

Appeal of Hearing Officer Decision

August 14, 2012



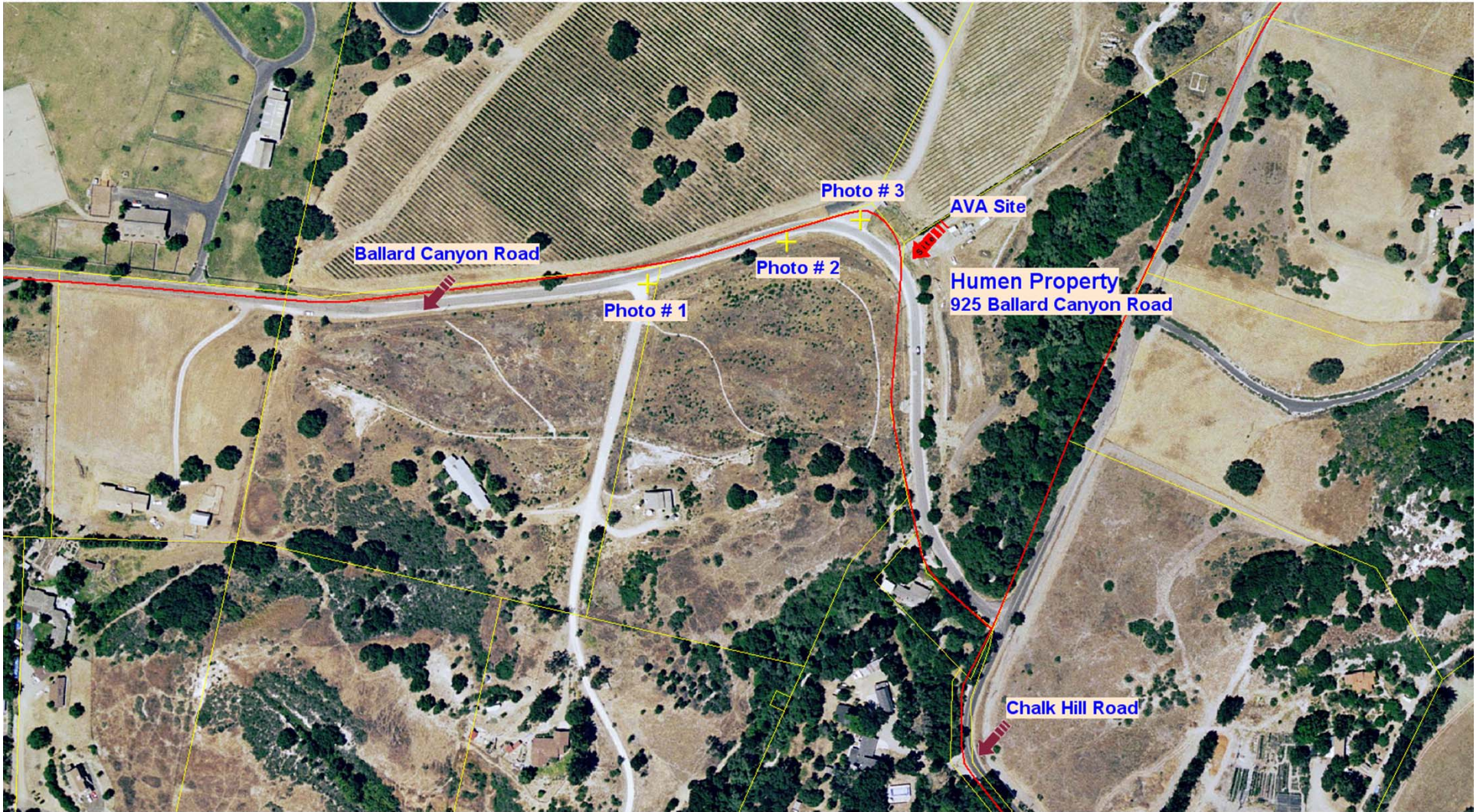
Appeal of Hearing Officer Decision

- Chapter 23, Article III of SB County Code authorizes BOS to remove
 - abandoned,
 - wrecked,
 - dismantled or
 - inoperativevehicles or parts thereof from private property as public nuisances



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- Nov. 2011: Received two separate complaints from property owners re:
 - Inoperable vehicles at 925 Ballard Canyon Road
- Code Enforcement Officer conducted road inspection - 3 vehicles are visible and appear inoperable
- Dec. 2011: Notice of Complaint sent to property owner (John Humen)











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- Jan – Feb 2012: series of correspondence requesting site visit which was not granted
- Mar 2012: Notice of Intention to Abate Inoperable Vehicles issued to property owner
- Mar 2012: Mr. Humen requests hearing re: abatement of vehicles
- Apr 11, 2012: Hearing held
 - Mr. Humen chose to submit documentation in lieu of attending hearing



Appeal of Hearing Officer

- Based on information presented, Hearing Officer issued decision – April 16, 2012
 - Found no basis to discharge the violations issued on March 1, 2012 (Notice of Intention to Abate)
 - Vehicles to be abated by the County unless property owner does either of the following before May 11, 2012:
 - Remove 3 vehicles identified in Abatement Notice, or
 - Demonstrate vehicles' operability in presence of Code Enforcement Officer



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- April 2012: Mr. Humen requests to appeal decision of Hearing Officer to BOS
- August 6, 2012: roadway inspection shows vehicles have not been removed



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Recommendation:

a) Affirm Hearing Officer Decision and direct property owner to do one of the following actions within 15 days of this hearing:

- Remove the 3 vehicles included in the violation from public view (visible from public roadway or adjoining property), or
- Demonstrate the vehicles' operability in the presence of a Code Enforcement Officer



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Recommendation (continued):

- b) If property owner does not abide by above items within 15 days of this hearing, authorize staff to:
- Contract for a 3rd party to abate and dispose of the vehicles,
 - Invoice property owner for County costs,
 - If invoice not paid within 30 days, assess administrative and vehicle removal costs on property pursuant to County Code sections 23-27 and 23-29 and transmit to tax collector for collection