COUNTY OF GLENN
AGENDA ITEM TRANSMITTAL

MEETING DATE: July 17, 2012

Submitting Department(s):
Planning & Public Works Agency, Building Inspection Division

Brief Subject/Issue Description:
Recommend that the Board of Supervisors find the property located directly north of Cherry St.in the rural community of Fruto, CA 95988 Assessors Parcel Number 021-130-021 a nuisance and recommend the issuance of An Order to Abate a Nuisance.

Contact: Annette Chavez, Deputy Director
Phone: 530-934-6546

AGENDA PLACEMENT

Appointment – Appearances by: (Specify Name & Title)
John Linhart, Director
Annette Chavez, Deputy Director
Dean Miller, Building Inspector/Code Enforcement Officer

Required 20 Minutes

Business – No □ Consent
□ Correspondence □ Reports & Notices

AFFECTED DEPARTMENT(S)

□ Receive Concurrence

ATTACHMENTS

□ Board Report
□ Letter
□ Minute Order
□ Contract
□ Transfer
□ Grant App.
□ Resolution
□ Ordinance
□ Proclamation
□ Policy Update
□ Code Update
□ Other
□ Exhibit A

LEGAL/PERSONNEL/FISCAL

□ County Counsel
□ Personnel
□ Finance
□ County Administrative Office

CLERK INSTRUCTIONS

□ Return Minute Order
□ Return Certified Copy Of:
□ Other:
  □ Copy of Resolution
  □ Copy of Recommended Findings

PUBLIC HEARINGS & COMMITTEE VACANCIES

Public Hearings:
□ Published
□ Affidavit on File w/Clerk
□ Affected Parties Notified

Committees:
□ Vacancy Posted
□ Application Attached

LEGISLATION

□ State □ Federal

FUNDING SOURCE/IMPACT

□ General Fund Impact
□ Other: _____
□ Budgeted
□ Transfer Attached
□ 4/5ths Vote Required
□ Contingency Request

CONTRACTS, LEASES & AGREEMENTS

□ New □ Renewal
□ Amendment
□ Insurance Certificate
□ Contract Report

Date of Original Contract:
Contract:
Fiscal Year:

RECOMMENDED ACTION/MOTION:
The Glenn County Planning and Public Works Agency, Building Division requests that the Glenn County Board of Supervisors determine that a nuisance condition exists at Assessors Parcel Number 021-130-021- directly north of Cherry St, Fruto CA; that these conditions constitute a nuisance; that the nuisance shall be abated immediately as recommended in the findings attached (Exhibit A); and that per the Glenn County Code, Chapter 1.15 the Board of Supervisors shall issue an Order To Abate A Nuisance. A Certificate of Non-Compliance is recorded concurrently with this recommendation.

Reviewed By (if applicable):

Department Head

Personnel Director

Department of Finance

County Administrative Officer

cc:
Submitted by Planning and Public Works Agency, Building Division  
(Department)

EXECUTIVE SUMMARY

In response to an interdepartmental complaint referral regarding junk, garbage, and junk vehicles and travel trailers being used as dwellings, a site inspection was conducted and verified the nuisance condition of the subject property. On August 5, 2009 Marguerite Lee was notified via certified mail that their property located at Assessor Parcel Number- 021-130-021 was in violation of the following items:

1. Accumulation of junk and garbage on your property.
2. Accumulation of junk vehicles on your property.
3. Junk vehicles and travel trailers being used as dwellings.

This is a violation of Glenn County Code Chapter 15.750.030 Premises To Be Kept Clean; Chapter 15.750.040 Storage of Accumulation Vehicles; Chapter 15.590 Minimum Residential Standards and Chapter 7.08 Garbage and Refuse Disposal.


Glenn County Code, Chapter 1.15 Abatement of Violations and Nuisances provides that unresolved code violations be brought before the Board of Supervisors at a hearing to review the evidence of the violation; that the Board of Supervisors determine that the conditions of the violation constitute a nuisance; that the Board of Supervisors determine the nuisance be abated; and that the Board of Supervisors issue an Order to Abate a Nuisance according to the recommendation below.

RECOMMENDATION(S):

The Glenn County Planning and Public Works Agency, Building Division requests that the Glenn County Board of Supervisors determine that a nuisance condition exists at Assessors Parcel Number 021-130-021- directly north of Cherry St, Fruto CA; that these conditions constitute a nuisance; that the nuisance shall be abated immediately as recommended in the findings attached (Exhibit A); and that per the Glenn County Code, Chapter 1.15 the Board of Supervisors shall issue an Order To Abate A Nuisance. A Certificate of Non-Compliance is recorded concurrently with this recommendation.

