



AGENDA ITEM NO.
J-1

COUNTY OF HUMBOLDT

For the meeting of: **April 25, 2017**

Date: **April 4, 2017**

To: **Board of Supervisors**

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

Subject: **Administrative Abatement Hearing**
Donald Snyder and Donna Keith
2773 Spears Road, Eureka, California, AP# 403-011-024

RECOMMENDATION(S):

That the Board of Supervisors ("Board"), 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 herein 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 Scott Miles and Bernadette Arwood

CAO Approval *E. B. ...*

REVIEW:

Auditor _____ County Counsel Sm Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Bohn Seconded by Supervisor Wilson

Ayes Sundberg, Fennell, Bass, Bohn, Wilson
 Nays _____
 Abstain _____
 Absent _____

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

Dated: Apr. 25, 2017

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 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.....

(f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county.”

On or about October 20, 2016, the Code Enforcement Unit (“CEU”) received a referral from the Division of Environmental Health concerning the property located at 2773 Spears Road, Eureka, California; Assessor’s Parcel Number 403-011-024 (hereinafter referred to as the “Property”). The referral alleged that there were violations of the Humboldt County Code dealing with the improper storage and removal of solid waste; hazardous materials; junk vehicles; the use of mobile homes or trailers as a place of habitation; and construction of a building/structure in violation of building, plumbing and/or electrical codes.

The CEU was able to conduct a site inspection which confirmed the presence of trash, solid waste, junk vehicles and a recreational vehicle being used as a residence. During the inspection, the CEU was able to take multiple photographs of the Property, which are included in the Exhibit Packet attached hereto as Attachment B. As a result of this initial inspection, the CEU recorded a Notice of Nuisance against the Property on October 24, 2016. Copies of the Notice of Nuisance were then mailed to the owners of record Donald Snyder and Donna Keith, and posted on the Property.

The CEU continued to monitor the conditions of the Property and after further investigation discovered that Donald Snyder and Donna Keith were deceased. Since then the Property has been occupied by an alleged nephew of Donald Snyder. This alleged nephew, Richard Ryan, has been unwilling or unavailable to speak to the CEU regarding the conditions of the Property. The CEU has made multiple attempts to contact Mr. Ryan, in person and by phone, to no avail.

On or about March 17, 2017, the CEU conducted a follow-up site inspection. During this site inspection the CEU observed trash and electrical waste burning. In addition, no improvements in the condition of the Property were noted, and Mr. Ryan again was unavailable to speak with the CEU.

Due to the above-referenced circumstances, the CEU believes that an Order of Abatement is necessary to ensure timely corrective action. The Order of Abatement is based on the following:

1. The violations observed on the Property include conditions that violate both local and state law.

2. The violations include: Humboldt County Code Sections 314-81.1, use of mobile homes or trailers as a place of habitation; 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; 352-26, junk vehicles; 521-4, storage and removal of solid waste; and Section 1001.11 of the Uniform Housing Code, hazardous or insanitary premises.
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 owners/occupant to abate the nuisance within thirty (30) 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/occupant 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 \$50,000. 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 both local and state law on the Property that are impacting the health, safety and welfare of the public. In addition, it does not appear that the owners/occupant of the Property is willing or able to improve the conditions of the Property on their own.

ATTACHMENTS:

Attachment A. Proposed Findings of Nuisance and Order of Abatement

Attachment B. Exhibit Packet – to be provided no later than April 21, 2017

ATTACHMENT “A”

Findings of Nuisance & Order of Abatement

In Re: Abatement Hearing
Donald Snyder and Donna Keith
2773 Spears Road, Eureka, California; AP# 403-011-024

**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

County of Humboldt v. Donald Snyder and Donna Keith
2773 Spears Road, Eureka, California; AP# 403-011-024

April 25, 2017

WHEREAS, the 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 2773 Spears Road, Eureka, California is located in a Rural Residential Agriculture zone, in the unincorporated area of Eureka, Humboldt County, California, referred to as Assessor’s Parcel Number 403-011-024; 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/occupant were 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 owners/occupant have had significant and reasonable time to correct all violations, but have refused and/or failed to meet the deadlines prescribed by the Notice of Nuisance; and

