



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

H-1

For the meeting of: **March 22, 2016**

Date: **March 3, 2016**

To: **BOARD OF SUPERVISORS**

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

Subject: **2015 Code Enforcement Unit Annual Report**

RECOMMENDATION(S):

That the Board of Supervisors:

- (1) Receive the Code Enforcement Unit's 2015 annual report.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

Within the first three months of each new calendar year, the Humboldt County Code Enforcement Unit (CEU) presents an annual report to the Board of Supervisors (Board) describing the CEU's activities during the preceding year. This report covers the CEU's activities for the 2015 calendar year.

Prepared by Jeff Conner/Jason Sheets

CAO Approval Emily Wilson

REVIEW:

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

TYPE OF ITEM:

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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Fennell  
Seconded by Supervisor Sundberg  
And unanimously carried by those members present,  
The Board hereby adopts the recommended action  
contained in this report.

PREVIOUS ACTION/REFERRAL:

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

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

Dated: March 22, 2016  
Kathy Hayes, Clerk of the Board

By: [Signature]

### Staffing

For the majority of 2015, the CEU staff consisted of a deputy county counsel, an investigator, and the office manager of the County Counsel's Office. Both the attorney and the office manager have numerous other assignments and spend less than 25% of their time working on code enforcement issues. The CEU applied for, and received, monies from the Measure Z fund in the 2015/2016 fiscal year. The intention of this application was to increase the number of CEU staff in order to provide additional services to the community. In December of 2015, the CEU hired a code compliance officer and a part-time legal office assistant. Both of these new employees are still undergoing training, but have already contributed to the unit's workload. Next year's annual report will contain a section providing more information on Measure Z funds and how they are being used.

### Types of Cases

In 2015, the CEU added two new types of cases to its database; small parcel, personal, medicinal marijuana cases and referral cases. In October of 2014, the County adopted an ordinance that regulates the growing of medicinal marijuana on parcels five acres in size and smaller. As these cases have a different, expedited abatement process, they have been separated from the other enforcement cases. During 2015, the Board directed the CEU to be the "clearing-house" for complaints. As such, the CEU has started to take complaints from the public and refer them to the proper department(s). These referrals are tracked in the database so that if the complainant calls again, the CEU can refer them to the correct person at the correct agency. There are five other types of cases within the database: enforcement, assistance, vehicle abatement, criminal and illegal dumping. Assistance cases provide information to other County departments. The Code Enforcement Unit has historically assisted in the disposal of unwanted, junk vehicles. This process is documented in the vehicle abatement reports. The CEU occasionally submits criminal complaints to the District Attorney's Office for egregious violations of County Code or State Law. Illegal dumping cases are treated slightly different than other enforcement cases as the focus is on making the perpetrator accountable rather than the property owner.

### Caseload

On January 1, 2015, the CEU had 134 open cases of all types. During 2015, the CEU opened 88 new cases and closed 74 cases. On December 31, 2015, there were 148 open cases. The new cases are broken down by type as follows:

Enforcement Cases	39
Assistance Cases	3
Vehicle Abatement Cases	2
Criminal Cases	1
Illegal Dumping Cases	1
Medical Marijuana Cases	30
Referral Cases	12

The new enforcement cases are broken down by supervisorial district as follows:

District I	6
District II	13
District III	9
District IV	3
District V	8

The new enforcement cases have also been broken down by primary violation as follows (note that most cases have multiple violations):

Construction and/or Grading Without Permits	11
Development in a SMA	1
Junk Vehicles	1
Maintaining a Junkyard	8
Removal of Forest Products	1
RVs Used as a Residence	3
Solid Waste	4
Substandard Housing	1
Unpermitted Secondary Unit(s)	2
Violation of a Zoning Ordinance	7

Enforcement cases are generally referred to the CEU by other County departments. However, the CEU can re-open enforcement cases on repeat offenders with the same or similar violations as a previous, referred case. The last breakdown is by initial referring agency and is as follows:

Building and Planning Divisions	26
Code Enforcement Unit	2
Division of Environmental Health	10
Public Works	1

See Attachment "A" for additional information on new enforcement cases.

