



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
K-1

For the meeting of: **May 10th, 2016**

Date: **April 18th, 2016**

To: **Board of Supervisors**

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

Subject: **Administrative Abatement Hearing
Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California, AP# 303-063-029**

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:

General funds as well as Measure Z funds were used to prepare this agenda item.

Prepared by Jason Sheets and Bernadette Arwood

CAO Approval *[Signature]*

REVIEW:

Auditor _____ County Counsel *[Signature]* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
X Public Hearing
____ Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Bohn Seconded by Supervisor Bass

Ayes Sundberg, Fennell, Lovelace, Bohn, 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: May 10, 2016
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 property.

H.C.C. §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 October 1st, 2015, the Code Enforcement Unit (CEU) received a referral from the Division of Environmental Health (DEH) concerning the property located at 6147 Walnut Drive, Eureka. The referral alleged that there were violations of Humboldt County Code dealing with improper storage and disposal of solid waste. On October 5th, 2015, the CEU conducted a site inspection which confirmed large concentrations of solid waste and the presence of junk vehicles. As a result of the initial inspection, the CEU recorded a Notice of Nuisance against the property on October 22nd, 2015. The CEU continued to monitor the conditions of the property and a second site inspection was conducted on March 25th, 2016. There were no significant changes in the conditions on the property and several photographs were taken which are included in the exhibit package. On April 22nd, 2016, a Notice to Abate Nuisance was sent to the property owner by certified mail.

The CEU believes that an Order of Abatement is necessary to ensure timely corrective action of the violations as the owner/interested parties have failed to abate the violations on the subject property in a timely manner. The Order of Abatement is based on the following:

1. The violations observed on the subject property include conditions that violate both state and local law.
2. The violations include: California Health and Safety Code Section 17920.3, substandard housing; Humboldt County Code Section 352-26, junk vehicles; Humboldt County Code Section 371-2, maintaining a junkyard; and Humboldt County Code Section 521-10, improper disposal 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.

Administrative Abatement Hearing

May 10th, 2016

AP# 303-063-029

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Therefore, the CEU requests that your Board find that a nuisance exists on the subject 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:

Costs to prepare this agenda item and address the nuisances described are from the General Fund and the Measure Z fund. The costs are included in the fiscal year 2015-16 budgets for both funds.

The 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 this property that are impacting the health, safety and welfare of the public. In addition, it does not appear that the owners of the property are able to improve the condition of the property on their own.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than May 3, 2016

**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

Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP# 303-063-029

May 10th, 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 6147 Walnut Drive, Eureka, California is located in a Residential One-Family zone, in the unincorporated area of Eureka, Humboldt County, California, referred to as Assessor's Parcel No. 303-063-029; 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 owners were 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 owners have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owners were 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 owners were sent a certified letter containing the Notice to Abatement Nuisance with the date and time of the hearing; and

6. The property owners have 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 California Health and Safety Code Section 17920.3, substandard housing; Humboldt County Code Section 352-26, junk vehicles; Humboldt County Code Section 371-2, maintaining a junkyard; and Humboldt County Code Section 521-10, improper disposal 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 owners abate all violations of the Humboldt County Code as described above. The property owners shall take the following actions:

H&S§17920.3 Substandard housing
Corrective Actions:
a) Contain and dispose of all solid waste properly

H.C.C.§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

H.C.C. §371-2 Maintaining a junkyard

Corrective Actions:

- a) Contain all debris within a 200 square-foot area, and/or
- b) Contain all debris within an enclosed structure, and/or
- c) Remove all debris

H.C.C. §521-10 Improper disposal of solid waste

Corrective Actions:

- a) Properly remove solid waste

- 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 owners fail 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: 5/10/16



Chair, Humboldt County Board of Supervisors

ATTACHMENT “A”

Findings of Nuisance & Order of Abatement

In Re: Abatement Hearing
Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Wsalnut Drive, Eureka, California; AP#303-063-029

ATTACHMENT "B"

Exhibit Packet

In Re: Abatement Hearing
Nathan Edward Megazzi-Verco and Donald Anthony Garcia
6147 Walnut Drive, Eureka, California; AP#303-063-029



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

In Re: ADMINISTRATIVE ABATEMENT HEARING

Case No. 15CEU-056

COUNTY v. NATHAN MEGAZZI AND DONALD GARCIA

A.P. No. 303-063-029

May 10, 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 maps (2 pages)

