



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

K-1

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

Date: **February 4, 2016**

To: **Board of Supervisors**

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

Subject: **Administrative Abatement Hearing**
Neoma Pettit and the Estate of Neel Pettit
370 Indianola Road, Bayside, California, AP# 402-032-033

RECOMMENDATION(S):

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

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

SOURCE OF FUNDING:

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

Prepared by Jason Sheets and Jeff Conner

CAO Approval *Angus*

REVIEW:

Auditor _____ County Counsel *BS* 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 _____ Seconded by Supervisor _____

Ayes _____
Nays _____
Abstain _____
Absent _____

SEE ACTION SUMMARY

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

Dated: _____

By: _____
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 April 12, 2013, the Code Enforcement Unit (CEU) received a referral from the Division of Environmental Health concerning the property at 370 Indianola Road in Bayside. The referral alleged that there were violations of Humboldt County Code dealing with the improper storage and removal of solid waste as well as junk vehicles. The CEU confirmed these violations. An inspection in September of 2013 found two travel trailers on the property, but they were both filled with trash and did not appear to be used as a residence. On October 21, 2013, a Notice of Nuisance was served on the owners and the document was recorded on October 23, 2013 at the Humboldt County Recorder's Office. The CEU checked the property on two occasions during the winter of 2013/2014. Several junk vehicles had been removed, however the solid waste and trailers full of trash remained on the property. A third travel trailer was observed in January of 2014, but it could not be determined at that time if the trailer was being used as residence or not. During the remainder of 2014, conditions on the property continued to slowly improve.

On May 4, 2015, a motorhome was observed on the property in the vicinity of a travel trailer. Both of these vehicles had the impedimenta associated with occupancy including extended awnings, furniture and outdoor cooking appliances. A letter was sent to the owner requesting that these recreational vehicles be removed in a timely manner. The CEU was contacted by Judy Walker, who is Neoma Pettit's daughter and who allegedly has power of attorney over her affairs. Walker told the CEU that one of her brothers had allowed the recreational vehicle occupants onto the property and that there was no water or power service to the property. Walker added that she is trying to sell the property and has a prospective buyer.

The CEU continued to monitor the property as conditions began to deteriorate. Additional recreational vehicles were moved onto the property. The CEU was contacted by the City of Eureka over the theft of water by occupants of the parcel. The CEU also began to receive numerous complaints from neighbors of the parcel describing criminal activity in addition to the conditions on the parcel. Walker continued to communicate with the CEU, however, and was optimistic about the sale of the property.

In the first week of January, 2016, the CEU received four different complaints from neighbors. An inspection from the roadway counted at least eight recreational vehicles on the property. Walker continued to advise the CEU that a sale was pending. In addition, Walker informed the CEU that she had retained Randall Davis to evict the occupants of the property. There was little or no change in the conditions on the parcel, however, and on January 20, 2016, an Amended Notice of Nuisance adding several violations,

including the use of recreational vehicles as a residence, was served on the owners. There have been no significant changes in the conditions on this property since that notice was served.

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

1. The violations observed on the subject property include conditions that violate both state and local law.
2. The violations include: Humboldt County Code Sections 311-10.1, property use in violation of zoning code; 312-3, Development within the Coastal Zone without a permit; 314-81.1, use of a recreational vehicle as a residence; 352-26, junk vehicles; 371-2, maintaining a junk yard; and 521-4, improper storage and removal of solid waste.
3. The violations have created conditions that are unsafe and detrimental to public health and safety, and constitute a public nuisance, which should be abated.

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

If your Board adopts the proffered recommendations, there will not be an immediate financial impact. However, if the owners of the property do not complete the necessary actions within the time allotted by your Board, then the CEU will have the authority to abate the violations. The Code Enforcement Trust Fund is the primary source of monies for abatements conducted by the CEU. The potential cost of a complete abatement of this property could empty the trust fund and hinder the ability to conduct other abatements in the future.

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

OTHER AGENCY INVOLVEMENT:

None at this time

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than February 16, 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

Neoma Pettit and the Estate of Neel Pettit
370 Indianola Road, Bayside, California; AP# 402-032-033

February 23, 2016

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

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

Now therefore the Board Finds:

1. The property located at 370 Indianola Road, Bayside, California is located in a Residential: Rural Residential Agriculture zone, in the unincorporated area of Bayside, Humboldt County, California, referred to as Assessor's Parcel No. 402-032-033; 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 and an Amended 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 Notices; 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 Humboldt County Code Sections 311-10.1, use of the property in violation of zoning code; 312-3, development in the Coastal Zone without the proper permits; 314-81.1, use of a recreational vehicle as a residence; 352-26, junk vehicles; 371-2, maintaining a junkyard; and 521-4, improper storage and removal of solid waste; and

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

NOW, THEREFORE, IT IS HEREBY:

ORDERED:

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

§311-10.1

Use of property in violation of zoning code

Corrective Actions:

- a) Obtain the necessary permits to operate a trailer park or recreational vehicle storage area, or
- b) Remove all recreational vehicles not owned by the property's occupants

