



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

J-1

For the meeting of: **January 24, 2017**

Date: **January 6, 2017**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit**  
**Scott Miles, Senior Deputy County Counsel** *Sm*

Subject: **Administrative Abatement Hearing**  
**William Martin**  
**6107 Beechwood Drive, Eureka, California, AP# 303-091-032**

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; and
- (4) Close the hearing.

SOURCE OF FUNDING:

Costs to prepare this agenda item and address the nuisances described to date have been borne by the General Fund. The recommended 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 *[Signature]*

REVIEW:

Auditor \_\_\_\_\_ County Counsel Sm Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor Bohn Seconded by Supervisor Sundberg

Ayes Sundberg, Fennell, Bass, Bohn, Wilson  
 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: Jan. 24, 2017  
 By: [Signature]  
 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 subject property.

Humboldt County Code Section 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.....
- (d) Any attractive nuisance which may prove dangerous to human life, or unsafe, or detrimental to the public health and safety.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county.”

On October 20, 2015, the Code Enforcement Unit (“CEU”) received a referral from the Division of Environmental Health concerning the property at 6107 Beechwood Drive in Eureka (hereinafter referred to as the “Property”). The referral alleged that there were violations of the Humboldt County Code dealing with the storage and removal of solid waste. The CEU attempted to inspect the Property, but access was blocked by a locked gate. The CEU requested consent to inspect the Property from both the occupant and the owner, William Martin (hereinafter referred to as the “Owner”), but did not receive a response from either man. A second request was mailed to the Owner in July of 2016. A family member contacted the CEU to confirm that the Owner had received the letter, but again there was no response. On October 1, 2016, the house on the Property was destroyed in a fire. A car parked next to the house was also destroyed by the fire. On October 14, 2016, the CEU conducted an open-field inspection of the Property and found violations of the Humboldt County Code dealing with unsafe structures, the improper storage and removal of solid waste, and junk vehicles. On October 21, 2016, a Notice of Nuisance was served on the Owner and the document was recorded on October 31, 2016, at the Humboldt County Recorder’s Office. The Notice of Nuisance sent to the Owner at the address listed in the Humboldt County Tax Collector’s database was returned as unclaimed.

The CEU was able to contact the Owner on October 24, 2016. He informed the CEU that his insurance company had paid him for the fire damage and that he was waiting for an estimate from a third contractor before removing the remains of the house. The Owner was informed that he would need to apply for and obtain a demolition permit from the Building Division as well as remove the solid waste and junk vehicles on the Property to clear all of the violations on the Notice of Nuisance.

The CEU received additional complaints from the community and on December 29, 2016, a second inspection was conducted. No significant effort had been made to remove the remains of the house, the junk vehicles or the solid waste. Pictures taken during that inspection are included in the Exhibit Package which is included in this report as Attachment “B”.

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 present on the Property include conditions that violate both state and local law.
2. The violations are: Humboldt County Code Sections, 331-11, building conditions which endanger the life, health, safety or welfare of the public; 352-26, junk vehicles; and 521-4, the improper storage and removal of solid waste.
3. The violations have created conditions that are unsafe and detrimental to 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 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 Owner does not complete the necessary actions within the time allotted by your Board, 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 \$75,000. 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 local law on the Property that are impacting the health, safety and welfare of the public.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than January 18, 2017

**Administrative Abatement Hearing**

In Re: William Martin  
6107 Beechwood Drive, Eureka, California; AP# 303-091-032

**ATTACHMENT "A"**

Findings of Nuisance and 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**

---

In Re: Abatement Hearing

William Martin  
6107 Beechwood Drive, Eureka, California; AP# 303-091-032

January 24, 2017

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 6107 Beechwood Drive, Eureka, California is located in a Residential: Single Family zone, in the unincorporated area of Eureka, Humboldt County, California, referred to as Assessor’s Parcel No. 303-091-032; 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 Sections 351-12 and 351-13, 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 Section 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 Abate 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 331-11, building conditions which endanger the life, health, safety or welfare of the public; 352-26, junk vehicles; and 521-4, the improper storage and removal of solid waste; 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:

§331-11 Building conditions which endanger the life, health, safety or welfare of the public  
*Corrective Action:*  
Apply for and obtain a demolition permit and complete the demolition of the unsafe structure including the proper disposal of the generated waste.

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

§521-4          Improper storage and removal of solid waste

*Corrective Action:*

Store all solid waste in containers with tight fitting lids and dispose of all waste in a timely manner

3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement, including a final inspection by the Code Enforcement Unit;
4. That the Code Enforcement Unit is directed to take all necessary steps to assure the abatement is completed as ordered. If the property owner fails to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance and shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 1/24/17

Virginia Barr  
Chair, Humboldt County Board of Supervisors