



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

J-1

For the meeting of: **February 7, 2017**

Date: **January 20, 2017**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit**  
**Scott Miles, Senior Deputy County Counsel** *Sm*

Subject: **Administrative Abatement Hearing**  
**McKinley Davis Jr.**  
**55 Lowell Street, Orick, California, AP# 520-071-017**

### 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; and
- (4) Close the hearing.

### SOURCE OF FUNDING:

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

Prepared by Jason Sheets and Jeff Conner

CAO Approval *E. Hayes*

#### REVIEW:

Auditor \_\_\_\_\_ County Counsel *Sm* Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

#### TYPE OF ITEM:

☐ Consent  
☐ Departmental  
☒ Public Hearing  
☐ Other \_\_\_\_\_

#### PREVIOUS ACTION/REFERRAL:

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

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

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**  
Upon motion of Supervisor \_\_\_\_\_ Seconded by Supervisor \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

**SEE ACTION SUMMARY**

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

Dated: \_\_\_\_\_

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

DISCUSSION:

This matter is before your Board sitting as a quasi-judicial tribunal to make a finding that a nuisance does or does not exist on the subject property.

Humboldt County Code Section 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.....
- (d) Any attractive nuisance which may prove dangerous to human life, or unsafe, or detrimental to the public health and safety.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county."

On August 7, 2013, the Code Enforcement Unit ("CEU") received a referral from the Planning Division concerning the property at 55 Lowell Street in Orick, California (hereinafter referred to as the "Property"). The referral alleged that there were violations of the Humboldt County Code dealing with the conversion of a storage shed to a residence without the proper permits. The CEU inspected the Property and found that the owner, McKinley Davis Jr. (hereinafter referred to as the "Owner"), was living in a structure that had been designed and built to be a garage. This structure lacked plumbing. Heat was provided by a wood stove, the chimney of which exited the structure through a window.

In September of 2013, the Owner was arrested for numerous violations including illegal burning. He was found to be mentally unfit to stand trial and was sent to a State Mental Hospital until he was deemed to be competent. In August of 2014, the CEU was informed that the Owner had returned to the Property. An inspection on September 5, 2014, found that a trailer had been parked next to the garage and was occupied by two additional persons. In addition, neither the trailer nor the garage were connected to a septic system or any other sewage disposal system. On December 30, 2014, a Notice of Nuisance was served on the Owner and the document was recorded on January 8, 2015, at the Humboldt County Recorder's Office. The Notice of Nuisance listed the following violations: Humboldt County Code Sections 314-81.1, use of a recreational vehicle as a residence; 314-87.1, construction of a secondary dwelling unit without the proper permits; 352-26, junk vehicles; 521-4, improper storage and removal of solid waste; 611-3, maintaining a residence without an approved sewage disposal system; and Section 1001.14 of the Uniform Housing Code, substandard housing.

The CEU continued to monitor the Property. The amount of solid waste on the Property ebbed and flowed. Otherwise the conditions on the Property remained much the same with the Owner living in the garage and the couple staying in the travel trailer parked adjacent to it. In April of 2016, a second travel trailer was flipped upside down onto the sidewalk and destroyed. The CEU arranged to get a 20 yard bin placed on Lowell Street to dispose of the solid waste from the destroyed trailer. At about the same time, the CEU learned that the couple living in the original travel trailer had moved on and the Owner had taken their place. On April 19, 2016, the CEU submitted a report to Adult Protective Services ("APS") concerning the Owner's ability to care for himself. This was the second such report on the Owner made to APS by the CEU, the previous one having been made when he lived at a different location. That house was destroyed

by fire shortly after the first report was submitted. The CEU elected to allow APS time to investigate further before taking any enforcement action.

On September 29, 2016, the CEU and APS inspected the Property together. The Owner was incarcerated at the time. Most of the solid waste had been cleaned up, allegedly by the young man who was staying in the Owner's trailer while he was in jail. It was observed that a connection had been made from the trailer to the septic system. However, this was of limited value as it was also learned that there was no water service at the Property as it had been turned off for lack of payment. On October 5, 2016, the CEU returned to Orick and found that another trailer had been moved onto the Property. This trailer was owned by Sally McGurdy. McGurdy claimed that she was going to have the water turned back on, but did not appear to make any effort to do so. On December 20, 2016, contact was again made with the Owner. As a significant quantity of solid waste had accumulated on the Property, the CEU arranged to have a second 20 yard bin placed on the Property.

On December 29, 2016, the CEU learned that APS had referred the Owner to the Rural Street Outreach Program and no other steps to assist the Owner were anticipated. On January 10, 2017, the CEU inspected the Property again and found that McGurdy's trailer had caught fire and burned. A car parked next to the trailer had also been destroyed in the fire. In addition, there was more solid waste on the Property than there had been before the donation of the 20 yard bin. Pictures taken during this inspection are included in the Exhibit Package which is included in this report as Attachment "B".

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

1. The violations present on the Property include conditions that violate both state and local law.
2. The violations are: Humboldt County Code Sections; 314-81.1, recreational vehicle used as a residence; 314-87.1, secondary dwelling unit; 352-26, junk vehicles; 521-4, improper storage and removal of solid waste; 611-3, maintaining a residence without an approved sewage disposal system; and Section 1001.14 of the Uniform Housing Code, substandard housing.
3. The violations have created conditions that are unsafe and detrimental to public health and safety, and constitute a public nuisance, which should be abated.

Therefore, the CEU requests that your Board find that a nuisance exists on the Property and order the Owner to abate the nuisance within thirty days of the service of the attached Findings of Nuisance and Order of Abatement.

#### FINANCIAL IMPACT:

If your Board adopts the proffered recommendations, there will not be an immediate financial impact. However, if the Owner does not complete the necessary actions within the time allotted by your Board, the CEU will have the authority to abate the violations. The Code Enforcement Trust Fund is the primary source of monies for abatements conducted by the CEU. The balance of the Code Enforcement Trust Fund

is currently about \$75,000. However, there are several potential expenditures on other abatements that have either been ordered by your Board or will be presented to your Board in the near future.

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

OTHER AGENCY INVOLVEMENT:

None at this time.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Find that a public nuisance does not exist, and terminate the abatement proceeding. This alternative is not recommended as there are serious violations of state and local law on the Property that are impacting the health, safety and welfare of the public.

ATTACHMENTS:

- A. Proposed Findings and Order
- B. Exhibit Packet – to be provided no later than February 1, 2017

**Administrative Abatement Hearing**

In Re: McKinley Davis Jr.  
55 Lowell Street, Orick, California; AP# 520-071-017

**ATTACHMENT “A”**

Findings of Nuisance and Order of Abatement

**BOARD OF SUPERVISORS  
COUNTY OF HUMBOLDT**  
825 FIFTH STREET  
EUREKA, CALIFORNIA 95501    PHONE (707) 445-7471

**FINDINGS OF NUISANCE & ORDER OF ABATEMENT**

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In Re: Abatement Hearing

McKinley Davis Jr.  
55 Lowell Street, Orick, California; AP# 520-071-017

February 7, 2017

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

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

***Now therefore the Board Finds:***

1. The property located at 55 Lowell Street, Orick, California is located in a Residential: Single Family zone, in the unincorporated area of Orick, Humboldt County, California, referred to as Assessor's Parcel No. 520-071-017; 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 Sections 351-12 and 351-13, 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 Section 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 certified letter containing the Notice to Abate 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 Sections 314-81.1, use of a recreational vehicle as a residence; 314-87.1, constructing a secondary dwelling unit without the proper permits; 352-26, junk vehicles; 521-4, the improper storage and removal of solid waste; 611-3, maintaining a residence without an approved sewage disposal system; and Section 1001.14 of the Uniform Housing Code ("UHC"), substandard housing; 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:

Section 314-81.1

Use of a recreational vehicle as a residence

*Corrective Action:*

Disconnect any utilities and cease use as a residence.

Section 314-87.1

Construction of a secondary dwelling unit without the proper permits

*Corrective Action:*

Apply for and obtain permits from Planning and Building Divisions.



Section 352-26

Junk vehicles

*Corrective Actions:*

- a) Restore vehicle(s) to operative condition, and/or
- b) Remove inoperable vehicles, and/or
- c) Store inoperative vehicles within enclosed structure.

Section 521-4

Improper storage and removal of solid waste

*Corrective Action:*

Store all solid waste in containers with tight fitting lids and dispose of all waste in a timely manner.

Section 611-3

Maintaining a residence without an approved sewage disposal system

*Correction Action:*

Apply for an receive a permit from the Division of Environmental Health for a sewage disposal system.

Section 1001.14 UHC

Substandard housing

*Corrective Action:*

Cease habitation in a structure not intended or designed for that use.

- 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 shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 2/7/17

Vernice Bass

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

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In Re: ADMINISTRATIVE ABATEMENT HEARING

Case No. 13CEU-065

COUNTY v. MCKINLEY DAVIS

A.P. No. 520-071-017

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February 7, 2017  
9:00 am

**EXHIBIT PACKET**

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

EXHIBIT A-- Location map (2 pages)

EXHIBIT B-- Grant Deed (2 pages)

EXHIBIT C-- Notice of Nuisance dated December 23, 2014 (6 pages)

EXHIBIT D-- Notice to Abate Nuisance dated January 20, 2017 (4 pages)

EXHIBIT E – Copy of Humboldt County Code Sections 314-81.1, 314-87.1, 352-26, 521-4, 611-3, and 1001.14 UHC (20 pages)

EXHIBIT F – Photographs of Subject Property taken on January 30, 2017 (4 pages)

