

ATTACHMENT E

Notice to Abate Nuisance for Occupants



COUNTY OF HUMBOLDT
CODE ENFORCEMENT UNIT
3015 H Street
Eureka, California 95501
(707) 476-2429

NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

531 Elm Street, Garberville, CA, 95542

Assessor's Parcel Numbers:

032-133-002

Occupants:

Ronald A. Machado
Derice D. Edwards
531 Elm Street
Garberville, CA 95542

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

YOU ARE HEREBY ORDERED to **ABATE** said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

NOTICE IS FURTHER GIVEN that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

NOTICE IS FURTHER GIVEN that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

NOTICE IS FURTHER GIVEN that an appeal of the Code Enforcement Unit’s determination that a nuisance exists on the affected property must be prepared using the form attached hereto as “Attachment C – Code Enforcement Appeal Hearing Request Form.”

NOTICE IS FURTHER GIVEN that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

NOTICE IS FURTHER GIVEN that the date of the Code Enforcement Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Code Enforcement Appeal Hearing is served.

NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in “Attachment A – Conditions Constituting a Nuisance” is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

NOTICE IS FURTHER GIVEN that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

NOTICE IS FURTHER GIVEN that the costs of the required abatement may also become a charge against the affected property 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.

NOTICE IS FURTHER GIVEN that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit:

Signature: _____

Title: Investigator _____

Name: Shauna Soeth

Date: October 27, 2020

ATTACHMENT A
CONDITIONS CONSTITUTING A NUISANCE

Code Section	Description	Corrective Action
521-4	Improper Storage and Removal of Solid Waste	Contain & Dispose of Solid Waste Properly

ATTACHMENT B LEGAL DESCRIPTION

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

That portion of Block 5 of the Town of Garberville as shown on the official map thereof recorded in Book 11, Page 10, of Surveys, in the Office of the County Recorder of said County, described as follows:

BEGINNING at a point on the north line of said Block 5 located South 88 degrees 31 minutes East 150 feet from the east line of Cedar Street; and running
thence South 88 degrees 31 minutes East 130 feet to the west line of a 30 foot lane;
thence South 2 degrees 09 minutes West along said lane 77 feet to the north line of a 40 foot street designated as Elm Street;
thence North 88 degrees 31 minutes West along said street 130 feet to the southeast corner of the land conveyed to Leland S Loewen and wife by Deed recorded October 28, 1948, as Serial No 10622 in Book 70, Page 14, Official Records;
thence North 2 degrees 09 minutes East along the east line of the land described in said Deed 77 feet to the point of beginning.

ATTACHMENT C

CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property: 531 Elm Street, Garberville, CA 95542

Assessor's Parcel Number: 032-133-002

To: Humboldt County Code Enforcement Unit
3015 H Street
Eureka California, 95501

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]:

[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]:

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

Name: _____

Address: _____

City, State: _____

Telephone Number: _____

I understand, and agree, that if I fail to appear at the place and time set for the requested appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: _____

Name: _____

Date: _____



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

October 27, 2020

Derice D. Edwards
531 Elm Street
Garberville, CA 95542

Re: Service of Notice to Abate Nuisance
Property location: 531 Elm Street, Garberville, CA, 95542
APN: 032-133-002

Dear Derice Edwards,

The Code Enforcement Unit recently observed the above described property, which you are an occupant of, and confirmed violations of County Code. As a result, we are serving you with the attached Notice to Abate Nuisance. You have the following options:

1. Correct the violations within ten (10) days of the service of the Notice. Once you contact us with this information and we are able to confirm it, the Notice will be dismissed.
2. Request a hearing before a hearing officer to contest the determination that a violation exists. You may request a hearing by completing the attached hearing request form within ten (10) days of the service of the Notice.
3. Enter into a Compliance Agreement with the County that would suspend enforcement action for a reasonable amount of time to allow you to correct the violations. If the conditions of the agreement are met, then the Notice will be dismissed.
4. You can do nothing. At the end of the ten (10) day period, the County may take further enforcement action.

Please feel free to contact me by phone at (707) 441-2627 or by email at ssoeth@co.humboldt.ca.us to answer any questions or concerns you may have.

Sincerely,

Shauna Soeth
Code Compliance Officer

Attachment: Notice to Abate Nuisance

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, SHAUNA SOETH, 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 Planning and Building Department, 3015 H Street, Eureka, California; that on October 28, 2020, I served a true copy of **NOTICE TO ABATE NUISANCE.**

_____ by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Certified Mail)

XXX by personally hand delivering a true copy thereof to the occupant, **Derice Edwards**, who occupies the premises located at:

**531 Elm St.
Garberville, CA 95542
APN: 032-133-002**

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

_____ 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:

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

Executed on this 29th day of October, 2020, in the City of Eureka, County of Humboldt, State of California.



Shauna Soeth - Investigator

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, SHAUNA SOETH, 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 Planning and Building Department, 3015 H Street, Eureka, California; that on October 28, 2020, I served a true copy of NOTICE TO ABATE NUISANCE.

_____ by placing a true copy of the aforementioned document in a sealed envelope individually addressed to each of the parties and caused each such envelope to be deposited with the U.S. Postal Service and/or picked up by an authorized representative, on that same day with fees fully prepaid at Eureka, California, in the ordinary course of business as set forth below: (First Class & Certified Mail)

XXX by personally hand delivering a true copy thereof to the occupant, **Ronald Machado**, who occupies the premises located at:

**531 Elm St.
Garberville, CA 95542
APN: 032-133-002**


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

_____ 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:

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

Executed on this 29th day of October, 2020, in the City of Eureka, County of Humboldt, State of California.



Shauna Soeth - Investigator