



## Legislation Text

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File #: 22-967, Version: 1

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*Report Prepared by: Ken Bogle, Community Service Officer, Merced Police Department*

**SUBJECT:** Compliance Order Hearing 1717 Laurel Ave

### REPORT IN BRIEF

The Property Owner failed to comply with the requirements of the Compliance Order issued on May 28, 2021. The City is seeking an administrative order to correct violations and payment of administrative penalties and costs and restitution.

### RECOMMENDATION

Issue an administrative order to correct violations, including a schedule for correction if appropriate. Order payment of administrative penalties, administrative costs, and restitution to the City of Merced.

### ALTERNATIVES

Within 15 days following conclusion of the hearing, the Board shall make findings as to each alleged violation supported by evidence received at the hearing.

1. If the Board finds by majority vote that the preponderance of the evidence demonstrates a violation has occurred and that the violation was not corrected within the time period specified in the compliance order, it shall issue an administrative order imposing any or all of the following:
  - a. An order to correct, including a schedule for correction where appropriate.
  - b. Administrative penalty for each violation in an amount not to exceed \$2,500.00 per day, the total of all penalties not to exceed \$100,000.00 exclusive of administrative costs, interest, and restitution for compliance inspections, due by a date certain.
2. If the Board finds no violation has occurred or that the violation was corrected within the time period specified in the compliance order, the Board shall issue a finding of those facts.
3. The Board may also provide for continuance of the Compliance Order to a future hearing date to provide additional time for the Property Owners to comply with the Compliance Order issued on May 5, 2021.

### Authority

The Merced Municipal Code determines that when a violation of any provision of this code occurs or exists, the enforcement officer may issue a written compliance order to the responsible party. If the enforcement officer determines that all violations have not been corrected, then a hearing will be set forth before the board. The Board will then consider any written or oral evidence consistent with its rules of procedure regarding the violation and compliance by the responsible party. A determination will then be made by the board regarding the hearing. (MMC 1.11)

## DISCUSSION

On July 1, 2020, Code Enforcement received a citizen complaint for this Property being an eyesore in this area regarding inoperable vehicles, no yard maintenance, piles of tires and debris in the yard and misc. items blocking the sidewalk. Code Enforcement visited the Property and found multiple inoperable vehicles in the driveway with discarded tires and misc. items in the front of the Property. Additional reports of abandoned or stored vehicles in the backyard which is visible from the GIS Map or Google Maps. Letters were sent to the Property Owner regarding the condition of this residence for the vehicle violations including the trash and debris that this Property has accumulated. Numerous visits were conducted in 2020 in attempts to gain compliance, but the Property only covered up the mess by placing a four (4) foot fence in the middle of the yard. Additional items such as mattresses, appliances and pallets were documented in the front yard of this unmaintained property. Multiple citations were issued for continued disregard on this blighted Property.

After Owner contact on Dec. 28, 2020, we attempted to work with the Property to gain voluntary compliance allowing time for him to correct all the violations. By March 30, 2021, the Property was back tracking and was worse than before. Enormous amounts of junk, furniture, garbage, and more found in the front yard. Noncompliant vehicles throughout the yard and Owner not making progress to abate the violations. On May 21, 2021, a consent inspection with the son-in-law (Pablo) was conducted viewing the full property including a converted garage area. A Compliance Order was issued in attempts to get the Property to abate all violations.

Several months went by with the Property looking to abate all violations from the previously issued Compliance Order. Unfortunately, the Property did relapse with vehicle violations and lack of progress on their permit inspections for their remodel. Code Enforcement attempted to work with the Owner giving numerous extensions over the last 1.5 years for the Compliance Order. With the initial permit pulled June 2020, we have yet to see an inspection done regarding this remodel project.

After multiple emails to Pablo trying to get a final timeline, a visit to the Property on November 18, 2022, revealed two individuals staying inside an unfinished remodel with exposed outlets, extension cords running to the bedroom, bathroom still being worked on, exposed walls and wiring. It was clear that the Owner was not handling the repairs appropriately or in a timely manner.

The Owner has improperly worked on the residence with no permit inspections, continued living in a substandard residence, working on noncompliant vehicles, storing appliances and other miscellaneous items throughout the Property behind an improper fence line. We request that the Property Owner properly: get repairs completed on the remodel, abate all nuisance violations regarding vehicles, trash, fence, appliances, etc. and bring the residence back into a full habitable state to live in or to remove completely. Additionally, we seek payment of administrative penalties, administrative costs, and restitution to the City of Merced.

## ATTACHMENTS

1. Map
2. Photos
3. Compliance Order
4. Case File Notes

- 5. Letters
- 6. Citations
- 7. Certified Mailings