Date: 1/31/17

  
Scott A. Miles, Senior Deputy  
County Counsel

Administrative Abatement Hearing, County v. McKinley Davis

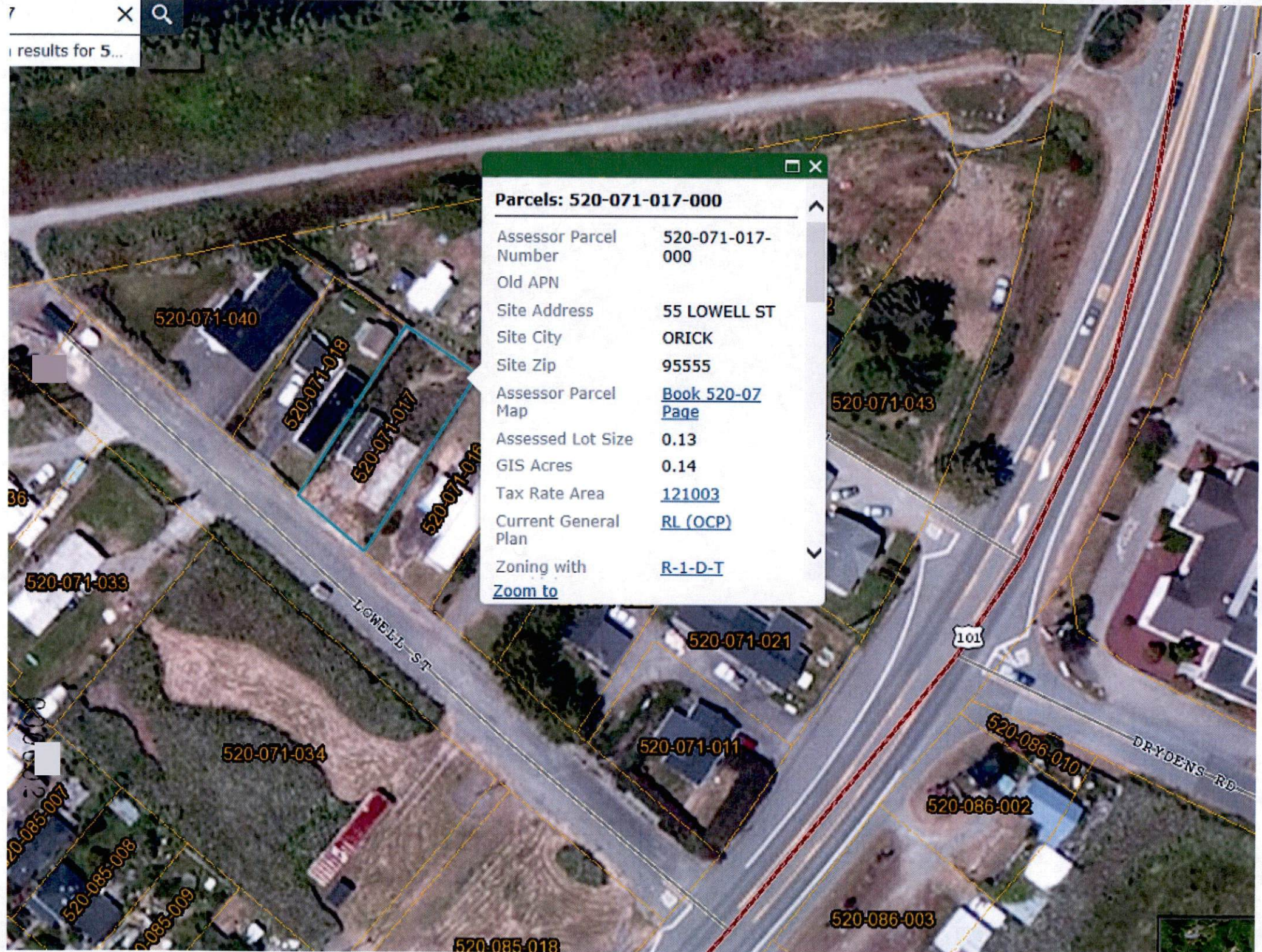
A.P. No. 520-071-017

**EXHIBIT "A"**

Location Maps

000001





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Q

Parcel: 520-071-017-000

Assessor Parcel Number

520-071-017-000

Old APN

Site Address

55 LOWELL ST

Site City

ORICK

Site Zip

95555

Assessor Parcel Map

[Book 520-07 Page](#)

Assessed Lot Size

0.13

GIS Acres

0.14

Tax Rate Area

[121003](#)

Current General Plan

[RL \(OCP\)](#)

Zoning with

[R-1-D-T](#)

[Zoom to](#)





(1 of 3)

Parcels: 520-071-017-000

Assessor Parcel Number	520-071-017-000
Old APN	
Site Address	55 LOWELL ST
Site City	ORICK
Site Zip	95555
Assessor Parcel Map	<a href="#">Book 520-07 Page</a>
Assessed Lot Size	0.13
GIS Acres	0.14
Tax Rate Area	<a href="#">121003</a>
Current General Plan	<a href="#">RL (OCP)</a>
Zoning with	<a href="#">R-1-D-T</a>
<a href="#">Zoom to</a>	



Administrative Abatement Hearing, County v. Mckinley Davis.  
A.P. No. 520-071-017

**EXHIBIT "B"**

Grant Deed

000004

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

Name: McKinley Davis Jr.  
Address: PO Box 144

Orick, CA 95555

Order No. 00145174-001-AU

2013-007874-2  
Recorded - Official Records  
Humboldt County, California  
Carolyn Crnich, Recorder  
Recorded by: HLTCO  
Rec Fee: \$16.00

Survey Mon Fee: \$10.00

[Doc Trf Tax: \$71.50  
Clerk: MM Total: \$97.50  
Apr 3, 2013 at 10:00:45

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)  
Unincorporated area  
Parcel No. 520-071-017

Documentary Transfer Tax is \$71.50

- ☒ computed on full value of interest or property conveyed, or  
☐ full value less value of liens or encumbrances remaining at  
the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
MARTHA N. PEALS, as Trustee of the Peals Family Revocable Trust dated April 27, 2010  
hereby GRANT(s) to  
MCKINLEY DAVIS JR., unmarried man  
the following real property in the unincorporated area  
County of Humboldt, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: March 11, 2013

State of California  
County of Humboldt

On 4/2/13 before me, J. Bubenik  
a Notary Public, personally appeared Martha N. Peals

*Martha N. Peals*  
Martha N. Peals as Trustee of the Peals Family  
Revocable Trust dated April 27, 2010

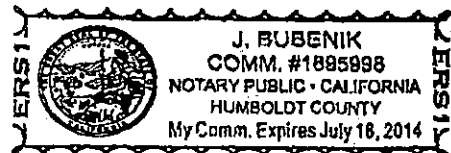
who proved to me on the basis of satisfactory evidence to be the  
person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies) and that by his/her/their signature(s) on the  
instrument the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

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

WITNESS my hand and official seal.

