

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

DEPT: Environmental Resources

BOARD AGENDA # \*B-6a

Urgent  Routine

AGENDA DATE March 31, 2015

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 the Nuisance at 1717 Donald Street, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the nuisance at 1717 Donald Street, Modesto, California, CE No. 13-0169, as set forth in Attachment 1.

FISCAL IMPACT:

There is a potential fiscal impact if the property owner(s) fails to comply and the Department is forced to incur abatement costs. The Department has budgeted for abatements and will request estimates from contractors if this item is approved and the property owner(s) fail to abate the nuisance(s). However, 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. The Department obtained a preliminary estimate cost of \$7,000 for the cleanup of the property.

BOARD ACTION AS FOLLOWS:

No. 2015-123

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

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:

ATTEST:

Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board  
Regarding the Nuisance at 1717 Donald Street, Modesto, California

**DISCUSSION:**

The Code Enforcement Unit (CEU) responds to complaints throughout the unincorporated area of Stanislaus 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 Civil 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 November 6, 2013, in response to a complaint regarding debris, refuse, rubbish, and occupied travel trailers, CEU staff conducted an inspection at 1717 Donald Street, Modesto, California, and verified the property contained an unlawful accumulation of debris, refuse, rubbish, and an unlawfully occupied travel trailer/recreational vehicle. Subsequently, a Notice and Order to Abate was issued followed by several compliance inspections that were conducted January 7, 2014 through February 26, 2015. The compliance inspections revealed the property remained in violation and no compliance efforts had been initiated. Failure to comply with the Notice and Order to Abate resulted in the recordation of a Notice of Non-compliance with the Clerk-Recorder's Office and the issuance of three Administrative Civil Citations on January 8, 2014, March 18, 2014, and June 16, 2014.

Harold L. Koch is the current owner of record according to the County Assessor's Office, the County Clerk-Recorder's Office, and a title report obtained from Stewart Title Company. It was later discovered the property owner was deceased as of January 12, 2013. The subject property is under foreclosure, which is currently "on hold" by the bank. Due to the delayed foreclosure proceedings, the bank does not have legal possession of the property to authorize a clean-up pursuant to the Notice and Order to Abate.

On February 26, 2015, 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 approval (Attachment 1). The Board 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 if approved, will conduct a forced clean-up by removing all the debris, refuse, rubbish and abating the nuisance of the recreational vehicle.

The cost of the 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.

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board  
Regarding the Nuisance at 1717 Donald Street, Modesto, California

**POLICY ISSUE:**

The recommended action supports the Board's priorities of A Safe Community, A Healthy Community, and the Efficient Delivery of Public Services by improving the quality of life and protecting the health and safety of the community.

**STAFFING IMPACTS:**

If the owner(s) fail to comply, Code Enforcement staff will properly dispose of all the debris, refuse, rubbish, properly evict the occupants of the recreational vehicle and properly remove the recreational vehicle.

**CONTACT PERSON:**

Jami Aggers, Director of Environmental Resources. Telephone: 209-525-6770

**ATTACHMENTS:**

1. Nuisance Abatement Hearing Board, Recommended Decision
2. Site Map
3. Photographs, Pages 1-13



## **NUISANCE ABATEMENT HEARING BOARD**

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### **RECOMMENDED DECISION**

**IN RE: 1717 Donald Street, Modesto, CA  
Abatement Hearing No. CE# 13-0169**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on February 26, 2015. 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 1717 Donald Street, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-022-062, is zoned R-2, Medium Density 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, rubbish, and unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s) in the staff report are a violation of Stanislaus County Code Section 9.04.020 and Section 21.32.020.

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, rubbish, and unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s) in the staff report are not a violation of Stanislaus County Code Section 9.04.020 and Section 21.32.020.

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 26, 2015



**Ron Peterson, Chair**

**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on March 31, 2015 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 13-0169

Assessor's Parcel Number: 037-022-062

Address: 1717 Donald St, Modesto, CA

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

<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§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.	12/29/2013
§21.32.020 of the Stanislaus County Code. Unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s).	Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.	11/28/2013

