



Legislation Details (With Text)

File #: 24-735 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/27/2024 **In control:** BOARD OF SUPERVISORS

On agenda: **Final action:**

Title: 10:15 A.M. - HEARING - Consideration of Post-Abatement Hearing on Account and Proposed Assessment of Abatement; Located at 3112 Atholl Road, Lucerne (APN 034-373-01); Property Owner: Yvonne Cox

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. A - Property Map, 2. B - Photos from Sheriff's Office, 3. C - Notice of Nuisance and Order to Abate, 4. D - Red Tag, 5. E - Photos (6/1/23 and 6/20/23), 6. F - Health and Safety Violations Letter, 7. G - Last and Final Notice, 8. H - Post Abatement Site Photos, 9. I - Contractor's Invoice, 10. J - Task Sheet for Cost Recovery

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Memorandum

Date: July 9, 2024

To: The Honorable Lake County Board of Supervisors

From: Mireya G. Turner, Community Development Director
 Marcus Beltramo, Code Enforcement Manager

Subject: 10:15 A.M. - HEARING - Consideration of Post-Abatement Hearing on Account and Proposed Assessment of Abatement; Located at 3112 Atholl Road, Lucerne (APN 034-373-01); Property Owner: Yvonne Cox

Executive Summary: On June 29, 2023, Lake County Code Enforcement (CE) performed an abatement for the property located at 3112 Atholl Dr, Lucerne, CA (property) owned by Yvonne D. Cox. In accordance with Lake County Code Chapter 13, Article I, Section 13-42, the Board of Supervisors shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Board may make such modifications and revisions of the proposed account and assessment as it deems just and may order the account and proposed assessment confirmed or denied, in whole or in part or as modified and revised.

Property Information:

Property Owners: Yvonne D. Cox
 Zoning Designation: "R1" Single Family District
 Lot Type: Improved, with a manufactured home
 Tax Delinquency: Default date 6/30/2021 in the approximate amount of \$4,095.72

Investigation Background and Fact(s):

On March 23, 2023 - Code Enforcement received a complaint based on a referral from the Sheriff's Office: "The trailer on the property had exposed wiring at light switches and plug. The roof was leaking buckets full of water. The outside of the residence had a large pile of garbage resting on the ground, which was approximately six feet in height by approximately fifteen feet in diameter." **(Attachment B)**

On March 23, 2023, Code Enforcement issued a "Notice of Nuisance and Order to Abate" (NONOTA) against the property. The NONOTOA cited the following violation(s) of the Lake County Code: **(Attachment C)**

- LCC Chapter 13, Article, I, Section 13-3.1 (e) (7) - The existence of garbage, rubbish
- LCC Chapter 13, Article, I, Section 13-3.1 (e) (8) - Any items causing an unsightly appearance which is visible from the scenic corridor or public right of way or sites of neighboring properties or which provides harborage for rats and/or other vermin or creates other potential health hazard or public nuisance.
- LCC Chapter 13, Article, I, Section 13-3.1 (e) (5) - Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of Chapter 21.

More specifically, the following are the related code section(s) cited in connection or pursuant to Chapter 13, Article I, Section 13-3.1 (e) (5)):

- LCC Chapter 21, Article 41, Section 41.12 (a) - Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard.
- LCC Chapter 21, Article 41, Section 41.12 (b) (3) - outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one-half (1/2) mile of the pen storage area.

On March 29, 2023, Code Enforcement posted a "Do Not Occupy" red tag on the property for violation of the California Health and Safety Code 17920.3 (a) (5) lack of running water to plumbing fixtures in a dwelling unit. **(Attachment D)**

Between June 1, 2023, and June 20, 2023, Code Enforcement confirmed the property was still in violation as a substantial amount of trash and rubbish had accumulated in the front area of the property along Atholl Rd. Code Enforcement was allowed access to inspect the inside of the dwelling by the occupants of the property. Based on the inspection it was determined additional violations of the California Health and Safety Code 17920.3 existed for electrical not currently working properly in a good and safe condition, as only half the dwelling had working electric and extension cords were being used to convey electrical to the appliances located in the kitchen area and lack of running water to the fixtures. **(Attachment E and F)**

On June 7, 2023, the property owner was mailed a Last and Final Notice, along with a request for right-of-entry form, informing the property owner the property the violations noted in the March 23, 2023 NONOTA had not been corrected and that Code Enforcement was pursuing an abatement of the large pile of trash. **(Attachment G)**

Abatement:

As of June 27, 2023, the violations existing on the property were not corrected, nor was a request for hearing in front of the Board of Supervisors made by the property owners. Code Enforcement received no response from the property owner. The property owners failed to demonstrate substantial progress or any real intention to correct the violations. Due to the fact the large pile of trash created a health and safety issue for the surrounding properties, Code Enforcement obtained an inspection and abatement warrant and moved forward with an abatement to correct the violations existing on the property by removal **(Attachment H)**. Code Enforcement enlisted the services of Leonard's Hauling to perform the abatement. The cost of the abatement

is \$450.00 (**Attachment I**) plus administration fees in the amount of \$416.04 (**Attachment J**) for a total abatement cost of \$866.04.

Evidence:

- Attachment(s) -
- A - Property Map
 - B - Photos from the Sheriff's Office
 - C - Notice of Nuisance and Order to Abate
 - D - Red Tag
 - E - Photos from 6/1/23 to 6/20/2023
 - F - Health and Safety Violations Letter
 - G - Last and Final Notice
 - H - Post Abatement Photos
 - I - Contractor Invoice
 - J - Task Sheet (cost recovery)

County Witness(es):

Marcus Beltramo, Code Enforcement Manager
Norman Valdez, Code Enforcement Supervisor

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Purchasing Considerations (check all that apply):

Not applicable

- Fully Article X. <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI>- and/or Consultant Selection Policy <http://lcnnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+26+Procedures+Manual/Ch4_2021v2.pdf>-Compliant (describe process undertaken in "Executive Summary")
- Section 2-38 <https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOBI> Exemption from Competitive Bidding (rationale in "Executive Summary," attach documentation, as needed)
- For Technology Purchases: Vetted and Supported by the Technology Governance Committee <<http://lcnnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf>> ("Yes," if checked)
- Other (Please describe in Executive Summary)

Consistency with Vision 2028 <<http://www.lakecountyca.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

- Not applicable
- Well-being of Residents
- Economic Development
- Community Collaboration
- Public Safety
- Infrastructure
- Business Process Efficiency
- Disaster Prevention, Preparedness, Recovery
- County Workforce
- Clear Lake

Recommended Action: Staff recommends the Board of Supervisors approve a lien in the amount of \$866.04 and direct staff to record the lien against the property with the Lake County Records Office, and deliver recorded lien to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments.