

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

DEPT: Environmental Resources *SMA*

BOARD AGENDA # *B-7

Urgent Routine

AGENDA DATE November 30, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 10-0366 at 1209 Sam Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding nuisances at 1209 Sam Avenue, Modesto, California, as set forth in Attachment 1.

FISCAL IMPACT:

There is a potential fiscal impact if the property owner(s) fail to comply and the Department is forced to incur abatement costs. If a forced abatement is necessary, the costs will be charged to the property owner(s) and if the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

BOARD ACTION AS FOLLOWS:

No. 2010-710

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.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding CE No. 10-0366 at 1209 Sam Avenue, Modesto, California

DISCUSSION:

The Code Enforcement Unit responds to complaints throughout the unincorporated area of the County and attempts to gain voluntary compliance through education and personal contact by working with property owners and those persons responsible for creating nuisances. Compliance efforts include issuing Notice and Orders to Abate, conducting inspections, granting extension requests, issuing administrative citations, recording Notices of Non-compliance with the Clerk-Recorder's Office, presenting cases before the Nuisance Abatement Hearing Board and the Board of Supervisors, obtaining inspection warrants, and conducting forced clean-ups.

On July 12, 2010, in response to a complaint regarding a vacant home with junk and debris, Code Enforcement staff conducted an inspection at 1209 Sam Avenue, Modesto, and verified the complaint. A Notice and Order to Abate was issued on July 14, 2010, to the owner(s) of the property as shown on the last equalized assessment roll. On August 30, 2010, a compliance inspection was conducted which revealed that the property owner(s) failed to comply with the Notice and Order to Abate, which resulted in recording a Notice of Non-compliance with the Clerk-Recorder's Office and issuing an Administrative Civil Citation.

On October 28, 2010, the Nuisance Abatement Hearing Board supported staff's recommendation to declare the property a nuisance and forwarded the matter to the Board of Supervisors recommending their approval (Attachment 1). The Board of Supervisors may adopt, modify, or reject the recommendations, and if adopted, the property owner(s) will be required to abate the nuisance within two weeks of the Board's decision by complying with the requirements identified in Attachment 1. Should the owner(s) fail to comply, staff will apply for an inspection and abatement warrant with the Superior Court and conduct a force clean-up by boarding all unsecured windows and doors in addition to removing and properly disposing of all junk and debris. The cost of abatement will be charged to the property owner(s) and if the responsible person(s) fails to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property. Additionally, the Notice of Non-compliance will remain filed in the Clerk-Recorder's Office until the property has been brought into compliance.

POLICY ISSUE:

Approval of this agenda item to adopt the recommended decision of the Nuisance Abatement Hearing Board regarding CE No. 10-0366 at 1209 Sam Avenue, Modesto, is consistent with the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services. This approval supports the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board
Regarding CE No. 10-0366 at 1209 Sam Avenue, Modesto, California

CONTACT PERSON:

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



NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 1209 Sam Avenue, Modesto, CA
Abatement Hearing No. CE# 10-0366**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on October 28, 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:

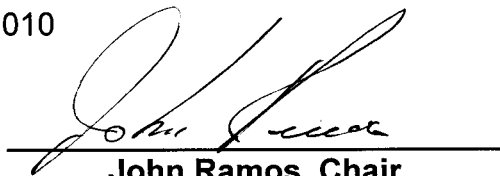
1. The property located at 1209 Sam Avenue, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 038-041-050, is zoned R-1, Single-Family Residential District.
2. County Staff confirmed the existence of and presented evidence of violations 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 junkyard, unlawful accumulation of debris, refuse, and rubbish and an unlawful vacant structure in the staff report are a violation of Stanislaus County Code Section 21.28.020, 9.04.020 and Section 2.93.030.
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 junkyard, unlawful accumulation of debris, refuse, and rubbish and an unlawful vacant structure in the staff report are not a violation of Stanislaus County Code Section 21.28.020, 9.04.020 and Section 2.93.030.

