



**CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL**

<b>Short Name/Subject</b> Administrative Citation Karen M Piper 2101 Gold Strike Rd., San Andreas, APN 040-010-016	<b>Board Meeting Date</b> July 23, 2019	<b>Agenda Number</b> <b>6</b>
<b>Dept:</b> Building <b>Div:</b> Code Compliance <b>Contact:</b> Jeff White <b>Phone:</b> 209/754-6390	<b>Supervisory District Number</b> District 1	Consent Agenda
<b>Published Notice Required?</b> No <b>Public Hearing Required?</b> No		<b>Estimated Time:</b> 0 Minutes
<b>Type of Document?</b> Action Item <b>PowerPoint Presentation Included?</b> No <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Authorize County abatement and assessment lien for the recovery of costs of the abatement pursuant to Citation issued to Karen M Piper in case number 2157, related to the property located at 2101 Gold Strike Rd., San Andreas, APN 040-010-016.

**DISCUSSION/SUMMARY:**

Karen Piper, was issued a Notice of Violation, Order to Abate, Administrative Citation, and Fine for the following violations:

- CCC 8.06.060 – Public Nuisance**
- CCC 17.04.180 – Camping**
- CCC 17.04.210 – Junk, Debris & Junk Cars**
- CCC 17.04.170 – Dead Storage of Travel Trailers and RV's**

The notices and citations served on the owner and tenant contained clear descriptions of the violations found on the property and of the required remedial actions. The notices also provided notification of the right to appeal the citation. Code Compliance has not seen any appreciable remedial action having been taken and neither the property owner nor the occupants have requested an appeal within the time frames required. Code Compliance now seeks an order for abatement from the Board of Supervisors.

Code Compliance has a lengthy history of violations at this property, with the same property owners dating back to 2004 and include the same violations which continue to exist on the property.

**Procedural History**

1. Investigation and Initial Inspection  
 Code Compliance received complaints regarding multiple code violations on the parcel. Code Compliance drove out to the property to confirm the violations on

February 15, 2019. Code Compliance determined that violations currently existed on the property and on February 19, 2019, Code Compliance issued a Courtesy Notice for APN 040-010-016, 2101 Gold Strike Rd. San Andreas. The Courtesy Notice was mailed USPS certified and first class to the address of record with the county assessor office.

2. Notice of Violation Issued

On, May 23, 2019, the NOV was posted at the property and mailed USPS Certified and First-Class to the address of record with the County Assessor office. The Notice of Violation have 20 days from the date of posting to contact Code Compliance and or clean up the property.

3. Citation Issued

On, June 12, 2019, A Notice of Violation, Order to Abate, Administrative Citation, and Fine was issued. The Citation was posted at the property and mailed USPS Certified and First-Class to the address of record with the County Assessor office.

4. Phone Contact

On, June 20, 2019 at 4:25 PM a voicemail was left by Scott for Officer Davis

On, June 21, 2019 at 10:02 AM Officer Davis left a voicemail for Scott.

On, June 25, 2019 at 9:23 AM Officer Davis left a second voicemail for Scott.

## **Violations**

### **PUBLIC NUISANCE**

Alleged code violations exist under Calaveras County Code 8.06.060. It shall be unlawful for any owner, occupant, tenant, operator, or other person to cause or maintain a public nuisance on any premises. A public nuisance is defined as:

1. Any condition caused, maintained, or permitted to exist which constitutes a threat to the public health, safety, or welfare or which is injurious to the senses or which significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood, community, or to any considerable number of persons. A public nuisance also has the same meaning as set forth under the California Civil Code;
2. Any violation of the provisions of the Calaveras County Code as set forth in Titles 13, 15, and 17;
3. Any violation of the Uniform Building Code, Uniform Fire Code, Uniform Housing Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Administrative Code, or any other applicable law;
4. Any accumulation of junk, debris, or junk cars, as defined in Title 17, on any parcel of land within sight of any other parcel of land or public or private roads, and which is not enclosed within four walls and a roof; or
5. Any violation of the provisions of this chapter.

### **CAMPING ON PROPERTY**

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of Calaveras County Code 17.04.180 – Illegal Camping: Camping outside of designated camping

areas either in a recreation vehicle or other shelter or means is allowed for a continuous period of up to fourteen days or a cumulative period not to exceed thirty days in one calendar year. This section applies to campers, tents, travel trailers, vehicles, mobile homes or any other living unit(s).

Specifically, camping has occurred for more than (14) consecutive days and /or more than thirty (30) days in a calendar year.

Options to Abate:

1. Obtain a building permit which will permit you to camp on the property during construction of a permanent residence (this only applies to a new dwelling permit, maximum on year) or
2. Cease from camping on property over the limits provided by Calaveras County Code Section and place RV's into dead storage.