Signature *J. Bubenik*

My commission expires: \_\_\_\_\_



(This area for official notarial seal)

Exhibit A

DESCRIPTION

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

PARCEL ONE:

Lot 7 of Tract No. 14, South Redwood Creek Subdivision as per Map recorded in Book 14, Pages 1 and 2 of Maps in the Office of the County Recorder of said County.

PARCEL TWO:

Those portions of the Northeast Quarter of the Northeast Quarter of Section 4, Township 10 North, Range 1 East, Humboldt Meridian, described as follows:

An undivided one-ninth interest in and to that certain parcel of land, pipeline right of way and appurtenances thereto, as described in the Grant of Water System, recorded February 13, 1963, in Book 723 of Official Records, Page 462, under Recorder's Serial No. 2424, Humboldt County Official Records and First Amendment to said Grant of Water System recorded February 20, 1964, in Book 775 of Official Records, Page 383, under Recorder's Serial No. 3201, in the Office of the County Recorder of said County.

OR #2013-007874-2 2 of 2

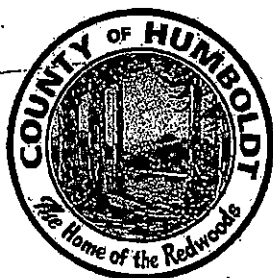


Administrative Abatement Hearing, County v. McKinley Davis  
A.P. No. 520-071-017

**EXHIBIT "C"**

Notice of Nuisance Recorded

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

2015-001035-6

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CO

Clerk: LH Total: \$0.00  
Jan 8, 2015 at 14:21:14  
**CONFORMED COPY**

# NOTICE OF NUISANCE

Owner: McKinley Davis Jr.  
Address of Subject Premises 55 Lowell Street, Orick, California; AP# 520-071-017

**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: December 23, 2014

  
Davina Smith  
Deputy County Counsel

A.P. No: 520-071-017 File No: 13CEU065

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 checked="" type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S§17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input type="checkbox"/> § 371--2	Maintaining a junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input checked="" 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 checked="" type="checkbox"/> §1001.14 UHC	Substandard Housing	Cease habitation in a structure not intended or designed for that use.
Remarks:		

A.P. No. 520-071-017

ATTACHMENT "B"

DESCRIPTION

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

PARCEL ONE:

Lot 7 of Tract No. 14, South Redwood Creek Subdivision as per Map recorded in Book 14, Pages 1 and 2 of Maps in the Office of the County Recorder of said County.

PARCEL TWO:

Those portions of the Northeast Quarter of the Northeast Quarter of Section 4, Township 10 North, Range 1 East, Humboldt Meridian, described as follows:

An undivided one-ninth interest in and to that certain parcel of land, pipeline right of way and appurtenances thereto, as described in the Grant of Water System, recorded February 13, 1963, in Book 723 of Official Records, Page 462, under Recorder's Serial No. 2424, Humboldt County Official Records and First Amendment to said Grant of Water System recorded February 20, 1964, in Book 775 of Official Records, Page 383, under Recorder's Serial No. 3201, in the Office of the County Recorder of said County.

A.P. 520-071-017

000010

## PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF HUMBOLDT ) ss.

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 29, 2014, I served a true copy NOTICE OF NUISANCE; AND NOTICE OF INTENT TO RECOVER COSTS

XX by placing a true copy thereof enclosed in a sealed envelope and depositing the envelope at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar, addressed as set forth below: **(Via certified mail)**

**McKinley Davis, Jr.**  
**P.O. Box 144**  
**Orick, CA 95555**

\_\_\_\_\_ 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 29<sup>th</sup> day of December, 2014, at the City of Eureka, County of Humboldt,  
State of California.

  
Teri Gridley, Legal Office Services Manager

000011

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>CODE ENFORCEMENT UNIT</b> <b>COUNTY OF HUMBOLDT</b> <b>825 FIFTH STREET, ROOM 110</b> <b>EUREKA, CA 95501</b> 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: <b>CODE ENFORCEMENT UNIT</b> DEFENDANT/RESPONDENT: <b>McKINLEY DAVIS JR.</b>		
<b>PROOF OF SERVICE OF SUMMONS</b>		CASE NUMBER:  Ref. No. or File No.: <b>13CEJ065</b>

(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):  
**McKINLEY DAVIS JR.**
- b. Person served: ☒ party in item 3a ☐ other (specify name and relationship to the party named in item 3a):
4. Address where the party was served:  
**55 LOWELL STREET, ORICK**
5. I served the party (check proper box)
  - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b. ☐ by substituted service. On (date): \_\_\_\_\_ at (time): \_\_\_\_\_ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b): \_\_\_\_\_
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): \_\_\_\_\_ from (city): \_\_\_\_\_ or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT

CASE NUMBER:

DEFENDANT/RESPONDENT:

MCKINLEY DAVIS JR.

- 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 12/30/2014 1405 HOUSE

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

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

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

7. Person who served papers

- a. Name: Jeff Conner
- b. Address: 825 Fifth Street
- c. Telephone number: 476-2429
- d. The fee for service was: \$ 0.00

e. I am:

- (1) ☐ not a registered California process server.
- (2) ☒ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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

Date: 12/31/2014

Jeff Conner

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

(SIGNATURE)

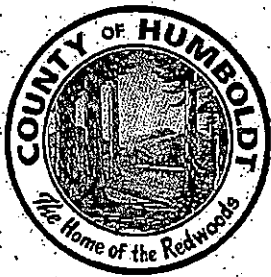
000013



Administrative Abatement Hearing, County v. McKinley Davis  
A.P. No. 520-071-017

**EXHIBIT "D"**

Notice to Abate Nuisance



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: 55 Lowell Street, Orick, California; AP# 520-071-017

To: McKinley Davis Jr.