5. The property owners/occupant were served with a Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-15, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owners/occupant were sent a certified letter containing the Notice to Abate Nuisance with the date and time of the hearing; and

6. The property owners/occupant 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 Humboldt County Code Sections 314-81.1, use of mobile homes or trailers as a place of habitation; 331-28, construction of building/structure in violation of building, plumbing and/or electrical codes; 352-26, junk vehicles; 521-4, storage and removal of solid waste; and Uniform Housing Code Section 1001.11, hazardous or insanitary premises; 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/occupant abate all violations of the Humboldt County Code and Uniform Housing Code as described above. The property owners/occupant shall take the following actions:

§314-81.1 Use of mobile homes or trailers as a place of habitation
Corrective Actions:
a) Disconnect utilities and cease use as a residence

§331-28 Construction of building/structure in violation of building, plumbing and/or electrical codes
Corrective Actions:
a) Apply for and obtain permits

- §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 Storage and removal of solid waste
Corrective Actions:
a) Contain and dispose of all solid waste properly
- §1001.11 Hazardous or insanitary premises
Corrective Actions:
Remove and dispose of hazardous materials

3. That the abatement of all violations be completed on or before May 28, 2017, 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/occupant 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: 4/27/17

Virginia Barr
Chair, Humboldt County Board of Supervisors

ATTACHMENT “B”

Exhibit Packet

In Re: Abatement Hearing
Donald Snyder and Donna Keith
2773 Spears Road, Eureka, California; AP# 403-011-024



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. 16CEU-127

COUNTY v. DONALD SNYDER & DONNA KEITH

A.P. No. 403-011-024

April 25, 2017
9:00 am

EXHIBIT PACKET

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

EXHIBIT A-- Location map (1 page)

EXHIBIT B-- Grant Deed (2 pages)

EXHIBIT C-- Notice of Nuisance dated November 2, 2016 (6 pages)

EXHIBIT D--Notice to Abate Nuisance dated April 5, 2017 (4 pages)

EXHIBIT E – Copy of Humboldt County Code Sections 311-10.1, 314-81.1, 352-26, and 521-4 (13 pages)

EXHIBIT F –Photographs of Subject Property taken on October 12, 2016 (3 pages)

EXHIBIT G - Photographs of Subject Property taken on February 21, 2016 (1 page)

