



COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**K-1**

For the meeting of: **August 23, 2016**

Date: **August 8, 2016**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit**  
**Blair Angus, Assistant County Counsel** *BA*

Subject: **Administrative Abatement Hearing**  
**Monique Parker**  
**301 Church Lane, Carlotta, California, AP# 206-441-004**

RECOMMENDATION(S):

That the Board of Supervisors, pursuant to Humboldt County Code sections 351-21 and 351-22

- (1) Open the hearing.
- (2) Hold an administrative hearing to determine whether a public nuisance exists on the subject property.
- (3) Adopt the attached Findings of Nuisance and Order of Abatement consistent with the evidence presented at the hearing.
- (4) Close the hearing.

SOURCE OF FUNDING:

Costs to prepare this agenda item and address the nuisances described to date have been born by the General Fund. The action before your Board may result in the recovery of some or all of these costs.

Prepared by Jason Sheets and Jeff Conner CAO Approval *Goshier Hayes*

REVIEW:	Auditor	County Counsel <u><i>BA</i></u>	Personnel	Risk Manager	Other
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Bahn* Seconded by Supervisor *Fennell*

Ayes *Sundberg, Fennell, Lovelace, Bahn, Bass*

Nays

Abstain

Absent

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Aug. 23, 2016*

By: *Kathy Hayes*

**Kathy Hayes, Clerk of the Board**

DISCUSSION:

This matter is before your Board sitting as a quasi-judicial tribunal to make a finding that a nuisance does or does not exist on the property.

Humboldt County Code §351-2 defines a “nuisance” as including:

- “(a) Any condition declared by any statute of the State of California or ordinance of the County of Humboldt to be a nuisance....
- (c) Any condition, act, or failure to act, which is dangerous to human life, or unsafe or detrimental to the public health or safety.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county.”

On April 5, 2016, the Code Enforcement Unit (CEU) received a referral from the Division of Environmental Health concerning the property at 301 Church Lane in Carlotta (hereinafter referred to as the Property). The referral alleged that there were violations of County Code dealing with the improper storage and removal of solid waste. An inspection warrant was served on the Property on June 13, 2016. The inspection found evidence of numerous violations of County Code including large and significant quantities of solid waste, significantly more than two hundred square feet of “material,” numerous junk vehicles including recreational vehicles, the lack of an approved sewage disposal system and the placement of three metal storage containers without permits. The Property lies in close proximity to the Van Duzen River. Les Parker, the son of the owner, was present during the inspection and expressed a desire to alleviate some of the conditions on the property, but did not appear to have the means or energy to do so. On June 28, 2016, a Notice of Nuisance was served on the owner and the document was recorded on June 29, 2016, at the Humboldt County Recorder’s Office.

On July 28, 2016, the CEU conducted a second inspection of the Property. There was no indication that any attempt to abate the violations had been made. A member of the Parker Family had informed the CEU that Les Parker was no longer living on the Property and no evidence was found contrary to this statement.

The CEU believes that an Order of Abatement is necessary to ensure timely corrective action of the violations. The Order of Abatement is based on the following:

1. The violations are still present on the Property include conditions that violate both state and local law.
2. The violations are: Humboldt County Code Sections 331-2, construction without permits; 352-26, junk vehicles; 371-2, maintaining a junkyard; 521-4, the improper storage and removal of solid waste; and 611-3, an unapproved sewage disposal system.
3. The violations have created conditions that are unsafe and detrimental to the public health and safety, and constitute a public nuisance, which should be abated.

Therefore, the CEU requests that your Board find that a nuisance exists on the Property and order the property owner to abate the nuisance within thirty days of the service of the attached Findings of Nuisance and Order of Abatement.

FINANCIAL IMPACT:

If your Board adopts the proffered recommendations, there will not be an immediate financial impact. However, if the owners of the property do not complete the necessary actions within the time allotted by your Board, then the CEU will have the authority to abate the violations. The Code Enforcement Trust Fund is the primary source of monies for abatements conducted by the CEU. The balance of the Code Enforcement Trust Fund is currently about \$41,000. However, there are several potential expenditures on other abatements that have either been ordered by your Board or will be presented to your Board in the near future.

