



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

STAFF REPORT

TO: Board of Supervisors

FROM: Robert Massarelli, Community Development Director
Kathy Freeman, Code Enforcement Program Supervisor

By: Michael Penhall, Code Enforcement Officer

SUBJECT: Notice of Assessment & Lien Hearing for *Anthony Tucciarelli*;
February 14, 2017 @ 9:20 AM
Supervisory District 3

Date: January 26, 2017

- ATTACHMENTS:**
1. Notice of Nuisance and Order to Abate
 2. 48 Hour Summary Abatement Notice
 3. Notice of Assessment
 4. Proposed Notice of Lien
 5. Contractor's Invoices
 6. Task Sheet

I. PROPERTY OUTLINE:

Property Owner: Anthony Tucciarelli
Location: 5845 State Hwy 20, Lucerne CA
APN: 034-421-28
Zoning: "CR", Resort Commercial District
Case #: 16-0045

II. ABATEMENT SUMMARY

On **March 24, 2016**, a Notice of Nuisance and Order to Abate was prepared and posted at **5845 State Hwy 20, Lucerne CA**, within the **Clearlake Beach Annex 3** Subdivision, and mailed, certified to the property owner of record due to **household garbage, junk, trash & debris**. Several complaints had been filed by area residents. The Abatement Notice provided Mr. Tucciarelli with 30 days to abate the property. However, upon the initial site visit, household garbage was observed to be dumped on the property causing an immediate public health hazard. A Summary Abatement Notice was then prepared, posted on the property, and mailed providing the property owner with 48 hours to remove "just" the household garbage. A site visit was conducted on or about **March 28, 2016** and

it was verified that the property owner had not abated the garbage. On that same date, staff from Code Enforcement solicited and obtained bids from a local contractor for summary abatement of just the household garbage on the property. On or about **March 31, 2016**, a local contractor was awarded the contract and the household garbage was removed and disposed of.

On **June 20, 2016** a follow up site visit was conducted and it was observed that the junk, trash and debris still remained on the property. A courtesy letter was then prepared and sent to the property owner requesting them to abate the remaining violations on the property. On **December 21, 2016** a site visit was conducted and it was observed that the property had not been abated. Staff from Code Enforcement solicited and obtained bids from a local contractor for abatement of the remaining junk, trash and debris on the property. On **January 4, 2017** a site visit was conducted, confirming the property was cleaned up by the contractor.

III. RECOMMENDATION:

Staff recommends the Board of Supervisors confirm the assessment of **\$1,631.27** and direct staff to Record a Notice of Lien against the property. The cost of abatement services was **\$1,150.00**. The administrative costs on this case amounted to **\$481.27**.

Sample Motion:

I move that the assessment of **\$1,631.27** for nuisance abatement on property located at **5845 State Hwy 20 Lucerne CA**, also known as Assessors Parcel Number **034-421-28**, and owned by **Anthony Tucciarelli** be confirmed and the Enforcement Official be directed to prepare and have recorded in the office of the Lake County Recorder, a Notice of Lien in the amount of **\$1,631.27** pursuant to Lake County Ordinance Code Chapter 13, Section 13-43.

NOTICE OF NUISANCE & ORDER TO ABATE

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

A. CASE NUMBER: ^{TBD} 16-0045 ASSESSORS PARCEL NUMBER: 034-421-28
OWNER(S) NAME: Tucciarelli, Anthony
SITE ADDRESS: 5845 Hwy 20 Lucerne
MAILING ADDRESS: 2515 Village Side Dr Santa Rosa, CA 95405

B. CONDITION(S) CAUSING NUISANCE:

- ☒ Open and outdoor storage of junk, and/or household garbage in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance.
- ☒ Failure to properly dispose of trash in accordance with Chapter 13, Section 13-11 of the Lake County Code.
- ☒ Failure to remove or maintain weeds in accordance with Chapter 13, Section 13-10 of the Lake County Code.
- ☐ Open and outdoor storage of inoperable vehicles in violation of Sections 21-2.6, 21-3.8(a) and 21-41.12 of the Lake County Zoning Ordinance.
- ☐ Storage of boat or recreational vehicle in road right-of-way in violation of 21-68.4(a)6 of the Lake County Zoning Ordinance.
- ☐ Substandard dwelling in violation of Section 17920.3 of the California Health and Safety Code.
- ☐ Unpermitted construction of _____ in violation of Section 105.1 of the 2013 California Building Code.

On March 23 2016 your property was found by Enforcement Officials to contain the above specified violation(s) of the Lake County Code and/or California Building Code. This constitutes a public nuisance in accordance with Chapter 13, Section 3.1(e) of the Lake County Code (Uniform Abatement of Public Nuisances Code).

- C. ORDER IS GIVEN TO COMPLETE ABATEMENT OF SAID NUISANCE WITHIN 30 DAYS (April 24, 16) AND CORRECT THE NUISANCE CONDITIONS DESCRIBED ABOVE. PLEASE IMMEDIATELY CONTACT THE LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AT 707-263-2309 FOR FURTHER INFORMATION AND TO DISCUSS ANY POTENTIAL PERMIT OPTIONS TO ADDRESS THESE NUISANCE CONDITIONS.

