



Legislation Text

File #: 24-384, Version: 1

Memorandum

Date: April 2, 2024

To: The Honorable Lake County Board of Supervisors

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

Subject: 10:00 A.M. - HEARING - Consideration of Request for Post-Abatement Hearing on Account and Proposed Assessment of Summary Abatement- Action of Recreational Vehicle on February 2, 2024; Located on State Highway 20, Clearlake Oaks

Executive Summary: Executive Summary:

On February 2, 2024, Lake County Code Enforcement (CE) removed a recreational vehicle (RV) owned by and registered to Bret Hill Jr. (Mr. Hill). The RV was abated through the Lake County summary abatement process because it was determined to be an immediate health and safety violation as it was leaking of raw sewage onto public property located Hwy 20 in Clearlake Oaks. On March 26, 2024, in accordance with Lake County Code (LCC) Chapter 13, Article I, Section 13-7, a hearing (appeal) before the Board of Supervisors was requested by Mr. Hill, the registered vehicle owner, regarding the post-summary abatement fines, fees, or penalties and the disposal of the RV. **(Attachment A)**

Investigation Background and Fact(s):

On Monday, January 29, 2024, while conducting proactive code enforcement as part of the Road Map Task Force Pilot Program, CE identified a recreational vehicle parked near Fountain Park in Clearlake Oaks. CE observed what appeared to be raw sewage leaking from the septic tank of the RV and a foul noxious odor emanating from what is believed to be human waste. Due to the nature of the violation, Lake County Environmental Health (EH) was contacted for their assessment of the situation. EH instructed Mr. Hill as to the actions that were required to correct the health and safety issue, specifically to take measures to stop the raw sewage from leaking onto the ground and the cleanup of sewage already spilled. Also, CE had reason to believe Mr. Hill was living in the RV on a permanent basis and posted a red tag to not occupy the RV as a permanent residence. **(Attachment D)**.

On Friday, February 2, 2024, Mr. Hill moved his RV to State Highway 20 in Clearlake Oaks where it was parked over a storm drain. Prior to CE arriving at the scene, California Highway Patrol (CHP) officers arrived and instructed Mr. Hill to move the RV. When CE arrived at the location, CE observed raw sewage leaking from the waste tanks of the RV onto the ground and into the storm drain. CE also observed dried expanding foam already covering the waste tanks on the RV, which Mr. Hill began to saw off from the waste tanks of the RV, which materials fell onto the ground and into the storm drain. He then proceeded to spray new

expanding foam around the tanks to try ineffectively prevent the leaking. The old foam and the not yet dry new foam were also dropping onto the ground and into the storm drain. After the passage of several hours, the RV had not moved from its location over the storm drain as instructed by CHP. **(Attachment E).**

EH Director Craig Wetherbee made a determination that the RV posed an immediate health and safety risk, with support from the County Public Health Officer (CPHO), Dr. Noemi Doohan. Based on this expert determination CE and EH made a request for summary abatement of the RV to the Community Development Director, District 3 Supervisor, and County Counsel, which was granted. The RV was then towed from the location by CE.

The RV is currently in the possession of the County and stored at a secure location. Mr. Hill was provided instructions on how to retrieve his personal property and the costs associated with retrieving the RV. On March 27, Mr. Hill was allowed access to the RV to obtain his personal property, which he retrieved. CE applied the lost and abandoned property standards of California Civil Code (CCC) section 2080.10 in its treatment of the RV and any property within it. The process of CCC §2080.10 requires that, when “a public agency obtains possession of personal property from a person for temporary safekeeping, the public agency shall do all of the following:

(1) Take responsibility for the storage, documentation, and disposition of the property.

(2) Provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property. The receipt and instructions shall either be given to the person from whom the property was taken at the time the public agency obtains the property or immediately mailed, by first-class mail, to the person from whom the property was taken...

(b) The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of...”

Within those 60 days, the owner of the personal property may retrieve the property or authorize in writing another person to retrieve the property.

Here, Mr. Hill contacted the County CE himself and personally retrieved his belongings from inside the RV. However, Mr. Hill refused, and continues to refuse, to pay the lawful charges incurred through the towing and storage of the RV. Should Mr. Hill fail to pay the abatement costs within the 60 days, CE would dispose of the RV in a manner consistent with the Lake County Code (LCC) Chapter 13, Article V, Section 13-38 which states: “Any vehicle or part removed pursuant to this chapter may be disposed of by removal to a scrap yard or licensed automobile dismantler's yard” or another final disposition consistent with the LCC.

In light of the foregoing, CE requests the Board of Supervisors deny the appeal and approve the disposal of the RV if Mr. Hill fails to pay the lawful charges related to the abatement.

Code violation(s):

LCC Chapter 13, Article I, Section 13-3.1 (e) (4) - Any condition detrimental to the public health or safety.

LCC Chapter 13, Article I, Section 13-31 (e) (5) - Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of Chapter 9.

LCC Chapter 9, Article III, Section 9-23.1 - No person shall cause or permit any part of the contents of any privy vault, cesspool, septic tank, building sewer, subsurface disposal system, alternative sewage disposal system, water closet, urinal, or of any other sink or cistern containing any product as defined under public

health hazard or any other substances, to flow, discharge or be deposited upon the surface of any lot or premises or of any public street or sidewalk or public place or into any storm drain, or into any stream, river, lake or tributary.

Lake County Rules and Regulations Section 1-20 (3) - Discharge of sewage is prohibited. Discharge of untreated or partially treated sewage or septic tank effluent, directly or indirectly onto the ground surface or into public waters, constitutes a public health hazard and is prohibited.

California Health and Safety Code 5410 (f) - Nuisance” means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during, or as a result of, the treatment or disposal of wastes.

Evidence:

Attachment(s) - A - Hearing Request of Brett Hill Jr.
B - Photos for ENF23-00328
C - Photo for ENF22-00694
D - Photos dated January 29, 2024
E - Photos dated February 2, 2024

County Witness(es):

Michael Herringshaw, Code Enforcement Officer
Norman Valdez, Code Enforcement Supervisor
Marcus Beltramo, Code Enforcement Manager
Dan Goold, Hazardous Material Specialist
Craig Wetherbee, Environmental Health Director

Case History

Code Enforcement has record of three (3) prior cases involving Hill and the subject RV:

- ENF23-00328 - Case setup on 3/27/2023 for inoperable vehicle. CE made a determination the RV was inoperable and there was evidence the RV was being occupied for permanent habitation purposes in an area not zoned for living in an RV. A “Do Not Occupy” red tag was posted on the RV. **(Attachment B).**
- On October 18, 2022, an appeal hearing was heard by the Board of Supervisors, which Mr. Hill was the appellant involving the property located 200 Hoover Street, Clearlake Oaks / ENF22-00694. **(Attachment C)**
- ENF 22-00329 - Complaint received on 4/12/2022 alleging “*Motorhome parked on street for 2 weeks with people living in it. Hooked up to electricity to house. MH is on first home address is 65 Hoover.*”

The cost of the summary abate is \$2,500 **(Exhibit B)**, plus storage fees which are still accruing. To retrieve the RV, Mr. Hill will need to pay/reimburse Code Enforcement for the tow costs and storage fees.

If not budgeted, fill in the blanks below only: N/A

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://lcnet.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>](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://lcnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf) <<http://lcnet.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.lakecountycalifornia.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

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

Recommended Action: Deny the appeal and approve the disposal of the RV if Mr. Hill fails to pay the lawful charges related to the abatement.