Today's recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

OTHER AGENCY INVOLVEMENT:

None at this time

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Find that a public nuisance does not exist, and terminate the abatement proceeding. This alternative is not recommended as there are serious violations of State and County code on the Property that are impacting the health, safety and welfare of the public including the person occupying the property.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet

**Administrative Abatement Hearing**

In Re: Monique Parker  
301 Church Lane, Carlotta, California; AP# 206-441-004

**ATTACHMENT "A"**

Findings of Nuisance & Order of Abatement

**BOARD OF SUPERVISORS  
COUNTY OF HUMBOLDT**  
825 FIFTH STREET  
EUREKA, CALIFORNIA 95501    PHONE (707) 445-7471

**FINDINGS OF NUISANCE & ORDER OF ABATEMENT**

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In Re: Abatement Hearing

Monique Parker  
301 Church Lane, Carlotta, California; AP# 206-441-004

August 23, 2016

WHEREAS, Humboldt County Board of Supervisors (Board) considered the evidence concerning conditions on the subject property, including relevant documents, writings, codes, ordinances and oral testimony; and

WHEREAS, the Board declares that the conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood

*Now therefore the Board Finds:*

1. The property located at 301 Church Lane, Carlotta, California is located in a Agriculture: General zone, in the unincorporated area of Carlotta, Humboldt County, California, referred to as Assessor's Parcel No. 206-441-004; and

2. The staff of the Code Enforcement Unit for the County of Humboldt confirmed the existence of violations on the property; and

3. The property owner was served with a Notice of Nuisance pursuant to Humboldt County Code §351-12 &13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owner has had significant and reasonable time to correct all violations but has refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owner was served with a Notice to Abate Nuisance pursuant to Humboldt County Code §351-15; to wit, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owner was sent a certified letter containing the Notice to Abatement Nuisance with the date and time of the hearing; and

6. The property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County; and

7. The violations still exist at the property and the property remains in violation of Humboldt County Code Sections 331-28, construction without permits; 352-26, junk vehicles; 371-2, maintaining a junkyard; 521-4 the improper storage and removal of solid waste; and 611-3, an unapproved sewage disposal system; and

8. The conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood.

*NOW, THEREFORE, IT IS HEREBY:*

**ORDERED:**

1. The forgoing findings, including the findings of conditions constituting a public nuisance on the subject property, are incorporated herein by reference and made a part hereof;
2. That the property owner abate all violations of the Humboldt County Code as described above. The property owner shall take the following actions:

§331-28      Construction without permits  
*Corrective Actions:* a) Apply for and obtain a building permit for the metal storage containers and/or  
b) Remove the containers

§352-26      Junk vehicles  
*Corrective Actions:* a) Restore vehicles to operative condition and/or  
b) Remove inoperable vehicles and/or  
c) Store inoperable vehicles within an enclosed structure



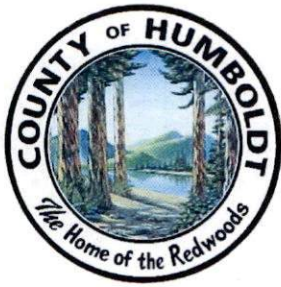
**Administrative Abatement Hearing**

In Re: Monique Parker  
301 Church Lane, Carlotta, California; AP# 206-441-004

**ATTACHMENT "B"**

Exhibit Packet





CODE ENFORCEMENT UNIT  
**COUNTY OF HUMBOLDT**  
825 Fifth Street, Eureka, California 95501  
Telephone (707) 476-2429 - - Telecopier (707) 445-6297

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In Re: ADMINISTRATIVE PENALTY HEARING

Case No. 16CEU-24

COUNTY v. MONIQUE J. PARKER

A.P. No. 206-441-004

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August 23, 2016  
1:30 p.m.

