



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

K-1

For the meeting of: **December 16, 2014**

Date: **December 1, 2014**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit**
Carolyn J. Ruth, Assistant County Counsel

Subject: **Administrative Abatement Hearing**
The Estate of Edwin and Pearl Arndt
2150 Park Road, McKinleyville, California
AP# 509-121-033

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.

Prepared by Davina Smith and Teri Gridley

CAO Approval

Amy Orsen

REVIEW:

Auditor _____ County Counsel *AK* Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
 Public Hearing
____ Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bass* Seconded by Supervisor *Lovelace*

Ayes *Sundberg, Lovelace, Bohn, Fennell, Bass*
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1

Meeting of: 11/4/14

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

Dated: *Dec. 16, 2014*

By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

General funds were used to prepare this agenda item.

DISCUSSION:

This matter is before your Board sitting as a quasi-judicial tribunal to make a finding on whether a nuisance exists on Assessor's Parcel Number 509-121-033, which has a situs of 2150 Park Road, McKinleyville, in unincorporated Humboldt County. 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.”

A Notice of Nuisance listing the violations was served pursuant to the Humboldt County Code on October 30, 2014.

The Code Enforcement Unit 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: (1) use of mobile homes or trailers as place of habitation, in violation of §314-81.1; (2) junk vehicles, in violation of §352-26; (3) maintaining a junkyard, in violation of §371-2; and (4) the storage and removal of solid waste, in violation of §521-4.
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.

On November 4, 2014, your Board ordered an abatement within 30 days of violations on the adjoining property (509-141-047) which is also under the ownership of the Estate of Edwin and Pearl Arndt. The referral Code Enforcement received on that parcel did not include parcel 509-141-047 which is the subject of this Administrative Abatement Hearing. However, there are no fences or any other distinguishing features to delineate where the boundary lines are between the two parcels and all the violations and the resulting conditions noted during the November 4th Board hearing are spread over both parcels.

Pearl Arndt died in August of 1998 and Edwin Arndt died in March of 2004. The Estate has not been probated. One of the Arndt's descendants, Debra Morrill, is one of the occupants of the property. She has been unable and/or unwilling to abate the violations on the property. Therefore, the Code Enforcement Unit requests that your Board find that a nuisance exists on the subject property and order the property owner to abate the nuisance within 30 days of the adoption and service of the attached Findings of Nuisance and Order of Abatement.

FINANCIAL IMPACT:

None at this time

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 health and safety issues on the property that need to be abated.

ATTACHMENTS:

Proposed Findings and Order of Abatement

Exhibit Packet including maps and photographs of the property – to be provided no later than December 11, 2014



**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
The Estate of Edwin and Pearl Arndt
2150 Park Road, McKinleyville, California; AP# 509-121-033

December 16, 2014

WHEREAS, Humboldt County Board of Supervisors (Board) considered the evidence concerning conditions on the subject property, including relevant documents, writings, codes, ordinances, written 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 2150 Park Road, McKinleyville, California is located in a Residential: Single Family zone, in the unincorporated area of McKinleyville, Humboldt County, California, referred to as Assessor's Parcel No. 509-121-033; 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 owner was served with a Notice of Nuisance pursuant to Humboldt County Code §351-12 & 13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owner has had significant and reasonable time to correct all violations but has refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owner was 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 owner was sent a registered letter containing the Notice to Abatement Nuisance with the date and time of the hearing; and

6. The property owner has 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 §314-81.1, recreational vehicle used 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:

§314-81.1 Use of a recreational vehicle/mobile home as a residence:
Corrective Action
Disconnect utilities and cease use as a residence

§352-26 Junk Vehicles:
Corrective Action:
a) Restore vehicle(s) to operative condition; and/or
b) Remove inoperable vehicles; and/or
c) Store inoperable vehicles within a permitted, enclosed structure

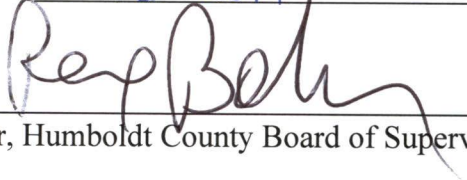
§371-2 Maintaining a junkyard
Corrective Action
a) Contain all debris within a 200 square-foot area; and/or
b) Contain all debris within a permitted, enclosed structure; and/or
c) Remove all debris