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: October 28, 2010



John Ramos, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on NOV 30 2010 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 10-0366
Assessor's Parcel Number: 038-041-050
Address: 1209 SAM AVE, MODESTO, CA

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

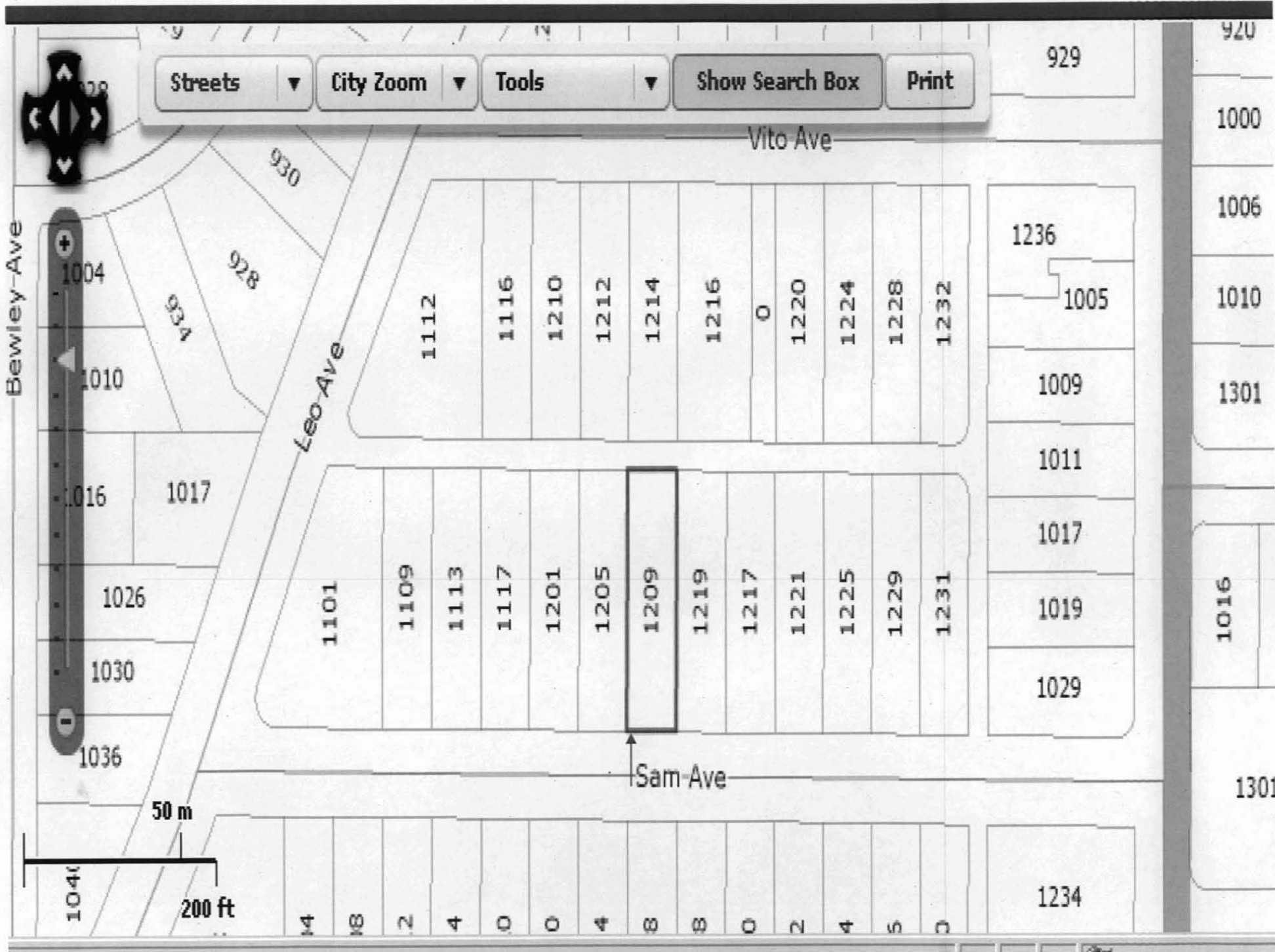
Code Section Violation:	Corrective Action:	Compliance Date:
§21.28.020 and §21.16.040 of the Stanislaus County Code. Unlawful junkyard/accumulation of junk on the premises.	Removing junk in excess of 200 square feet from the premises.	08/28/2010
§9.04.020 of the Stanislaus County Code. Unlawful accumulation of debris, refuse, and rubbish.	Collecting and disposing of all debris, refuse, and rubbish to an approved location.	08/28/2010
§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.	07/28/2010

