

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

DEPT: Environmental Resources *S/S*

BOARD AGENDA # *B-6(a)

Urgent Routine

AGENDA DATE March 16, 2010

CEO Concurs with Recommendation YES NO
mt
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 09-0744 at 1215 Imperial Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1215 Imperial Avenue, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-128

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

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

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 February 25, 2010 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 1215 Imperial Avenue, Modesto, California, which is zoned, R-1 (single-family residential district) and contains an accumulation of debris, refuse and rubbish. On September 9, 2009, in response to a complaint, staff from the Department of Environmental Resources conducted an inspection from the public right of way and observed the front and back yards contained an accumulation of debris, refuse and rubbish. Following several failed attempts to contact the property owner(s), staff enlisted the assistance of the Public Administrators Office who discovered the property owners were deceased, and are currently reviewing the estate for possible probate action.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations as detailed in Attachment 1, the Department of Environmental Resources will contract through the approved methods and take action to abate the nuisance in a timely manner. Thereafter the cost of abatement will be recorded against the property as an abatement lien.

POLICY ISSUE:

The Board should decide if accepting, modifying or rejecting the written decision as presented in the Decision of Abatement Hearing No. 09-0744 (Attachment 1) is 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.

CONTACT PERSON:

Sonya K. Harrigfeld, Director. Telephone: 209-525-6770.



NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 1215 Imperial Avenue, Modesto, CA
Abatement Hearing No. CE# 09-0744**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on February 25, 2010. Upon consideration of oral testimony and documentary evidence presented at the hearing, the Nuisance Abatement Board makes the following findings of fact and conclusions:

1. The property located at 1215 Imperial Avenue, Modesto, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-038-042, is zoned R-1, single-family residential district.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes, (as listed in the County Code(s) or interpreted or determined to violate County Code(s)) occurring on the property, as noted in "Attachment A."
3. 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.
4. 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.
5. 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.
6. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
7. 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.
8. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

The Nuisance Abatement hearing Board further recommends the Board of Supervisors adopt the following decision:



Approve Staff's recommendation and determine the use of the property described as an unlawful accumulation of debris, refuse and rubbish in the staff report is a violation of Stanislaus County Code Section 9.04.020.

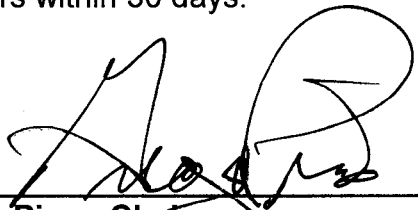
1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs 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.



Deny Staff's recommendation and determine the use of the property described as an unlawful accumulation of debris, refuse and rubbish in the staff report is not a violation of Stanislaus County Code Section 9.04.020.

NOW THEREFORE, the Nuisance Abatement Hearing Board orders the Director to forward these findings and conclusions and its recommended decision to the Stanislaus County Board of Supervisors within 30 days.

Dated: February 25, 2010



Greg Pires, Chair

Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on MAR 16 2010 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 09-0744

Assessor's Parcel Number: 056-038-042

Address: 1215 IMPERIAL AVE, MODESTO, CA

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

Code Section Violation:	Corrective Action:	Compliance Date:
§9.04.020 of the Stanislaus County Code. Unlawful accumulation of debris, refuse, and rubbish.	Collecting and disposing of all debris, refuse, and rubbish to an approved location.	11/15/2009