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on February 7, 2017, at the hour of 9:00 A.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: January 20, 2017



Jason Sheets

County of Humboldt 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 checked="" type="checkbox"/> § 314-87.1	Secondary dwelling unit without permits	Apply for/obtain permits from Planning & Building Dept.
<input type="checkbox"/> § 331-11	Building conditions endanger life, health, safety or welfare of public [H&S § 17920.3]	Apply for permit for repair, securement or demolition
<input type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input type="checkbox"/> § 371-2	Maintaining a junkyard	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed structure, and/or c) Remove all debris
<input type="checkbox"/> § 511-1	Failure to obtain permit for food establishment	Apply for and obtain permit
<input checked="" type="checkbox"/> § 521-4	Storage & removal of solid waste	Contain & dispose of all solid waste properly
<input type="checkbox"/> § 521-10	Improper disposal of solid waste	Properly remove solid waste. No burning or burying of solid waste.
<input checked="" 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 checked="" type="checkbox"/> § 1001.14 UHC	Substandard Housing	Cease habitation in a structure not intended or designed for that use.
Remarks:		

A.P. No. 520-071-017

**PROOF OF SERVICE**

STATE OF CALIFORNIA )

) ss.

COUNTY OF HUMBOLDT )

I, LACY MITCHELL, say:

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, Eureka, California; that on January 20, 2017, I served a true copy of **NOTICE TO ABATE NUISANCE**;

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

McKinley Davis  
P.O. Box 144  
Orick, CA 95555

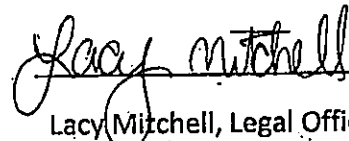
\_\_\_ By personally delivering a true copy thereof to the person as forth below:

\_\_\_ By placing a true copy in the designated place at Court Operations to the attorney/parties named below.

\_\_\_ By fax

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

Executed on the 20<sup>th</sup> day of January, 2017, in the City of Eureka, County of Humboldt, State of California.

  
Lacy Mitchell, Legal Office Assistant:

000018

Administrative Abatement Hearing, County v. McKinley Davis  
A.P. No. 520-071-017

**EXHIBIT "E"**

Sections of Humboldt County Code

Humboldt County Code § 314-81.1

[Use of mobile homes or trailers as place of habitation]



(314-76 through 314-80: Sections Reserved for Future Use)

**314-81.1 MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

**81.1.1** The use of manufactured homes and recreational vehicles shall be subject to the following regulations: (Former Section INL#316-10; Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

**81.1.1.1** Manufactured homes and recreational vehicles shall be used as residences only in manufactured home parks and special occupancy parks, or in any public camping area, subject to the applicable provisions of the Health and Safety Code of the State of California. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

**81.1.1.2** However, manufactured homes may be located and used outside of manufactured home parks in certain zoning districts where such use is specifically authorized. (Former Section INL#316-10(a); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3** Manufactured homes used for residential purposes outside of manufactured home parks shall be subject to the same building regulations and zoning regulations applicable to buildings similarly used and shall be required to meet all of the following at the time of installation: (Former Section INL#316-10(b); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3.1** The manufactured home shall be completely enclosed (except for venting) at the ground level with manufactured home skirting. (Former Section INL#316-10(b)(1); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3.2** A manufactured home manufactured before September 15, 1971, may be placed on a permanent foundation provided an engineer licensed by the State of California certifies that the unit is structurally sound and complies with the Uniform Building Code. If necessary, a unit may be modified to comply with the U.S. Department of Housing and Urban Development standards for safety, ceiling height and structure. Such modifications require a building permit. (Former Section INL#316-10(b)(2); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3.3** A manufactured home sold new before July 1, 1980, shall be attached to a permanent foundation approved by the Chief Building Inspector. (Former Section INL#316-10(b)(3); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3.4** The State Department of Housing and Community Development manufactured home insignia and the license plate of a manufactured home sold new before July 1, 1980, shall be removed and returned to said Department together with the Department of Motor Vehicles' certificate of ownership, the certificate of registration and a copy of the building permit for manufactured home installation. (Former Section INL#316-10(b)(4); Ord. 1848, Sec. 18, 9/13/88)

**81.1.1.3.5** A manufactured home sold new on or after July 1, 1980, shall be

attached either to a permanent foundation or to a standard setup with tie down anchors approved by the Chief Building Inspector. (Former Section INL#316-10(b)(5); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.4 One (1) manufactured home may be used as an office appurtenant to, accessory to, and in conjunction with the operation of a manufactured home sales area without a Use Permit. (Former Section INL#316-10(c); Amended by Ord. 1848, Sec. 18, 9/13/88; Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5 Temporary Use - Special Permits. Notwithstanding subsection 81.1.1.1, Special Permits may be issued for the temporary use of a manufactured home or recreational vehicle as follows: (Former Section INL#316-10(d); Amended by Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.1 The Director may permit a person who has a permanent residence elsewhere to use a recreational vehicle as a temporary residence for up to six (6) months. (Former Section INL#316-10(d)(1); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.2 The Director may permit a construction contractor to use a manufactured home, commercial coach or recreational vehicle as an office for the duration of the job. (Former Section INL#316-10(d)(3); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3 The Zoning Administrator may in a case of hardship, grant a property owner a Special Permit to set up temporarily any manufactured home which is not defined as a "nuisance" by Title 25 of the California Code of Regulations. (Former Section INL#316-10(d)(4); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