EXHIBIT B-- Grant Deed (4 pages)

EXHIBIT C-- Notice of Nuisance dated October 6, 2015, with Proof of Service (7 pages)

EXHIBIT D -- Notice to Abate Nuisance dated April 18, 2016 (4 pages)

EXHIBIT E -- Copies of relevant sections of Humboldt County Code [§§ 371-2, 352-26 and 521-10] (7 pages)

EXHIBIT F -- Photographs of subject property; March 25, 2016 (7 pages)

Dated: 04/29/2016

CODE ENFORCEMENT UNIT



JASON SHEETS
Deputy County Counsel

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
A.P. No. 303-063-029

EXHIBIT "A"

Location Map

1000000

30306410

30306327

Ridgewood Heights

30306328

30306326

WALNUT DR

30306329

30306325

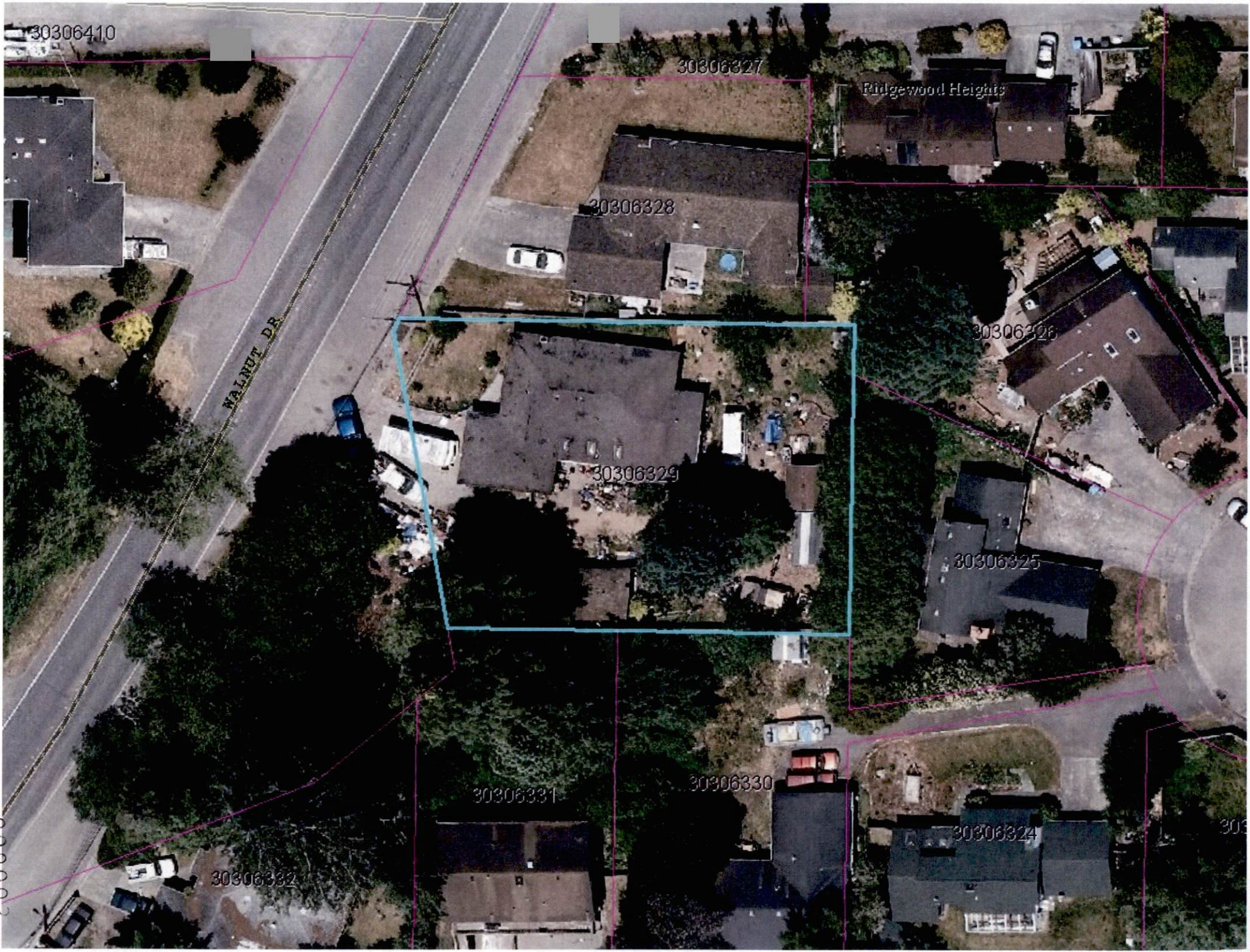
30306331

30306330

30306324

30306332

303



30306410

30306327

Ridgewood Heights

30306328

30306326

WALNUT DR

30306329

30306325

30306331

30306330

30306332

30306324

303

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
A.P. No. 303-063-029

EXHIBIT "B"

Grant Deed

000004

2015-016261-4
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: KARJOLA
Rec Fee: \$22.00

RECORDING REQUESTED BY:
MICHAEL MEGAZZI

AND WHEN RECORDED MAIL TO:
MICHAEL MEGAZZI
1180 Monument Rd.
Rio Dell, CA 95562

No PCOR: \$20.00

Clerk: KL Total: \$42.00
Aug 20, 2015 at 14:41:46

SPACE ABOVE THIS LINE FOR RECORDER'S USE _____

APN: 303-063-029-000

DOCUMENTARY TRANSFER TAX \$ ZERO ^{R/T} 11930

____ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED or


____ COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the Successor Trustee, Michael Lee Megazzi of **THE FELIX E. MEGAZZI LIVING TRUST** dated May 16, 2007 does hereby GRANT to **NATHAN EDWARD MEGAZZI-VERCO** and **DONALD ANTHONY GARCIA**, as Tenants In Common, the following described property in the City of Eureka, County of Humboldt, State of California:

See Exhibit A attached hereto

Dated 8-20-15


MICHAEL LEE MEGAZZI, Successor
Trustee of the Felix E. Megazzi Living Trust
dated May 16, 2007.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

SCHEDULE A

The real property situate in the county of Humboldt, State of California, described as:

PARCEL ONE