**EXHIBIT PACKET**

The following exhibits are submitted on behalf of the Code Enforcement Unit in the above-referenced matter:

EXHIBIT A-- Location map (2 pages)

EXHIBIT B-- Grant Deed (2 pages)

EXHIBIT C-- Notice of Nuisance dated June 29, 2016 with Proof of Service (6 pages)

EXHIBIT D-- Notice to Abate Nuisance dated August 3, 2016 (4 pages)

EXHIBIT E - Copies of relevant sections of Humboldt County Code [§§ 521-4, 611-3, 352-26, 371-2, and 331-28] (9 pages)

EXHIBIT F-- Photographs of subject property; June 13, 2016 (9 Pages)

Dated: *8/16/2016*

CODE ENFORCEMENT UNIT

  
\_\_\_\_\_  
Jason Sheets  
Deputy County Counsel

Administrative Abatement Hearing, County v. Monique J. Parker  
A.P. No. 206-441-004

**EXHIBIT "A"**

Location Maps



20616101

Van Duzen River

20617104

20644101

20644102

20644103

20644104

20644105

CHURCH

20644121

20644106

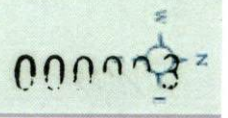
20644145

20644143

20644120

20644119

20644107



Administrative Abatement Hearing, County v. Monique J. Parker  
A.P. No. 206-441-004

**EXHIBIT "B"**

Grant Deed

000004

RECORDING REQUESTED BY  
Humboldt Land Title Company  
WHEN RECORDED RETURN TO  
AND MAIL TAX STATEMENTS TO:

Name: **Monique J. Parker as Trustee**  
Address: **7336 Lugo  
Paramount, Calif. 90723**

**2009-24862-2**

Recorded — Official Records  
Humboldt County, California  
Carolyn Crnich, Recorder

Recorded by HUMBOLDT LAND TITLE CO.  
Rec Fee 10.00  
Doc Trf Tax 60.50  
Survey Mon 10.00  
Clerk: MM Total: 80.50  
Nov 10, 2009 at 15:18

Order No. **00132922-001-FN**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S)  
UNINCORPORATED AREA  
Parcel No. 208-441-004

Documentary Transfer Tax is \$60.50

computed on full value of interest or property conveyed, or  
 full value less value of liens or encumbrances remaining at  
the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Jill O'Connell, as Trustee of the Jill O'Connell Living Trust dated February 14, 1990  
hereby GRANT(s) to  
Monique J. Parker, as Trustee of the Monique J. Parker Living Trust dated January 18, 2001  
the following real property in the unincorporated area:  
County of Humboldt, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: October 5, 2009

Jill O'Connell as Trustee

State of California  
County of Humboldt

On October 6, 2009 before me, Roxanne Bennett  
a Notary Public, personally appeared \_\_\_\_\_  
\*\*\* Jill O'Connell \*\*\*

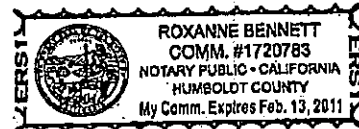
who proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s)  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Roxanne Bennett

My commission expires: 2-13-2011



(This area for official notarial seal)

①

000005

Exhibit A

DESCRIPTION

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

Said parcel being a portion of Section 31, Township 2 North, Range 2 East, Humboldt Base and Meridian, more particularly described as follows:

BEGIN at the Northwest corner of that parcel of land sold to G.O. and Isabel Johnson, said corner lying North 8 degrees 14 minutes 30 seconds East, 1047.18 feet from the quarter section corner between Section 31, Township 2 North, Range 2 East, and Section 6, Township 1 North, Range 2 East, Humboldt Base and Meridian; and run  
thence North 34 degrees 35 minutes East 178.00 feet;  
thence South 56 degrees 10 minutes East, 265.47 feet;  
thence South 34 degrees 35 minutes West, 150.00 feet to the Northerly line of said Johnson parcel;  
thence along said Northerly line, North 62 degrees 10 minutes 30 seconds West, 267.31 feet to the place of beginning.