§312-3

Development within the Coastal Zone without the proper permits

Corrective Actions:

- a) Obtain a coastal development permit to operate a trailer park or recreational vehicle storage facility, or

b) Remove all recreational vehicles not owned by the property's occupants

§314-81.1

Use of a recreational vehicle as a residence

Corrective Actions:

Disconnect all utilities and cease use as a residence

§352-26

Junk vehicles

Corrective Actions:

a) Restore vehicle to operative condition, and/or

b) Remove inoperable vehicles, and/or

c) Store inoperative vehicles within an enclosed structure

§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

§521-4

Improper storage and removal of solid waste

Corrective Actions:

Contain and dispose of all solid waste properly

3. That the abatement of all violations be completed within 60 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: 2-23-16



Chair, Humboldt County Board of Supervisors



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. 13CEU-32

COUNTY v. NEOMA PETTIT and the ESTATE OF
NEEL PETTIT

A.P. No. 402-032-033/402-032-039

February 23, 2016
1:30 p.m.

EXHIBIT PACKET

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

EXHIBIT A-- Location map (2 pages)

EXHIBIT B-- Grant Deed (4 pages)

EXHIBIT C-- Notice of Nuisance dated October 8, 2013, with Proof of Service (8 pages)

EXHIBIT D-- Amended Notice of Nuisance dated January 19, 2016 (6 pages)

EXHIBIT E -- Notice to Abate Nuisance dated February 5, 2016 (6 pages)

EXHIBIT F -- Copies of relevant sections of Humboldt County Code [§§ 331-10.1, 312-3, 314-81.1, 352-26, 371-2, and 521-4 (18 pages)]

EXHIBIT G -- Photographs of subject property (2 pages)

Dated: 02/16/2016

CODE ENFORCEMENT UNIT

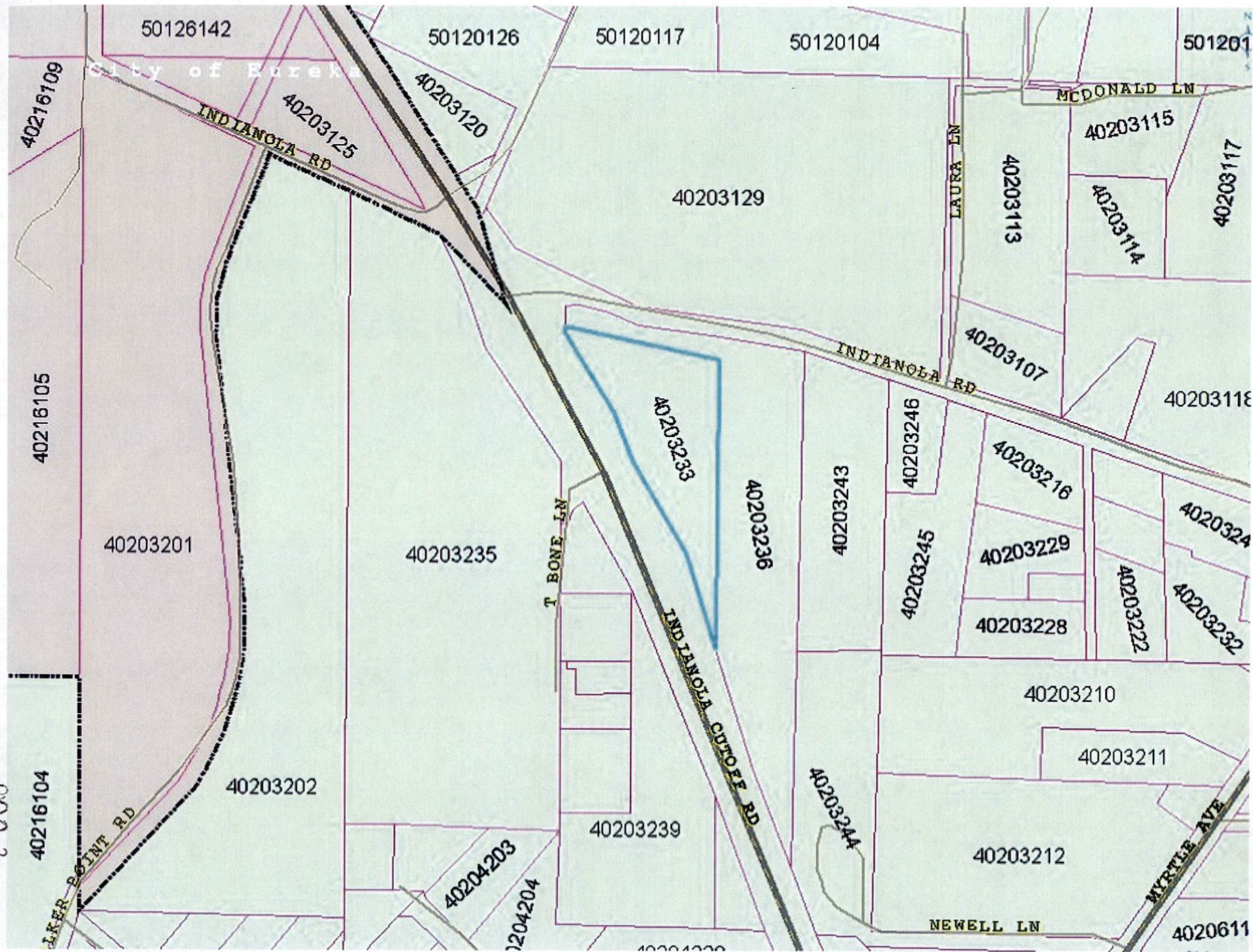


JASON SHEETS
Deputy County Counsel

Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "A"