That portion of the lands in the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian, conveyed to Harry Van Duessen and Ethel Van Deussen, his wife as joint tenants, by deed dated November 23, 1956 and recorded June 17, 1957 in Book 448 of Official Records, page 120, as Recorder's File No. 9097, Humboldt County Records, described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 45 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of said Section 14;

and running thence South 00 degrees 43 feet East, 65 feet to the true point of beginning of the parcel of land to be here described;

thence continuing South 00 degrees 43 feet East, 55 feet;

thence South 89 degrees 31 feet West, 70.00 feet;

thence South 00 degrees 43 feet East, 10 feet;

thence South 89 degrees 31 feet West to the center line of Walnut Street, as conveyed by deed executed by Harry Van Deussen and wife to the county of Humboldt, recorded December 3, 1957 in Book 468 of Official records, page 598 under Recorder's File No. 17761, Humboldt county Records;

thence northeasterly along said center line to a point that bears South 89 degrees 31 feet West from the true point of beginning;

and thence North 89 degrees 31 feet East to the true point of beginning.

EXCEPTING THEREFROM a portion described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of Section 14;

thence South 00 degrees 43 feet East, 65 feet to the true point of beginning;

thence South 00 degrees 43 feet East, 9.04 feet;

thence South 89 degrees 17 feet West, 10 feet;

thence North 00 degrees 43 feet West, 9.04 feet;

thence North 89 degrees 17 feet East, 10 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion described as follows:

BEGINNING at a point located North 00 degrees 43 feet West, 678.00 feet and North 89 degrees 31 feet East, 389.9 feet from the southwest corner of the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian;

thence South 0 degrees 43 feet East, 9 feet;

thence South 89 degrees 31 feet West to the centerline of Walnut Street as described in the deed to the county of Humboldt recorded December 3, 1957 in Book 468 of Official Records, page 598;

thence northeasterly along said centerline to a point which bears South 89 degrees 31 feet West of the point of beginning; thence North 89 degrees 31 feet East to the point of beginning.

