



# COUNTY OF HUMBOLDT

For the meeting of: 5/23/2023

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File #: 23-644

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Summarily Approve Three Administrative Civil Penalty Assessments on Properties Located at 240 Central Ave. Fields Landing, APN: 306-033-003, Case 16CEU-64; 4092 Excelsior Rd. Eureka, APN: 018-142-006, Case CE21-1285 and 2919 Harris St. Eureka, APN: 016-232-003, Case CE21-1041

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve the proposed Administrative Civil Penalty Assessment in the amount of \$9,767.27 on the property located at 240 Central Ave. Fields Landing (APN 306-033-003) which contains violations of Humboldt County Code Sections 354-1, 521-4 and 311-10.1 in accordance with Section 352-20 titled Summary Approval of Proposed Administrative Civil Penalty Assessments of Title III, Division 5, Chapter 2 of the Humboldt County Code; and
2. Approve the proposed Administrative Civil Penalty Assessment in the amount of \$5,299.90 on the property located at 4092 Excelsior Rd. Eureka (APN 018-142-006) which contains violations of Humboldt County Code Section 314-43.3.6 in accordance with Section 352-20 titled Summary Approval of Proposed Administrative Civil Penalty Assessments of Title III, Division 5, Chapter 2 of the Humboldt County Code; and
3. Approve the proposed Administrative Civil Penalty Assessment in the amount of \$11,635.02 on the property located at 2919 Harris St. Eureka (APN 016-232-003) which contains violations of Humboldt County Code Sections 354-1 and 521-4 in accordance with Section 352-20 titled Summary Approval of Proposed Administrative Civil Penalty Assessments of Title III, Division 5, Chapter 2 of the Humboldt County Code.

**SOURCE OF FUNDING:**

Property Owner

**DISCUSSION:**

The Board of Supervisors is being asked to summarily approve the proposed Administrative Civil Penalty Assessments against three properties which have been non-compliant to notices from the county requiring abatement of nuisances and correction of code violations related to various Humboldt County Codes.

Humboldt County Code Section 352-14 states “*The Code Enforcement Unit shall acquire jurisdiction to collect the final administrative civil penalty along with any and all Administrative Costs and/or Attorney’s fees associated therewith as follows:*

*(1) Within ten (10) calendar days after 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 as set forth in this Chapter; or*

*(2) Within twenty (20) calendar days after 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 this Chapter and California Government Code Section [53069.4](#)*

*[<https://humboldt.county.codes/CA/GOV/53069.4>](https://humboldt.county.codes/CA/GOV/53069.4) (b)(1)-(2); or*

*(3) Within ten (10) calendar days after 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 against the Appellant.”*

Humboldt County Code Section 352-20 states “*If an objection to the proposed assessment is not filed by a Responsible Party within ten (10) calendar days after service of the Notice of Administrative Civil Penalty Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding an Administrative Civil Penalty Assessment Hearing.*”

1. **Gerald McGuire** is the property owner of the real property located at 240 Central Ave. Fields Landing (APN 306-033-003).
  - 354-1 Junk and/or inoperable vehicles
  - 521-4 Improper storage and removal of solid waste
  - 311-10.1 Property/Building Use in violation of zoning codes

Mr. McGuire requested an appeal hearing in response to the Notice to Abate Nuisance (NTA) and Notice of Violation and Proposed Administrative Civil Penalty (NOV) served for the violations listed above. The appeal hearing was held on September 9, 2022. On November 14, 2022, the property owner was served with the Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty (Finding and Order) issued by the Hearing Officer. The Finding and Order imposed an Administrative Civil Penalty in the amount of \$4,200.00 and allowed for 30 days to complete the corrective actions. See Attachment A. An inspection on February 2, 2023, found the property to be out of compliance with the Finding and Order issued by the Hearing Officer. As of March 8, 2023, the amount of the Administrative Civil Penalty issued by the Hearing Officer had not been paid. Subsequently, a Notice of Administrative Penalty Assessment was prepared and served to the property owner that included the imposed penalty of \$4,200.00 plus the Administrative Costs (\$5,567.27) for a

total assessment of \$9,767.27. See Attachment B. No appeal was received.

2. **Yesenia Ramirez and Russell Moxon** are the property owners of the real property located at 4092 Excelsior Rd. Eureka (APN 018-142-006).