2009-24862-2

②

000006

Administrative Abatement Hearing, County v. Monique J. Parker  
A.P. No. 206-441-004

**EXHIBIT "C"**  
Notice of Nuisance Recorded

000007





Recording Requested By & For Benefit Of:  
**COUNTY OF HUMBOLDT**  
When Recorded, Mail To:  
**CODE ENFORCEMENT UNIT**  
Courthouse Bldg., 825 Fifth Street  
Eureka, California 95501  
707.476.2429

Exempt From Fees Per Gov't C. § 27363

2016-011960

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Pages: 6

Recording Fee: \$ 0.00  
Tax Fee: \$0  
Clerk: sc Total: \$0.00  
Jun 29, 2016 at 02:37:48

\*\*\* CONFORMED COPY \*\*\*

## NOTICE OF NUISANCE

Owner:

Monique J. Parker

Address of Subject Premises:

301 Church Lane, Carlotta, CA

**NOTICE IS HEREBY GIVEN** that conditions described on "Attachment A" exist on premises situate in the County of Humboldt, State of California, as described on Attachment "B", which are in violation of state law and the Humboldt County Code. These conditions exist to an extent that endanger the life, limb, health, property, safety or welfare of the public and, as such, constitute a "nuisance". Therefore,

**YOU ARE HEREBY ORDERED** to immediately abate said nuisance. Failure to immediately abate said nuisance may result in:

- **Imposition of an administrative penalty.** The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made a special assessment against the premises, shall become a lien upon the property and may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and, further, shall be subject to the same interest and the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes, and/or it may be collected as a personal obligation against you; and/or
- **Commencement of an abatement proceeding before the County Board of Supervisors.** If corrective action is not undertaken and diligently pursued to abate the nuisance within thirty (30) days from the service on you of this Notice of Nuisance, then the Code Enforcement Unit may apply to the Board of Supervisors of Humboldt County for an order to abate the nuisance. In the event the Code Enforcement Unit applies to the Board of Supervisors for an order to abate the nuisance, the cost of such abatement may become a charge against the premises and in the event may be made a special assessment against the premises which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and may be subject to the same penalties and interest, under the same procedure of foreclosure and sale, in the case of delinquency, as is provided for in ordinary county taxes; and/or
- **Commencement of a civil action.** In the event the Code Enforcement Unit commences a civil action for injunctive relief and to abate the nuisance, you may be liable for monetary damages including the costs of abatement, civil fines and penalties, as well as for court costs and attorney's fees.

**Please be advised** - Violation of Humboldt County Code is a misdemeanor, punishable by imprisonment in the County Jail for a term not exceeding six (6) months, or a fine up to \$1,000, or both such fine and imprisonment, for each day of a violation.

Date: 06/21/2016

A.P. No: 206-441-004 File No: 16CEU-24

Jason Sheets  
Deputy County Counsel

000008

**"Attachment A"**

<b>Municipal Code</b>	<b>Description</b>	<b>Corrective Action</b>
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly
611-3	Unapproved Sewage Disposal System	Apply for & receive permit from Environmental Health Department for sewage disposal system
352-26	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
371-2	Maintaining a Junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits

ATTACHMENT B

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

Said parcel being a portion of Section 31, Township 2 North, Range 2 East, Humboldt Base and Meridian, more particularly described as follows:

BEGIN at the Northwest corner of that parcel of land sold to G.O. and Isabel Johnson, said corner lying North 8 degrees 14 minutes 30 seconds East, 1047.16 feet from the quarter section corner between Section 31, Township 2 North, Range 2 East, and Section 6, Township 1 North, Range 2 East, Humboldt Base and Meridian; and run thence North 34 degrees 35 minutes East 178.00 feet; thence South 56 degrees 10 minutes East, 265.47 feet; thence South 34 degrees 35 minutes West, 150.00 feet to the Northerly line of said Johnson parcel; thence along said Northerly line, North 62 degrees 10 minutes 30 seconds West, 267.31 feet to the place of beginning.

A.P. No. 206-441-004

000010

PROOF OF SERVICE

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT    )

I, LACY MITCHELL, 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 Courthouse, Eureka, California; that on June 28, 2016, I served a true copy of NOTICE OF NUISANCE AND NOTICE OF INTENT TO RECOVER COSTS:

XX 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: ( Certified Mail )

**Monique J. Parker  
7336 Lugo Avenue  
Paramount, CA 92723**

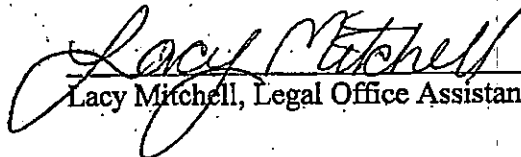
\_\_\_\_\_ by personally delivering a true copy thereof to the person as forth below.