The CEU closed the following number of cases by type:

Enforcement Cases	28
Assistance Cases	2
Vehicle Abatement Cases	2
Criminal Cases	1
Illegal Dumping Cases	3
Small Parcel Medical Marijuana Cases	28
Complaint Referral Cases	10

The enforcement cases were closed by the following means:

Administratively	5
Returned to Referring Department	2
Unfounded	2
Violations Abated by County	4
Violations Abated by Property Owner	15

The CEU closes cases administratively when (1) only minor violations remain, and (2) a notice of nuisance has been recorded against the property. Cases are occasionally returned to the referring department so that additional attempts at compliance can be made. Also, occasionally, the violations are cleared by the property owner after the case is referred, but before the CEU can inspect the property. These cases are determined to be unfounded. Additional information on closed enforcement cases can be found in Attachment "B."

### **Small Parcel, Personal Use, Medical Marijuana Cases**

2015 was the first full year that the CEU was responsible for enforcing the County's small parcel, personal use, medical marijuana ordinance. There were 30 complaints made, the majority being either in Shelter Cove or Willow Creek. The cases are listed below by District:

I District	1
II District	17
V District	12

All of the violations have been resolved. Two of the cases are still open as cost recovery has not taken place yet. The cases were closed for the following reasons:

Marijuana Abated by County	4
Marijuana Abated by Property Owner	13
Other	2
Unfounded	11

In the cases that were abated by the County two of the parcels were abated by the Sheriff's Department independent of the CEU's investigation; one of the parcels was abated by the Sheriff's Department in conjunction with the CEU; while the last parcel was abated by the owner (but not until an abatement warrant had been obtained by the CEU and just prior to service). In the vast majority of the parcels where the allegation was deemed to be unfounded, there were implements of cultivation present, but there were no marijuana plants on the property at the time of the inspection. The cost recovery for the two remaining open cases will be discussed in next year's annual report. See Attachment "C" for more information on these cases.

### **Administrative Penalties**

The CEU issued 11 administrative penalties totaling \$29,750 in 2015 (see Attachment "D" for information on these penalties). Three of the penalty recipients requested a hearing to appeal their administrative penalty. The Hearing Officer suspended the penalty in one of the cases to allow the property owner

additional time to abate the violations on his property. That suspension is still in effect. In another case, the hearing officer reduced the amount of the penalty from \$2,500 to \$1,300. That penalty has been paid. In the third instance, the hearing officer upheld the penalty and that amount is outstanding. The remaining eight penalties have become final. Special resolutions were submitted to your Board to allow unpaid administrative penalties to be added to the secured tax rolls ensuring that most of the monies are eventually collected.

As detailed above, the CEU issues penalties every year, but often does not receive payment until some time in the future. In the 2015 calendar year, the CEU collected a total of \$10,524.44 in administrative penalties. A portion of these funds was deposited into the County's General Fund to help cover the costs of the Code Enforcement Unit in the County Counsel's Office. The remainder was deposited into the Code Enforcement Trust Fund and will be used to pay for future clean-ups and similar expenses as approved by your Board.

### **Nuisance Abatement Board Hearings**

In 2015, the CEU brought two cases before your Board for a Nuisance Abatement Hearing. They are detailed below (See Attachment "E" for photos of the nuisance properties).

#### Loleta

In 2013, the CEU conducted an abatement of a property outside of Loleta. However, the parcel continued to be used as a dumping ground for junk vehicles and trash. The CEU and the Sheriff's Department removed these vehicles and most of the trash without going through the abatement hearing process. In December of 2014, a former occupant of the property moved a trailer onto the property and took up residence. In January of 2015, a second trailer and then a motorhome were moved onto the parcel. As the Notice of Nuisance had not been released after the initial abatement, it was not necessary to repeat those steps. An abatement hearing was held before your Board on February 24, 2015 and your Board found the property to be a nuisance and ordered the violations abated. The CEU conducted a second abatement of the violations on this parcel as well as held a cost recovery hearing.

#### Pine Hill

In January of 2011, the CEU received a referral from the Division of Environmental Health about a parcel in the greater Pine Hill area of Eureka. The CEU confirmed violations including the storage and removal of solid waste, maintaining a junkyard and the presence of junk vehicles. A Notice of Nuisance was recorded in March of 2011. When the owner made no progress in abating the violations, a \$2500 administrative penalty was issued to the owner. There was still no significant progress in clearing the violations. In September of 2011, an abatement hearing was held before your Board. The owner was present and testified on his own behalf. Your Board found the property to be a nuisance and ordered the violations abated. The owner, with the assistance of the CEU, made progress in abating the violations and by the summer of 2012, only a single junk vehicle was still present on the property. Consequently, an abatement was not conducted.