§521-4 The improper storage and removal of solid waste
Corrective Action
Contain and dispose of all solid waste properly

3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement including a final inspection by the Code Enforcement Unit;

4. That the Code Enforcement Unit is directed to take all necessary steps to assure the abatement is completed as ordered. If the property owner fails to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 12-16-2014



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. 08CEU027

COUNTY v. THE ESTATE OF EDWIN AND PEARL ARNDT

A.P. No. 509-141-047

December 16, 2014
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 (1 page)

EXHIBIT B-- Grant Deed (3 pages)

EXHIBIT C-- Notice of Nuisance dated October 30, 2014, with Proof of Service (6 pages)

EXHIBIT D – Notice to Abate Nuisance dated December 1, 2014 (6 pages)

EXHIBIT E -- Copies of relevant sections of Humboldt County Code [§§ 314-81.1, 352-26, 371-2 and 521-4] (13 pages)

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

EXHIBIT G – Declaration of Investigator Jeff Conner (5 pages)

Dated: 12/11/14

CODE ENFORCEMENT UNIT

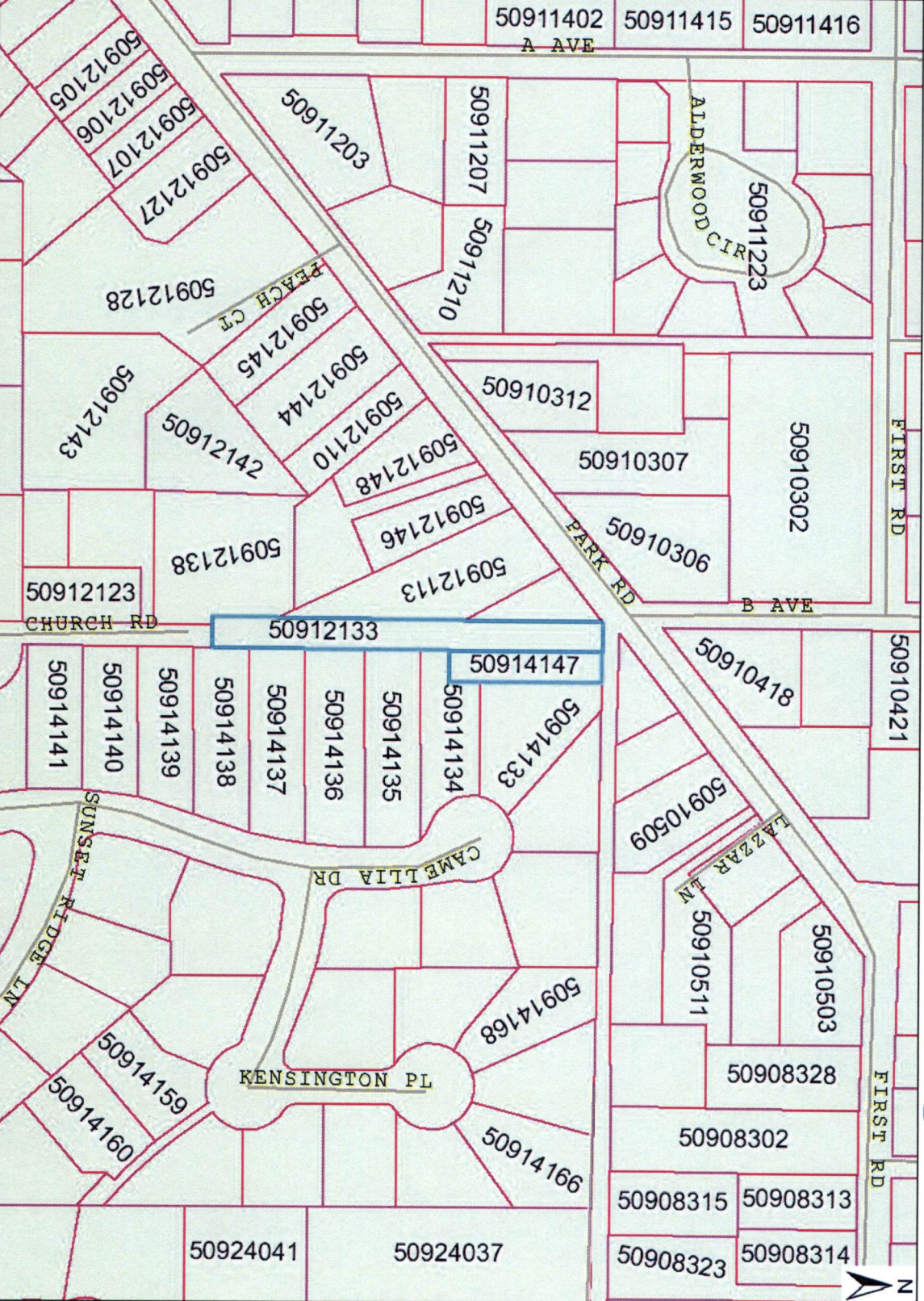
Teri Gridley, Legal Office Services Manager

Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "A"

000001

Humboldt County Web GIS Map



Freeance PDF Printing System
 Humboldt County Web GIS
<http://gis.co.humboldt.ca.us>

Map Disclaimer: While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence. Humboldt County assumes no liability or responsibility in the use, or misuse, of this data.



Legend

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Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "B"

000003

RECORDING REQUESTED BY
OSCAR LARSON & ASSOCIATES
MAIL TAX STATEMENT TO

1993-33042-3

RECORDED - OFFICIAL RECORDS
HUMBOLDT COUNTY, CALIFORNIA
CAROLYN CRNICH, RECORDER

SAME AS BELOW

WHEN RECORDED MAIL TO
Name Edwin and Pearl Arndt
Street Address 2150 Park Road
City & State McKinleyville CA 95521

Rec Fee 11.00
Doc Trf Fax 5.50
Survey Mon 10.00

Clerk: MH Total: 26.50
Nov 18, 1993 at 11:27

ORDER NO.
ESCROW NO.

SPACE ABOVE RECORDER'S USE ONLY

GRANT DEED (INDIVIDUAL)

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 5.50
(X) Computed on full value of property conveyed, or
() Computed on full value less value of liens and encumbrances remaining at time of sale
(X) Unincorporated area () City of _____
Tax Parcel No. 509-121-33

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Stephen A. Moser, an unmarried man

hereby GRANT(S) to Edwin Arndt and Pearl Arndt,
husband and wife, as joint tenants

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

See attached Exhibit A and made a part hereof

The recordation of this deed is to correct record title to coincide to the
physical occupation of the property. This adjustment is exempt from the
provisions of the Subdivision Map Act and local ordinance enacted pursuant
thereto.

Dated October 13, 1993

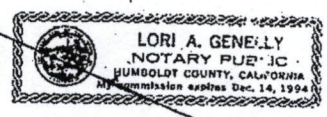
Stephen A Moser
Stephen A. Moser

STATE OF CALIFORNIA
County of Humboldt } s.s.

On this 13th day of October, 1993, before me, the undersigned, a Notary Public in and for
said County and State, personally appeared Stephen A Moser

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person he whose name is
subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.
Lori A. Genelly
Notary Public in and for said County and State.



(Notary Seal)

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of California
 County of Humboldt

On Oct. 13, 1993 before me, Lori A. Genelly
DATE NAME, TITLE OF OFFICER - E.G. "JUDGE, NOTARY PUBLIC"
 personally appeared Stephen A. Moser
NAME(S) OF SIGNER(S)

personally known to me - OR - 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.



Witness my hand and official seal.
Lori A. Genelly
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL(S)
- CORPORATE OFFICER(S) _____ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- SUBSCRIBING WITNESS
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON OR ENTITY(ES)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.
 1993-33042-3

Title or Type of Document Grant Deed (Individual)
 Number of Pages 2 Date of Document Oct. 13, 93
 Signer(s) Other Than Named Above N/A

000005

Oscar Larson & Associates

EXHIBIT A

LEGAL DESCRIPTION

All that real property situated in Section 5, Township 6 North, Range 1 East, Humboldt Base and Meridian, in the County of Humboldt, State of California, described as follows:

BEGINNING at the northwest corner of the remainder parcel, as shown on the Map of Tract 371, recorded in Book 20 of Maps, pages 58 and 59, said point being occupied by a 1-inch iron pipe stamped LS 3115, as shown in Book 2 of Parcel Maps, page 82, all records of Humboldt County;


thence South $00^{\circ} 28' 51''$ East along the west line of said remainder parcel 179.76 feet;

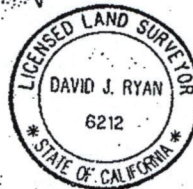
thence North $86^{\circ} 50' 41''$ East 32.33 feet;

thence North $00^{\circ} 30' 51''$ East 177.82 feet to the north line of said remainder parcel;

thence North $89^{\circ} 44' 28''$ West along said north line 35.39 feet to the POINT OF BEGINNING.