2000





Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "B"

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

Name Abu B. Siddiq
Address 1054 Aviation Blvd.
Hermosa Beach, CA 90254

Order No. 00154804-001-RB/ah

2015-020721-2
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HLTCO
Rec Fee: \$16.00

Survey Mon Fee: \$10.00

Doc Trf Tax: \$85.80
Clerk: LH Total: \$111.80
Oct 30, 2015 at 10:33:11

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)

City of unincorporated area

Parcel No. 402-032-039

Documentary Transfer Tax is \$85.80

- ☒ 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,

Neoma Hazel Pettit, a widow

hereby GRANT(s) to

Abu B. Siddiq and Maria A. Furzer, husband and wife as joint tenants

the following real property in the unincorporated area of the County of Humboldt, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: October 24, 2015

Judy Ann Walker
Neoma Hazel Pettit, by Judy Ann Walker, her
attorney-in-fact

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.

State of California
County of Tehama

On October 27, 2015 before me, Lori Michelle Guertner a Notary Public,
personally appeared Judy Ann Walker

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

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

WITNESS my hand and official seal.

Signature *Lori Michelle Guertner*
My commission expires: Sept 13, 2019



Exhibit A

DESCRIPTION

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

That portion of the Southeast Quarter of Section 17, Township 5 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE:

BEGINNING at the Southwest corner of the land conveyed to Neel H. Pettit and wife by Deed recorded March 29, 1955 in Book 333 of Official Records, Page 72, Humboldt County Records;

thence Northerly along the Westerly line of said land, 245 feet to the Southwest corner of that parcel of land conveyed to Harry E. Verwer and Dorothy A. Verwer, husband and wife, by Deed recorded February 5, 1971 in Book 1075 of Official Records, Page 641;

thence Easterly along the Southerly line of said parcel, 150 feet to the Southeast corner thereof;

thence Northerly, along the East line of said parcel, 90.00 feet;

thence Easterly at right angles to said East line, 140.00 feet;

thence North 67 degrees 00 minutes East, 35 feet, more or less, to the Southwesterly line of Indianola Road, as described in Parcel One of Book 1150 of Official Records, Page 31;

thence Southeasterly along said Southwesterly line, 30 feet, more or less, to the East line of said parcel of land conveyed to Neel H. Pettit and wife;

thence Southerly along said East line, 320 feet, more or less, to the Southeast corner of said parcel;

thence Westerly, along the South line of said parcel, 337.26 feet, more or less, to the point of beginning.

PARCEL TWO:

COMMENCING at the Southwest corner of the land conveyed to Neel H. Pettit and wife by Deed recorded March 29, 1955 in Book 333 of Official Records, Page 72, Humboldt County Records;

thence Northerly along the Westerly line of said land, 245 feet to the Southwest corner of that parcel of land conveyed to Harry E. Verwer and Dorothy A. Verwer, husband and wife, by Deed recorded February 5, 1971 in Book 1075 of Official Records, Page 641;

thence Easterly along the Southerly line of said parcel, 150 feet to the Southeast corner thereof;

thence Northerly, along the East line of said parcel, 90.00 feet, to the true point of beginning of this parcel;

thence Easterly at right angles to said East line, 140.00 feet;

thence North 67 degrees 00 minutes East, 35 feet, more or less, to the Southwesterly line of Indianola Road, as described in Parcel One of Book 1150 of Official Records, Page 31;

thence Northwesterly along said Southwesterly line, 725 feet, more or less, to the West line of said parcel of land conveyed to Neel H. Pettit and wife;

thence Southerly along said West line, 280 feet, more or less, to the Northwest corner of that parcel of land conveyed to Hugo Buntrock and William Bergdoll and their wives by Deed recorded January 11, 1954 in Book 276 of Official Records, Page 236;

thence Easterly, along the North line of said parcel, 150 feet, more or less, to the Northeast corner thereof;

thence Southerly, along the East line of said parcel and the East line of said parcel conveyed to Verwer and wife, 380.4 feet, more or less, to the true point of beginning.