In January of 2013, inspections by CEU staff found that the amount of solid waste stored on the property was beginning to accumulate again and there were multiple cars on the property that appeared to be inoperable. There was no communication with the owner despite numerous attempts to contact him. In March of 2013, a second administrative penalty was issued to the owner. There was no response from the

owner, although conditions on the property improved slightly. The CEU continued to monitor the property. The improvements observed did not continue and the CEU eventually opted to bring this parcel back before your Board for a second abatement hearing. The hearing was held on July 14, 2015. The owner was present and again testified on his behalf. Your Board found the property to be a nuisance and ordered the violations to be abated. After the hearing, most of the junk vehicles were removed, however, all of the solid waste remained. An abatement is being conducted as this report is being written and should be completed by the time it is presented to your Board.

### **Abatements**

The CEU conducted two abatements related to enforcement cases in 2015 (See Attachment "F" for before and after pictures of the abatements).

#### McKinleyville

Multiple contractors removed three junk vehicles, two travel trailers and three 40 cubic yard bins of solid waste from a parcel that had been declared a nuisance by your Board in 2014. The occupants of the property moved a small amount of their possessions onto an adjacent parcel and then moved back onto the property in tents as soon as the abatement was completed. Cost recovery for this abatement has been completed.

#### Loleta

The CEU arranged a second abatement of a parcel in Loleta. A contractor removed two recreational vehicles and a junk vehicle from the property. After the vehicles were removed, a second contractor placed a concrete barrier across the access to the property to prevent further junk vehicles from being abandoned on this parcel. Cost recovery for this parcel has also been completed.

### **Cost Recovery**

The CEU brought two cost recovery items before your Board in 2015. The subjects of the hearings were the two abatements conducted by the CEU in 2015 in McKinleyville and Loleta. Both hearings were held on July 14, 2015, and were uncontested. Your Board approved the assessment in both hearings; \$10,024.94 for the McKinleyville cleanup and \$6,141.92 for the Loleta cleanup and placement of the K-rail barrier. Neither of these assessments have been paid and both have been added to the secure tax rolls for the properties. Both of these parcels are scheduled, at this time, to be sold in the tax lien auction taking place in April of 2016.

During 2015, the CEU did not collect any monies from previous cost recovery assessments. Cost recovery funds are often collected during the tax lien auction and the 2015 sale did not include any properties with cost recovery liens.

### **Junk Vehicle Program**

The CEU has worked in the past with property owners and the local vehicle dismantlers in the rapid disposal of unwanted junk vehicles. In December of 2014, the CEU lost access to the California Law Enforcement Telecommunications System (CLETS) which holds the Department of Motor Vehicles' database. The loss of easy access to registration records along with the anticipated increase in workload due to the passage of the Small Parcel Medical Marijuana Ordinance compelled the CEU to end this program. It is hoped that access to CLETS can be regained and with the addition of additional staff, that this program can be reinstated. The CEU still attempts to assist the public, when resources and funds allow, in the disposal of problem junk vehicles.

### **Community Outreach**

CEU staff gave a presentation to the Humboldt Legal Professionals Association on code enforcement. In addition, CEU staff members routinely provide information on County codes to the public and have begun to take complaints directly from the public as directed by your Board.

### **Inspection Warrants**

When a property owner or tenant refuses to give consent to inspect a property for alleged code violations, CEU applies to the court for an inspection warrant. An inspection warrant may be obtained upon a showing that there is a reason to believe a condition of non-conformity exists as to a particular parcel. An inspection warrant permits the inspection of the parcel and the conditions upon it, as well as the taking of pictures and measurements. An inspection warrant will specify whether the interior of a structure used for habitation may be inspected.

The CEU applied for, and obtained, seventeen inspection warrants from judges of the Humboldt County Superior Court during the course of 2015. Twelve of these warrants were for inspections related to enforcement of the County's Small Parcel Medical Marijuana Ordinance and additional information about them can be seen in Attachment "C." The other five inspection warrants were for enforcement cases, four where the primary violation was grading without permits and the fifth was a junkyard case. A warden from the California Department of Fish and Wildlife accompanied CEU staff on three of these inspections where there was overlapping jurisdiction. The other two inspections were conducted solely by CEU staff.