Containing 6049 square feet.


David J Ryan
LS 6212
Expires 3/31/94
Prepared 10/08/93



DJR:ikr2
JN:6122.3
10/08/93

This legal description is not intended to be used in violation of the Subdivision Map Act of the State of California.

1993-33042-3

000006

Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "C"

000007



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

2014-018945-6
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HUMBOLDT CO

Clerk: LH Total: \$0.00
Oct 31, 2014 at 16:08:16

NOTICE OF NUISANCE

Owner: The Estate of Edwin and Pearl Arndt
Address of Subject Premises 2150 Park Road, McKinleyville, California; AP# 509-121-033

NOTICE IS HEREBY GIVEN that conditions described on "Attachment A" exist on premises situate in the County of Humboldt, State of California, as described on Attachment "B", which are in violation of state law and the Humboldt County Code. These conditions exist to an extent that endanger the life, limb, health, property, safety or welfare of the public and, as such, constitute a "nuisance". Therefore,

YOU ARE HEREBY ORDERED to **immediately abate** said nuisance. Failure to immediately abate said nuisance may result in:

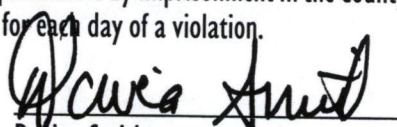
- **Imposition of an administrative penalty.** The Code Enforcement Unit may impose an administrative penalty upon you, in which event you may be liable for a monetary penalty of between \$250 to \$10,000 per violation, for each and every day the violation exists. In that case, the penalty shall be made a special assessment against the premises, shall become a lien upon the property and may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and, further, shall be subject to the same interest and the same procedure of foreclosure and sale in the case of delinquency as is provided for in ordinary county taxes, and/or it may be collected as a personal obligation against you; and/or

- **Commencement on an abatement proceeding before the County Board of Supervisors.** If corrective action is not undertaken and diligently pursued to abate the nuisance within thirty (30) days from service on you of this Notice of Nuisance, then the Code Enforcement Unit may apply to the Board of Supervisors of Humboldt County for an order to abate the nuisance. In the event the Code Enforcement Unit applies to the Board of Supervisors for an order to abate the nuisance, the cost of such abatement may become a charge against the premises and in that event may be made a special assessment against the premises which may be collected at the same time and in the same manner as is provided for the collection of ordinary county taxes and may be subject to the same penalties and interest, under the same procedure of foreclosure and sale, in the case of delinquency, as is provided for in ordinary county taxes; and/or

- **Commencement of a civil action.** In the event the Code Enforcement Unit commences a civil action for injunctive relief and to abate the nuisance, you may be liable for monetary damages including the costs of abatement, civil fines and penalties, as well as for court costs and attorney's fees.

Please be advised ~ Violation of Humboldt County Code is a misdemeanor, punishable by imprisonment in the County Jail for a term not exceeding six (6) months, or a fine up to \$1,000, or both such fine and imprisonment, for each day of a violation.

Dated: 10/30/14


Davina Smith
Deputy County Counsel

A.P. No: 509-121-033

File No: 08CEU027

000008

“Attachment A”

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input checked="" type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 371--2	Maintaining a junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input type="checkbox"/> §1001 UHC	Substandard Housing	Obtain and maintain utility connections.
Remarks:		

A.P. No. 509-121-033

ATTACHMENT "B"

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

Those portions of the Southwest Quarter of the Northeast Quarter of Section 5, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE

BEGINNING on the quarter section line at a point distant Westerly thereon 330 feet from the Southeast corner of said Southwest Quarter of the Northeast Quarter;

thence North, parallel with the East line of said Southwest Quarter of the Northeast Quarter, 872 feet to the true point of beginning;

thence North, parallel with the East line of said Southwest Quarter of the Northeast Quarter, 448 feet, more or less, to the North line of said Southwest Quarter of the Northeast Quarter;

thence West along said North line 35 feet, more or less, to the Northeast corner of land conveyed to Fred Moore and wife, by Deed recorded February 25, 1948, under Recorder's Serial No. 1886 in the office of the County Recorder of said County;

thence South along the East line of said Moore land, 448 feet, more or less, to a point West of the true point of beginning;

thence East 35 feet, more or less, to the true point of beginning.