81.1.1.5.3.1 The Zoning Administrator may find a case of hardship if: (Former Section INL#316-10(d)(4)(a); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.1 The property lies in a zone in which a manufactured home is a principal permitted use; and (Former Section INL#316-10(d)(4)(a)(i); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.2 Placement of the manufactured home is consistent with the general character of the neighborhood and will not adversely affect the public health and safety of the neighborhood; and (Former Section INL#316-10(d)(4)(a)(ii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.3 The manufactured home is occupied by a specified person or persons who are related to the property owner; and (Former Section INL#316-10(d)(4)(a)(iii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.4 The Chief Building Inspector approves the proposed setup; and (Former Section INL#316-10(d)(4)(a)(iv); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.5 Neither the property owner nor the proposed occupant can afford to install, then remove, a permanent foundation; and/or (Former Section INL#316-10(d)(4)(a)(v); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.6 Neither the property owner nor the proposed occupant can afford to purchase a newer, conforming unit; and (Former Section INL#316-10(d)(4)(a)(vi); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.1.7 The health and well-being of either the property owner or the proposed occupant requires that the manufactured home be on the property. (Former Section INL#316-10(d)(4)(a)(vii); Ord. 1848, Sec. 18, 9/13/88)

81.1.1.5.3.2 The Special Permit is valid for one (1) year. The Zoning Administrator may be renew it for additional one year periods for as long as the hardship continues. (Former Section INL#316-10(d)(4)(b); Ord. 1848, Sec. 18, 9/13/88; Amended by Ord. 2166, Sec. 21, 4/7/98)

**81.1.1.5.4 Temporary Occupancy.**

81.1.1.5.4.1 The Chief Building Inspector may issue a temporary occupancy permit for one manufactured home or recreational vehicle situated on a lot for which the applicant has obtained a building permit. The use of the manufactured home or recreational vehicle shall be the same as the use of the building for which the permit was granted. Services shall not be connected to the permanent structure until the manufactured home or recreational vehicle for which the temporary occupancy permit was issued has been removed from the property. (Former Section INL#316-10(d)(5)(a); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2 The temporary occupancy permit shall be valid for six months from the date the building permit was issued. The manufactured home or recreational vehicle for which the temporary occupancy permit was issued shall be removed when the temporary occupancy permit expires. The Chief Building inspector may renew a temporary occupancy permit for one (1) additional six (6) month period if: (Former Section INL#316-10(d)(5)(b); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.1 There is substantial progress on the permanent building; and (Former Section INL#316-10(d)(5)(b)(i); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.2.2 It is reasonable and probable that the permanent building will be completed within the extra six (6) months. (Former Section INL#316-10(d)(5)(b)(ii); Amended by Ord. 1540; Sec. 1, 6/29/82)

81.1.1.5.4.3 The applicant shall sign a document stating he has read and

*Last revised 1/19/05*

CHAPTER 4, PAGE 101

000023

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)

81.1.1.5.4 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 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 § 314-87.1  
[Secondary Dwelling Unit without Permits]



87.1.3.1.6 The secondary unit is subordinate to the primary residence. (Former Section INL#316.1-3(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2 A secondary dwelling unit that does not conform with all the criteria in the Secondary Dwelling Units Criteria subsections 314-87.1.3.1.1, 87.1.3.1.4 and 87.1.3.1.5 may be permitted with a Special Permit in the AG, FR, R-1, RS, and U zoning districts where sufficient information is submitted with the application including, but not limited to, elevations and views of existing, proposed, and adjacent buildings, to enable the Hearing Officer to determine, after providing for public comment, that: (Former Section INL#316.1-3(b); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.1 the subject property is served by a road design that meets the Fire Safe Ordinance considering all development served by the road<sup>1</sup>; and (Former Section INL#316.1-3(b)(1); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98 Amended by Ord. 2313A, 12/16/03)

87.1.3.2.1.1 if the subject property is served by a road category 3 road, it has public water and sewer; and the total development potential of all lots served by the road is eight (8) or fewer dwelling units, and (Added by Ord. 2313A, 12/16/03)

87.1.3.2.2 the secondary dwelling unit is subordinate to the principal unit, and (Former Section INL#316.1-3(b)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.3 the development shall be compatible with the existing neighborhood, and (Former Section INL#316.1-3(b)(3); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.2.4 the development shall be consistent with General Plan policies regarding maintenance of open space, retention of agriculture and timber lands, and protection of the environment. (Former Section INL#316.1-3(b)(4); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

**87.1.4 General Provisions: Second and Secondary Dwelling Units.**

The following provisions apply to all second dwelling units and secondary dwelling units. (Former Section INL#316.1-4; Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.1 Only one such dwelling unit may be permitted on any one lot. Such dwelling units shall not be permitted in addition to a guest house, or on any lots with two or more dwelling units, except in the case of AE lots. For AE lots, one such dwelling unit may be allowed in addition to a main residence and a caretaker residence, if consistent with permitted densities. (Former Section INL#316.1-4(a); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.4.2 Such units shall remain under the same ownership as the main residential building. Such units shall not be the subject of condominium conversion or subdivision unless, in the case of a subdivision, the full lot area requirements of the zone are met. (Former Section INL#316.1-4(b); Added by Ord. 1865, Sec. 1, 5/30/89)

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<sup>1</sup>The development served by a road includes the existing and planned future development potential of the lots with access to the road. (Added by Ord. 2313A, 12/16/03)

