

ATTACHMENT C

Notice of Violation and Administrative Civil Penalty



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street Eureka CA 95501
Fax (707) 268-3792 Phone (707) 476-2429

March 29, 2019

Bobby Marks
46280 State Hwy 36
Bridgeville, CA 95526

Re: Service of a Notice to Abate Nuisance and
Notice of Violation and Proposed Administrative Civil Penalty;
46280 State Hwy 36, Bridgeville
APN: 208-341-024

Dear Bobby Marks,

The Code Enforcement Unit recently inspected your above described property and observed violations of County Code. We are serving you with the attached *Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty* for the following violations:

371-2: *Maintaining a Junkyard*

Consequently, the Code Enforcement Unit has elected to enforce a *Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty* against your property.

The attached *Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty* spells out the enforcement actions that can be taken to try and bring the property into compliance with County code.

If you have any questions or concerns about these documents or the code enforcement process in general, please feel free to call our office at (707) 476-2429. We look forward to hearing from you.

Sincerely,

Karen Quenell
Investigator

Enclosures: Notice to Abate Nuisance
Notice of Violation and Proposed Administrative Penalty



COUNTY OF HUMBOLDT
CODE ENFORCEMENT
UNIT
3015 H Street
Eureka, California 95501
(707) 476-2429

NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY

[Humboldt County Code §352-7]

Address of Affected Property:

46280 State Hwy 36, Bridgeville, CA 95526

Assessor's Parcel Number:

208-341-024

Owner:

Bobby and Virginia Marks
46280 State Hwy 36
Bridgeville, CA 95526

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Violation" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "violation" pursuant to Humboldt County Code Section 352-3(t).

YOU HEREBY ORDERED to **CORRECT** or **OTHERWISE REMEDY** said violation within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Violation" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty, a daily administrative penalty of **Ten Thousand Dollars (\$10,000.00)** will be imposed for a period of up to ninety (90) calendar days pursuant to Humboldt County Code Section 352-5.

NOTICE IS FURTHER GIVEN that each calendar day the violation occurs, continues or exists between the date on which the civil administrative penalty is imposed and the date on which the violation is corrected or otherwise remedied shall constitute a separate violation up to the ninetieth (90th) calendar day.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of this Notice of Violation and Proposed Administrative Civil Penalty.

NOTICE IS FURTHER GIVEN that an appeal of the Code Enforcement Unit's determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty must be prepared using the form attached hereto as "Attachment C – Administrative Civil Penalty Appeal Hearing Request Form," and signed under penalty of perjury.

NOTICE IS FURTHER GIVEN that, upon receipt of an appeal of the determination that a violation has occurred or exists and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in Humboldt County Code Section 352-9.

NOTICE IS FURTHER GIVEN that the date of the Administrative Civil Penalty Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Appeal Hearing is served.

NOTICE IS FURTHER GIVEN that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect the full amount thereof, along with any and all administrative costs and/or attorney's fees associated therewith, as follows:

Within ten (10) calendar days after the service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed; or

Within twenty (20) calendar days after the service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in California Government Code Section 53069.4(b)(1)-(2); or

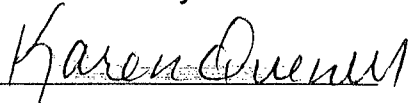
Within ten (10) calendar days after the service of the Humboldt County Superior Court's decision regarding the hearing officer's imposition of the final administrative civil penalty, if the Court finds in favor of the Code Enforcement Unit.

NOTICE IS FURTHER GIVEN that the final administrative civil penalty, along with any and all administrative costs and/or attorney fees associated therewith, may become a lien against the property on which the violation occurred or exists that has the same force, effect and priority of a judgement lien governed by the California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in the California Code of Civil Procedure Sections 683.110 et seq.

NOTICE IS FURTHER GIVEN that an additional Notice of Violation and Proposed Administrative Civil Penalty can be served upon you, if the violation occurs, continues or exists after ninety (90) days from which the initial civil administrative penalty is imposed.