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:	CASE NUMBER: <div style="font-size: 1.5em; font-family: cursive;">08CEU-027</div>
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(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):
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made)(specify name and relationship to the party named in item 3a):
4. Address where the party was served: 2150 PARK ROAD, MC KINLEYVILLE, CA 95519
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 3):
 - (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:	

5. 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 10/30/14 12:19 P.M.

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: David Cooper
- b. Address: 825 Fifth Street, Eureka, CA 95501
- c. Telephone number: (707) 476-2429
- d. The fee for service was: \$
- 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:

10/30/14

David Cooper

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



(SIGNATURE)

Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "D"

000014



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: 2150 Park Road, McKinleyville, CA;
AP# 509-121-033

To: The Estate of Edwin and Pearl Arndt

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on December 16, 2014, 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] 000015

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: December 1, 2014



Davina Smith

Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 314-45.1	Cottage industry violation	Apply for/obtain permits from Planning Dept. or cease use
<input checked="" type="checkbox"/> § 314-81.1	Use of mobile homes or trailers as place of habitation	Disconnect utilities and cease use as residence
<input type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 371--2	Maintaining a junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input type="checkbox"/> § 611-3	Unapproved sewage disposal system	Apply for & receive permit from Environmental Health Department for sewage disposal system
<input type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input type="checkbox"/> §1001 UHC	Substandard Housing	Obtain and maintain utility connections.
Remarks:		

A.P. No. 509-121-033

000017

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 December 1, 2014, I served a true copy NOTICE TO ABATE NUISANCE

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)**

**The Estate of Edwin and Pearl Arndt
c/o Sandra Fulton
10641 Kneeland Road
Kneeland, CA 95549**

_____ 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 1st day of December, 2014, 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: COUNTY OF HUMBOLDT, DEFENDANT/RESPONDENT: THE ESTATE OF EDWIN & PEARL ARNDT	CASE NUMBER:
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: 08CEU-027

(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 to Abate Nuisance
3. a. Party served (specify name of party as shown on documents served):
 The Estate of Edwin & Pearl Arndt
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
 2150 Park Road, McKinleyville, CA 95519
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 3): _____
 - (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: COUNTY OF HUMBOLDT	CASE NUMBER: 08CEU-027
DEFENDANT/RESPONDENT: ARNDT	

5. 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 12/01/2014 @ 10:50 a.m.

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

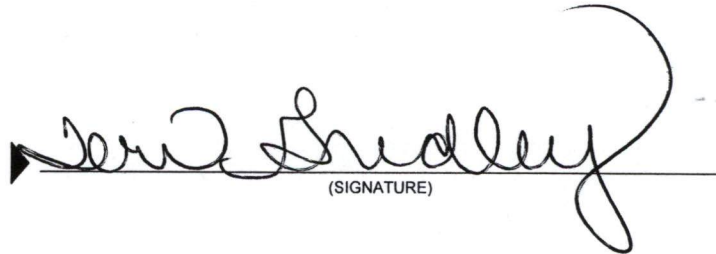
- a. Name: Teri Gridley
 b. Address: 825 Fifth Street, Eureka, CA 95501
 c. Telephone number: (707) 476-2429
 d. The fee for service was: \$
 e. I am:
 (1) not a registered California process server.
 (2) exempt from registration under Business and Professions Code section 22350(b).
 (3) registered California 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: December 1, 2014

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


 (SIGNATURE)

Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "E"

000021

Humboldt County Code § 314-81.1

(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

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

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

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

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. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "F"

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Administrative Abatement Hearing, County v. In the Estate of Edwin & Pearl Arndt
A.P. No. 509-141-047

EXHIBIT "G"

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1 County of Humboldt
2 **CODE ENFORCEMENT UNIT**
3 Davina Smith (SBN 243334)
4 Deputy County Counsel
5 825 Fifth Street
6 Eureka, California 95501
7 Telephone: (707) 476-2429
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9 Attorney for Applicant
10 COUNTY OF HUMBOLDT

