

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTIONS 351-6 OF CHAPTER 1 OF DIVISION 5 OF TITLE III AND AMENDING SECTION 352-3, 352-4, 352-5, 352-8, AND 352-13 OF CHAPTER 2 OF DIVISION 5 OF TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO PUBLIC NUISANCES, ABATEMENT AND PENALTIES**

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Sections 351-6 is hereby amended to Chapter 1 of Division 5 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 2. Section 352-3, 352-4, 352-5, 352-8, and 352-13 is hereby amended to Chapter 2 of Division 5 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
2019.

AYES: Supervisors--  
NOES: Supervisors--  
ABSENT: Supervisors—

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Chair of the Board of Supervisors of the  
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors  
County of Humboldt

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**TITLE III – LAND USE AND DEVELOPMENT**  
**DIVISION 5**  
**PUBLIC NUISANCE, ABATEMENT AND PENALTIES**  
**CHAPTER 1**  
**PUBLIC NUISANCES**

**351-6.**

**Method of Giving Notice.**

(a) Any and all notices, findings and orders required by this Chapter may be served by any of the following methods:

(1) By personal service on each Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property. (Ord. 2457, §1, 8/23/2011; Ord. 2576, § 4, 6/27/2017)

(2) By first class and certified mail, postage prepaid, return receipt requested, to each Owner, Beneficial Owner, Occupier or any other person in charge or control of the property, at the address shown on the last available equalized secured property tax assessment roll, or as otherwise known by the Code Enforcement ~~enforcement~~ Unit, and by posting in a prominent and conspicuous place on the affected Property or abutting public right-of-way; however, if access is denied because a common entrance to the property is restricted by a locked gate or similar impediment, the Property may be posted at that locked gate or similar impediment. Service by certified mail and posting shall be deemed complete on the date that a notice, finding or order has been both mailed and posted as set forth herein. (Ord. 2457, §1, 8/23/2011; Ord. 2576, § 4, 6/27/2017; Ord. 2585, § 5, 11/7/2017; Ord. \_\_\_\_, §\_\_, \_\_/\_\_/2019)

(3) Publication of a legal advertisement, at least once a week for the period of two (2) weeks, in a newspaper of general circulation in the County of Humboldt. (Ord. 2576, § 4, 6/27/2017)

(b) The failure of the Code Enforcement Unit to serve, or attempt to serve, any notice, finding or order on any person required herein shall not invalidate any proceedings set forth in this Chapter as to any other person duly served. If no address is known, or can be identified, by the Code Enforcement Unit, any and all notices, findings and orders required by this Chapter shall be so mailed to such person at the address of the affected Property. The failure of the Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property to accept, or otherwise receive any notice, finding or order required by this Chapter, shall not affect the validity of any proceeding initiated hereunder. (Ord. 2457, §1, 8/23/2011; Ord. 2576, § 4, 6/27/2017)

(c) At the time the Notice to Abate Nuisance is served provided herein, the Code Enforcement Unit

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shall cause a copy of said Notice to Abate Nuisance to be recorded in the office of the County Recorder of Humboldt County. (Ord. \_\_\_\_, §\_\_, \_\_/\_\_/2019)

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**TITLE III – LAND USE AND DEVELOPMENT**  
**DIVISION 5**  
**PUBLIC NUISANCE, ABATEMENT AND PENALTIES**  
**CHAPTER 2**  
**ADMINISTRATIVE CIVIL PENALTIES**

**352-3.**

**Definitions.**

(a) *Administrative Costs.* Any and all costs relating to staff time expended in the performance of enforcement activities authorized under this Chapter, including, without limitation, obtaining title reports, recording documents, noticing Responsible Parties, scheduling and participating in further hearings, collection activities and other such costs. (Ord. 2576, § 5, 6/27/2017)

(b) *Appellant.* Any Responsible Party that files an appeal of the Code Enforcement Unit's determination that a Violation has occurred or exists. (Ord. 2576, § 5, 6/27/2017)

(c) *Attorney's Fees.* Any and all legal fees incurred by the prevailing party in any administrative proceeding to impose and/or recover administrative civil penalties pursuant to the provisions of this Chapter. Recovery of Attorney's Fees by the prevailing party is limited to those administrative proceedings in which the County of Humboldt elects, at the initiation of that individual proceeding, to seek recovery of its own legal fees. In no administrative proceeding shall an award of Attorney's Fees to a prevailing party exceed the amount of reasonable legal fees incurred by the County of Humboldt in the administrative proceeding. (Ord. 2576, § 5, 6/27/2017)

