

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

DEPT: Environmental Resources

BOARD AGENDA:6.B.7
AGENDA DATE: July 31, 2018

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1420 Elsie St., Modesto, California

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0387

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

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:6.B.7
AGENDA DATE: July 31, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt the Recommended Decision of the Nuisance Abatement Hearing Board Regarding the Property at 1420 Elsie St., Modesto, California

STAFF RECOMMENDATION:

1. Adopt the recommended decision of the Nuisance Abatement Hearing Board regarding the property at 1420 Elsie St, Modesto, California, CE No. 18-0019, 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 January 24, 2018, the Department of Environmental Resources (DER) received a complaint regarding an unsecured vacant structure with refuse and rubbish on the subject property. The complaint was verified on January 25, 2018, and a Notice and Order to Abate was issued on January 25, 2018. A subsequent Notice and Order to Abate was issued on April 5, 2018 for a new violation of occupied travel trailers. The person(s) 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 March 13, 2018 and May 20, 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 March 13, 2018, April 29, 2018, and May 20, 2018.

Malvin James Young, Jr. and Linda Fay Walker are the current owners 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 has refused to comply with the Notice and Order to Abate.

On June 28, 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 owners 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 owners 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 owners 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:

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 owners fail 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 owners fail to abate the nuisance. However, if a forced abatement is necessary, the costs will be charged to the property owners 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 \$6,000 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 owners fail to comply, Code Enforcement staff will properly remove all occupied travel trailers, dispose of all refuse and rubbish, and secure the vacant structure.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

ATTACHMENT(S):

1. 1420 ELSIE ST. MODESTO NAHB DECISION (CE 18-0019)
2. 1420 Elsie St. Map
3. 1420 Elsie St. Photos (CE 18-0019)



NUISANCE ABATEMENT HEARING BOARD

RECOMMENDED DECISION

**IN RE: 1420 Elsie St, Modesto, CA
Abatement Hearing No. CE# 18-0019**

The above referenced matter came before the Nuisance Abatement Hearing Board for hearing on June 28, 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 1420 Elsie St, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Number 037-030-059, 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 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, unlawfully occupied travel trailers, unlawful vacant structure, and unlawfully obstructing traffic in an alley in the staff report are a violation of Stanislaus County Code Section 9.04.020, Section 21.28.020, Section 2.93.040, and Section 11.20.050.
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, unlawfully occupied travel trailers, unlawful vacant structure, and unlawfully obstructing traffic in an alley in the staff report are not a violation of Stanislaus County Code Section 9.04.020, Section 21.28.020, Section 2.93.040, and Section 11.20.050.

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: June 28, 2018



Richard Gibson, Chair
Stanislaus County Nuisance Abatement Hearing Board

It should be noted that on July 31, 2018 the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number CE 18-0019