- 87.1.4.3 Such dwelling units may be rented although rental is not required. (Former Section INL#316.1-4(c); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.4.4 Such dwelling units may be attached to, or detached from, the principal residence and may be over a garage. (Former Section INL#316.1-4(d); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.4.5 Such dwelling units shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit. (Former Section INL#316.1-4(e); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.4.6 A manufactured home may be permitted as a second or secondary dwelling unit in certain zoning districts where such use is specifically authorized, consistent with this Chapter and Section 314-81.1, Manufactured Homes, of this Code. (Former Section INL#316.1-4(f); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.4.7 Where one single family dwelling unit exists on a lot, a larger second unit may be constructed as the principal dwelling unit provided all other development regulations and standards can be met for both units. (Former Section INL#316.1-4(g); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.4.8 In TPZ, such dwelling units may only be allowed for the purpose of providing a residence for a caretaker or immediate family member of the property owner. (Former Section INL#316.1-4(i); Added by Ord. 1865, Sec. 1, 5/30/89; Ord. 1633, Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86)

**87.1.5 Development Regulations and Standards for Second and Secondary Dwelling Units.**

- 87.1.5.1 All second dwelling units and secondary dwelling units must comply with the requirements of this Code, including, but not limited to: (Former Section INL#316.1-5(a); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.5.1.1 Compliance with Division 3 of Title III of this Code relating to building site suitability and building standards. (Former Section INL#316.1-5(a)(1); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.5.1.2 Compliance with Division 1 of Title VI of this Code relating to sewage disposal and, where applicable, documentation of consistency with any affected septic tank maintenance agreement or service district requirements. (Former Section INL#316.1-5(a)(2); Added by Ord. 1865, Sec. 1, 5/30/89)
- 87.1.5.1.3 Compliance with Section 331-11.5 of Division 3 of Title III of this Code relating to water supply and, where applicable, documentation of consistency with any affected water supply agreements or service district requirements. (Former Section INL#316.1-5(a)(3); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.1.4 Compliance with California Streets and Highways Code and Division 1 of Title IV of this Code relating to public road easements, encroachments and standards, and, where applicable, documentation of consistency with any affected private road maintenance agreement. (Former Section INL#316.1-5(a)(4); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.2 Service facilities listed in 314-87.1.4.5 may be shared in common with or separate from the other dwelling unit(s), whichever method may afford compliance with the requirements stated. (Former Section INL#316.1-5(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3 Such dwelling units shall conform to the following development standards: (Former Section INL#316.1-5(c); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.1 No such dwelling unit may be constructed or placed on a lot substandard to the zone unless a Special Permit is granted under applicable provisions of this Code. (Former Section INL#316.1-5(c)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.2 Such dwelling units shall conform to the development standards of the zoning district in which they are located, including, but not limited to, standards for front, rear and side yard setbacks, height and lot coverage. (Former Section INL#316.1-5(c)(2); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3 Such dwelling units may be approved on lots with nonconforming uses, structures, or support facilities provided that: (Former Section INL#316.1-5(c)(3); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.1 In the case of nonconformity due to use, the application shall comply with the procedures set forth in subsection 314-87.1.6; (Former Section INL#316.1-5(c)(3)(a); 316.1-7(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.2 In the case of nonconformity due to height or yard setbacks, no greater degree of nonconformity is created; (Former Section INL#316.1-5(c)(3)(b); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.3 In the case of nonconformity due to County Code health provisions, all current applicable County Code health provisions can be met; (Former Section INL#316.1-5(c)(3)(c); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.5.3.3.4 In the case of nonconformity due to building codes, parking, and road easements, encroachments and standards, all current applicable codes can be met or substantially met to the extent that no abnormal risk to health or safety will result from occupancy of the unit. (Former Section INL#316.1-5(c)(3)(d); Added by Ord. 1865, Sec. 1, 5/30/89)

**87.1.5.3.4** Such dwelling units shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping. (Former Section INL#316.1-5(c)(4); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

**87.1.5.3.5** Parking shall be provided for each second dwelling unit or secondary dwelling unit consistent with the standards of the parking provisions of this Code. Where the new units will eliminate off-street parking, such as by conversion of a garage, replacement of the parking spaces lost shall also be required. Adjustments to these requirements may be made by the Hearing Officer if substantially the same objectives can be met in an alternate fashion. (Former Section INL#316.1-5(c)(5); Added by Ord. 1865, Sec. 1, 5/30/89)

**87.1.5.3.6** Such dwelling units shall conform to any other conditions or standards which, in the judgment of the Hearing Officer, are necessary to mitigate adverse impacts on the neighborhood. (Former Section INL#316.1-5(c)(6); Added by Ord. 1865, Sec. 1, 5/30/89)

**87.1.5.4** Such dwelling units may only be allowed where such units will not overload the reasonable limits of the onsite or community service infrastructures such as water supply, sewer systems, septic systems, roads and parking. (Former Section INL#316.1-5(d); Added by Ord. 1633, Sec. 1, 3/13/84; Amended by Ord. 1726, Sec. 3, 3/4/86; Amended by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 28, 4/7/98)

**87.1.6 Procedures for Second and Secondary Dwelling Units.**

**87.1.6.1** An application for a Special Permit for such units may be made by the owner of the property upon which the new unit will be located or by the owner's authorized agent. The application shall be in writing on forms prescribed by the Planning Division. (Former Section INL#316.1-6(a); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

**87.1.6.2** At the time that an application is filed in proper form, the Hearing Officer or administrative official shall approve, approve with conditions, or deny a Special Permit in accordance with the procedures set forth in Chapter 2 of Division 1 of Title III of the Humboldt County Code. (Former Section INL#316.1-6(b); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