### **JUNK, DEBRIS & JUNK CARS**

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of Calaveras County Code 17.04.210 – Junk, Junk, Debris or Junk Cars: No property owner, tenant, occupant or other use of public or private property in the County shall permit or cause to accumulate junk, debris, or junk cars, as defined in Section 17.06.1030, on any parcel of land zoned Residential Agriculture (RA), Rural Residential (RR) or Single Family Residential (R1), Two Family Residential (R2) and Multiple Family Residential (R3) unless that junk, debris, or junk cars are completely enclosed within a structure with solid walls and a roof.

“Junk” means, and is not limited to, trash, refuse, paper, glass, cans, bottles, rags, ashes, trimming from lawns, yards, trees, shrubbery, including plants and leaves, and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles, vehicle parts, vehicle hulks; discarded furniture; dirt, rocks, and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill material.

Specifically, there are numerous vehicles stored outside of a structure on the parcel that are not currently registered and or road operable. The extreme accumulation of materials, inoperable appliances, parts, tools and numerous other items that fit the definition of junk are being stored outside of a structure around the property and the adjoining parcel.

Options to Abate:

1. Junk vehicles and/or junk and debris must either be placed in a structure with solid walls and a roof, or
2. remove from the property, or
3. In the case of junk vehicles, the vehicles must be made road operable, licensed, and registered with the Department of Motor Vehicles.

### **DEAD STORAGE OF TRAVEL TRAILERS & RV'S**

Alleged code violations exist under Calaveras County Code 8.06.060, through a violation of Calaveras County Code 17.04.170 – Dead Storage of Mobile Homes and Recreation Vehicles: A travel trailer or other recreation vehicle may be kept in dead storage on private property in any zoning district, provided that the unit is currently registered with the Department of Motor Vehicles.

Specifically, the conditions found to be in violation are the unlicensed travel trailers(s) or other recreational vehicle(s) on the property.

Options to Abate:

1. Contact the Department of Motor Vehicles to obtain current registration of any travel trailer or other recreation vehicle on the property, or
2. Store unit(s) inside of a structure that has 4 solid walls and a roof, or
3. Remove the unit(s) from the property.

### **Notice of Violations, Case Management, and Opportunities to Correct**

#### 1. Investigation and Initial Inspection

Code Compliance received complaints regarding multiple code violations on the parcel. Code Compliance drove out to the property to confirm the violations on February 15, 2019. Code Compliance determined that violations currently existed on the property and on February 19, 2019, Code Compliance issued a Courtesy Notice for APN 040-010-016, 2101 Gold Strike Rd. San Andreas. The Courtesy Notice was mailed USPS certified and first class to the address of record with the county assessor office. Attachment A.

#### 1. Phone Contact

Karen Piper called and spoke to Officer Reba Davis after receiving the Courtesy Notice in the mail. She agreed to meet with Officer Reba Davis on March 6, 2019 at the property to discuss what needed to be cleaned up.

#### 2. First Full Site Inspection

On, March 6, 2019, Code Compliance officer Reba Davis met with the property owner Karen Piper and her son Scott Piper and conducted an onsite inspection. The property had various types of junk and debris, cars, trucks, RV's, boats, appliances, mattresses, and tools. A lengthy and detailed discussion regarding all of the violations on the property was had and both Karen and Scott understood what needed to be done. Both Karen and Scott agreed that the household furniture and mattresses would be disposed of before the next inspection. There were multiple people on the property who were said to be helping with the clean-up. Karen said that Officer Davis could work directly with her son Scott and he would advise her of our conversations and agreements. An additional site inspection was scheduled for March 20, 2019 to verify any clean up progress. Attachment B.

#### 3. Phone Contact

On, March 21, 2019, Officer Davis was unable to reach Scott via phone to reschedule the site inspection. Officer Davis spoke to Karen Piper on the phone and the site inspection was changed to March 22, 2019.

#### 4. Second Full Site Inspection

On, March 22, 2019, Officer Davis met with Karen and Scott Piper at the property. Scott stated that he had made 4 trips to the dump and organized more of the items. Scott stated that he was giving his friends who were storing items on the property until this weekend to come and get their things and if they don't he will be renting a trailer or U-haul to take them to them or the dump. Officer

Davis saw that items had been moved around the property but was unable to determine what had actually been cleaned-up or removed from the property since significant clean-up progress was not apparent. The property was still grossly out of compliance. During the visit it was determined that there was camping occurring in at least one motorhome on the property. Officer Davis advised Scott on the County Camping regulations. There were multiple people on the property who were said to be helping with the clean-up. Scott agreed that when Officer Davis came back out in two weeks that he would have the motorhome in dead storage. The next site inspection was schedule for April 3, 2019. Attachment C.

5. Phone Contact

Officer Davis spoke to Karen on the phone who asked to reschedule the appointment to April 8, 2019 for many reasons including Scott was going to the bay area for a problem with a rental.