- 314-43.3.6 Animal Keeping - Animal Enclosure Setbacks

The property owners requested an appeal hearing in response to the NTA and NOV served for the violation listed above. The appeal hearing was held on September 9, 2022. On November 14, 2022, the property owners were served with the Finding and Order issued by the Hearing Officer. The Finding and Order imposed an Administrative Civil Penalty in the amount of \$1,250.00 and allowed for 30 days to complete the corrective actions. See Attachment C. An inspection on January 24, 2023, found the property to be out of compliance with the Finding and Order issued by the Hearing Officer. As of March 22, 2023, the amount of the Administrative Civil Penalty issued by the Hearing Officer had not been paid. Subsequently, a Notice of Administrative Penalty Assessment was prepared and served to the property owners that included the imposed penalty of \$1,250.00 plus the Administrative Costs (\$4,049.90) for a total assessment of \$5,299.90. See Attachment D. No appeal was received.

3. **Bruce Merideth** is the property owner of the real property located at 2919 Harris St. Eureka (APN 016-232-003).

- 521-4 Improper storage and removal of solid waste
- 354-1 Junk and/or inoperable vehicles

The property owner was served a NTA and NOV on April 4, 2022. No contact was made by the property owner and no appeal was requested. Subsequently, a Notice of Administrative Penalty Assessment was prepared and served to the property owner that included \$11,250.00 (\$125 per day for 90 days) plus \$385.02 in Administrative Costs for a total of \$11,635.02. See Attachment E. No appeal was received. An inspection on May 3, 2023, found the property to still be non-compliant with the noticed violations.

Each entity has received proper notices in accordance with Title III, Division 5 which included notification by first class certified mail, posting to the property, and/or legal notices published in the local newspaper. The Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty were served in accordance with County Code section 351-7 via first class certified mail and posting on the properties. This was after repeated attempts to compel voluntary compliance. Two of the cases requested and received Appeal Hearings where the Hearing Officer found in favor of the county. As a final attempt in the communication process, the property owner(s) were served a Notice of the Administrative Civil Penalty Assessment. None of the listed property owners have responded to this notification in a timely manner.

Attempts to compel the property owners to respond to the notices, abate the nuisances and correct the code violations, and comply with Humboldt County Code section 314-55.4 and other applicable code sections have been unsuccessful. As a result, the proposed Administrative Civil Penalty Assessments

are now before your Board to be approved. The next steps prescribed in Humboldt County Code section 352-21, *et seq.* include:

- a) Issuance of Notice of Administrative Civil Penalty Lien to each Responsible Party.
- b) Imposition of Administrative Civil Penalty Lien. The lien will be recorded 45 days after the service of the Notice of Administrative Civil Penalty Lien is served on the Responsible Party. Once the lien is recorded, interest begins to accrue on the lien.
- c) Humboldt County Code section 352-23(d) states the “Administrative Civil Penalty Lien may be foreclosed and the real property subject to such lien sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgement to foreclose.”

All three of these property owners have had opportunities to address the code violations on their property under terms that would have avoided any administrative civil penalties. It is due to the property owners lack of response that administrative civil penalties have accrued.

In each case, the amount of the administrative civil penalty is a result of the number of violations on the property. Based upon these factors, it is recommended that the Board of Supervisors summarily approve the Proposed Administrative Civil Penalty Assessment for each property.

#### FINANCIAL IMPACT:

The cost of preparing the case and serving the notices has been included as administrative costs in accordance with established policies and code sections. The administrative staff costs have been budgeted in the salaries and expenses of budget unit 1100-269 (Code Enforcement). In the event that the property owners fail to pay the final assessment, the administrative civil penalty assessment will be recorded as a lien on the property pursuant to the timeline and procedures specified in the County Code and if necessary, the assessment will be returned to the Humboldt County upon the sale of the property.

#### STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by enforcing laws and regulations to protect residents

#### OTHER AGENCY INVOLVEMENT:

None

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could approve issuance of Administrative Civil Penalty Assessment for all, some or none of the properties listed.

#### ATTACHMENTS:

Attachment A - McGuire Finding and Order  
Attachment B - McGuire Notice of Administrative Civil Penalty Assessment

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Attachment C - Ramirez/Moxon Finding and Order  
Attachment D - Ramirez/Moxon Notice of Administrative Civil Penalty Assessment  
Attachment E - Merideth Notice of Administrative Civil Penalty Assessment

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A