K. Freeman
COMMUNITY DEVELOPMENT DEPARTMENT
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 3/24/16

SEE REVERSE SIDE

- D. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, SECTION 13-7, YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 21 DAYS OF SERVICE OF THE NOTICE OF NUISANCE AND ORDER TO ABATE. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.
- E. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:
- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. SAID SPECIAL ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS IS PROVIDED FOR THE COLLECTION OF ORDINARY COUNTY TAXES, AND SHALL BE SUBJECT TO THE SAME PENALTIES, INTEREST AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.
 - 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.
 - 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).




48 hr. SUMMARY ABATEMENT NOTICE

A. OWNER(S) NAME: Anthony Tucciarelli
ASSESSORS PARCEL NUMBER: 034-421-28
SITE ADDRESS: 5845 State Hwy 20 Lucerne, CA
MAILING ADDRESS: 2515 Village Side Dr. Santa Rosa, CA 95405

Your Property located at 5845 State Hwy 20 Lucerne, CA has been found to be in violation of Lake County Code, Chapters 5, 13 and 21- 41.12, and is hereby declared to be a Public Nuisance. Open and outdoor storage of household garbage mixed with other trash and miscellaneous debris has been placed on the property, resulting in public nuisance a condition that poses an immediate public health and safety risk (Chapter 21, Lake County Zoning Ordinance and Chapter 13, Uniform Abatement of Public Nuisances Code). It is a violation of California Penal Code Section 374.3 to unlawfully dump or cause to be dumped waste matter in or upon a public or private road or public or private property.

This Notice is to inform you that you have 48-hours upon receipt of this letter, through U.S. Mail delivery or posting on the property, to remove all garbage, trash and miscellaneous debris from this property. Dump receipts will be required as proof of disposal at allocated recycle locations. Failure to remove the garbage, trash and miscellaneous debris by the time specified will result in Summary Abatement action, whereby the County of Lake will cause the garbage, trash and miscellaneous debris to be removed from the site and at your expense.


Kathy Freeman
Code Enforcement Supervisor
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 3/24/10

E. Section 13-9, Lake County Code, Summary Abatement; Emergency Conditions

9.1 The Enforcement Official, upon making a finding with concurrence by one member of the Board of Supervisors and County Counsel, that an immediate threat or danger exists to the health, safety, or welfare of the occupants of a particular property or to members of the public, may order a summary abatement of a public nuisance in accordance with Chapter 5, Article IX of the Lake County Code without the standard notification and hearing requirements set forth in this chapter.

9.2 Upon making such a finding, the Enforcement Official may require immediate action on the part of the property owner to eliminate the hazardous condition.

a. The Enforcement Official shall make a reasonable attempt to notify the occupants and owners of the subject property of the dangers which require the immediate vacation, repair, clean up, or securing of the property or structures thereof. Said notice shall be either by telephone or by personal visit to the premises.

b. If the imminently dangerous condition can be substantially relieved by the performance of minor repairs or other acts, the Enforcement Official may perform or direct the performance of such acts without prior consent of or notice to the owners or occupants of the subject property.

c. If the Enforcement Official finds that an immediate threat to public health, safety, or welfare exists and that it is unhealthy or hazardous to delay abatement action, he/she may order county staff or contractors to abate the condition.

d. The property owner shall be liable for all costs associated with this abatement, including administrative, labor, and materials, and other costs.

D. Chapter 13, Lake County Code, Section 13-41 Notice of Assessment

41.1 Upon the completion of the abatement, the Enforcement Official shall cause a notice to be prepared, specifying the work done, an itemized account of the costs and receipts of performing the work, an address, legal description or other description sufficient to identify the premises, the amount of the assessment proposed to be levied against the premises, and the time and place when and where the enforcement official will submit the account to the Board for confirmation.

41.2 The time and place specified shall be not less than fifteen (15) days after the service of the notice as provided in Section 13-6.2 hereof. The notice shall contain a statement that the Board will hear and consider objections and protests to said account and proposed assessment.

NOTICE OF ASSESSMENT

Notice is hereby given that the Lake County Board of Supervisors will hear and consider objections and protests to a proposed assessment to be levied to recover the cost of abating a nuisance on property owned by **Anthony Tucciarelli**. The property is located at **5845 State Hwy 20, Lucerne CA**, being Assessor's Parcel Number **034-421-28**. The property is further described in Document Number **1987002801** filed in the County Recorder of said Lake County on **February 24, 1987**.

Notice is hereby given that abatement included the removal of **household garbage, junk, trash & debris** from this property.

| | | |
|-------|-----------------------|-------------------|
| FEES: | Administrative | \$481.27 |
| | Abatement contract(s) | \$1,150.00 |

| | |
|-------------------------|-------------------|
| TOTAL ASSESSMENT | \$1,631.27 |
|-------------------------|-------------------|

The Enforcement Official will submit the account to the Board of Supervisors for confirmation on **February 14, 2017, at 9:20 AM**, in the Board of Supervisors Chambers, Lake County 255 North Forbes Street, Lakeport, at which time and place the Board of Supervisors will hear and consider objections and protests to said account and proposed assessment.