CC: TENANTS
1215 IMPERIAL AVE
MODESTO, CA 95351

Enclosures: Stanislaus County Code

CE# 09-0744

1215 Imperial Ave.

Modesto

GLENN AVE

1314 1310 1306 1302 1232 1228 1224 1220 1216 1212 1206 1202

1130 1126 1122 1118

1313 1309 1305 1301 1231 1227 1223 1219 1215 1211 1205 1201

056-038-042

1129 1125 1121 1117

IMPERIAL AVE

RUTHERFORD ST

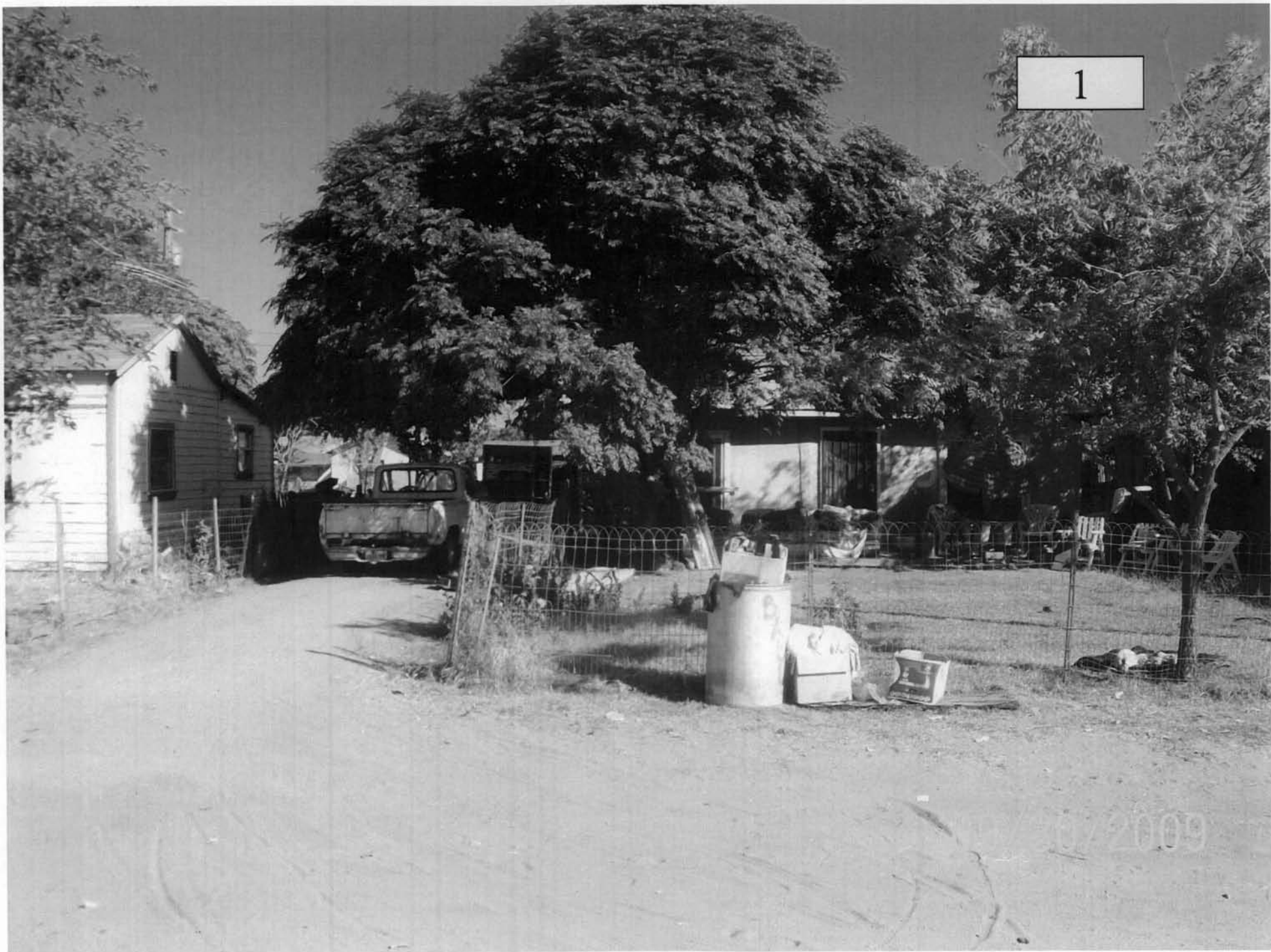
1314 1312 1306 1302 1232 1228 1224 1220 1216 1212 1208 1202

1130 1126 1122 1118

1313 1309 1305 1301 1231 1227 1223 1219 1215 1211 1205 1201

1129 1125 1121 1117

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09/30/2009



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11/19/2009



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12/04/2009



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12/22/2009



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01/06/2010



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01/06/2010

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02/25/2010

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02/25/2010