PARCEL TWO

That portion of the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of said Section 14;

thence South 00 degrees 43 feet East, 130 feet to the true point of beginning;
thence from said true point of beginning south 89 degrees 31 feet West, 70 feet;
thence South 0 degrees 43 feet East, 37.91 feet to a point located North 0 degrees 43 feet West a distance of 105 feet from the north line of a land shown as Hazelwood Lane on Parcel Map No. 1556 on file in the office of the county recorder of said county in Book 13 of Parcel maps, page 110;

thence North 89 degrees 31 feet East, 70 feet; thence North 0 degrees 43 feet West, 37.91 feet to the true point of beginning.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

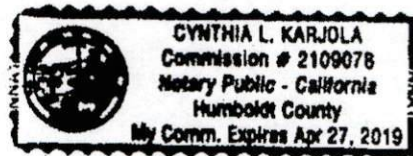
ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss
COUNTY OF HUMBOLDT)

On August 20, 2015, before me, CYNTHIA L. KARJOLA, a Notary Public for the State of California personally appeared MICHAEL LEE MEGAZZI, 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.



Cynthia L. Karjola
Signature

(Seal)

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
A.P. No. 303-063-029

EXHIBIT "C"

Notice of 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

Exempt From Fees Per Gov't C. § 27383

2015-020196-7
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT COUNTY

Clerk: LH Total: \$0.00
Oct 22, 2015 at 14:12:24
CONFORMED COPY

NOTICE OF NUISANCE

Owner: Nathan Megazzi-Verco and Donald Garcia
Address of Subject Premises 6147 Walnut Drive, Eureka, California; AP# 303-063-029

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 on 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 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 that 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.

Dated: October 6, 2015


Jason Sheets
Deputy County Counsel

A.P. No: 303-063-029 File No: 15CEU056

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input checked="" type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system.
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
Remarks:		

A.P. No. 303-063-029

ATTACHMENT B

The real property situate in the county of Humboldt, State of California, described as:

PARCEL ONE

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and running thence South 00 degrees 43 feet East, 65 feet to the true point of beginning of the parcel of land to be here described;

thence continuing South 00 degrees 43 feet East, 55 feet;

thence South 89 degrees 31 feet West, 70.00 feet;

thence South 00 degrees 43 feet East, 10 feet;

thence South 89 degrees 31 feet West to the center line of Walnut Street, as conveyed by deed executed by Harry Van Duessen and wife to the county of Humboldt, recorded December 3, 1957 in Book 468 of Official records, page 598 under Recorder's File No. 17761, Humboldt county Records;

thence northeasterly along said center line to a point that bears South 89 degrees 31 feet west from the true point of beginning;

and thence North 89 degrees 31 feet East to the true point of beginning.

EXCEPTING THEREFROM a portion described as follows:

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of Section 14;

thence South 00 degrees 43 feet East, 65 feet to the true point of beginning;

thence South 00 degrees 43 feet East, 9.04 feet;

thence South 89 degrees 17 feet West, 10 feet;

thence North 00 degrees 43 feet West, 9.04 feet;

thence North 89 degrees 17 feet East, 10 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion described as follows:

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thence South 89 degrees 31 feet West to the centerline of Walnut Street as described in the deed to the County of Humboldt recorded December 3, 1957 in Book 468 of Official Records, page 598;

thence northeasterly along said centerline to a point which bears South 89 degrees 31 feet West of the point of beginning; thence North 89 degrees 31 feet East to the point of beginning.

PARCEL TWO

That portion of the northwest quarter of the northeast quarter of Section 14, Township 4 North, Range 1 West, Humboldt Meridian, described as follows;

BEGINNING at a point on the south line of Christensen Lane located North 00 degrees 43 feet West, 743.00 feet and North 89 degrees 31 feet East, 399.9 feet from the southwest corner of said northwest quarter of the northeast quarter of said Section 14;

thence South 00 degrees 43 feet East, 130 feet to the true point of beginning;

thence from said true point of beginning south 89 degrees 31 feet West, 70 feet;

thence South 0 degrees 43 feet East, 37.91 feet to a point located North 0 degrees 43 feet West a distance of 105 feet from the north line of a land shown as Hazelwood Lane on Parcel Map No. 1556 on file in the office of the county recorder of said county in Book 13 of Parcel maps, page 110;

thence North 89 degrees 31 feet East, 70 feet; thence North 0 degrees 43 feet West, 37.91 feet to the true point of beginning.