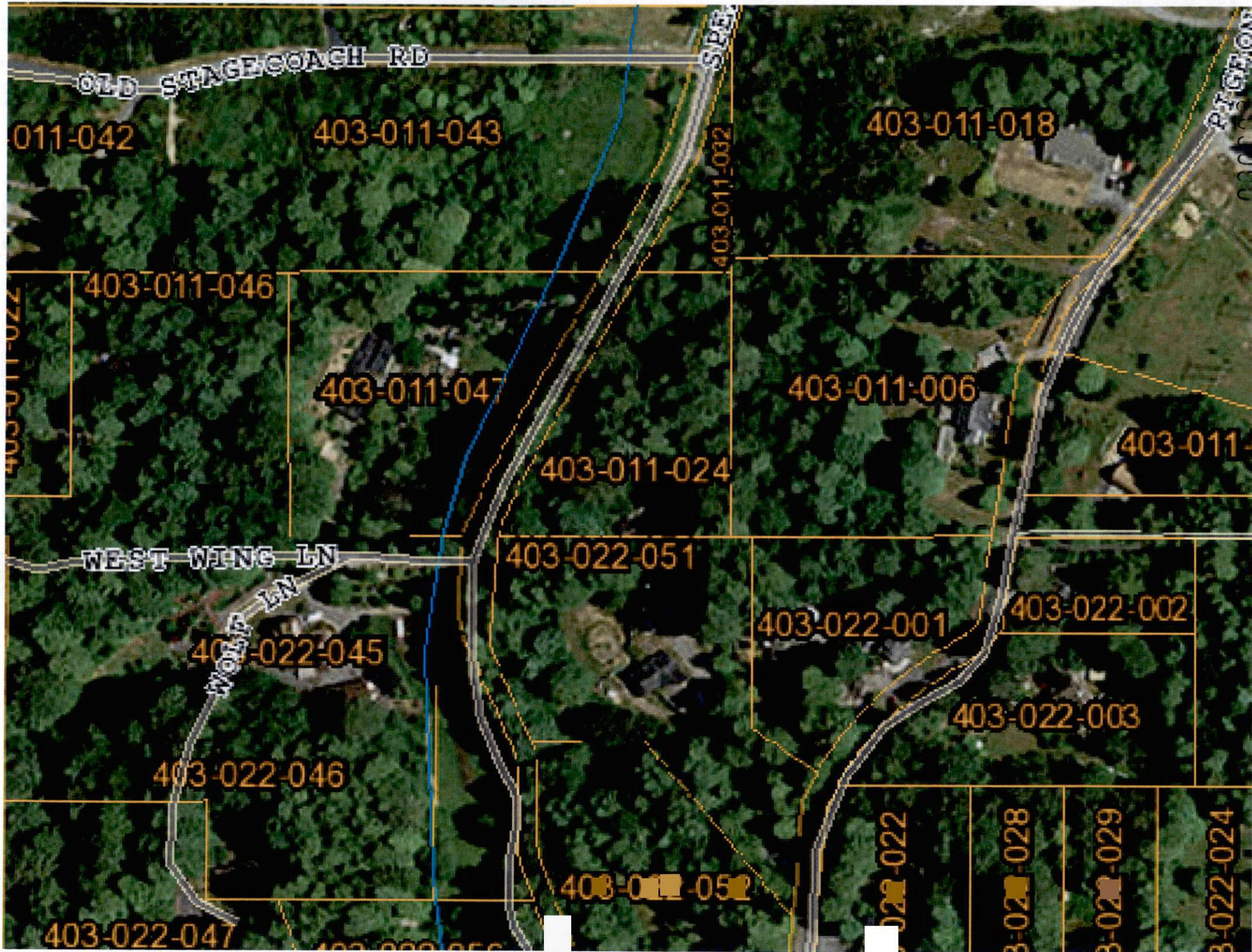
Date: 4-24-17

Scott A. Miles by
Scott A. Miles, Senior Deputy
County Counsel *S. Miles*

Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

EXHIBIT "A"

Location Map



OLD STAGE COACH RD

403-011-042

403-011-043

403-011-018

403-011-046

403-011-047

403-011-006

403-011-024

403-011-

WEST WING LN

403-022-051

403-022-045

403-022-001

403-022-002

403-022-003

403-022-046

403-022-047

403-022-052

403-022-022

403-022-028

403-022-029

403-022-024

SPR...

PT...

Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith.
A.P. No. 403-011-024

EXHIBIT "B"

Grant Deed

000003

RECORDING REQUESTED BY

WHEN RECORDED RETURN TO
AND MAIL TAX STATEMENTS TO:

Name DONALD F. SNYDER
Address 2773 SPEAR
EUREKA CA
95503

2011-22661-2
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by SNYDER
Rec Fee 16.00
Clerk: KL Total: 16.00
Nov 2, 2011 at 13:26

SPACE ABOVE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
City of _____
Parcel No. _____

Documentary Transfer Tax is \$ GIFT
 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,

DONNA M KEITH
hereby GRANT(s) to

DONNA M KEITH AND DONALD F SNYDER, AS JOINT
the following real property in the City of TENANTS WITH RIGHTS OF SURVIVORSHIP
County of Humboldt, State of California:
SEE EXHIBIT A ATTACHED TO DOCUMENT

Dated: Nov. 1, 2011

State of California HUMBOLDT
County of _____

Donna M. Keith

On 11-1-2011 before me, Gilbert Friedman, notary public
a Notary Public, personally appeared Donna M. Keith

who proved to me on the basis of satisfactory evidence to be the
person(s) whose name(s) 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 Gilbert Friedman, notary public

My commission expires: JULY 16, 2013



(This area for official notarial seal)