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Administrative Abatement Hearing
The Estate of Edwin and Pearl Arndt
2150 Park Road, McKinleyville, California
AP# 509-121-033

DECLARATION OF INVESTIGATOR JEFF CONNER

Comes now the undersigned, who declares as follows:

1. I have personal knowledge of the following facts and would testify competently thereto if called as a witness to do so.
2. I am an Investigator for the Code Enforcement Unit of the County of Humboldt.
3. I am the investigator responsible for receiving information and investigating complaints relating to County ordinance violations, code enforcement, and abatement of nuisances, whether they are administrative, civil and/or criminal in nature. The areas within the jurisdiction of the Code Enforcement Unit include zoning and building violations, drug-houses, illegal junkyards and junk vehicles, waste-disposal violations and coastal zone issues.
4. As part of my official duties in investigating the complaints associated with the subject premises owned by the defendant herein, I conducted the following investigation:
5. In August of 2008, I reviewed a referral from the Division of Environmental Health (DEH) concerning alleged violations of County code at 2150 Park Road, McKinleyville. The violations included the improper storage and removal of solid waste, junk vehicles and the use of recreational vehicles as a residence. I was familiar with this property as I had visited it on more than one occasion in the past with DEH staff. I was aware that the property owner, Edwin Arndt, had passed away in 2004 and that the residence on the property had caught fire and burned. I was also aware that Arndt's

1 daughter, Debra Morrill, along with several other people were living on the property. Included in the
2 referral was information that the "manager" of the property, Sandra Fulton, had tried to get her sister,
3 Debra Morrill to vacate the property to clear the violations and that Morrill had refused to do so.

4 6. On April 22, 2009, I conducted an inspection of the property. Present at the time were
5 Morrill; Laurie Birdsall, a neighbor whose church group was helping Morrill with the clean-up; and
6 Cecil Lewis, another neighbor. The remains of the burned out house as well as the vast majority of the
7 trash and solid waste, described in the referral, had been removed in bins supplied by the church.
8 There was a travel trailer and a motorhome parked on the property as well as two vehicles that did not
9 appear to run. Morrill told me that she and her husband lived in the travel trailer and that her son lived
10 in the motorhome, but he was going to move it shortly to a trailer park. There was a portable toilet
11 located near one of the recreational vehicles. Morrill gave me consent to have one of the junk vehicles
12 removed and she claimed that she was going to repair the other. I advised Morrill that the exception
13 to County code she had used to reside in her trailer as a care provider to her father was no longer viable
14 as her father had passed away several years before. Morrill informed me that she did not have the
15 money to move her trailer into a trailer park and had no intention of doing so. I suggested that if Morrill
16 connected her trailer to the sewer system, that she and her husband were the only people residing on
17 the property and that no other violations of County code were present, the Code Enforcement Unit
18 would not take any enforcement action. I later assisted her in connecting her trailer to the sewer system
19 and confirmed that she had a water connection with the McKinleyville Community Services District.
20 Consequently, the portable toilet was removed.

21 7. I monitored the property for the next three months. The motorhome used by her son
22 remained on the property, but otherwise there were no new violations during this time period. A Notice
23 of Nuisance was recorded against the property on August 17, 2009 listing the use of recreational
24 vehicles as a residence as the only violation.

25 8. I continued to monitor the property and noticed that concentrations of solid waste had begun
26 to accumulate on the property and that additional vehicles, some of which appeared to be inoperable,
27 were now present. In February of 2010, I responded to a new complaint that an additional trailer had
28 been brought onto the property and that people were living in tents. On February 9, 2010, I inspected
the property and confirmed that a third recreational vehicle had been placed on the eastern edge of the
parcel, across from the motorhome. In addition, large amounts of solid waste and material were visible
including a couch and several trash cans covered by a tarp. I spoke with Morrill and she claimed that

1 the new solid waste and junk cars were brought to the property by the people in the trailer. When I
2 explained that these were additional violations of County code that voided our agreement unless taken
3 care of immediately, she became angry and the productive portion of the conversation ended.

4 9. On February 24, 2010, an administrative penalty in the amount of \$2,500 was assessed
5 against the property. All attempts to communicate with Sandra Fulton, Morrill's sister and the person
6 to whom the tax bills were sent, after issuance of the penalty were unsuccessful. The Estate did not
7 request a hearing and the Board of Supervisors approved the issuance of a Special Assessment Lien
8 against the property in July of 2011. I have checked with the Tax Collector's Office and I am aware
9 that the property taxes are in default since the 2009/2010 tax year.