**Enclosures:** Stanislaus County Code

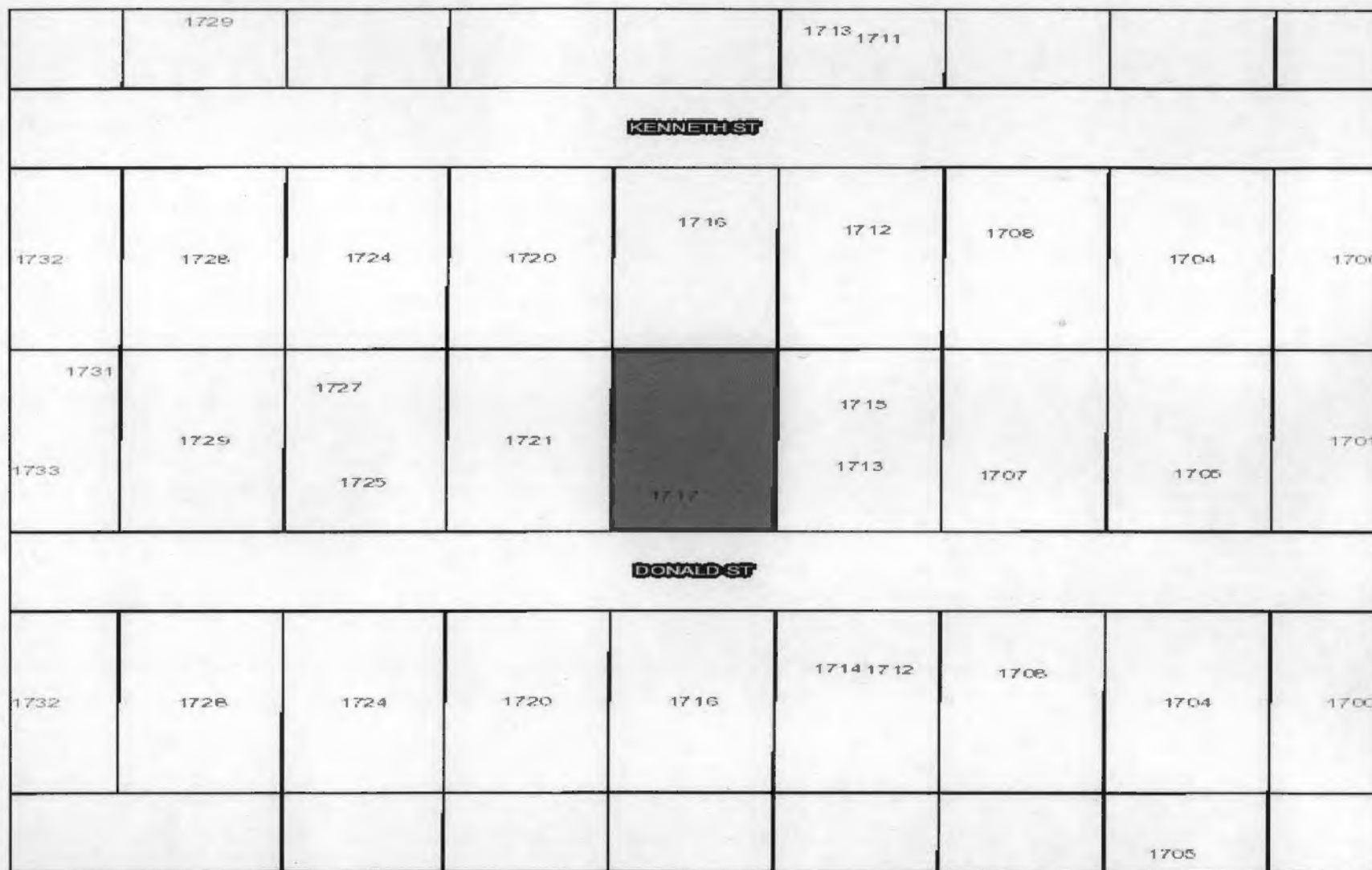
**CE# 13-0169**

**1717 Donald Street**

**Modesto, CA 95351**


**Assessor's Parcel Number:**

**037-022-062**





February 3, 2015

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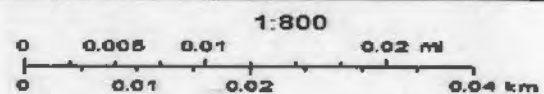
 FeatureLayer30