6. Third Full Site Inspection

On, April 8, 2019, Officer Davis met with Scott at the property. Scott had two people helping him clean up. It was discussed how not much had been removed and things were mostly just moved around the property. Scott agreed that things had not been cleaned as agreed and requested an additional 2 weeks to get things cleaned up. Officer Davis gave a 30 day time frame to have the property significantly cleaned up. Scott agreed and assured Officer Davis that he would have the driveway cleared and items put in the shop that he wanted to keep. Officer Davis advised Scott that after the 30 days she would come back out to the property to assess the progress and determine if a NOV would be issued because ample time to make progress has been given and he has not held up his end of the agreement. Scott agreed and was grateful for the 30 day time frame and said he would have the property cleaned up. Attachment D.

7. Phone Contact

On, May 7, 2019, Scott left a voicemail requesting a call back.

On, May 9, 2019 Officer Davis called Scott and left a voicemail requesting a call back.

On, May 15, 2019, Officer Davis spoke to Karen on the phone at 8:30am. She said they have been working on the clean-up but Scott has been sick. Officer Davis told Karen that she would call Scott and leave him a message but Karen needed to talk with Scott and call her back today with a day to come out there. Officer Davis told Karen that she had discussed with Scott 30 days to clean-up and then she would be issuing a NOV to them. Officer Davis called Scott at 8:35am and left him a voicemail requesting a call back and that a NOV would be issued if the property was not cleaned up. Office number left with date and time of call.

No call back was received from either Scott or Karen.

On, May, 21, 2019, Officer Davis left a voicemail for Scott at 9:15am requesting a call back.

8. Site Inspection from the road

On, May 23, 2019, Officer Davis drove out to the property and nothing appeared to be cleaned up.

9. Notice of Violation Issued

On, May 23, 2019, the NOV was posted at the property and mailed USPS Certified and First-Class to the address of record with the County Assessor office. The Notice of Violation have 20 days from the date of posting to contact Code Compliance and or clean up the property. Attachment E.

10. Update

On, June 11, 2019, a letter was delivered to the Code Compliance office. The letter was written by Karen Piper and requested 3 more weeks to clean up due to the weather. No proof of progress was provided with the letter. Officer Davis called Karen and offered to come out and look at the progress that has been made. Karen said that she would talk with Scott. Officer Davis asked Karen to call back by 12:00 PM, with a time for an inspection to take place on the 11<sup>th</sup> or 12<sup>th</sup> of June or a Citation will be issued. No call was received.

11. Citation Issued

On, June 12, 2019, A Notice of Violation, Order to Abate, Administrative Citation, and Fine was issued. The Citation was posted at the property and mailed USPS Certified and First-Class to the address of record with the County Assessor office. Attachment F.

12. Phone Contact

On, June 20, 2019 at 4:25 PM a voicemail was left by Scott for Officer Davis  
On, June 21, 2019 at 10:02 AM Officer Davis left a voicemail for Scott.  
On, June 25, 2019 at 9:23 AM Officer Davis left a second voicemail for Scott.

As of July 3, 2019, Code Compliance has not received proof of abatement or had any other communication from Karen or Scott Piper.

**Requested Order**

Government Code 25845 (b) states "the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the county, including but not limited to administrative costs, and any and all costs incurred in the physical abatement of the nuisance." Abatement, in this case, will include the removal of junk, debris, rubbish, and garbage, and any remaining Code violations which constitute a public nuisance.

The Administrative Citation issued in case #2157 has not been appealed; therefore there are no Administrative Hearing Board findings or resolution. Code Compliance submits the citation directly to the Board of Supervisors for authorization of abatement of all existing violations and placement of a lien on the property for the recovery of administrative costs and costs of abatement once known.

**FINANCING:**

Costs relating to enforcement actions are initially funded through the Code Compliance budget. Once abatement occurs, all costs of the abatement are reimbursed from the designated Nuisance Abatement Fund through assessment liens on the property that

are applied to the property tax roll.

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors authorize Code Compliance to abate all existing Code violations on the property and to place a lien on the property tax rolls for recovery of administrative costs and actual costs of abatement, once known.

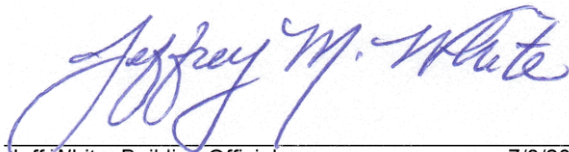
**ALTERNATIVES:**

The Board of Supervisors could decline to uphold the citation, authorize abatement, and placement of a lien but staff does not recommend this given that the conditions on the property constituting a public nuisance remain present.

**OTHER AGENCY INVOLVEMENT:**

Auditor/Controller; Treasurer/Tax Collector

**APPROVED BY:**



Jeff White, Building Official

7/3/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

7/3/2019



Albert Alt, County Administrative Officer

7/13/2019



Ethan Turner, Deputy County Counsel

7/15/2019