(1)

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EXHIBIT "A"

DESCRIPTION

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

That portion of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 3 North, Range 1 East, Humboldt Meridian, described as follows:

BEGINNING at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 30;

thence North 0 degrees 14 minutes West along the east line of said subdivision, 323.8 feet;

thence South 88 degrees 26 minutes West, 168.1 feet, to the center line of a County Road said point also being the northeast corner of the parcel of land conveyed to Department of Veterans Affairs of the State of California by deed recorded December 12, 1967 in Book 944 of Official Records, page 60, under Recorder's File No. 17623, Humboldt County records;

and running thence along the easterly line of said last mentioned parcel and along the center line of the County Road, south 22 degrees 54 minutes west, 157.84 feet; south 27 degrees 28 minutes west, 129.6 feet; and south 11 degrees 49 minutes west, 70.32 feet, to the south line of said Section 30;

thence along the section line north 88 degrees 07 minutes East, 305.1 feet to the point of beginning.

2011-22661-2

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Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

EXHIBIT "C"

Notice of Nuisance Recorded

000006



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

2016-020808

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

Pages: 5

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: kl Total: \$0.00
Nov 02, 2016 at 10:20:19

*** CONFORMED COPY ***

NOTICE OF NUISANCE

Owner: Donald Snyder & Donna Keith

Address of Subject Premises: 2773 Spears Rd, Eureka, CA 95503

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:

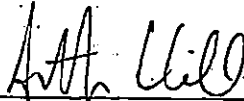
- **Imposition of an administrative penalty.** The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made 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: 10/27/16


Seth Lichenstein-Hill
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 checked="" 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 & 17922]	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 checked="" 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 type="checkbox"/> § 371-2	Maintaining a junkyard	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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input 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 checked="" type="checkbox"/> UHC §1001.11	Hazardous or Insanitary Premises	Remove and dispose of hazardous materials
Remarks:		

Attachment B

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

That portion of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 30, Township 5 North, Range 1 East, Humboldt Meridian, described as follows:

BEGINNING at the Southeast corner of the Southwest Quarter of the Southeast of said Section 30;

thence North 0 degrees 14 minutes West along the east line of said subdivision, 323.8 feet;

thence South 88 degrees 26 minutes West, 168.1 feet, to the center line of a County Road said point also being the northeast corner of the parcel of land conveyed to Department of Veterans Affairs of the State of California by deed recorded December 12, 1967 in Book 944 of Official Records under Record's File No. 17623, Humboldt County records;

and running thence along the easterly line of said last mentioned parcel and along the center line of the County Road, south 22 degrees 54 minutes west, 157.84 feet; south 27 degree 28 minutes west, 129.6 feet; and south 11 degrees 49 minutes west, 70.32 feet, to the south line of said Section 30;

thence along the section line north 88 degrees 07 minutes East, 305.1 feet to the point of beginning.

APN: 403-011-024

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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 October 27, 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)

**Donald Snyder & Donna Keith
2773 Spears Road
Eureka, CA 95503**

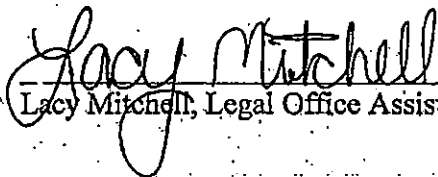
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 27th day of October, 2016, at the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, BERNADETTE ARWOOD, 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; 825 Fifth Street, Eureka, California; that on October 31, 2016, I served a true copy of NOTICE OF NUISANCE.

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

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

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

2773 Spears Rd
Eureka, CA 95503

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

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

_____ by fax as set forth below:

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

Executed on this 31st day of October, 2016, in the City of Eureka, County of Humboldt, State of California:

Bernadette Arwood
Bernadette Arwood, Code Compliance Officer

000011

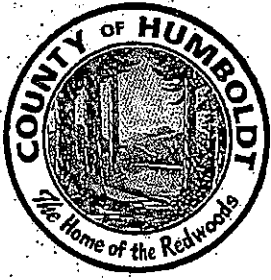
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Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

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: 2773 Spears Road, Eureka; AP# 403-011-024

To: Donald Snyder and Donna Keith

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on April 25th, 2017, at the hour of 9:00 a.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, occupant 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.