Address

 RailRoads

 Parcels

GISVIEW.PW.ROADS





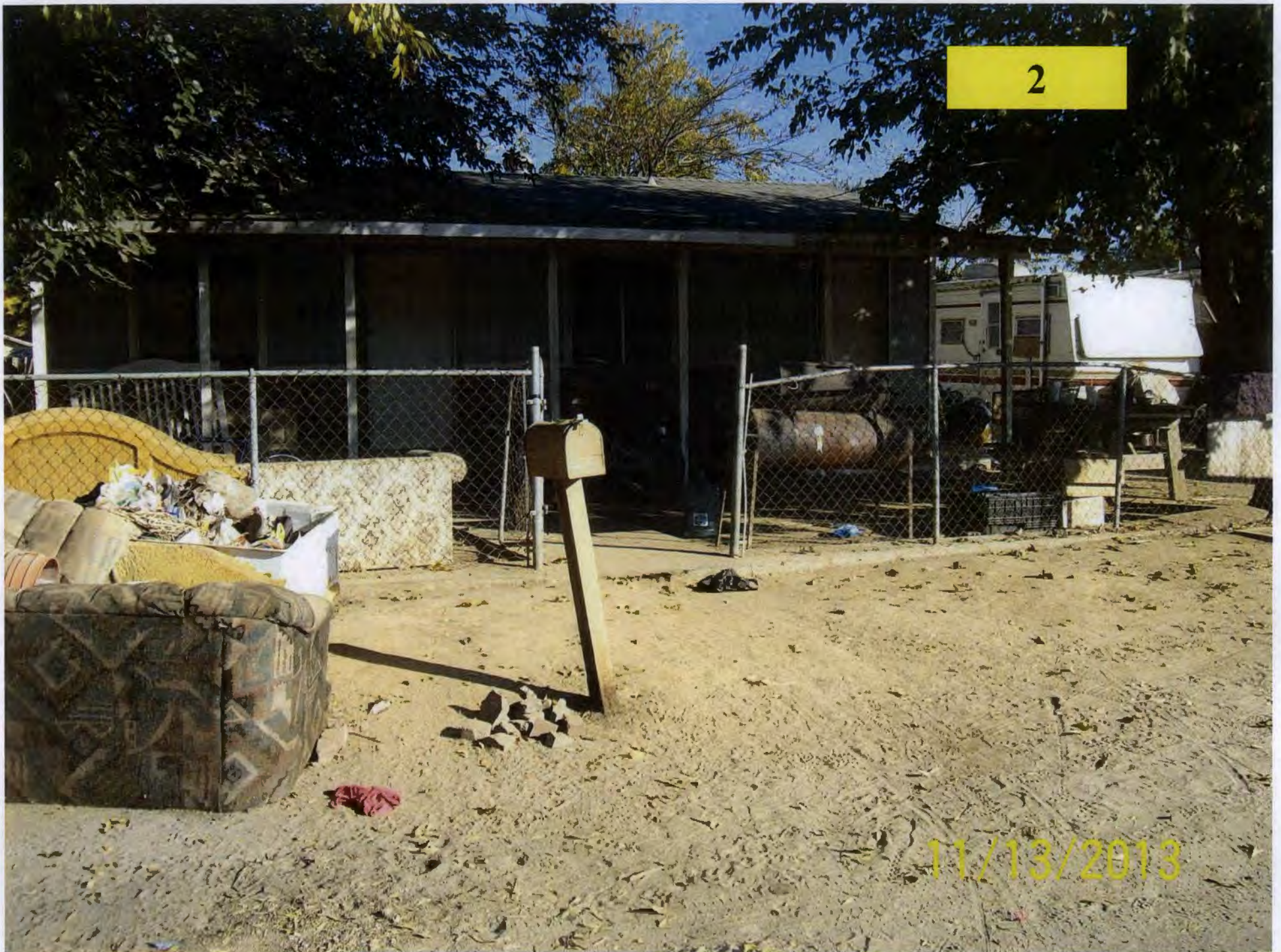
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11/13/2013





2



11/13/2013



3

01/07/2014





4

03/18/2014





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DEPARTMENT OF ENVIRONMENTAL RESOURCES  
 1880 Cerritos Road, Suite C, Modesto, CA 95358-9488  
 Phone: 209-425-8100 Fax: 209-425-8171

**ADMINISTRATIVE CIVIL CITATION**

1717 DONALD ST. MODesto, CA 95811  
 ADDRESS OR LOCATION OF VIOLATION(S)  
 017-012-008 9-3 (Mobile Dumping/Removal) CE 13-0190  
 AYS Density Description Case Number

HANDEE L MOON  
 Name (Print, Last and Last)  
 1717 DONALD ST. Modesto, CA 95811  
 Residence Address City State Zip Code  
 Modesto CA 95811  
 State City State Zip Code Phone Number

Violations:  
 Accumulation of debris, refuse, and rubbish (§9 of CCR of the Stanislaus County, Calif.)

**CITIZEN'S OBSERVATIONS:** On the date specified, at the above address, the issuing officer observed the following conditions of violation. On March 18, 2014, the subject property was found to be in violation of Section 90099. Please comply with the corrective action as listed on attachment #1 of this notice and Code of Alameda County 11.740.3. If the property is not in compliance by 4:00 PM, a final citation will be issued in the amount of \$400.

Debris Service:  Personal  Return to/with Mail  Piled on Property  Person refused to sign

I DECLARE UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED ON THE DATE SHOWN BELOW

Richard M. Braxton *[Signature]* DEPARTMENT ENFORCEMENT UNIT 3/18/14 11:27 AM  
 ISSUING OFFICER DEPARTMENT UNIT DATE AND TIME  
 1st Violation: \$100.00  2nd Violation: \$200.00  3rd Violation: \$400.00  Violation: \$400.00  
 SIGNATURE

THE LAW REQUIRES THAT YOU COMPLY WITH THIS CITATION OR CONTEST THE VIOLATION TO COMPLY WITH THE CITATION, CONTACT THE APPLICABLE JURISDICTION, AND PAY THE FEE WITHIN 30 DAYS (SEE REVERSE SIDE). TO CONTEST THIS CITATION YOU MUST APPEAL TO THE APPLICABLE JURISDICTION WITHIN 75 DAYS (SEE PROCEDURE ON THE REVERSE SIDE).

06/16/2014



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06/16/2014





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11/03/2014





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12/23/2014





9



02/02/2015



10



02/02/2015



11



02/26/2015



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02/26/2015



13



02/26/2015