### **Abatement Warrants**

An abatement warrant is an inspection warrant that is used to obtain access to the parcel in order to conduct an abatement of a non-conforming condition on the property. The law governing inspection warrants applies equally to abatement warrants.

In addition to the inspection warrants mentioned above, the CEU applied for and obtained five abatement warrants in 2015. Three of these abatement warrants (two were for the same parcel) were related to enforcing the Small Parcel Medical Marijuana Ordinance and the details are included in Attachment "C." The other two abatement warrants were obtained from the Superior Court to allow the abatements that took place in McKinleyville and Loleta as described elsewhere in this report. Sheriff's Department deputies were present during a portion of the McKinleyville abatement to help keep the peace.

FINANCIAL IMPACT

As described in the Administrative Penalty section, the CEU collected \$10,524.44 in 2015 from administrative penalties in 2015 and previously. A portion of those funds will be used for future abatements and related expenses. The CEU did not recoup any cost recovery funds in 2015.

A number of bins were provided at County expense to area residents to assist them in abating solid waste violations on their parcels. County funds were also used to tow and dispose of several junk vehicles. These monies will not be recouped.

Today's recommended action supports the Board's Strategic Framework by reporting on CEU's efforts to enforce laws and regulations and the opportunities created for improved health and safety.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not receive the Code Enforcement Unit's 2015 annual report.

ATTACHMENTS:

- Attachment "A" – New Case Spreadsheet
- Attachment "B" – Closed Case Spreadsheet
- Attachment "C" – Small Parcel Medical Marijuana Case Spreadsheet
- Attachment "D" – Administrative Penalty Spreadsheet
- Attachment "E" – Photos of Nuisance Properties
- Attachment "F" – Before and After Photos of Abatements



## Attachment A

### New Cases Opened in 2015

Location	District	Department	Type	Primary Violation
Arcata Bottoms	IV	B/P	E	RV Used As a Residence
Bayside	III	B/P	E	Junkyard
Big Lagoon	V	PW	E	Removal of Timber Products
Big Lagoon	V	PW	A	Removal of Timber Products
Dinsmore	II	B/P	E	Construction Without Permits
Dows Prairie	V	B/P	E	Zoning Violation
Ettersberg	II	DEH	A	Construction Without Permits
Eureka		BOS	A	Annual Report
Farihaven	IV	DEH	ID	Illegal Dumping
Greenwood Height	III	B/P	E	Zoning Violation
Humboldt Hill	I	B/P	E	Construction Without Permits
Humboldt Hill	I	B/P	E	Solid Waste
Kneeland	III	B/P	E	Grading Without Permits
Kneeland	III	B/P	E	Grading Without Permits
Loleta	I	B/P	E	Development in a SMA
Manila	III	DEH	E	Junkyard
Manila	III	B/P	E	Secondary Unit Without Permits
Manila	III	DEH	E	Solid Waste
McKinleyville	V	DEH	E	Junkyard
McKinleyville	V	DEH	E	Junkyard
Myers Flat	II	B/P	E	RV Used As a Residence
Myrtle town	IV	DEH	E	Junkyard
Myrtle town	IV	B/P	E	Secondary Unit Without Permits
Myrtle town	IV	DEH	E	Solid Waste
Pine Hill	II	CEU	E	Substandard Housing
Ridgewood	I	DEH	E	Junkyard
Ridgewood	I	DEH	E	Junkyard
Scotia	I	DEH	E	Junkyard
Shelter Cove	II	B/P	E	Construction Without Permits

## Attachment A

### New Cases Opened in 2015

Shelter Cove	II	B/P	E	Grading Without Permits
Shelter Cove	II	B/P	E	Grading Without Permits
Shelter Cove	II	B/P	E	Grading Without Permits
Shelter Cove	II	B/P	E	Junk Vehicles
Shelter Cove	II	DEH	E	Solid Waste
Shelter Cove	II	B/P	E	Zoning Violation
Shelter Cove	II	B/P	E	Zoning Violation
Shelter Cove	II	B/P	E	Zoning Violation
Shelter Cove	II	CEU	E	Zoning Violation
Three Corners	III	B/P	E	Zoning Violation
Titlow Hill	V	CEU	C	Subdivision Map Act Violation
Trinidad	V	B/P	E	Construction Without Permits
Trinidad	V	B/P	E	Construction Without Permits
Willow Creek	V	B/P	E	Grading Without Permits
Willow Creek	V	B/P	E	RV Used As a Residence