For the Humboldt County Code Enforcement Unit

Signature: Karen Quenell



Title: Investigator

Name: Karen Quenell

Date: March 29, 2019

ATTACHMENT A
CONDITIONS CONSTITUTING A NUISANCE

County Code	Description	Corrective Action	Violation Category	Daily Administrative Civil Penalty
371-2	Maintaining a Junkyard	Cease all operations and remove and dispose of all inoperable vehicles, imported waste, inoperable machinery and salvaged materials and debris in a proper and legal manner and/or contain salvaged materials and debris within a legal structure.	4	\$ 10,000

ATTACHMENT B

Escrow Number: 182735 GK/cd

EXHIBIT "A"

DESCRIPTION:

That real property situated in the State of California, County of Humboldt, described as follows:

PARCEL A

Parcel 19, as shown on the Map of Tract No. 289 (Cobb Station) filed in the office of the Humboldt County Recorder in Book 19 of Maps, pages 27 through 33 inclusive.

RESERVING THEREFROM easements for utilities together with overhang and anchor easements, as required for the benefit of Parcels 1 through 24 inclusive, in and over those strips of land along property lines as shown on said map.

PARCEL B

Easements for utilities, together with overhang and anchor easements as required in and over those strips of land along the property lines of Parcels 1 through 24, as shown on said map.

**ATTACHMENT C
ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING
REQUEST FORM**

Address of Affected Property:
46280 State Hwy 36, Bridgeville, CA 95526

Assessor's Parcel Number:
208-341-024

To: Humboldt County Code Enforcement Unit
3015 H Street
Eureka, California 95501

Pursuant to Humboldt County Code Section 352-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a violation has occurred or exists on the above-referenced property and/or the amount of the proposed administrative civil penalty.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

[Brief statement of the material facts that the requesting party claims support the contention that a violation has not occurred, and/or does not exist, on the affected property, if applicable]:

[Brief statement of the material facts that the requesting party claims support the contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable]:

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property and/or the amount of the proposed administrative penalty]:

Name: _____

Address: _____

City, State: _____

Telephone Number: _____

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: _____

Name: _____

Date: _____

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, Branden Howton, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Planning and Building Department; 3015 H St., Eureka, California; that on March 29, 2019, I served a true copy of NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTIES.

_____ by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below:

_____ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

X _____ by personally posting a true copy thereof on wooden post near entrance to premises located at:
46280 State Highway 36, Bridgeville, CA 95564
APN: 208-341-024 GPS: 40.47898, -123.57129

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

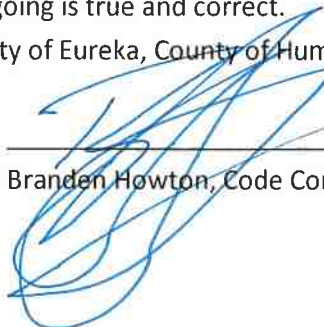
_____ by fax as set forth below:

_____ by electronic service as set forth below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of April, 2019, in the City of Eureka, County of Humboldt, State of California.

Branden Howton, Code Compliance Officer



PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on March 29th 2019 I served a true copy of the **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.**

XXX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class and Cert.)

Bobby Marks
46280 State Hwy 36
Bridgeville, CA 95526

_____ by personally hand delivering a true copy thereof to the occupant at the premises located at:

_____ by personally posting a true copy thereof on the premises located at:

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 29 day of March, 2019, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TASHEENA EVENSON, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Planning and Building Department, 3015 H Street, Eureka, California; that on March 29th 2019 I served a true copy of the **NOTICE TO ABATE NUISANCE AND NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.**

XXX by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class and Cert.)

Virginia Marks
46280 State Hwy 36
Bridgeville, CA 95526

_____ by personally hand delivering a true copy thereof to the occupant at the premises located at:

_____ by personally posting a true copy thereof on the premises located at:

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 29 day of March, 2019, in the City of Eureka, County of Humboldt, State of California.



Tasheena Evenson - Code Enforcement Legal Office Assistant