WHEN RECORDED, PLEASE MAIL TO:
Harry E. & Dorothy A. Verwer
P.O. Box 390
Eureka, California
MAIL TAX STATEMENT TO ABOVE:
Order No. 22072

RECORDER'S USE ONLY
RECORDED AT REQUEST OF
EUREKA TITLE COMPANY
1918
VOL 1075 RECORDED 641
Feb 5 3 30 PM 1971
HUMBOLDT COUNTY RECORDER
EMMA ANN ALGALA, RECORDER
TAX collected By *2.80*

GRANT DEED

DOCUMENTARY TRANSFER TAX \$
XX COMPUTED ON FULL VALUE OF PROPERTY CONVEYED.
OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE.

EUREKA TITLE COMPANY

Signature of Declarant or Agent Determining Tax. Firm Name

NEEL H. PETTIT AND NEOMA HAZEL PETTIT, his wife,

FOR A VALUABLE CONSIDERATION, DO HEREBY GRANT TO
HARRY E. VERWER AND DOROTHY A. VERWER, husband and wife, as joint tenants

the real property in the

, County of Humboldt, State of California, described as:

See Schedule "A" attached hereto and made a part hereof.

Request amount of tax not be shown on document
pursuant to Sec. 12, Humboldt County Ordinance
No. 616, as amended by Ordinance No. 634.

4/21/77 COPY

STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

ss.

Dated: December 30, 1970

On December 30, 1970
before me, the undersigned, a Notary Public, in and
for said County and State, personally appeared

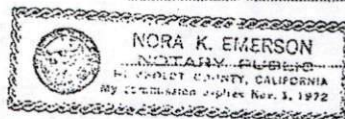
Neel H. Pettit and
Neoma Hazel Pettit

Neel H. Pettit
Neel H. Pettit
Neoma Hazel Pettit
Neoma Hazel Pettit

known to me to be the person whose name is are
subscribed to the within instrument and acknowl-

edged that they executed the same
WITNESS my hand and official seal.

(Seal) *Nora K. Emerson*
Notary Public in and for said County and State.



1918

SCHEDULE "A"

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

Those portions of Section 17, Township 5 North, Range 1 East, Humboldt Meridian described as follows:

PARCEL ONE:

BEGINNING at the Southwest corner of the land conveyed to Neal H. Pettit and wife by Deed recorded March 29, 1955 in Book 333 page 72 of Official Humboldt County Records;

thence Northerly along the Westerly line of said land 245 feet to the true point of beginning;

thence continuing Northerly along said Westerly line 180 feet more or less to the Southwest corner of the land conveyed to Robert J. Cooley and wife by deed recorded May 11, 1956 in Book 392 page 45 of Official Humboldt County Records;

thence Easterly along the South line of said Cooley land 150 feet;

thence Southerly and parallel with the west line of the said Pettit land 180 feet;

thence Westerly and parallel with the South line of the said Cooley land 150 feet to the true point of beginning.

PARCEL TWO:

A non-exclusive easement for ingress and egress and public utility purposes 50 feet in width the center line of which is described as follows: Beginning at a point on the East line of Parcel One above located 90 feet North from the Southeast corner thereof and running thence Easterly at right angles to said East line, 140 feet; thence North 67 degrees East 35 feet, more or less, to the South Westerly line of and at right angles to the new Indianola Road.

It is the intent of this description to create an easement, the South line of which is to intersect the new Indianola Road at a point where the East line of lands owned by the herein above Grantors and the South Westerly line of said new Indianola Road intersect.

RESERVING unto the Grantor the right to take water from the existing well situated on Parcel One, together with an easement over said Parcel One for a pipeline for the conveyance of said water. Said Easement shall exist only until such time as a pipe line is available to serve said property from the Humboldt Bay Municipal Utility District.

H.C.D.
M.H.P.
1-27-71

Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "C"



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

2013-023865-8
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HUMBOLDT CO

conformed copy

Clerk: LH Total:\$0.00
Oct 23, 2013 at 16:02:38

NOTICE OF NUISANCE

Owner: Neoma Pettit and the Estate of Neel Pettit
Address of Subject Premises: 370 Indianola Road, Bayside, California AP# 402-032-033/039

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:

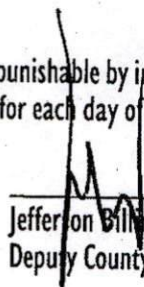
- **Imposition of an administrative penalty.** The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made 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 8, 2013


Jefferson Billingsley
Deputy County Counsel

A.P. No: 402-032-033/039 File No: 13CEU032

"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 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 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.
Remarks		

A.P. No. 402-032-033/039

000 11

ATTACHMENT "B"

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

COMMENCING at a point 8.57 chains south and 19.18 chains west of the quarter section post in the east line of Section 17 in Township 5 North, Range 1 East, Humboldt Meridian;

thence south 19.11 chains;

thence west 5.11 chains;

thence north 20.57 chains;

thence south 67 degrees east 2.78 chains;

thence south 84 degrees east 2.56 chains to the place of beginning.

(Variation 17 degrees 45 minutes east).

EXCEPT strip off north side heretofore deeded to County for road

AND ALSO EXCEPT the land and right of way conveyed to Hugo Buntrock and William Bergdoll and their wives, by deed recorded January 11th 1954. This excepted parcel being 290.4 feet along the east side of the west line of the land above described, by 150 feet wide and the right of way is 15 feet wide and runs from the northwest corner of the same tract north to the county road.