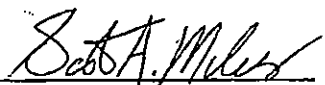
You may appear at the hearing with an attorney or other representative, call and cross-examine witnesses and present evidence on your behalf.

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 5th, 2017



Scott Miles
Senior 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 checked="" 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 & 17922]	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 checked="" 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 type="checkbox"/> § 371-2	Maintaining a junkyard	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
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input 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 checked="" type="checkbox"/> UIIC §1001.11	Hazardous or Insanitary Premises	Remove and dispose of hazardous materials
Remarks		

A.P. No. 403-011-024

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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 April 10, 2017, I served a true copy of AMENDED NOTICE OF 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 & First Class Mail)

Donald Snyder & Donna Keith
2773 Spears Road
Eureka, CA 95503

Richard Ryan
2773 Spears Road
Eureka, CA 95503

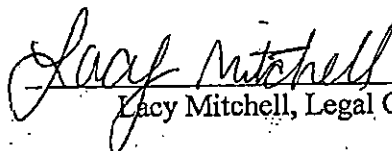
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 10th day of April, 2017 in the City of Eureka, County of Humboldt; State of California.



Lacy Mitchell, Legal Office Assistant

Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

EXHIBIT "E"
Humboldt County Code Sections

Humboldt County Code § 311-10.1

[Building/property use or Operation
in Violation of Zoning Code - Use
Requirements]

000019

311-9 HOW THE PROVISIONS OF THIS CODE RELATE TO EACH OTHER AND TO OTHER PROVISIONS OF LAW

- 9.1 All other provisions of law still apply. Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal Law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use. (Former Section CZ#A311-11; Ord. 1705, 9/10/85)
- 9.2 Each provision of this code is severable and independent. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Former Section CZ#A311-12; Ord. 1705, 9/10/85)
- 9.3 These regulations supersede other existing code sections previously adopted. These Regulations supersede the existing zoning regulations, as amended, of the County of Humboldt, for land which lies within the unincorporated areas of the County. If any provisions of these Regulations should be determined to be invalid or inapplicable, the provisions of the most recently adopted pre-existing zoning regulations shall apply. (Former Section CZ#A311-13; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 9.4 These Regulations shall not be construed as validating or legalizing any building, structure or land use conducted, constructed, erected, or maintained in violation of any Federal, State or Humboldt County ordinance. Insofar as the provisions of these regulations impose the same regulations as those imposed by existing zoning regulations, this ordinance shall be construed as a continuation of said regulations and not as a new enactment. (Former Section CZ#A311-13; Ord. 1705, 9/10/85)

311-10 LIMITATIONS ON LAND USES AND STRUCTURES

Except as otherwise specifically provided in this Code:

- 10.1 **Use Requirements.** No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located. (Former Section INL#313-7(a); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

Humboldt County Code § 314-81.1

[Use of mobile homes or trailers as place of habitation]

(314-76 through 314-80: Sections Reserved for Future Use)

314-81.1 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

81.1.1 The use of manufactured homes and recreational vehicles shall be subject to the following regulations: (Former Section INL#316-10; Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.1 Manufactured homes and recreational vehicles shall be used as residences only in manufactured home parks and special occupancy parks, or in any public camping area, subject to the applicable provisions of the Health and Safety Code of the State of California. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.2 However, manufactured homes may be located and used outside of manufactured home parks in certain zoning districts where such use is specifically authorized. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3 Manufactured homes used for residential purposes outside of manufactured home parks shall be subject to the same building regulations and zoning regulations applicable to buildings similarly used and shall be required to meet all of the following at the time of installation: (Former Section INL#316-10(b); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.1 The manufactured home shall be completely enclosed (except for venting) at the ground level with manufactured home skirting. (Former Section INL#316-10(b)(1); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.2 A manufactured home manufactured before September 15, 1971, may be placed on a permanent foundation provided an engineer licensed by the State of California certifies that the unit is structurally sound and complies with the Uniform Building Code. If necessary, a unit may be modified to comply with the U.S. Department of Housing and Urban Development standards for safety, ceiling height and structure. Such modifications require a building permit. (Former Section INL#316-10(b)(2); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.3 A manufactured home sold new before July 1, 1980, shall be attached to a permanent foundation approved by the Chief Building Inspector. (Former Section INL#316-10(b)(3); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.4 The State Department of Housing and Community Development manufactured home insignia and the license plate of a manufactured home sold new before July 1, 1980, shall be removed and returned to said Department together with the Department of Motor Vehicles' certificate of ownership, the certificate of registration and a copy of the building permit for manufactured home installation. (Former Section INL#316-10(b)(4); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.3.5 A manufactured home sold new on or after July 1, 1980, shall be