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

\_\_\_\_\_ by fax

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

Executed on the 28th day of June 2016, at the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Lacy Mitchell, Legal Office Assistant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>CODE ENFORCEMENT UNIT</b> COUNTY OF HUMBOLDT 825 FIFTH STREET, ROOM 110 EUREKA, CA 95501 TELEPHONE NO.: (707) 476-2429 FAX NO. (Optional): (707) 445-6297 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
PLAINTIFF/PETITIONER: <b>CODE ENFORCEMENT UNIT</b>		CASE NUMBER:	
DEFENDANT/RESPONDENT: <b>MONIQUE PARKER</b>			
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: <b>16CEU-24</b>	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
  2. I served copies of:
    - a.  summons
    - b.  complaint
    - c.  Alternative Dispute Resolution (ADR) package
    - d.  Civil Case Cover Sheet (served in complex cases only)
    - e.  cross-complaint
    - f.  other (specify documents): **NOTICE OF NUISANCE**
  3. a. Party served (specify name of party as shown on documents served):  
**MONIQUE PARKER**
  - b. Person served:  party in item 3a  other (specify name and relationship to the party named in item 3a):
  4. Address where the party was served:  
**301 CHURCH LANE, CARLITA**
  5. I served the party (check proper box)
    - a.  by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
    - b.  by substituted service. On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b): \_\_\_\_\_
- (1)  (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
  - (2)  (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
  - (3)  (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
  - (4)  I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or  a declaration of mailing is attached.
  - (5)  I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>MONIQUE PARVER</b>	

- c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,  
 (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_  
 (3)  with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)  
 (4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d.  by other means (specify means of service and authorizing code section):  
**POSTED PROPERTY 6/27/2016 1400**

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a.  as an individual defendant.  
 b.  as the person sued under the fictitious name of (specify): \_\_\_\_\_  
 c.  as occupant.  
 d.  On behalf of (specify): \_\_\_\_\_  
 under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. Person who served papers

- a. Name: **Jeff Conner**  
 b. Address: **825 Fifth Street**  
 c. Telephone number: **476-2429**  
 d. The fee for service was: \$ **0.00**  
 e. I am:  
 (1)  not a registered California process server.  
 (2)  exempt from registration under Business and Professions Code section 22350(b).  
 (3)  registered California process server:  
 (i)  owner  employee  independent contractor.  
 (ii) Registration No.: \_\_\_\_\_  
 (iii) County: \_\_\_\_\_

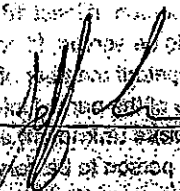
8.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **6/28/2016**

**Jeff Conner**

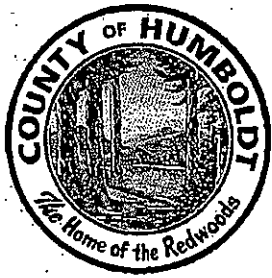
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



PROOF OF SERVICE OF SUMMONS

Administrative Abatement Hearing, County v. Monique J. Parker  
A.P. No. 206-441-004

**EXHIBIT "D"**  
Notice to Abate Nuisance



Recording Requested By & For Benefit Of:  
**COUNTY OF HUMBOLDT**

When Recorded, Mail To:  
**CODE ENFORCEMENT UNIT**  
Courthouse Bldg., 825 Fifth Street  
Eureka, California 95501  
(707) 476-2429

# NOTICE TO ABATE NUISANCE

[Humboldt County Code § 351-12]

Address of Premises: 301 Church Lane, Carlotta California ; AP# 206-441-004

To: Monique Parker

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on **August 23, 2016, at the hour of 1:30 p.m.**, or as soon thereafter as the matter can be heard, in the Supervisor's Chambers, located at 825 5th Street, Eureka, California,

TO SHOW CAUSE, if any there be, why such conditions listed on "Attachment A" should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

[Continued on next page]



At the time and place specified in this notice, the Board shall proceed to hear the testimony of the undersigned enforcement official, his/her assistants or deputies, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement, and other matters which the Board may deem pertinent.