EXCEPTING the following parcels of land removed by deed or eminent domain:

Those portions of Section 17, Township 5 North, Range 1 East, Humboldt Meridian described as follows:

PARCEL ONE:

BEGINNING at the Southwest corner of the land conveyed to Neel H. Pettit and wife by Deed recorded March 29, 1955 in Book 333 page 72 of Official Humboldt County Records;

thence Northerly along the Westerly line of said land 245 feet to the true point of beginning;

thence continuing Northerly along said Westerly line 180 feet more or less to the Southwest corner of the land conveyed to Robert J. Cooley and wife by deed Recorded May 11, 1956 in Book 392 page 45 of Official Humboldt County Records;

thence Easterly along the South line of said Cooley land 150 feet;

thence Southerly and parallel with the west line of the said Pettit land 180 feet;

thence Westerly and parallel with the South line of the said Cooley land 150 feet to the true point of beginning.

Those portions of the parcel of land in the Southeast quarter of Section 17, T.5 N., R.1 E., H.B.&M., conveyed to Neel H. Pettit and wife by deed recorded March 29, 1955, in Volume 333 of Official Records, Page 72, in the office of the Recorder of said County, described as follows:

PARCEL TWO:

Beginning at a point which bears N 32 ° 19' 46" E (=N 30 ° 57' 42" E True Meridian)

2233.31 feet from the South quarter corner of said Section 17; said point being located N 64° 23' 15" E 80.00 feet from Engineer's Station "L" 21+00 P.O.C. in the survey made by the County of Humboldt for the relocation of Indianola Cutoff (County Road No. A4K200);

Thence, from said point of beginning, along the Northeasterly right of way line for said relocation, S 19° 24' 36" E, 101.99 feet;

Thence, S 27° 42' 29" E, 247.57 feet to a point N 68° 19' 00" E, 90.00 feet from Engineer's Station "L" 24+42.89 E.C.;

Thence, S 15° 17' 31" E, 165 feet, more or less, to the East line of the land described in the above named deed;

Thence, South, along said East line, 310 feet, more or less, to the point of intersection thereof with the Southwesterly right of way line for said relocation, said point being North 320 feet, more or less, from the Southeast corner of such land and S 68° 19' 00" W, 50.00 feet from the centerline of said relocation which extends S 21° 41' 00" E, from Engineer's Station "L" 24+42.89 E.C.;

Thence, N 21° 41' 00" W, 453 feet, more or less, to a point S 68° 19' W 50.00 feet from Engineer's Station "L" 24+42.89 E.C.;

Thence, N 26° 39' 00" W, 240.55 feet to a point S 65° 35' 00" W, 65.00 feet from Engineer's Station "L" 22+00 P.O.C.;

Thence, N 30° 37' 11" W, 55 feet more or less, to the point of intersection of said Southwesterly right of way line with the West line of said land;

Thence, leaving said right of way line, North, 287 feet, more or less, along the West line of said land to the intersection thereof with the Northeasterly right of way line for said relocation at a point thereon which bears N 30° 25' 48" W from the point of beginning;

Thence, S 30° 25' 48" E, 210 feet, more or less, to the Point of Beginning. (1.92 acres, more or less)

PARCEL THREE:

Beginning at a point which bears N 05° 33' 12" E (=N 04° 11' 08" E True Meridian), 203.91 feet from the point of beginning of Parcel 1 hereinabove, said point being on the South right of way line of the existing County road known as Indianola Cutoff at the point of conformity of the planning connection of said existing road with the aforesaid relocation thereof;

Thence, from said point of beginning, along the South line of said planned connection, N 72° 47' 06" W, 94.51 feet;

Thence, S 78° 27' 22" W, 30 feet, more or less, to the West line of the above named deed of record to Neel H. Pettit and wife;

Thence, North, along said West line, 35 feet, more or less, to the South line of the existing Indianola Cutoff;

Thence, East, along the last named line, 130 feet, more or less, to the point of beginning. (0.03 acre, more or less)

PARCEL FOUR:

Beginning at a point which bears S 25° 54' 52" W, (= S 24° 32' 48" W True Meridian), 257.89 feet from the point of beginning of Parcel 2 herein above, said point being Engineer's Station 1+50 (Conform) on the centerline of a private road, 15 feet in width, in the aforesaid survey for the relocation of Indianola Cutoff;

Thence, from said point of beginning, N 89° 28' 00" E, 7.50 feet to the Easterly right of way line for the connection of said private road with the planned relocation of Indianola Cutoff;

Thence, N 21° 05' 22" E, 21.36 feet, along said right of way line to a point N 89° 28' 00" E, 15.00 feet from Engineer's Station 1+30 E.C.;

Thence, on a curve to the right, from a tangent bearing N 00° 32' 00" W, with a radius of 60 feet, a distance of 47 feet, more or less, to the intersection thereof, with the course on the Southeasterly right of way line described in Parcel 1 above as "thence N 26° 39' 00 W, 240.55 feet, etc."