attached either to a permanent foundation or to a standard setup with tie down anchors approved by the Chief Building Inspector. (Former Section INL#316-10(b)(5); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.4 One (1) manufactured home may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a manufactured home sales area without a Use Permit. (Former Section INL#316-10(c); Amended by Ord. 1848, Sec. 18, 9/13/88; Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5 Temporary Use - Special Permits. Notwithstanding subsection 81.1.1.1, Special Permits may be issued for the temporary use of a manufactured home or recreational vehicle as follows: (Former Section INL#316-10(d); Amended by Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.1 The Director may permit a person who has a permanent residence elsewhere to use a recreational vehicle as a temporary residence for up to six (6) months. (Former Section INL#316-10(d)(1); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.2 The Director may permit a construction contractor to use a manufactured home, commercial coach or recreational vehicle as an office for the duration of the job. (Former Section INL#316-10(d)(3); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3 The Zoning Administrator may in a case of hardship, grant a property owner a Special Permit to set up temporarily any manufactured home which is not defined as a "nuisance" by Title 25 of the California Code of Regulations. (Former Section INL#316-10(d)(4); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3.1 The Zoning Administrator may find a case of hardship if: (Former Section INL#316-10(d)(4)(a); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.1 The property lies in a zone in which a manufactured home is a principal permitted use; and (Former Section INL#316-10(d)(4)(a)(i); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.2 Placement of the manufactured home is consistent with the general character of the neighborhood and will not adversely affect the public health and safety of the neighborhood; and (Former Section INL#316-10(d)(4)(a)(ii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.3 The manufactured home is occupied by a specified person or persons who are related to the property owner; and (Former Section INL#316-10(d)(4)(a)(iii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.4 The Chief Building Inspector approves the proposed setup; and (Former Section INL#316-10(d)(4)(a)(iv); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.5 Neither the property owner nor the proposed occupant can afford to install, then remove, a permanent foundation; and/or (Former Section INL#316-10(d)(4)(a)(v); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.6 Neither the property owner nor the proposed occupant can afford to purchase a newer, conforming unit; and (Former Section INL#316-10(d)(4)(a)(vi); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.7 The health and well-being of either the property owner or the proposed occupant requires that the manufactured home be on the property. (Former Section INL#316-10(d)(4)(a) (vii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.2 The Special Permit is valid for one (1) year. The Zoning Administrator may be renew it for additional one year periods for as long as the hardship continues. (Former Section INL#316-10(d)(4)(b); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.4 Temporary Occupancy.

81.1.1.5.4.1 The Chief Building Inspector may issue a temporary occupancy permit for one manufactured home or recreational vehicle situated on a lot for which the applicant has obtained a building permit. The use of the manufactured home or recreational vehicle shall be the same as the use of the building for which the permit was granted. Services shall not be connected to the permanent structure until the manufactured home or recreational vehicle for which the temporary occupancy permit was issued has been removed from the property. (Former Section INL#316-10(d)(5)(a); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2 The temporary occupancy permit shall be valid for six months from the date the building permit was issued. The manufactured home or recreational vehicle for which the temporary occupancy permit was issued shall be removed when the temporary occupancy permit expires. The Chief Building inspector may renew a temporary occupancy permit for one (1) additional six (6) month period if: (Former Section INL#316-10(d)(5)(b); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.1 There is substantial progress on the permanent building; and (Former Section INL#316-10(d)(5)(b)(i); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.2 It is reasonable and probable that the permanent building will be completed within the extra six (6) months. (Former Section INL#316-10(d)(5)(b)(ii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.3 The applicant shall sign a document stating he has read and
Last revised 1/19/05

understands the conditions of the permit. (Former Section INL#316-10(d)(5)(c); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5 Owner-Builder.

