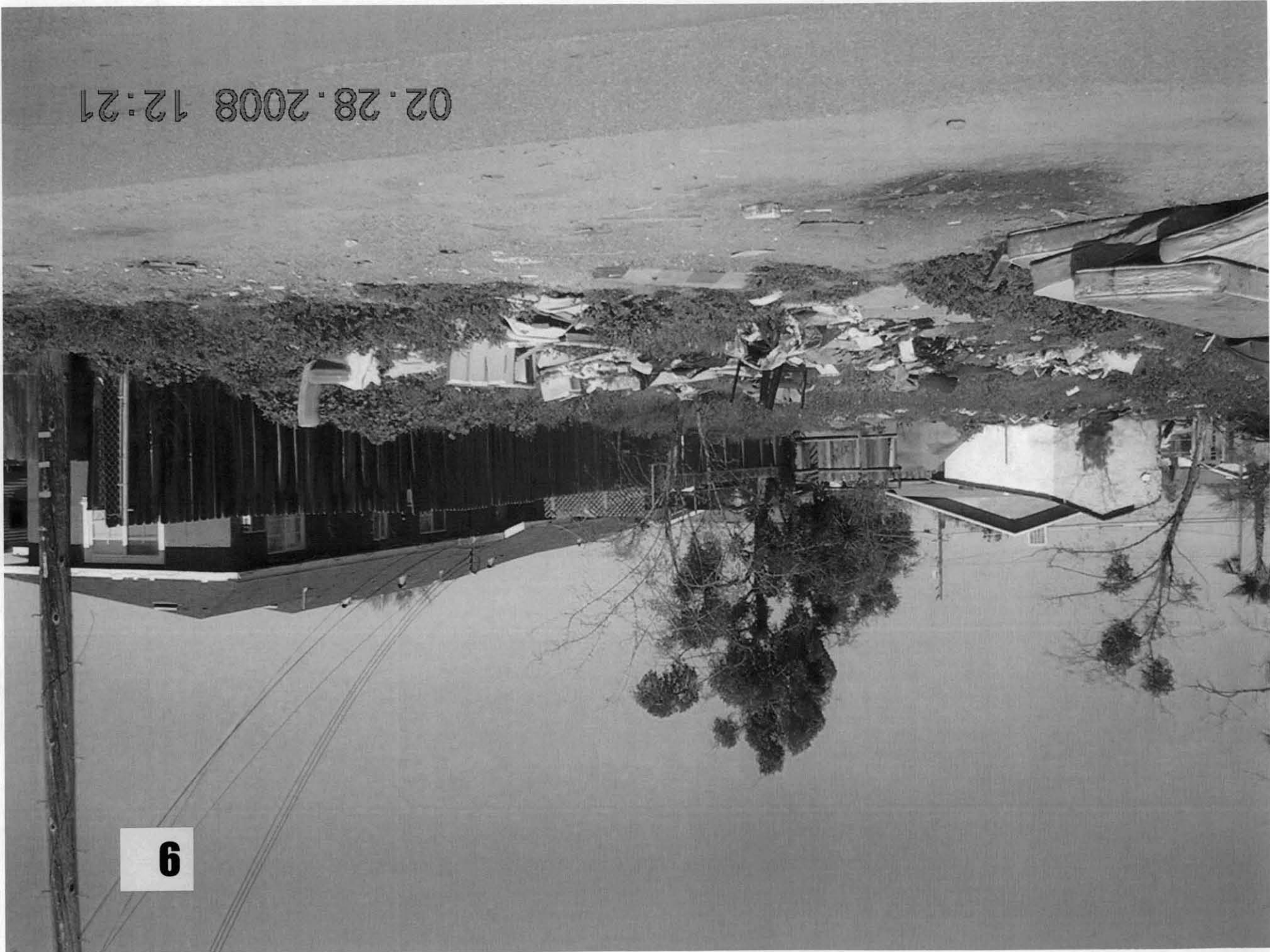


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