Thence, Northerly on said course, 20 feet, more or less, to the Northerly terminus thereof;

Thence N 30° 37' 11" W, 51 feet, more or less, to the intersection of said Southwesterly right of way line with the West line of the land described in said deed to Neel H. Pettit and wife;

Thence, South, along said West line, 125 feet, more or less, to a point thereon which bears S 89° 28' 00" W, from the point of beginning;

Thence, N 89° 28' 00" E, 7.50 feet to the point of beginning (0.07 acre, more or less).

The bearings and related distances given in the foregoing descriptions are based on the California Coordinate System Zone 1. To convert to True Meridian rotate bearings 1° 22' 04" Counter-clockwise and multiply distances by 1.0001055.

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 16, 2013, I served a true copy **NOTICE OF NUISANCE; AND NOTICE OF INTENT TO RECOVER COSTS**

XX 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: **(via certified mail)**

Neoma Pettit and the Estate of Neel Pettit
441 Indianola Road
Bayside, CA 95524

Neoma Pettit and the Estate of Neel Pettit
1751 Chestnut Street
Eureka, CA 95501

_____ 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.

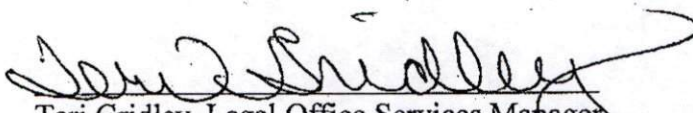
_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

_____ by fax as set forth below.

_____ by electronic service as set forth below.

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

Executed on the 16th day of October, 2013, 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: NEOMA PETIT & THE ESTATE OF NEEL PETIT		CASE NUMBER:
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 13CEJ032

(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):
NEOMA PETIT & THE ESTATE OF NEEL PETIT
- 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:
441 INDIANOLA ROAD, BAYSIDE
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:

NEOMA PETER ET AL

- 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 10/21/2013 1420 HOURS

☐ 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:

- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.30 (joint stock company/association)
- ☐ 416.40 (association or partnership)
- ☐ 416.50 (public entity)

- ☐ 415.95 (business organization, form unknown)
- ☐ 416.60 (minor)
- ☐ 416.70 (ward or conservatee)
- ☐ 416.90 (authorized person)
- ☐ 415.46 (occupant)
- ☐ 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: 10/21/2013

Jeff Conner

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

(SIGNATURE)

Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "D"



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

2016-001805-8
Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT COUNTY

Clerk: LH Total: \$0.00
Jan 22, 2016 at 13:35:45
CONFORMED COPY

AMENDED NOTICE OF NUISANCE

Owner: Neoma Pettit and the Estate of Neel Pettit
Address of Subject Premises 370 Indianola Road, Bayside, California; AP # 402-032-033

This document amends the previous Notice of Nuisance, which was recorded on October 23, 2013, as 2013-023865 by adding additional violations to Attachment "A".

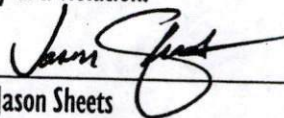
NOTICE IS HEREBY GIVEN that conditions described on "Attachment A" exist on premises situate in the County of Humboldt, State of California, as described on Attachment "B", which are in violation of state law and the Humboldt County Code. These conditions exist to an extent that endanger the life, limb, 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: January 19, 2016


Jason Sheets
Deputy County Counsel

A.P. No: 402-032-033

File No: 13CEU-32

000 19

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input checked="" type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input checked="" 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]	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 inoperative 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 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.
Remarks:		

A.P. No. 402-032-033/039

000 20

ATTACHMENT "B"

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

COMMENCING at a point 8.57 chains south and 19.18 chains west of the quarter section post in the east line of Section 17 in Township 5 North, Range 1 East, Humboldt Meridian;

thence south 19.11 chains;

thence west 5.11 chains;

thence north 20.57 chains;

thence south 67 degrees east 2.78 chains;

thence south 84 degrees east 2.56 chains to the place of beginning.

(Variation 17 degrees 45 minutes east).

EXCEPT strip off north side heretofore deeded to County for road

AND ALSO EXCEPT the land and right of way conveyed to Hugo Buntrock and William Bergdoll and their wives, by deed recorded January 11th 1954. This excepted parcel being 290.4 feet along the east side of the west line of the land above described, by 150 feet wide and the right of way is 15 feet wide and runs from the northwest corner of the same tract north to the county road.

EXCEPTING the following parcels of land removed by deed or eminent domain:

Those portions of Section 17, Township 5 North, Range 1 East, Humboldt Meridian described as follows:

PARCEL ONE:

BEGINNING at the Southwest corner of the land conveyed to Neel H. Pettit and wife by Deed recorded March 29, 1955 in Book 333 page 72 of Official Humboldt County Records;

thence Northerly along the Westerly line of said land 245 feet to the true point of beginning;

thence continuing Northerly along said Westerly line 180 feet more or less to the Southwest corner of the land conveyed to Robert J. Cooley and wife by deed Recorded May 11, 1956 in Book 392 page 45 of Official Humboldt County Records;

thence Easterly along the South line of said Cooley land 150 feet;

thence Southerly and parallel with the west line of the said Pettit land 180 feet;

thence Westerly and parallel with the South line of the said Cooley land 150 feet to the true point of beginning.