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TERI GRIDLEY, 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 October 9, 2015, I served a true copy **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: **(Via Certified Mail)**

**Nathan Megazzi-Verco and Donald Garcia
6147 Walnut Drive
Eureka, CA 95503**

_____ 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 9th day of October, 2015, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): CODE ENFORCEMENT UNIT 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: CODE ENFORCEMENT UNIT DEFENDANT/RESPONDENT: NATHAN MEGAZZI-VERLO & DONALD GARCIA	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: 15CEJ056

(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):
NATHAN MEGAZZI-VERLO & DONALD GARCIA
 - 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:
6147 WALNUT, EUREKA, CA
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: MELAZZI-VERLO & GARLIA

- 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 10/15/2015 1335

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: 10/16/2015

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

(SIGNATURE)

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
A.P. No. 303-063-029

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: 6147 Walnut Drive, Eureka; AP# 303-063-029

To: Nathan Edward Megazzi-Verco and Donald Anthony Garcia

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on **May 10th, 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]

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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: April 18th, 2016


Jason Sheets
Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input checked="" type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input type="checkbox"/> §1001.11 UHC	Hazardous or Insanitary Premises	Remove excess vegetation and other materials that provide habitat for vectors
Remarks:		

A.P. No. 303-063-029

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, TERI GRIDLEY, 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 April 18, 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: **(Via Certified Mail)**

**Nathan Edward Megazzi-Verco and
Donald Anthony Garcia
6147 Walnut Drive
Eureka, CA 95503**

_____ 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 18th day of April, 2016, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
A.P. No. 303-063-029

EXHIBIT "E"

Humboldt County Code Sections

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 § 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 § 521-10

[Improper Disposal of Solid Waste]

(d) Each collector shall keep records of the gross receipts obtained in the exercise of the contracts, and the County shall have the right to audit and examine such records, or the collector may elect to hire an independent certified public accountant approved by the Auditor-Controller to perform an audit, as an alternative to examination by the County. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

521-10. DISPOSAL AND HANDLING OF SOLID WASTE FOR DISPOSAL.

It shall be unlawful for any person to deposit, bury, burn, or otherwise dispose of any solid waste, other than the composting on-site of small quantities of non-hazardous organic materials produced on the premises, or the burning of authorized materials under a valid burn permit, at any place other than a permitted solid waste facility. It shall be unlawful for any person to operate any solid waste facility within the County without first having obtained a permit to do so from the County. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

Unpermitted deposits of solid waste containing a minimum of two (2) pieces of addressed mail or other named property shall be judged to be "prima facie" evidence that the named addressee is responsible for the violation hereof, and shall subject the addressee to remedies as specified in Section 521-12 of this chapter. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

Permits for the operation of solid waste facilities shall be issued in accordance with the California Public Resources Code by the Department of Health and Human Services, Environmental Health Division, and concurred in by the California Integrated Waste Management Board. A permit fee may be charged if so established by the Board of Supervisors. Any person operating a solid waste facility not in accordance with a solid waste facility's permit shall be subject to remedies as specified by local ordinance and in California Public Resources Code Section 45000 et seq. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995; Ord. 2364, § 4, 06/20/2006)

521-11. ENFORCEMENT AGENCY.

The Department of Health and Human Services, Environmental Health Division, shall be the enforcement agency in accordance with the provisions of the California Public Resources Code. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995; Ord. 2364, § 4, 06/20/2006)

521-12. REMEDIES.

(a) In addition to the remedies otherwise authorized by law, any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than two thousand five hundred dollars (\$2,500) upon a third or subsequent conviction, or by imprisonment in the County jail for a period of not to exceed six months, or by both such fine and imprisonment. If the waste matter placed, deposited, or dumped includes hazardous waste or extremely hazardous waste, or includes waste tires, the fine prescribed in this subdivision shall be doubled. The District Attorney shall have the discretion to prosecute a violation of this section as an infraction. (Ord. 2334, § 1, 11/02/2004; Ord. 2364, § 4, 06/20/2006)

(b) Each day that waste placed, deposited, or dumped in violation of this section remains is a separate violation. (Ord. 2334, § 1, 11/02/2004)

Administrative Abatement Hearing, County v. Nathan Megazzi and Donald Garcia
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EXHIBIT "F"

Photographs

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