

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

DEPT: Environmental Resources *CMA*

BOARD AGENDA # *B-1

Urgent Routine

AGENDA DATE March 25, 2008

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 the Approval of the Administrative Civil Citation to Abate the Nuisance CE No. 07-159 at 205 S. Santa Ana Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding the approval of the administrative civil citation to abate the nuisance at 205 S. Santa Ana Avenue, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

The Department of Environmental Resources has collected a \$100.00 fine.

BOARD ACTION AS FOLLOWS:

No. 2008-196

On motion of Supervisor Grover, Seconded by Supervisor DeMartini
and approved by the following vote,
Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield
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 28, 2008 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

On April 17, 2007, the Department of Environmental Resources received a complaint regarding junk and debris located at 205 S. Santa Ana Avenue, Modesto, California. An inspection confirmed the violations and a Notice and Order to Abate was issued on June 04, 2007. The property remained in violation and the property owner failed to comply, despite several conversations with Code Enforcement personnel.

Following a failed compliance inspection on January 02, 2008, a Civil Administrative Citation was issued in the amount of \$100.00. Pursuant to Stanislaus County Code Section 2.92.060 C the property owner requested, and was granted an appeal hearing.

On February 28, 2008, the case was heard before the Nuisance Abatement Hearing Board and they recommended the citation be upheld and forwarded to the Board of Supervisors.

The Board is asked to adopt the decision of the Nuisance Abatement Hearing Board to deny the appeal of the Administrative Civil Citation issued to Guadalupe and Delores Ramirez at 1807 Yosemite Boulevard, Modesto, California, and uphold the \$100.00 fine.

The enforcement action continues at this property.

POLICY ISSUE:

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Abatement Hearing No. CE07-159 (Attachment 1). Acceptance of staff's recommendation would be 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.



NUISANCE ABATEMENT HEARING BOARD

DECISION

IN RE: 205 S. Santa Ana Avenue, Modesto, CA Abatement Hearing No. CE 07-159


The Nuisance Abatement Hearing Board heard the above-referenced matter on, February 28, 2008. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 205 S. Santa Ana Avenue, Modesto, CA, in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Numbers 035-004-038, is zoned R-2, Medium Density Residential District (Stanislaus County Code Section 21.32).
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property as identified in the title report. The title report lists Guadalupe Ramirez & Delores Ramirez as the owner(s) of record.
4. 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.
5. 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.
6. 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.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. 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.
9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

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.
6. The appeal of the Administrative Citation has been denied.

Dated: February 28, 2008


Marie Assali, Chair
Stanislaus County
Nuisance Abatement Hearing Board

It should be noted that on **MAR 25 2008** the Board of Supervisors will hear this matter as a consent item.

Attachment "A"

RE: File Number: CE 07-159
Assessor's Parcel: 035-004-038
Address: 205 S. SANTA ANA AVENUE, MODESTO, CA

A. CONDITIONS OF VIOLATIONS:

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

1. Unlawful junkyard/accumulation of junk on the premises. This is a violation of §21.32.020 and §21.16.040 of the Stanislaus County Code.
2. Unlawful accumulation of debris, refuse, and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
3. Unlawful vehicle storage yard. This is a violation of §21.32.020 and §21.16.040 of the Stanislaus County Code.
4. Unlawfully occupied travel trailer(s)/recreational vehicle(s)/camper(s). This is a violation of §18550 - §18607 of the California Health and Safety Code and §21.32.020 of the Stanislaus County Code.
5. Unlawfully obstructing traffic in an alley (area to the west of this parcel). This is a violation of §11.20.050 of the Stanislaus County Code.
6. Unlawful vacant structure. This is a violation of §2.93.040 of the Stanislaus County Code.

B. CORRECTIVE ACTION REQUIRED:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Removing all but two unregistered, non-operative vehicles from the premises.
4. Immediately vacating the travel trailer(s)/recreational vehicle(s)/camper(s) and returning all water and electrical to its source.
5. Removing all debris, refuse and rubbish (in the area from the property line to the middle of the alley) to an approved location.
6. Obtaining a building permit from the Department of Planning and Community Development, Building Permit Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulation as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

RE: File Number: CE 07-159
Assessor's Parcel: 035-004-038
Address: 205 S. SANTA ANA AVENUE, MODESTO, CA

PLEASE NOTE: A compliance inspection will be conducted on or after June 4, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested

Enclosures: Stanislaus County Code
California Health and Safety Code