CC: Tenant - 1209 Sam Ave, Modesto, CA

Enclosures: Stanislaus County Code

CE# 10-0366

**1209 Sam Avenue
Modesto, CA 95351**



Streets ▾ City Zoom ▾ Tools ▾ Show Search Box Print

Bewley-Ave

Vito Ave

Leo-Ave

Sam-Ave

50 m

200 ft

1112

1116

1210

1212

1214

1216

0

1220

1224

1228

1232

1236

1005

1009

1011

1017

1019

1029

1101

1109

1113

1117

1201

1205

1209

1219

1217

1221

1225

1229

1231

1236

1005

1009

1011

1017

1019

1029

1004

1010

1016

1017

1026

1030

1036

1040

14

18

2

4

0

0

4

8

8

0

2

4

6

0

1234

1016

1301

1010

1301

1006

1000

920

929

1



07/12/2010

2



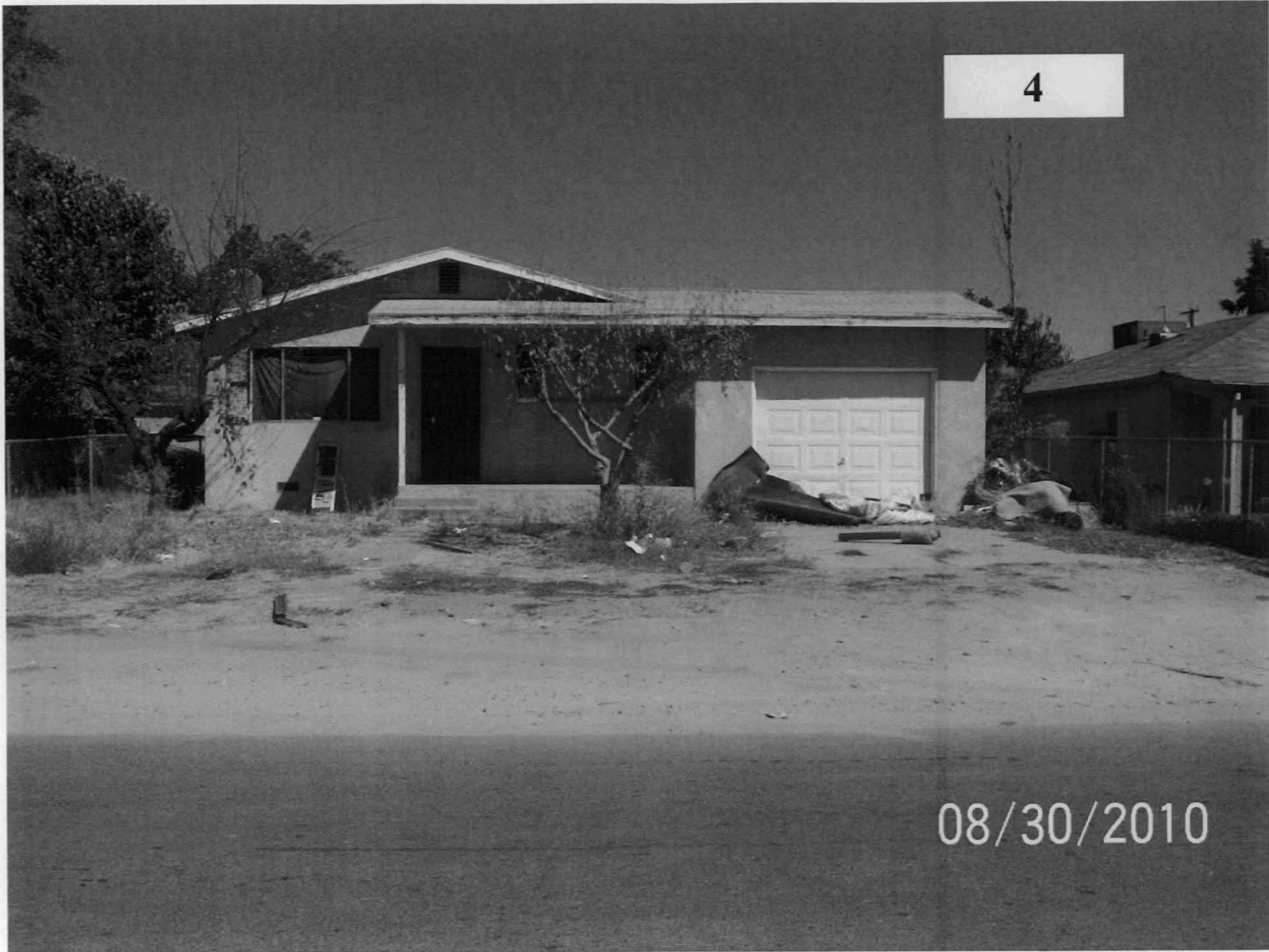
07/12/2010

3



07/12/2010

4



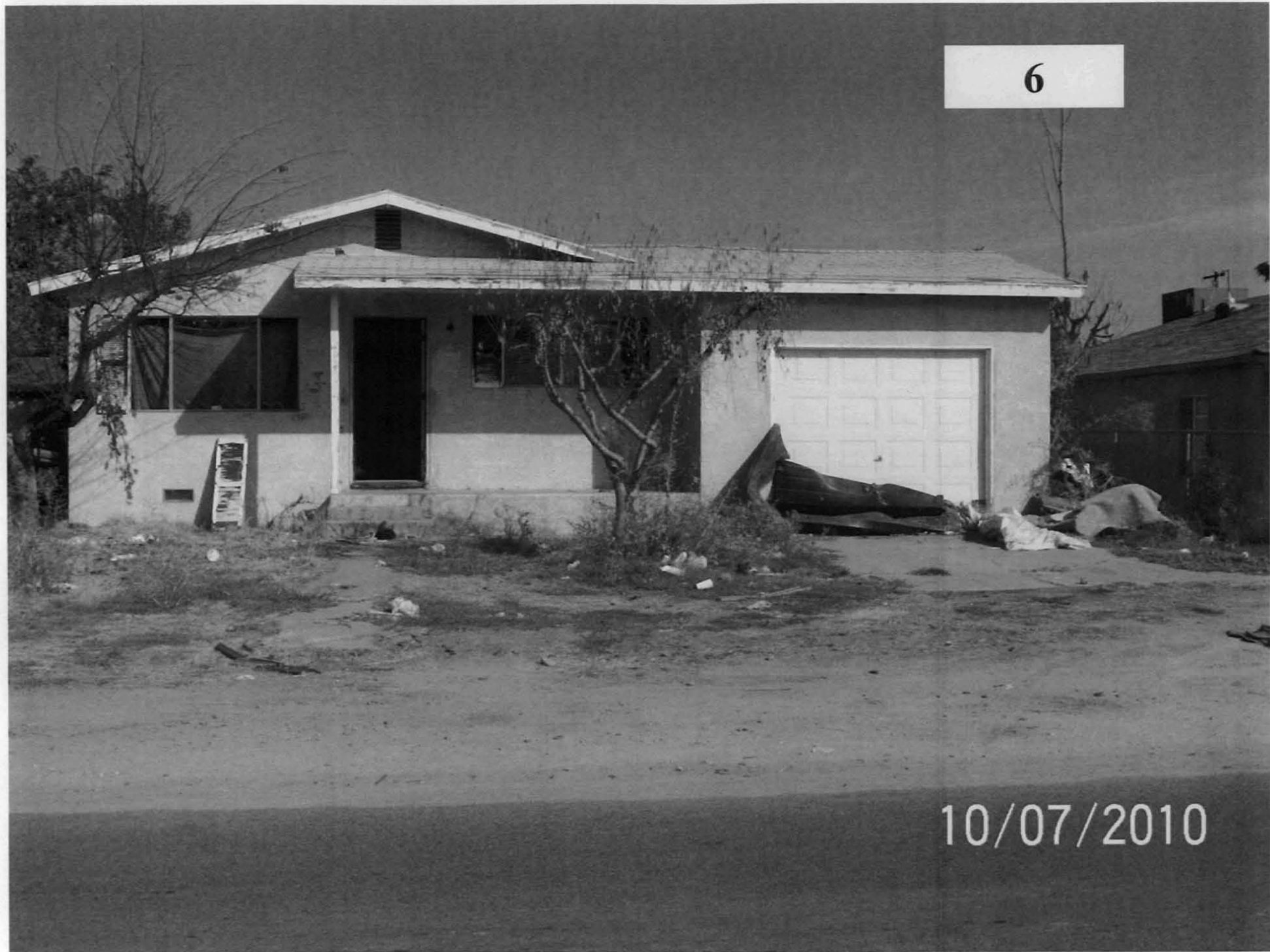
08/30/2010

5



08/30/2010

6



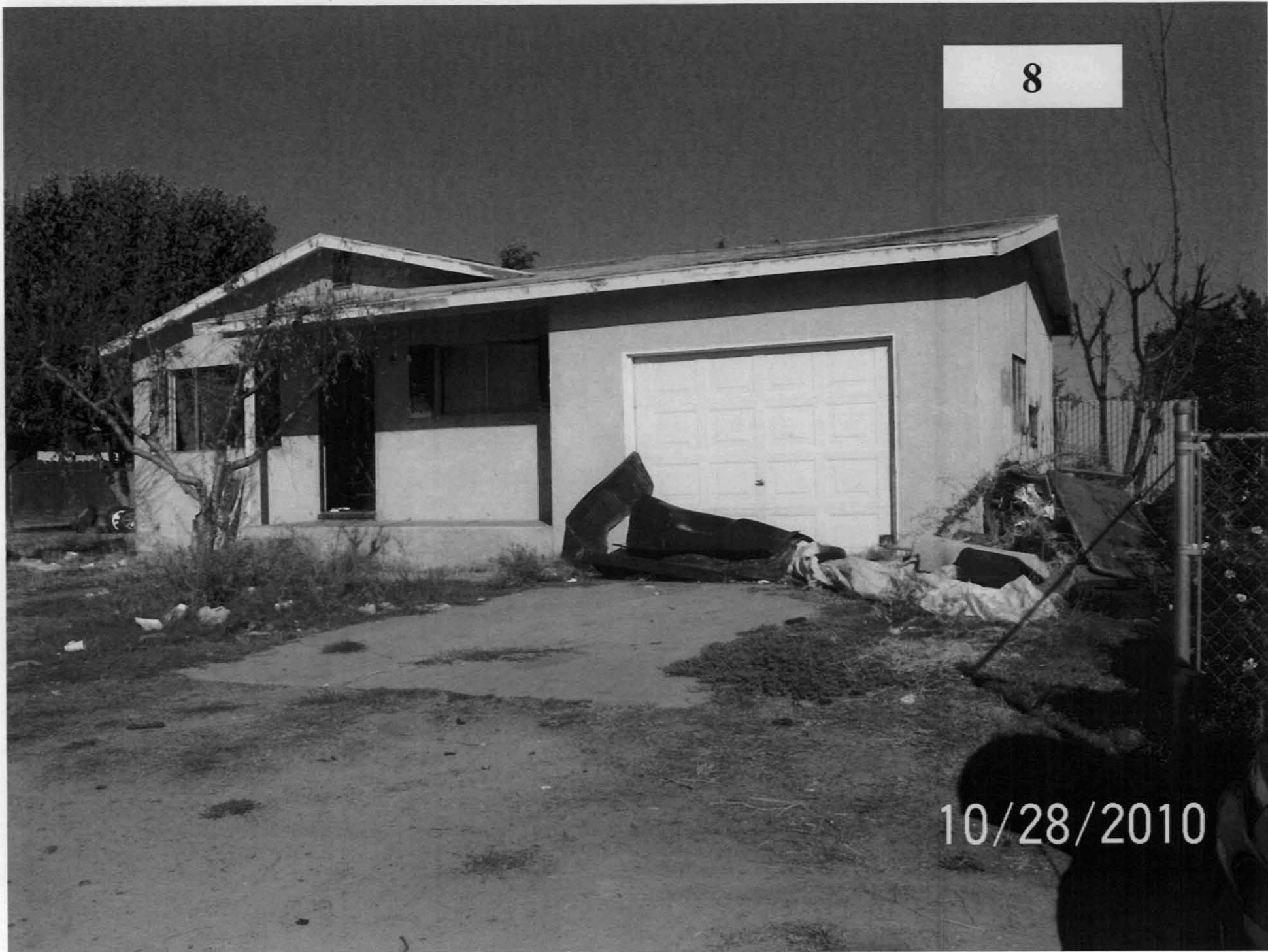
10/07/2010

7



10/07/2010

8



10/28/2010

9

10/28/2010



10



10/28/2010

11

10/28/20

