

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

DEPT: Environmental Resources *SJM*

BOARD AGENDA # *B-6(b)

Urgent Routine

AGENDA DATE March 16, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 09-0731 at 1219 Imperial Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 1219 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. 2010-129

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) 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 1219 Imperial Avenue, Modesto, California, which is zoned, R-1 (single-family residential district) and contains an unsecured vacant structure and an accumulation of debris, refuse and rubbish. On September 24, 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 rear of the residential dwelling was missing a door, which allowed uncontrolled access into its interior. Staff also observed that the front and back yards contained an accumulation of debris, refuse and rubbish.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations as detailed in Attachment 1, Albert Freeman and Vestal Freeman, owner(s) of the property, will have to abate the nuisance within two weeks of the Board of Supervisors' decision by complying with Attachment A. 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, and the cost of the abatement will be charged to the owner(s). If the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

POLICY ISSUE:

The Board should decide if accepting, modifying or rejecting the written decision as presented in the Decision of Abatement Hearing No. 09-0731 (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: 1219 Imperial Avenue, Modesto, CA
Abatement Hearing No. CE# 09-0731**

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 1219 Imperial Avenue, Modesto, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 056-038-041, 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 vacant structure and an unlawful accumulation of debris, refuse and rubbish in the staff report is a violation of Stanislaus County Code Section 2.93.030 and 9.04.020.

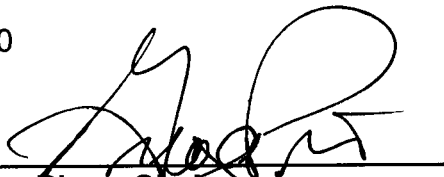
1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs 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 vacant structure and an unlawful accumulation of debris, refuse and rubbish in the staff report is not a violation of Stanislaus County Code Section 2.93.030 and 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 09-0731
Assessor's Parcel Number: 056-038-041
Address: 1219 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:
§2.93.030 and §2.93.040 of the Stanislaus County Code. Unlawful vacant structure.	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 (attached) to secure the structure against unauthorized entry. Fencing is required. NOTE: If the owner, per §2.93.090, fails to correct the violation within the time specified in the Notice and Order to Abate enforcement action may be taken per §2.92. If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the nuisance.	10/09/2009
§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.	11/09/2009

Enclosures: Stanislaus County Code

CE# 09-0731

1219 Imperial Ave.

Modesto, CA

GLENN AVE

1402 1314 1310 1306 1302 1232 1228 1224 1220 1216 1212 1206 1202

1130 1126 1122

1401 1313 1309 1305 1301 1231 1227 1223 1219 1215 1211 1205 1201

056-038-041

1129 1125 1121

IMPERIAL AVE

RUTHERFORD ST

1402 1314 1312 1306 1302 1232 1228 1224 1220 1216 1212 1208 1202

1130 1126 1122

1401 1313 1309 1305 1301 1231 1227 1223 1219 1215 1211 1205 1201

1129 1125 1121

1

09/24/2009

2

09/24/2009





3

09/24/2009

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11/12/2009



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11/12/2009