HISTORY AND BACKGROUND:

Through several site visits and notifications, the Code Enforcement Officer has attempted to obtain cooperation from the owners and the possessors of the site to clean-up the property but has had no substantial compliance. Property owners and the possessor of the site have the primary responsibility to maintain their properties and assure code compliance. Per Glenn County Code Section 1.12.020 Violations as Public Nuisance, it is unlawful for any person or entity to maintain, create, cause or permit a public nuisance. Because compliance has not been obtained through administrative measures, this case is brought before the Board of Supervisors for further enforcement action.
COUNTY OF GLENN
BOARD REPORT

FISCAL/PERSONNEL IMPACT(S):

If the nuisance is abated at the owner’s or the possessor of the sites expense, Glenn County will incur no cost. If the nuisance is abated at the County’s expense the cost of the abatement shall be placed on the assessment roll as a special nuisance assessment by the County Auditor, to be paid with county taxes.

ANALYSIS/DISCUSION

Glenn County Building Division Staff has made numerous attempts to have the property cleaned up. There has been no substantial compliance by the owner of the property or the possessor of the site to clean up the property. Therefore, we recommend that the Glenn County Board of Supervisors declare that the conditions on the property constitute a nuisance; that the nuisance shall be abated immediately as recommended in Exhibit A; and that the Board of Supervisors shall issue an Order to Abate a Nuisance. A certificate of Non-Compliance is recorded concurrently with this recommendation.
RECOMMENDED FINDINGS:

A. Glenn County Building Division staff recommends that the Board of Supervisors finds the following:

Finding #1. The property owner or the possessor of the site received proper notice for this hearing per Glenn County Code Chapter 1.15; and

Finding #2. The Board of Supervisors has authority under the Glenn County Code, Chapter 1.15, to consider and order the abatement of public nuisances; and

Finding #3. A notice and order to abate a public nuisance has been issued by the Glenn County Building Division to the recorded owner of the property or possessor of the site described as the land directly north of Cherry St. in the rural community of Fruto, Ca 95988. Assessors Parcel Number- 021-130-021 on August 5, 2009, April 23, 2010, June 27, 2011, March 23, 2012, and June 22, 2012

Finding #4. The owner and the possessor of the site has had reasonable and significant time to correct all violations and have failed to do so;

Finding #5. The property owner or possessor of the site has legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County and this Board of Supervisors;

Finding #6. The Board of Supervisors has considered the evidence of the violations and has determined that a public nuisance exists on property described as the land directly north of Cherry St. in the rural community of Fruto, Ca.-, Assessor Parcel Number 021-130-021 as more particularly described in the notice and order issued by the Glenn County Building Division on June 22, 2012.

B. Glenn County Building staff recommends that the Board of Supervisors order the following:

Order #1. That the public nuisance as described in the notice and order issued by the Glenn County Building Division on May 22, 2012, be abated by the owner or possessor of the site;

Order #2. That the abatement of the nuisance be completed no later than April 2, 2010;

Order #3. That the property owner reimburse any cost incurred by Glenn County in detecting, investigating, and abating any violation of this code.

Order #4. The Code Enforcement Officer shall take all necessary steps to assure that the abatement is completed as ordered, in the resolution, and is authorized to abate the violations in accordance with the Glenn County Code Chapter 1.15, if the owner fails to comply with this order by August 17, 2012.

Order #5. The Code Enforcement Officer shall maintain an accounting of all County costs for abatement and report these costs to the Glenn County Board of Supervisors from time to time as appropriate. The costs thereof shall be placed on the assessment roll as a special nuisance abatement assessment by the County Auditor, to be paid with county taxes.

ADMONISHMENT:
Maintenance of a public nuisance is unlawful pursuant to the Glenn County Code Section 1.12.020, Violation As Public Nuisance. Failure to comply with this order can result in both civil and criminal penalties.
NOTICE OF PUBLIC HEARING FOR
State of California
Notice to Abate a Nuisance

NOTICE IS HEREBY GIVEN that the Glenn County Board of Supervisors will hold a public hearing on July 17, 2012 at 9:45 a.m. in the Glenn County Board of Supervisors Chambers, 526 W. Sycamore Street, Willows, California, to review and discuss the Notice to Abate a Nuisance associated with Code Enforcement Case #CE0907-0004, Assessor Parcel Number 021-130-021. The public hearing is being held to determine if a nuisance exists and what action to take, if necessary.

All information regarding the code enforcement case is available for review prior to the Public Hearing at the Glenn County Planning and Public Works Agency, 777 N. Colusa Street, Willows, California.

By: John F. Linhart, Director, Planning & Public Works Agency
Date Published: June 30, 2012
Marguerite Lee
P.O. Box 270010
Susanville, CA 96127

Re: Property Located at
    Assessor’s Parcel Number 021-130-021
    Case Number: CE0907-0004

Dear Property Owner(s):

Please find enclosed the Notice of Noncompliance recorded on July 17, 2012. Your property is in noncompliance because you have failed to comply with Glenn County Code Section 15.750.030 Premises to be Kept Clean; Glenn County Code Section 15.750.40 Storage of Accumulation Vehicles; Glenn County Code Section 15.590 Minimum Residential Standards and Glenn County Code Section 7.08 Garbage and Refuse Disposal.