(d) *Beneficial Owner.* Any mortgagee of record, beneficiary under a recorded deed of trust or the owner or holder of any lease of record; provided, however, that the United States, the State of California and the County of Humboldt shall not be deemed to be Beneficial Owners by virtue of any lien for unpaid taxes. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(e) *Category 1 Violations.* Primarily procedural Violations that are committed through neglect or oversight and have a negligible impact on the health, safety, comfort and/or general welfare of the public. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(f) *Category 2 Violations.* Violations that are committed unintentionally through neglect or oversight and have a significant and/or substantial impact on the health, safety, comfort and/or general welfare of the public. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

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(g) *Category 3 Violations.* Violations that are committed intentionally or through inexcusable neglect and have a minimal impact on the health, safety, comfort and/or general welfare of the public. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(h) *Category 4 Violations.* Violations that are committed intentionally or through inexcusable neglect and have a significant and/or substantial impact on the health, safety, comfort and/or general welfare of the public. Category 4 Violations shall include, but not be limited to, the commercial cultivation of ~~marijuana~~ cannabis in Violation of any applicable local or state laws, regulations, policies, procedures, permits and agreements and any violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements that exists as a result of or to facilitate the illegal cultivation of cannabis. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(i) *Code Enforcement Investigator.* Any and all code enforcement officers assigned by the Humboldt County Code Enforcement Unit to correct Violations through the imposition of administrative civil penalties as set forth in this Chapter. (Ord. 2576, § 5, 6/27/2017)

(j) *Code Enforcement Unit.* The Humboldt County Code Enforcement Unit, including any and all Code Enforcement Investigators employed thereby. (Ord. 2576, § 5, 6/27/2017)

(k) *Completion Date.* The date on which a continuing Violation is corrected or otherwise remedied by the Responsible Party as set forth in this Chapter. (Ord. 2576, § 5, 6/27/2017)

(l) *Costs.* Any and all costs and/or Attorney's Fees incurred during the performance of the enforcement activities authorized under this Chapter. (Ord. 2576, § 5, 6/27/2017)

(m) *Imposition Date.*

i. \_\_\_\_ The date on which administrative civil penalties start to accrue, which shall not be more than ten (10) calendar days after service of a Notice of Violation and Proposed Administrative Civil Penalty. (Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

ii. For repeat, subsequent or ongoing cannabis Violations or a Violations that exist as a result of or to facilitate illegal cultivation of cannabis, the imposition of administrative civil penalties will start to accrue after service of a Notice of Violation and Proposed Administrative Civil Penalty. If all the following are found to be true by Code Enforcement Unit or the court, then the date on which administrative civil penalties start to accrue shall not be more than ten (10) calendar days after service of a Notice of Violation and Proposed Administrative Civil Penalty:

(1) \_\_\_\_\_ A tenant is in possession of the Property. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(2) Owner or its agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(3) Owner or its agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the Owner or its agent to have actual notice of the illegal cannabis cultivation. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(n) *Owner.* The owner of record of the Property on which a Violation has occurred or exists whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the representative thereof. (Ord. 2576, § 5, 6/27/2017)

(o) *Premises.* Any lot or parcel of land upon which a building is situated, including any improved or unimproved portion thereof, and adjacent streets, sidewalks, parkways and parking areas. (Ord. 2576, § 5, 6/27/2017)

(p) *Personal Property.* Articles of personal or household use or ornament, including, but not limited to, furniture, furnishings, automobiles and boats. As used herein the term "Personal Property" does not include intangible property such as evidence of indebtedness, bank accounts and other monetary deposits, documents of title or securities. (Ord. 2576, § 5, 6/27/2017)

(q) *Property.* Any Premises, Personal Property and/or Real Property located within the unincorporated area of Humboldt County. (Ord. 2576, § 5, 6/27/2017)

(r) *Real Property.* Any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement. (Ord. 2576, § 5, 6/27/2017)

(s) *Responsible Party.* Any Owner, Beneficial Owner, person, business, company or other entity, and the parent or legal guardian of any person under eighteen (18) years of age, who has caused, permitted, maintained, conducted or otherwise allowed a Violation to occur. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(t) *Violation.* Any act or omission for which an administrative civil penalty may be imposed pursuant to this Chapter, including:

(1) Any failure to comply with the provisions of the Humboldt County Code. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(2) Any failure to comply with the provisions of any other uniform codes and/or ordinances adopted by the Humboldt County Board of Supervisors, including, but not limited to, building and zoning ordinances. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(3) Any failure to comply with any order issued by the Humboldt County Board of Supervisors or any other board, commission, department, hearing officer, examiner or official authorized to issue orders by the Humboldt County Board of Supervisors, including, but not limited to, the Humboldt County Planning Commission, the Humboldt County Code Enforcement Unit, the Humboldt County Planning and Building Director, the Humboldt County Health and Human Services Director and the Humboldt County Health Officer. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(4) Any failure to comply with any condition imposed by any entitlement, permit, contract or environmental document issued or approved by the County of Humboldt. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