10 10. I continued to monitor the property. There was no overall improvement although some
11 items, especially vehicles, seemed to come and depart. In June of 2012, I observed that the motorhome
12 formerly occupied by Morrill's son was partially dismantled. There was a considerable amount of
13 material around the vehicles remains that was covered with a tarp. I later spoke to a Sheriff's Deputy
14 who informed me that Morrill had done this to keep her son from returning to the property. In January
15 of 2013, the motorhome had been stripped down to the frame and then it also was removed, presumably
16 for scrap.

17 11. On January 30, 2013, a second administrative penalty in the amount of \$3,750 was issued
18 against the property. Again, there was no response to the penalty from the members of the Estate. The
19 Board of Supervisors approved the issuance of a Special Assessment Lien against the parcel on May
20 2, 2013 and this penalty was also added to the tax roles.

21 12. In August of 2013, I noticed that a third travel trailer had been moved onto the property and
22 placed behind the trailer occupied by Morrill. In addition, there was a tent on the west side of the parcel
23 that appeared to be used as a residence. During the next nine months, I noticed that the amount of solid
24 waste and other materials on the property continued to increase, although the tent was removed. Much
25 of this material was covered by tarps and it was not possible to determine exactly what the materials
26 were.

27 13. In July of 2014, I received additional complaints from a neighbor who stated that the
28 conditions on the property were as bad as they had ever been. I had visited the site only a few days
before and had to agree with this opinion. Several of the tarps had been removed and the trash and solid
waste that had been hidden was now visible. This included numerous black, plastic bags of the type
commonly used to hold trash; clothes and bedding; salvaged building materials; furniture; containers

1 including gas cans and propane tanks; and numerous other items. I estimated that the amount of solid
2 waste visible from the sidewalk was about 80 cubic yards. There were at least three motor vehicles in
3 addition to the three travel trailers. One of these, a purple Ford Taurus, appeared to be in running
4 condition, while the other two were partially surrounded as well as covered with solid waste and had
5 obviously not moved in an extended period of time.

6 13. In September of 2014, the Notice of Nuisance was amended to include violations for junk
7 vehicles, maintaining a junkyard, and the improper storage and removal of solid waste. When I posted
8 the property with the amended notice on September 10, 2014, Morrill was present in the yard. I
9 identified myself and told her why I was there, hoping that she would come discuss the property with
10 me, however, she turned her back and ignored me for the remainder of the time I was there. I noticed
11 during this visit that another tent, partially covered by a tarp, had been erected on the western edge of
12 the property.

13 14. During preparation for the initial Board hearing to be held on November 4, 2014, I learned
14 that Edwin Arndt had merged two parcels into one legal parcel in the 1990s. However, each parcel
15 retained it's own Assessor's Parcel Number as well as a separate property description. Our Notice of
16 Nuisance only included one of these property descriptions. Consequently, a second Notice of Nuisance,
17 that included the second property description, was drafted and served on the owners on October 30,
18 2014. I assisted in serving a Notice to Abate Nuisance on the owners on December 2, 2014. As I left
19 the area, I saw Morrill examining the documents.

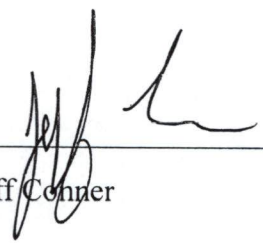
20 15. A nuisance abatement hearing was held on November 4, 2014 as scheduled, per the first
21 notice. The Board of Supervisors found the property to be a nuisance and ordered the violations to be
22 abated within 30 days of the service of the Findings of Nuisance and Order of Abatement. That
23 document was served on the owners on November 13, 2014.

24 15. On December 9, 2014, I drove past 2150 Park Road. Morrill was in the yard. I spoke to
25 her briefly and she claimed that she was trying to comply with the County's demands, but she was the
26 only one who was willing to work. I informed her of the second hearing and she told me that she would
27 try to attend, but that she was going to have to ride the bus to get there. I took three photographs, which
28 are included in the exhibit package for this hearing. I could not discern any noticeable improvement
in the conditions on the property.

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Executed in Eureka, California, under penalty of perjury.

Dated: 12/11/2014



Jeff Conner