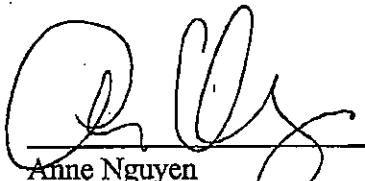
You may appear at the hearing with an attorney or other representative, call and cross-examine witnesses and present evidence on your behalf.

Upon the conclusion of the hearing, the Board may terminate the abatement proceedings, or it may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable time, not less than thirty (30) days, for the completion of such abatement.

Such order may further provide that, in the event such abatement is not commenced, prosecuted and completed within the terms set by the Board, the undersigned enforcement official shall be empowered and authorized to abate said nuisance. Upon the expiration of the time limits set by the Board, the undersigned enforcement official shall abate said nuisance. The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus County personal property is sold, and the proceeds from such sale shall be paid to the County into a revolving fund.

The order may further provide that the cost of such abatement shall become a charge against the premises and shall be made a special assessment against the premises; and that said special assessment may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and shall be subject to the same penalties, interest, under the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes.

Dated: August 3, 2016

  
Anne Nguyen  
Deputy County Counsel

A.P. No: 206-441-004

File No: 16CEU-24

000016

"Attachment A"

Municipal Code	Description	Corrective Action
521-4	Improper Storage and Removal of Solid Waste	Contain & dispose of all solid waste properly
611-3	Unapproved Sewage Disposal System	Apply for & receive permit from Environmental Health Department for sewage disposal system
352-26	Junk and/or Inoperable Vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within enclosed structure
371-2	Maintaining a Junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
331-28	Construction of Building/Structure in Violation of Building, Plumbing and/or Electrical Codes	Apply for and obtain permits

PROOF OF SERVICE

STATE OF CALIFORNIA    )  
  ) ss.  
COUNTY OF HUMBOLDT    )

I, LACY MITCHELL, 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 Courthouse, Eureka, California; that on August 3, 2016, I served a true copy NOTICE TO ABATE NUISANCE:

XX 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: ( Certified Mail )

Monique Parker  
7336 Lugo Avenue  
Paramount, CA 90723

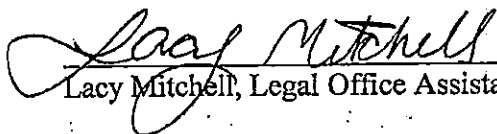
\_\_\_\_\_ by personally delivering a true copy thereof to the person as forth below.

\_\_\_\_\_ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

\_\_\_\_\_ by fax

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

Executed on the 3rd day of August, 2016, at the City of Eureka, County of Humboldt, State of California.

  
\_\_\_\_\_  
Lacy Mitchell, Legal Office Assistant

Administrative Abatement Hearing, County v. Monique J. Parker  
A.P. No. 206-441-004

**EXHIBIT "E"**

Relevant Sections of Humboldt County Code

Humboldt County Code § 521-4

[Storage & removal of solid waste]

521-4.           **STANDARDS FOR STORAGE AND REMOVAL OF SOLID WASTE AND SOURCE-SEPARATED MATERIALS.**

(a) General Prohibition. It shall be unlawful for any person to store or remove solid waste or source-separated materials except as provided herein. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(b) Storage.

(1) Solid waste shall be contained in the following manner:

It shall be the duty of every person in possession of or having charge of any boarding house, eating place, lodging house, restaurant, store, apartment house, flat or dwelling house, or any other establishment of human habitation, or where food is served or sold, to provide and keep at all times one (1) or more suitable watertight receptacles with tight fitting covers, in which all solid waste from such premises shall be placed and kept until removed. Any person may occasionally store excess non-putrescible solid waste in appropriate receptacles adjacent to the regular solid waste container while waiting for a regularly scheduled collection. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(2) Source separated materials may be accumulated for recycling and composting but must be stored in a clean, sanitary manner, separate from the storage of solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(3) It is unlawful for any person to utilize a solid waste container not belonging to that person without the express approval of the owner. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(c) Removal of Solid Waste.