### **352-4.**

#### **Method of Giving Notice.**

(a) Any and all notices, findings and orders required by this Chapter may be served by any of the following methods:

(1) By personal service on each Responsible Party. (Ord. 2576, § 5, 6/27/2017)

(2) By first class and certified mail, postage prepaid, return receipt requested, to each Responsible Party at the address of shown on the last available equalized secured property tax assessment roll for the Property on which the Violation occurred or exists, or any other address of each Responsible Party otherwise known by the Code Enforcement Unit, and by posting in a prominent and conspicuous place on the Property at which the Violation occurred or exists or abutting public right-of-way; however, if access is denied because a common entrance to the property is restricted by a locked gate or similar impediment, the Property may be posted at that locked gate or similar impediment. Service by certified mail and posting shall be deemed complete on the date a notice, finding or order has been both mailed and posted as set forth herein. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017; Ord. 2585, § 6, 11/7/2017)

(b) The failure of the Code Enforcement Unit to serve, or attempt to serve, any notice, finding or order on any person required herein shall not invalidate any proceedings set forth in this Chapter as to any other person duly served. If no address is known, or can be identified, by the Code Enforcement Unit, any and all notices, findings and orders required by this Chapter shall be so mailed to such person at the address of the Property on which the Violation occurred or exists. The failure of any Responsible Party to accept, or otherwise receive any notice, finding or order required

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by this Chapter, shall not affect the validity of any proceeding initiated hereunder. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(c) At the time the Notice of Violation and Proposed Administrative Civil Penalty is served provided herein, the Code Enforcement Unit shall cause a copy of said Notice of Violation and Proposed Administrative Civil Penalty to be recorded in the office of the County Recorder of Humboldt County. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

### **352-5.**

#### **Imposition of Administrative Civil Penalty.**

(a) Any and all Violations may be subject to an administrative civil penalty of up to ten thousand dollars (\$10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day up to and including the ninetieth (90th) calendar day. Administrative civil penalties may be imposed by the Code Enforcement Unit as set forth in this Chapter or the court if the Violation requires court enforcement without an administrative process. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(b) i. In the case of a continuing Violation, the Code Enforcement Unit or the court shall provide the Responsible Party with a reasonable period of time, not to exceed ten (10) calendar days, to correct or otherwise remedy the Violation prior to the imposition of the administrative civil penalty, except in situations in which the Violation creates an immediate danger to the health, safety and/or general welfare of the public. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

ii. In the case of a continuing cannabis Violation or a Violation that exists as a result of or to facilitate illegal cultivation of cannabis, the Code Enforcement Unit or the court shall immediately impose the administrative civil penalty except if all of the following are found to be true by Code Enforcement Unit or the court, then Code Enforcement Unit or the court shall provide the Responsible Party with a reasonable period of time, not to exceed ten (10) calendar days, to correct or otherwise remedy the Violation prior to the imposition of the administrative civil penalty: \_\_

(1) A tenant is in possession of the Property. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(2) Owner or its agent can provide evidence that the rental or lease agreement prohibits the cultivation of cannabis. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

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(3) Owner or its agent did not know the tenant was illegally cultivating cannabis and no complaint, property inspection, or other information caused the Owner or its agent to have actual notice of the illegal cannabis cultivation. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(c) Each calendar day that a Violation occurs, continues or exists between the Imposition Date and the Completion Date shall constitute a separate Violation up to the ninetieth (90th) calendar day. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(d) If a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty, an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(e) The imposition of administrative civil penalties pursuant to the provisions of this Chapter shall be in addition to any and all available criminal, civil, or other legal and/or equitable remedies established by local or state law. In addition, the County of Humboldt may withhold issuance of any licenses, permits and other entitlements to a Responsible Party on any project that is subject to unpaid administrative civil penalties. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

### **352-8.**

#### **Contents of Notice of Violation and Proposed Administrative Civil Penalty.**

The Notice of Violation and Proposed Administrative Civil Penalty shall contain all of the following:

(a) The name and last known address of each Responsible Party. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(b) A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2576, § 5, 6/27/2017)

(c) A description of the specific acts or omissions that gave rise to the Violation and the specific provision of each code, ordinance, regulation, condition or other legal requirement that has been violated and identification of the Violation category that the Violation falls within. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(d) An order to correct or otherwise remedy any continuing Violation within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, except in situations in which the Violation creates an immediate danger the health, safety and/or general

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welfare of the public. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017)