81.1.1.5.5.1 The Chief Building Inspector may grant a property owner who signs the building permit as an owner-builder a temporary occupancy permit for one (1) manufactured home or recreational vehicle which is not defined as a nuisance by Title 25 of the California Code of Regulations. (Former Section INL#316-10(d)(6)(a); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2 The Chief building Inspector may issue the permit if:
(Former Section INL#316-10(d)(6)(b); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2.1 The property lies in a zone in which a manufactured home is a permitted use; and (Former Section INL#316-10(d)(6)(b)(i); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2.2 The applicant is the landowner and is building a house on the same piece of property; and (Former Section INL#316-10(d)(6)(b)(ii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2.3 The applicant has a building permit for the permanent residence; and (Former Section INL#316-10(d)(6)(b)(iii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2.4 Any septic system used with the temporary quarters is sized for the permanent residence; and (Former Section INL#316-10(d)(6)(b)(iv); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.2.5 Any water supply developed on the property is sized for the permanent residence. (Former Section INL#316-10(d)(6)(b)(v); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.3 The temporary occupancy permit shall be valid for six (6) months from the date the building permit was issued. The Chief building Inspector may renew the temporary occupancy permit for additional six (6) month periods if he determines that substantial progress is being made on construction of the permanent residence. The temporary occupancy permit shall expire when the building permit expires. (Former Section INL#316-10(d)(6)(c); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.4 Services shall not be transferred to the permanent residence until the temporary quarters are removed from the property. (Former Section INL#316-10(d)(6)(d); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.5.5 The applicant shall sign a document stating that he has read and understands the conditions of the permit. (Former Section INL#316-10(d)(6)(e); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.6 When any permit issued under subsection 81.1.1.5, Temporary Use - Special Permits expires, the owner of the land on which the manufactured home or recreational vehicle is placed shall remove it. Any manufactured home or recreational vehicle not so removed is a public nuisance. It may be abated in accordance with this Code. (Former Section INL#316-10(d)(6)(e); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.7 When a permit for temporary use of a recreational vehicle issued under subsection 81.1.1.5 expires, the owner of the land on which it is located shall disconnect it from utilities and cease to occupy it. Any recreational vehicle not so disconnected is a public nuisance. It may be abated in accordance with this Code. (Former Section INL#316-10(d)(6)(f); Ord. 1403A, Sec. 1, 6/3/80; Amended by Ord. 1540, Sec. 1, 6/29/82; Ord. 1876, 9/26/89)

*Note: For Nonconforming Manufactured Homes, see Section B, Part 5, of this Chapter: Nonconforming Uses and Nonconforming Structures.

(314-82 through 314-83: Sections Reserved for Future Use)

314-84.1 PRIVATE COMMUNICATION EQUIPMENT FACILITIES

Private communication equipment buildings and transmission and distribution facilities shall be permitted in any zone with a Use Permit. (Former Section INL#316-15.1; Added by Ord. 1867, Sec. 1, 6/13/89)

314-84.2 PUBLIC UTILITY BUILDINGS

Public utility buildings including, but not limited to, communication equipment buildings, substations, generating plants, gasometers, and transmission and distribution facilities shall be classified as quasi-public uses. (Former Section INL#316-15; Ord. 519, Sec. 615, 5/11/65)

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 § 521-4

[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)

Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

EXHIBIT "F"
Photographs of Subject Property

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Administrative Abatement Hearing, County v. Donald Snyder & Donna Keith
A.P. No. 403-011-024

EXHIBIT "G"

Photographs of Subject Property