(1) All putrescible solid waste from any boarding house, lodging house, restaurant, hotel, hospital or store shall be removed from said premises at least twice each week, and from dwellings and apartments at least once each week. All non-putrescible solid waste shall be removed at least once each week unless volume of waste produced in that period of time is less than the minimum amount of waste provided for by franchise collection service rates and user fee structures. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(d) Removal of Source-Separated Materials. Except for on-site composting and properly permitted burning as specified in Section 521-10, all segregated recyclable and compostable materials shall be removed from said premises with sufficient frequency to ensure the maintenance of said premises in a neat, sanitary manner. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(e) Removal of Unseparated Recyclable and Compostable Materials. Materials not separated by the generator for diversion from disposal will be considered solid waste, unless and until the point at which such materials are separated from such solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

Humboldt County Code § 611-3  
[Unapproved Sewage Disposal System]

(o) Waste Well. "Waste well" means any hole in the ground used or intended to be used for the disposal of sewage or waste. (Ord. 945, § 2, 10/2/73)

**611-3. APPROVED SEWAGE DISPOSAL SYSTEM REQUIRED.**

No person shall construct, reconstruct, repair, maintain or use any building or place which is not provided with a sewage disposal system approved by the Health Officer or provided with a connection to a public sewer. (Ord. 945, § 3, 10/2/73)

**611-4. SEWER CONNECTION REQUIRED.**

(a) Connection Required. Every building or place which is within 300 feet of an approved public sewer shall be connected to the public sewer by the owner or his agent. A separate connection for each building or place may be required. The measurement of the 300 feet shall be as follows: starting to the point where the permitting agency's jurisdiction ends (property line or curb line) to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than 1,000 feet from the public sewer line.

(b) Large Flow Situations. Multiple family units, mobilehome park, commercial establishments, motels, hotels, subdivision and minor subdivisions, and other buildings or places creating a large flow of sewage or waste may be required by the Health Officer to connect from distances greater than 300 feet. In requiring connections from greater distances, the Health Officer shall consider for the long term the following:

- (1) The intent and purpose of this division.
- (2) Effect on the General Plan, the Zoning Title and the Open Space Plan.
- (3) Potential nuisance creation.
- (4) Quantity of sewage flow.
- (5) Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage disposal systems.
- (6) Such other factors as the Health Officer deems appropriate.



**Humboldt County Code § 352-26**

**[Junk Vehicles]**

or registration available, including but not limited to registration certificates of title or license plates. (Ord. 746, § 12, 1/12/71; Ord. 2093, § 1, 10/17/95)

**352-23. NOTICE OF LIEN.**

If assessment is ordered against the land on which the vehicle is located, the Enforcement Official shall cause a Notice of Lien to be prepared and recorded in the office of the County Recorder of the County of Humboldt. Said notice shall contain the following:

(a) An address, legal description or other description sufficient to identify the premises.

(b) A description of the proceedings under which the special assessment was made.

(c) The claim of lien upon the described premises. (Ord. 746, § 13, 1/12/71)

**352-24. PRIORITY OF LIEN.**

Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be on a parity with the liens of State and County taxes. (Ord. 746, § 13, 1/12/71)

**352-25. COLLECTION BY AUDITOR.**

The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of lien on the assessment roll as a special assessment. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and interest, and to the same procedure for foreclosure and sale in case of delinquency as is provided for ordinary County taxes, and all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment. (Ord. 746, § 15, 1/12/71)

**352-26. PENAL PROVISIONS.**

(a) It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving of any licensed or unlicensed junk vehicle upon any private property or public property not including highways for a period in excess of five (5) days unless such junk vehicle is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. (Ord. 746, § 16, 1/12/71; Ord. 2332, § 1, 11/02/2004)

(b) Any person violating any provision of this chapter shall be punished by a mandatory fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not to exceed six months, or by both such fine and imprisonment, and shall provide proof that the costs of removal and lawful disposition of the vehicle have been paid. Proof that the costs of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment. (Ord. 2332, § 1, 11/02/2004)

(c) The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. The filing of a report of sale or transfer of the vehicle by a transferee pursuant to Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the department pursuant to subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision. (Ord. 2332, § 1, 11/02/2004)

(d) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption appearing in subdivision (c) by demonstrating that he or she has complied with vehicle Code sections 5900 or 5602 or providing other proof satisfactory to the court. (Ord. 2332, § 1, 11/02/2004)