## Attachment B

### Enforcement Cases Closed in 2015

Location	Year Case Opened	Primary Violation	Type of Closure	District
Benbow	2013	Construction Without Permits	Abated by Owner	II
Ettersberg	2013	Construction Without Permits	Administratively	II
Glendale	2013	RV Used as a Residence	Abated by Owner	V
King Salmon	2013	Solid Waste	Abated by Owner	I
Loleta	2012	RV Used as a Residence	Abated by County	I
Manila	2014	Zoning Violation	Abated by Owner	III
Manila	2015	Solid Waste	Unfounded	III
McKinleyville	2010	Junk Vehicles	Abated by County	V
McKinleyville	2012	Substandard Housing	Abated by County	V
McKinleyville	2014	Junkyard	Abated by Owner	V
McKinleyville	2014	Junkyard	Abated by Owner	V
McKinleyville	2007	Substandard Housing	Administratively	V
Myrtle town	2015	Solid Waste	Abated by Owner	IV
Pine Hill	2011	Substandard Housing	Administratively	I
Ridgewood	2013	Solid Waste	Abated by Owner	I
Scotia	2007	Junkyard	Abated by Owner	I
Shelter Cove	2015	Solid Waste	Abated by Owner	II
Shelter Cove	2013	Zoning Violation	Abated by Owner	II
Shelter Cove	2015	Grading Without Permits	Administratively	II
Shelter Cove	2015	Grading Without Permits	Administratively	II
Three Corners	2014	Junkyard	Abated by County	III
Trinidad	2015	Construction Without Permits	Abated by Owner	V
Trinidad	2015	Construction Without Permits	Returned	V
Whitethorn	1996	RV Used as a Residence	Abated by Owner	II
Whitethorn	1995	Junkyard	Abated by Owner	II
Willow Creek	2014	Junkyard	Abated by Owner	V
Willow Creek	2015	Grading Without Permits	Returned	V
Willow Creek	2014	RV Used as a Residence	Unfounded	V

## Attachment "C"

### Small Parcel Medical Marijuana Cases

Location	Warrant Required	LE Present During Inspection	Type of Closure	District
Benbow	N	N	Unfounded	II
McKinleyville	N	N	Abated by Owner	V
Scotia	N	N	Other	I
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Abated by Owner	II
Shelter Cove	N	N	Abated by Owner	II
Shelter Cove	N	N	Other	II
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Unfounded	II
Shelter Cove	N	N	Unfounded	II
Willow Creek	N	N	Abated by Owner	V
Willow Creek	N	N	Abated by Owner	V
Willow Creek	N	N	Abated by Owner	V
Willow Creek	N	N	Abated by Owner	V
Willow Creek	N	N	Unfounded	V
Shelter Cove	Y - 2	N	Abated by County	II
Shelter Cove	Y	N	Abated by County	II
Shelter Cove	Y	N	Abated by Owner	II
Shelter Cove	Y	N	Abated by Owner	II
Shelter Cove	Y	Y	Abated by Owner	II
Shelter Cove	Y	N	Unfounded	II
Willow Creek	Y - 3	N	Abated by County	V
Willow Creek	Y	Y	Abated by County	V
Willow Creek	Y	N	Abated by Owner	V
Willow Creek	Y	N	Abated by Owner	V
Willow Creek	Y	N	Abated by Owner	V
Willow Creek	Y	N	Unfounded	V

## Attachment "D"

### Administrative Penalties Issued in 2015

Amount	Location of Violation	District	Primary Violation
\$2,500.00	Loleta	I	Junk vehicles
\$2,500.00	Dinsmore	II	Construction without permits
\$2,500.00	Titlow Hill	V	Grading without permits
\$1,500.00	Titlow Hill	V	Construction without permits
\$3,750.00	Fields Landing	I	Construction without permits
\$3,750.00	Redway	II	Construction without permits
\$750.00	Ferndale	I	Construction without permits
\$2,500.00	Shelter Cove	I	Grading without permits
\$2,500.00	Shelter Cove	I	Grading without permits
\$6,000.00	Brannon Mountain	V	Grading without permits
\$1,500.00	Shelter Cove	I	Construction without permits

\$29,750.00

Attachment E



Pine Hill



Attachment E



Loleta



Attachment F



McKinleyville





Attachment F



Loleta