(e) A statement that each calendar day the Violation occurs, continues or exists between the Imposition Date and the Completion Date shall constitute a separate Violation up to the ninetieth (90th) calendar day. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(f) The amount of the proposed administrative civil penalty that will be incurred each calendar day the Violation occurs, continues or exists between the Imposition Date and the Completion Date up to the ninetieth (90th) calendar day. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(g) A Statement that the Responsible Party may file with the Code Enforcement Unit a written appeal of the determination that a Violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

(h) A statement that an appeal of the Code Enforcement Unit's determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty must be prepared using the form provided with the Notice of Violation and Proposed Administrative Civil Penalty, and shall contain all of the following information:

~~(1)~~i. The name and current address of each Responsible Party. (Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_ § \_\_, \_\_/\_\_/2019)

~~(2)~~ii. A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

~~(3)~~iii. A brief statement setting forth the Appellant's interest in the proceedings. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

~~(4)~~iv. A brief statement of the material facts which support the Appellant's contention that no Violation occurred or exists and that an administrative civil penalty should not be imposed as a result thereof, if applicable. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

~~(5)~~v. A brief statement of the material facts which support the Appellant's contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable. (Ord. 2138a, 12/3/1996; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

~~(6)~~vi. An address at which the Appellant agrees that any additional notices relating to the

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imposition of the proposed administrative civil penalty may be served by the Code Enforcement Unit. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

- (i) A statement that an appeal of the Code Enforcement Unit's determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty must be signed by the Appellant under penalty of perjury. (Ord. 2576, § 5, 6/27/2017)
- (j) A statement that, upon receipt of an appeal of the determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a Hearing Officer appointed by the Humboldt County Board of Supervisors pursuant to California Government Code Section [27720](#) and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in this Chapter. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2458, §1, 8/23/2011; Ord. 2576, § 5, 6/27/2017)
- (k) A statement that the date of the Administrative Civil Penalty Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Appeal Hearing is served on the Appellant. (Ord. 2138a, §1, 12/3/1996; Ord. 2458, §1, 8/23/2011; Ord. 2576, § 5, 6/27/2017)
- (l) A statement that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect full amount thereof and any and all Administrative Costs and/or Attorney's Fees, as follows:
- ~~(1)~~i. Within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a Violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed as set forth in this Chapter; or (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)
- ~~(2)~~ii. Within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in this Chapter and California Government Code Section [53069.4](#)(b)(1)-(2); or (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)
- ~~(3)~~iii. Within ten (10) calendar days after service of the Humboldt County Superior Court's decision regarding the Hearing Officer's imposition of the final administrative civil penalty, if the Court finds against the Appellant. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)
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(m) A statement that the final administrative civil penalty, along with any and all Administrative Costs and/or Attorney's fees associated therewith, may become a lien against the Property on which the Violation occurred or exists which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections [697.310](#), et seq., and may be extended as provided in California Code of Civil Procedure Sections [683.110](#), et seq. (Ord. 2576, § 5, 6/27/2017)

(n) A statement that an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty. (Ord. 2138a, §1, 12/3/1996; Ord. 2272, 4/23/2002; Ord. 2576, § 5, 6/27/2017)

### **352-13.**

#### **Judicial Review of Finding of Violation and Order Imposing Administrative Civil Penalty.**

(a) Appellant may contest the Hearing Officer's imposition of a final administrative civil penalty by either: (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(i) Pursuant to California Government Code Section [53069.4](#)(b)(1)-(2), an Appellant may ~~contest the Hearing Officer's imposition of a final administrative civil penalty by filing~~ file a request for judicial review in the Humboldt County Superior Court within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty. The Appellant shall serve a copy of the request for judicial review of the Finding of Violation and Order Imposing Administrative Civil Penalty upon the Code Enforcement Unit either in person or by first class mail. (Ord. 2138a, §1, 12/3/1996; Ord. 2576, § 5, 6/27/2017; Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(ii) Pursuant to California Code of Civil Procedure Section 1094.6, an Appellant may file a petition of writ of mandate within the time specified in Section 1094.6. The appeal of the Hearing Officer's imposition of a final administrative civil penalty shall be governed by California Code of Civil Procedure Section 1094.6, as such section may be amended from time to time. (Ord. \_\_\_\_, § \_\_, \_\_/\_\_/2019)

(b) If the Humboldt County Superior Court finds against the Appellant, the Code Enforcement Unit may proceed to collect the administrative civil penalty as set forth in this Chapter. (Ord. 2576, § 5, 6/27/2017)

(c) The failure to file a request for judicial review of a Finding of Violation and Order Imposing

Administrative Civil Penalty in accordance with the requirements set forth in California Government Code Section [53069.4](#)(b)(1)-(2) shall constitute a waiver of the right to contest the Hearing Officer's decision. (Ord. 2576, § 5, 6/27/2017)