

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

DEPT: Environmental Resources

BOARD AGENDA:5.B.9  
AGENDA DATE: June 26, 2018

**SUBJECT:**

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 433 Spruce St, Modesto, California

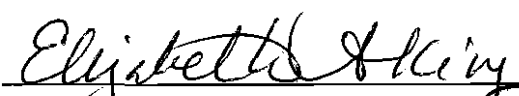
**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2018-0319**

On motion of Supervisor Chiesa , Seconded by Supervisor Olsen  
and approved by the following vote,  
Ayes: Supervisors: Olsen, Chiesa, Monteith, and Vice-Chairman Withrow  
Noes: Supervisors: None  
Excused or Absent: Supervisors: Chairman DeMartini  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

**MOTION:**

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Environmental Resources

BOARD AGENDA:5.B.9  
AGENDA DATE: June 26, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 433 Spruce St, Modesto, California

**STAFF RECOMMENDATION:**

1. Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 433 Spruce St, Modesto, California, CE No. 17-0186, as set forth in Attachment 1.

**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 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 September 7, 2017, the Department of Environmental Resources (DER) received a complaint regarding occupied travel trailers, junk/garbage, and possible illegal construction on the subject property. The complaint was verified on September 9, 2017, and a Notice and Order to Abate was issued on October 9, 2017. A subsequent Notice and Order to Abate was issued on April 9, 2018. The person or persons responsible for committing the nuisance has failed to correct the violations within the time specified in the Notice and Order to Abate. Subsequently, several compliance inspections were conducted between November 29, 2017, and May 10, 2018. These compliance inspections revealed that the property remained in violation and no compliance efforts had been initiated. Failure to comply with the Notice and Order to Abate resulted with a Notice of Non-compliance being recorded with the Clerk-Recorder's Office and three Administrative Civil Citations being issued on November 29, 2017, January 31, 2018, and March 2, 2018.

Ben J. Stephen 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. The person with a recorded interest in the subject property was notified of this action and have refused to comply with the Notice and Order to Abate.

On May 24, 2018, 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 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 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 junk, debris, refuse, rubbish, occupied trailers, and the demolition of a dangerous building.

The cost of the abatement will be charged to the property owner and, if the responsible person 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:**

The Board of Supervisor's approval of a recommended decision of the Nuisance Abatement Hearing Board is necessary before a forced clean-up action can be initiated pursuant to Stanislaus County Code Section 2.92.010. Continuing violations that exist on properties may constitute a public nuisance if they remain unabated.

**FISCAL IMPACT:**

There is a potential fiscal impact if the property owner 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 these actions are approved and the property owner fails to abate the nuisance. However, if a forced abatement is necessary, the costs will be charged to the property owner and if the responsible person fails to pay the cost of abatement, the case will be turned over to Revenue Recovery. If the charges ultimately remain unpaid, a Notice of Abatement Lien will be recorded against the property. The Department obtained a preliminary estimate cost of \$10,000 for the cleanup of the property.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended action is consistent with the Boards' priorities of *Supporting Strong and Safe Neighborhoods* and *Delivering Efficient Public Services* by improving the quality of life of the community.

**STAFFING IMPACT:**

If the owner fails to comply, Code Enforcement staff will properly remove all occupied travel trailers, dispose of all junk, dispose of all refuse and rubbish, and demolish the dangerous building.

**CONTACT PERSON:**

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

**ATTACHMENT(S):**

1. 433 Spruce St NAHB Decision
2. 433 Spruce St Parcel Map
3. Photos of 433 Spruce St. (CE 17-0186)



## **NUISANCE ABATEMENT HEARING BOARD**

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### **RECOMMENDED DECISION**

**IN RE: 433 Spruce St, Modesto, CA  
Abatement Hearing No. CE# 17-0186**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on May 24, 2018. 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 433 Spruce St, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 030-010-013, is zoned R-1, Single-Family Residential District.
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes and California Building 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 and California Building 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, unlawful junkyard, unlawfully occupied travel trailers, and unsafe structure in the staff report are a violation of Stanislaus County Code Section 9.04.020, Section 21.28.020, Section 21.16.040, and the California Building Code Section 116.
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 unlawful junkyard, unlawfully occupied travel trailers, and unsafe structure in the staff report are not a violation of Stanislaus County Code Section 9.04.020, Section 21.28.020, Section 21.16.040, and the California Building Code Section 116.

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: May 24, 2018



**Richard Gibson, Chair**  
**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on June 26, 2018 the Board of Supervisors will hear this matter as a consent item.

**Attachment "A"**

RE: File Number CE 17-0186

Assessor's Parcel Number: 030-010-013

Address: 433 SPRUCE ST, MODESTO, CA

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

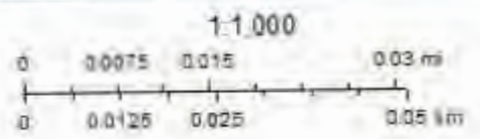
<b>Code Section Violation:</b>	<b>Corrective Action:</b>	<b>Compliance Date:</b>
§21.28.020 and §21.16.040 of the Stanislaus County Code. Unlawful junkyard/accumulation of junk on the premises.	Removing junk in excess of 200 square feet from the premises.	05/09/18
§9.04.020 of the Stanislaus County Code. Unlawful accumulation of debris, refuse, and rubbish.	Collecting and disposing of all debris, refuse, and rubbish to an approved location.	05/09/18
§21.28.020 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.	05/09/18
§116 of the California Building Code. Unsafe Structures and equipment. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.	Unsafe structure(s) shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.	05/09/18

Enclosures: Stanislaus County Code



March 22, 2018

- T07R1142bT7d413ba1cf6b07328a865c1
- FeatureLayer32
- Address
- + RailRoads
- City Limits
- CERES
- HUGHSON
- MODESTO
- NEWMAN
- OAKDALE
- PATTERSON
- RIVERBANK
- TURLOCK
- WATERFORD





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6PB 4



# STOP WORK ORDER

Stop work on this job

433 SPENCE  
ADDRESS

UNTIL PROPER PERMITS ARE OBTAINED FROM THE STANISLAUS COUNTY BUILDING PERMITS DIVISION - 1010 10<sup>TH</sup> STREET SUITE 3400, MODESTO, CA 95354, PHONE 209-525-6557

DATE 03/29/2018

INSPECTOR [Signature] STANISLAUS CO [Signature]

YOU ARE IN VIOLATION OF SECTION 114 OF THE CALIFORNIA BUILDING CODE AND STANISLAUS COUNTY CODE TITLE 16. PURSUANT TO SECTION 105.1, YOU MUST OBTAIN THE REQUIRED BUILDING PERMIT.

# ORDEN DE SUSPENSION

Detener el trabajo en esta obra

DOMICILIO

HASTA QUE SE OBTENGA(N) EN LOS PERMISO(S) NECESARIO(S) DEL CONDADO DE STANISLAUS, DIVISION DE PERMISOS DE CONSTRUCCION - LOCALIZADO EN EL 1010 10<sup>TH</sup> STREET #3400, MODESTO, CALIFORNIA, TELEFONO 209-525-6557

FECHA

ESTAS EN VIOLACION DE LA SECCION 114 DEL CODIGO DE CONSTRUCCION DE CALIFORNIA Y SEGUN LA SECCION 105.1, ESTAS REQUERIDO A OBTENER PERMISO

NOMBRE DEL INSPECTOR

04/02/2018 10:36

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NOTICE  
OF  
VIOLATION

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05/10/2018 11:11