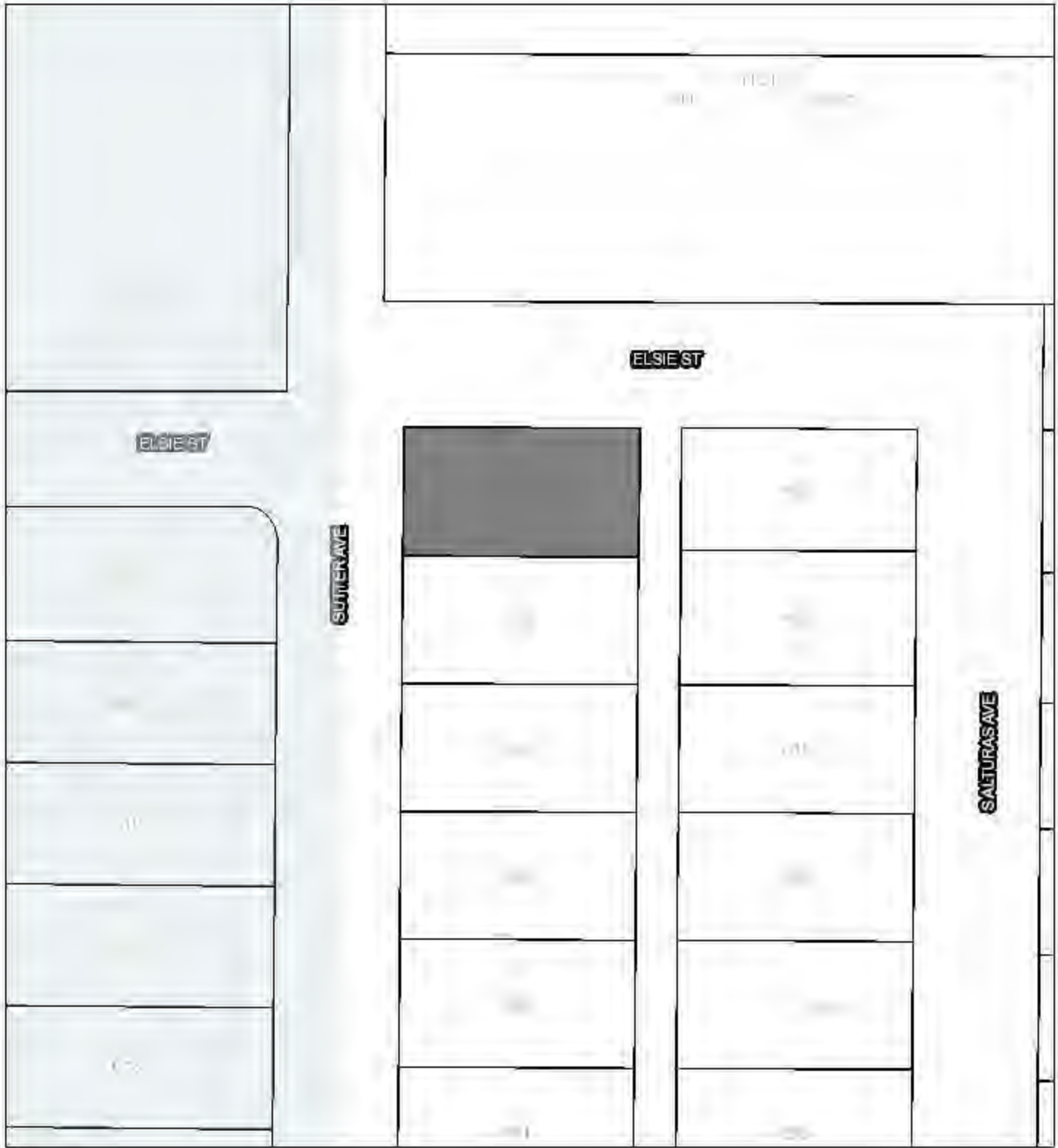
Assessor's Parcel Number: 037-030-059

Address: 1420 ELSIE ST, 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.	Conform to the regulations as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry. Fencing may be required. NOTE: Per §2.93, if the owner fails to correct the violation within the time specified in the Notice and Order to Abate, enforcement action may be taken and all costs incurred by the county in enforcing the provisions of this chapter may be recovered per §2.92.	05/20/18
§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.	05/20/18
§11.20.050 of the Stanislaus County Code. Unlawfully obstructing traffic in an alley.	Removing all debris, refuse and rubbish (in the area from the property line to the middle of the alley) to an approved location.	05/20/18
§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.	05/20/18

Enclosures: Stanislaus County Code

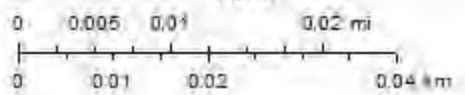


June 4, 2018

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-  FeatureLayer32
- Address
-  Railroads
- City Limits**
-  CERES
-  HUGHSON

-  MODESTO
-  NEWMAN
-  OAKDALE
-  PATTERSON
-  RIVERBANK
-  TURLOCK
-  WATERFORD



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