Humboldt County Code § 371-2

[Maintaining a junkyard]

## TITLE III - LAND USE AND DEVELOPMENT

## DIVISION 7

## WRECKING AND SALVAGE YARDS

## CHAPTER 1

REGULATION OF WRECKING AND SALVAGE YARDS

## 371-1. DEFINITION.

A wrecking and salvage yard is any aggregate area of more than 200 square feet within any parcel, lot or contiguous lots of real property which is used as a place where imported waste, inoperable machinery, inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. The term "wrecking and salvage yard" includes, but is not limited to, auto and trailer wrecking yards, other wrecking yards, scrap metal yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. Any of the activities or conditions that would otherwise be a wrecking and salvage yard shall not constitute a wrecking or salvage yard if conducted entirely within a completely enclosed building. The term "wrecking and salvage yard" does not include areas used for the sale or storage of operable automobiles, tractors, farm machinery, house trailers or boats. The term "wrecking or salvage yard" also does not include areas used for the salvaging of materials incidental to and used in manufacturing or farming operations, providing such salvaging of materials takes place where the manufacturing or farming is done. (Ord. 457, § 1, 6/11/63)

## 371-2. LOCATION OF WRECKING AND SALVAGE YARDS.

No wrecking and salvage yard shall be operated, maintained or established in any area or location unless one of the following conditions are met:

(a) Such area or location is zoned in such a manner as to allow the operation, maintenance and establishment of a wrecking and salvage yard and, if required by the applicable zoning provision, a use permit has been obtained.

(b) A permit for the operation, maintenance and establishment of a wrecking and salvage yard is obtained from the Planning Commission of the County of Humboldt. There shall be a Twenty Dollar (\$20.00) fee for filing of such application. Notice of said application and hearing shall be published at least ten (10) days before the hearing date in a newspaper of general circulation. The application may be granted if the Planning Commission determines that such action will not be detrimental to neighboring property. The action of the Planning Commission shall not become final for thirty (30) days, and within such period of time appeal may be made to the Board of Supervisors. In the event of appeal, the Board of Supervisors shall hold a hearing on the matter and notice thereof shall be given in the same manner as in the case of the hearing before the Planning Commission. In the event of an appeal, the decision of the Board of Supervisors shall be final and conclusive. The permit procedure provided for herein shall not be applicable in the event that the area or location proposed for a wrecking and salvage yard has already been zoned in such manner as to preclude the operation, maintenance or establishment of wrecking and salvage yards. (Ord. 457, § 2, 6/11/63)

**Humboldt County Code § 331-28**  
**[Violations Constituting a Public Nuisance]**

**331-25. PERSON MAY DO OWN WORK.**

Nothing in this chapter shall be construed as prohibiting any person from doing his/her own work or from employing any person to work on a building or structure to which the provisions of this chapter apply. (Ord. 777, § 9, 9/13/71)

**331-26. RECORDS.**

It shall be the duty of the Chief Building Inspector to keep a permanent record of all pertinent transactions under this chapter and to render a monthly report to the Board of Supervisors concerning such transactions. All fees collected by the Chief Building Inspector shall be turned over to the County Treasurer and placed in the general fund. The Auditor-Controller shall specify the method to be used in the handling of and accounting for said receipts. The Chief Building Inspector shall transmit to the County Assessor copies of all applications for building permits and copies of all completion reports pertaining to building permits. (Ord. 777, § 10, 7/13/71)

**331-27. LIABILITY.**

This chapter shall not be construed as imposing upon the County or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, electrical, heating, comfort-cooling or sign work approved or performed pursuant to this chapter or by reason of any inspection performed hereunder. (Ord. 777, § 11, 7/13/71)

**331-28. VIOLATIONS CONSTITUTING A PUBLIC NUISANCE.**

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The County Counsel shall, upon order of the Board of Supervisors, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipping, use, occupation or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used occupied or maintained contrary to the provisions of this chapter. (Ord. 1101, § 5, 9/14/76)

Administrative Abatement Hearing, County v. Monique J. Parker

A.P. No. 206-441-004

**EXHIBIT "F"**

Photographs of Subject Property; June 13, 2016

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