Those portions of the parcel of land in the Southeast quarter of Section 17, T.5 N., R.1 E., H.B.&M., conveyed to Neel H. Pettit and wife by deed recorded March 29, 1955, in Volume 333 of Official Records, Page 72, in the office of the Recorder of said County, described as follows:

PARCEL TWO:

Beginning at a point which bears N 32 ° 19' 46" E (=N 30° 57' 42" E True Meridian)

2233.31 feet from the South quarter corner of said Section 17; said point being located N 64° 23' 15" E 80.00 feet from Engineer's Station "L" 21+00 P.O.C. in the survey made by the County of Humboldt for the relocation of Indianola Cutoff (County Road No. A4K200);

Thence, from said point of beginning, along the Northeasterly right of way line for said relocation, S 19° 24' 36" E, 101.99 feet;

Thence, S 27° 42' 29" E, 247.57 feet to a point N 68° 19' 00" E, 90.00 feet from Engineer's Station "L" 24+42.89 E.C.;

Thence, S 15° 17' 31" E, 165 feet, more or less, to the East line of the land described in the above named deed;

Thence, South, along said East line, 310 feet, more or less, to the point of intersection thereof with the Southwesterly right of way line for said relocation, said point being North 320 feet, more or less, from the Southeast corner of such land and S 68° 19' 00" W, 50.00 feet from the centerline of said relocation which extends S 21° 41' 00" E, from Engineer's Station "L" 24+42.89 E.C.;

Thence, N 21° 41' 00" W, 453 feet, more or less, to a point S 68° 19' W 50.00 feet from Engineer's Station "L" 24+42.89 E.C.;

Thence, N 26° 39' 00" W, 240.55 feet to a point S 65° 35' 00" W, 65.00 feet from Engineer's Station "L" 22+00 P.O.C.;

Thence, N 30° 37' 11" W, 55 feet more or less, to the point of intersection of said Southwesterly right of way line with the West line of said land;

Thence, leaving said right of way line, North, 287 feet, more or less, along the West line of said land to the intersection thereof with the Northeasterly right of way line for said relocation at a point thereon which bears N 30° 25' 48" W from the point of beginning;

Thence, S 30° 25' 48" E, 210 feet, more or less, to the Point of Beginning. (1.92 acres, more or less)

PARCEL THREE:

Beginning at a point which bears N 05° 33' 12" E (=N 04° 11' 08" E True Meridian), 203.91 feet from the point of beginning of Parcel 1 hereinabove, said point being on the South right of way line of the existing County road known as Indianola Cutoff at the point of conformity of the planning connection of said existing road with the aforesaid relocation thereof;

Thence, from said point of beginning, along the South line of said planned connection, N 72° 47' 06" W, 94.51 feet;

Thence, S 78° 27' 22" W, 30 feet, more or less, to the West line of the above named deed of record to Neel H. Pettit and wife;

Thence, North, along said West line, 35 feet, more or less, to the South line of the existing Indianola Cutoff;

Thence, East, along the last named line, 130 feet, more or less, to the point of beginning. (0.03 acre, more or less)

PARCEL FOUR:

Beginning at a point which bears S 25° 54' 52" W, (= S 24° 32' 48" W True Meridian), 257.89 feet from the point of beginning of Parcel 2 herein above, said point being Engineer's Station 1+50 (Conform) on the centerline of a private road, 15 feet in width, in the aforesaid survey for the relocation of Indianola Cutoff;

Thence, from said point of beginning, N 89° 28' 00" E, 7.50 feet to the Easterly right of way line for the connection of said private road with the planned relocation of Indianola Cutoff;

Thence, N 21° 05' 22" E, 21.36 feet, along said right of way line to a point N 89° 28' 00" E, 15.00 feet from Engineer's Station 1+30 E.C.;

Thence, on a curve to the right, from a tangent bearing N 00° 32' 00" W, with a radius of 60 feet; a distance of 47 feet, more or less, to the intersection thereof, with the course on the Southeasterly right of way line described in Parcel 1 above as "thence N 26° 39' 00" W, 240.55 feet, etc."

Thence, Northerly on said course, 20 feet, more or less, to the Northerly terminus thereof;

Thence N 30° 37' 11" W, 51 feet, more or less, to the intersection of said Southwesterly right of way line with the West line of the land described in said deed to Neel H. Pettit and wife;

Thence, South, along said West line, 125 feet, more or less, to a point thereon which bears S 89° 28' 00" W, from the point of beginning;

Thence, N 89° 28' 00" E, 7.50 feet to the point of beginning (0.07 acre, more or less).

The bearings and related distances given in the foregoing descriptions are based on the California Coordinate System Zone 1. To convert to True Meridian rotate bearings 1° 22' 04" Counter-clockwise and multiply distances by 1.0001055.