Robert Massarelli,
Community Development Director
Community Development Department
County of Lake

Date:

Cert. Mail # _____

AFTER RECORDING
Please Return To:
Lake County Community
Development Department
255 North Forbes Street
Lakeport, Ca. 95453

No fee Document- per Government code 27383

NOTICE AND CLAIM OF LIEN FOR
COSTS OF NUISANCE ABATEMENT

NOTICE IS HEREBY GIVEN that the County of Lake claims a lien for nuisance abatement costs pursuant to County Ordinance Code Chapter 13 of **\$1,631.27** against the real property situated in the County of Lake, California, commonly known as Assessor's Parcel Number **034-421-280-000** located at **5845 State Hwy 20, Lucerne, California** and more particularly described in Document **#1987002801** of the County Recorder.

NOTICE IS HEREBY FURTHER GIVEN that a hearing pursuant to Lake County Ordinance Code, Chapter 13, Section 13-42 was held by the Lake County Board of Supervisors on the **14th day of February, 2017 at 9:20 AM** wherein the Board of Supervisors issued an order confirming the assessment of **\$1,631.27** (Case # 16-0045).

The last known property owner, **Anthony Tucciarelli**, has been given notice of this lien as required by law.

WHEREFORE, the County of Lake claims a lien of **\$1,631.27** on the afore described property plus interest and other costs which may hereafter become due.

Dated:

I declare under penalty of perjury that the contents of this instrument are true and correct.

Michael Penhall
Code Enforcement Officer
Community Development Department
STATE OF CALIFORNIA
COUNTY OF LAKE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On _____ before me, _____ personally appeared Michael Penhall who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

Pioneer Builders
PO BOX 177
LAKEPORT, CA 95453-0177 US
pioneer.builders@sbcglobal.net

Invoice



BILL TO
COUNTY OF LAKE

| INVOICE # | DATE | TOTAL DUE | DUE DATE | TERMS | ENCLOSED |
|-----------|------------|-----------|------------|----------------|----------|
| 5443 | 12/22/2016 | \$750.00 | 12/22/2016 | Due on receipt | |

Please detach top portion and return with your payment.

JOB
5845 E. HWY 20 LUCERNE

| ACTIVITY | QTY | RATE | AMOUNT |
|---|-----|--------|--------|
| LABOR | 1 | 750.00 | 750.00 |
| 5845 E HWY 20 LUCERNE- CLEAN TRASH/DEBRIS | | | |

BALANCE DUE \$750.00

148
188-2604-726-55.06

2720 Hartley Rd. Lakeport, CA 95453 Phone: (707) 245-7577

Invoice Number: 7652[illegible]

Make check payable to **Pioneer Constructors Inc.** Thank you for your business!

| | | COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT 5845 State Hwy 20, Lucerne CA Abatement; Case #16-0045 APN #034-421-28 | | | | |
|------------|------------|---|------|---------|----------|------------------------|
| TASK SHEET | | | | | | |
| INIT | DATE | TASK | TIME | RATE | EXT | SUBTOTAL CUMULATIVE |
| mp/kf | 03/24/2016 | Initial Investigation/post NONOTA | 1.00 | \$77.36 | \$77.36 | \$77.36 |
| kf | 03/24/2016 | Post Summary Abatement Notice | 1.00 | \$41.11 | \$41.11 | \$118.47 |
| mp/kf | 04/04/2016 | Summary Abatement - SV | 1.00 | \$77.36 | \$77.36 | \$195.83 |
| mp/kf | 06/20/2016 | follow up site visit-send letter | 1.00 | \$77.36 | \$77.36 | \$273.19 |
| kf | 12/21/2016 | follow up site visit-req bids | 1.00 | \$41.11 | \$41.11 | \$314.30 |
| kf | 12/22/2016 | follow up site visit-after abatement | 1.00 | \$41.11 | \$41.11 | \$355.41 |
| jd | | Clerical Support | 1.50 | \$30.45 | \$45.68 | \$401.09 |
| jd | | Bid Prep, award of contract | 1.00 | \$30.45 | \$30.45 | \$431.54 |
| mp/kf | 01/24/2017 | Prepare Staff Report & attachments | 1.00 | \$36.25 | \$36.25 | \$467.79 |
| | | Certified Mail | 2.00 | \$6.74 | \$13.48 | \$481.27 |
| | | Sub Total Administrative Amount | | | | \$481.27 |
| | | Contractor Invoice(s); | | | | |
| | 03/31/2016 | Summary Abatement- Pioneer | | | \$400.00 | \$881.27 |
| | 12/22/2016 | Abatement - Pioneer | | | \$750.00 | \$1,631.27 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | TOTAL | | | | \$1,631.27 |