This notice shall remain as a “cloud” on the property record to alert present and future owners that violations of the Glenn County Codes exist on the property. The notice will not be cancelled until the violation(s) has been abated.

Please call (530) 934-6546 should you have any questions regarding this matter.

Sincerely,

Dean Miller
Building Inspector
Code Enforcement Officer

Cc: Steve Soeth, Supervisor District 3
    Huston T. Carlyle, Jr., County Counsel
    Glenn County Environmental Health Dept.
    Glenn County Planning Division
    Glenn County Building Division Code Enforcement Case File
Notice of Non-Compliance

Under the powers and duties of Glenn County Code Sections 1.14.020 Enforcement Procedures, and 1.16.010 Ordinance Enforcement Responsibility the Glenn County Planning and Public Works Agency, Building Division files this notice on: 021-130-021; Location: Directly North of Cherry St. in Rural Fruto, CA; Owned By: Marguerite Lee – CE0907-0004.

Described in said Grant Deed recorded on December 10, 2008, Document Number, 2008-6031 with the Glenn County Recorder.

This action is necessary because the property owner’s failure to clean up the accumulation of junk, garbage, and junk vehicles on the property described above as set forth in Glenn County Code Chapter 15.750.030 Premises to Be Kept Clean; Glenn County Code Chapter 15.750.40 Storage of Accumulation of Vehicles; and Glenn County Code Chapter 7.08 Garbage and Refuse Disposal.

This notice is to alert present and future owners of the property that violation(s) of the County of Glenn Code exist on the property and will not be cancelled until the violation(s) has been abated.

Glenn County Building Division

____________ Annette Chavez, Deputy Director

________________________
Date

Document must be Notarized

State of California, County of Glenn

On ___________________ before me, ___________________ personally appeared Annette Chavez, Deputy Director, personally know to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____________________________ (SEAL)
BOARD OF SUPERVISORS, GLEN COUNTY, CALIFORNIA

RESOLUTION NO. -----  
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RESOLUTION OF THE GLEN COUNTY BOARD OF SUPERVISORS  
ORDER TO ABATE A PUBLIC NUISANCE LOCATED AT  
Directly North of Cherry St. Located in the Rural Community of Fruto  
Assessor Parcel Number 021-130-021  
***

WHEREAS, the property owner or the possessor of the site received proper notice for this hearing, per Glenn County Code Chapter 1.15; and

WHEREAS, The Board of Supervisors has authority under the Glenn County Code, Chapter 1.15, to consider and order the abatement of public nuisances; and

WHEREAS, a notice and order to abate a public nuisance has been issued by the Glenn County Building Division to the record owner of the property or possessor of the site described as the property located directly north of Cherry St. in the rural community of Fruto, CA 95988-Assessors Parcel Number 021-130-021, on June 22, 2012; and

WHEREAS, the owner and the possessor of the site has had reasonable and significant time to correct all violations and have failed to do so; and

WHEREAS, the property owner or possessor of the site has legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County and this Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the evidence of the violations and has determined that a public nuisance exists on the property located directly to the north of Cherry St. in the rural community of Fruto, CA 95988, Assessor Parcel Number 021-130-021, as more particularly described in the notice and order issued by the Glenn County Building Division on June 22, 2012; and

WHEREAS, the six paragraphs above reflect the findings set forth in Exhibit “A” attached hereto, which Exhibit “A” is incorporated by reference in this document.

NOW, THEREFORE, the Board of Supervisors orders the following:

1. That the public nuisance as described in the notice and order issued by the Glenn County Building Division on June 22, 2012, be abated by the owner or possessor of the site;

2. That the abatement of the nuisance be completed no later than August 17, 2012;
3. That property owner reimburse any cost incurred by Glenn County in detecting, investigating, and abating any violation of this code; and

FURTHER, it is ordered that the Glenn County Code Enforcement Officer:

1. Shall take all necessary steps to assure that the abatement is completed as ordered, and is authorized to abate the violations in accordance with the Glenn County Code Chapter 1.15, if the owner fails to comply with this order by August 17, 2012;
2. Shall maintain an accounting of all County costs for abatement and report these costs to the Glenn County Board of Supervisors from time to time as appropriate, the costs thereof shall be placed on the assessment roll as a special nuisance abatement assessment by the County Auditor, to be paid with county taxes.

THIS RESOLUTION WAS PASSED by the Board of Supervisors of the County of Glenn at a regular meeting thereof on this day of July 17, 2012, by the following vote:

AYES;

NOES:

ABSENT OR ABSTAIN:

________________________
CHAIRMAN, Board of Supervisors
Glenn County, California

ATTEST:

________________________
SHERYL THUR, COUNTY CLERK
And ex officio Clerk, Board of Supervisors
Glenn County, California

APPROVED AS TO FORM:

________________________
Huston T. Carlyle JR, COUNTY COUNSEL
Glenn County, California