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 January 20, 2016, I served a true copy **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:

**Neoma Pettit and the Estate of Neel Pettit
c/o Judy Walker
19617 Deer Valley Road
Red Bluff, CA 96080**

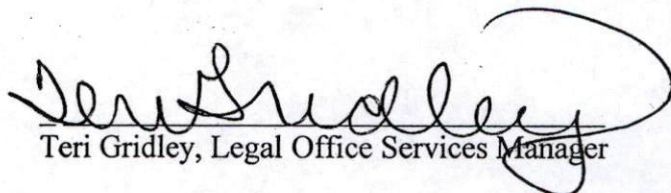
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 20th day of January, 2016, 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: NEOMA PETTIT & THE ESTATE OF NEEL PETTIT		CASE NUMBER:
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 13CEJ-32

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

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☐ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): **AMENDED NOTICE OF NUISANCE**
- Party served (specify name of party as shown on documents served):
NEOMA PETTIT & THE ESTATE OF NEEL PETTIT
 - Person served: ☒ party in item 3a ☐ other (specify name and relationship to the party named in item 3a):
- Address where the party was served:
370 INDIANOLA, BAYSIDE
- I served the party (check proper box)
 - ☐ 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):
 - ☐ 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):
 - ☐ (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.
 - ☐ (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.
 - ☐ (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.
 - ☐ 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.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT DEFENDANT/RESPONDENT: NEOMA PETTIT & THE ESTATE OF NEEL PETTIT	CASE NUMBER:
---	--------------

- 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 1/20/2016 1340

☐ 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: 1/20/2016

Jeff Conner

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

(SIGNATURE)

Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "E"



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: 441 Indianola Road, Bayside, California;
AP# 402-032-033

To: Neoma Pettit and the Estate of Neel Pettit

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

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

[Continued on next page]

Notice to Abate Nuisance

Page Two

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: February 5, 2016



Jason Sheets
Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input checked="" type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input checked="" 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]	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 inoperative 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 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.
Remarks:		

A.P. No. 402-032-033/039

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 February 5, 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)**

**Neoma Pettit and the Estate of Neel Pettit
c/o Judy Walker
19617 Deer Valley Road
Red Bluff, CA 96080**

_____ 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 5th day of February, 2016, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

PROOF OF SERVICE OF SUMMONS

Code of Civil Procedure, § 417.10

Page 1 of 2

- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business.
(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) :
(5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

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) : 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) :

4. Address where the party was served:
370 INDIANOLA ROAD, BAYSIDE

- b. Person served: ☒ party in item 3a ☐ other (specify name and relationship to the party named in item 3a) :

3. a. Party served (specify name of party as shown on documents served):
Neoma Pettit & THE ESTATE OF NEAL PETTIT

f. ☒ other (specify documents) : Notice to Abate Nuisance

- 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) :

2. I served copies of:
1. At the time of service I was at least 18 years of age and not a party to this action.

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

PROOF OF SERVICE OF SUMMONS	
DEFENDANT/RESPONDENT: Neoma Pettit & THE ESTATE OF NEAL PETTIT	PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT	
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):	
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NUMBER:	FOR COURT USE ONLY
Ref. No. or File No.:	13CEU-32

DEFENDANT/RESPONDENT: NEOMA PETT ET AL

- 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 2/5/2016 1600 HOURS

☐ 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.

or

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

Date: 2/9/2016

Jeff Conner

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

(SIGNATURE)

Administrative Abatement Hearing, County v. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "F"

Humboldt County Code § 311-10.1

[Building/property use or operation
in violation of zoning code]

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 § 312-3

[Development within coastal zone without permit(s)]

- 2.4.1.2 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. 1705, 9/10/85)
- 2.4.1.3 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)
- 2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)
- 2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)

2.5 EXPIRATION OF ZONING CLEARANCE CERTIFICATES

A Zoning Clearance certificate shall expire at the end of the 180th calendar day after issuance, unless otherwise indicated on the clearance, or when the proposed development no longer conforms with the County Zoning Regulations. However, if the proposed development has commenced, as authorized by any required County permits, the certificate shall not expire as long as the required building permit does not expire, as specified in the Uniform Building Code (currently Section 106.4.4). (Former Section CZ#A315-2(D); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

312-3 REQUIRED PERMITS AND VARIANCES

3.1 REQUIRED PERMITS

In addition to any other permits or approvals required by the County, including grading and building permits, any permit required by this Chapter shall be secured prior to the development of any lot in the unincorporated territory of Humboldt County. The following permits shall be required: (Former Section CZ#A315-3(A); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

- 3.1.1 **Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 3.1.2 **Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

- 2.4.1.2 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. 1705, 9/10/85)
- 2.4.1.3 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)
- 2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)
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- 3.1.1 **Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 3.1.2 **Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

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 CHAPTER 4, PAGE 101

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 § 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 § 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. Neoma Pettit and the Estate of Neel Pettit
A.P. No. 402-032-033/402-032-039

EXHIBIT "G"



CC 164