**87.1.6.3** Findings required for approval shall include conformance with these regulations and the applicable provisions of Chapter 2 of Division 1 of Title III of this Code, except that in residential zones (R-1 and RS), or any AG zone that is planned and zoned for minimum parcel sizes of five (5) acres or less, a finding of conformance with the General Plan's density for the area need not be made. (Former Section INL#316.1-6(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 28, 4/7/98)

**Humboldt County Code § 352-26**

**[Junk Vehicles]**

or registration available, including but not limited to registration certificates of title or license plates. (Ord. 746, § 12, 1/12/71; Ord. 2093, § 1, 10/17/95)

### 352-23. NOTICE OF LIEN.

If assessment is ordered against the land on which the vehicle is located, the Enforcement Official shall cause a Notice of Lien to be prepared and recorded in the office of the County Recorder of the County of Humboldt. Said notice shall contain the following:

- (a) An address, legal description or other description sufficient to identify the premises.
- (b) A description of the proceedings under which the special assessment was made.
- (c) The claim of lien upon the described premises. (Ord. 746, § 13, 1/12/71)

### 352-24. PRIORITY OF LIEN.

Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be on a parity with the liens of State and County taxes. (Ord. 746, § 13, 1/12/71)

### 352-25. COLLECTION BY AUDITOR.

The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of lien on the assessment roll as a special assessment. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and interest, and to the same procedure for foreclosure and sale in case of delinquency as is provided for ordinary County taxes; and all laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment. (Ord. 746, § 15, 1/12/71)

### 352-26. PENAL PROVISIONS.

(a) It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving of any licensed or unlicensed junk vehicle upon any private property or public property not including highways for a period in excess of five (5) days unless such junk vehicle is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junk yard. (Ord. 746, § 16, 1/12/71; Ord. 2332, § 1, 11/02/2004)

(b) Any person violating any provision of this chapter shall be punished by a mandatory fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not to exceed six months, or by both such fine and imprisonment, and shall provide proof that the costs of removal and lawful disposition of the vehicle have been paid. Proof that the costs of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court. No part of any fine imposed shall be suspended. The fine may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment. (Ord. 2332, § 1, 11/02/2004)



(c) The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle. The filing of a report of sale or transfer of the vehicle by a transferee pursuant to Section 5602, the filing of a vehicle theft report with a law enforcement agency, or the filing of a form or notice with the department pursuant to subdivision (b) of Section 4456 or Section 5900 or 5901 relieves the registered owner of liability under this subdivision. (Ord. 2332, § 1, 11/02/2004)

(d) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of the vehicle to a purchaser may overcome the presumption appearing in subdivision (c) by demonstrating that he or she has complied with vehicle Code sections 5900 or 5602 or providing other proof satisfactory to the court. (Ord. 2332, § 1, 11/02/2004)

Humboldt County Code § 521-4  
[Storage & Removal of Solid Waste]

**521-4. STANDARDS FOR STORAGE AND REMOVAL OF SOLID WASTE AND SOURCE-SEPARATED MATERIALS.**

(a) General Prohibition. It shall be unlawful for any person to store or remove solid waste or source-separated materials except as provided herein. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(b) Storage.

(1) Solid waste shall be contained in the following manner:

It shall be the duty of every person in possession of or having charge of any boarding house, eating place, lodging house, restaurant, store, apartment house, flat or dwelling house, or any other establishment of human habitation, or where food is served or sold, to provide and keep at all times one (1) or more suitable watertight receptacles with tight fitting covers, in which all solid waste from such premises shall be placed and kept until removed. Any person may occasionally store excess non-putrescible solid waste in appropriate receptacles adjacent to the regular solid waste container while waiting for a regularly scheduled collection. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(2) Source separated materials may be accumulated for recycling and composting but must be stored in a clean, sanitary manner, separate from the storage of solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(3) It is unlawful for any person to utilize a solid waste container not belonging to that person without the express approval of the owner. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(c) Removal of Solid Waste.

(1) All putrescible solid waste from any boarding house, lodging house, restaurant, hotel, hospital or store shall be removed from said premises at least twice each week, and from dwellings and apartments at least once each week. All non-putrescible solid waste shall be removed at least once each week unless volume of waste produced in that period of time is less than the minimum amount of waste provided for by franchise collection service rates and user fee structures. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(d) Removal of Source-Separated Materials. Except for on-site composting and properly permitted burning as specified in Section 521-10, all segregated recyclable and compostable materials shall be removed from said premises with sufficient frequency to ensure the maintenance of said premises in a neat, sanitary manner. In any case, removal frequency shall be such as to prevent the propagation of vectors or creation of a nuisance. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

(e) Removal of Unseparated Recyclable and Compostable Materials. Materials not separated by the generator for diversion from disposal will be considered solid waste, unless and until the point at which such materials are separated from such solid waste. (Repealed and Re-Enacted by Ord. 2063, § 1, 02/14/1995)

Humboldt County Code § 611-3  
[Unapproved Sewage Disposal System]

(c) Waste Well. "Waste well" means any hole in the ground used or intended to be used for the disposal of sewage or waste. (Ord. 945, § 2, 10/2/73)

**611-3. APPROVED SEWAGE DISPOSAL SYSTEM REQUIRED.**

No person shall construct, reconstruct, repair, maintain or use any building or place which is not provided with a sewage disposal system approved by the Health Officer or provided with a connection to a public sewer. (Ord. 945, § 3, 10/2/73)

**611-4. SEWER CONNECTION REQUIRED.**

(a) Connection Required. Every building or place which is within 300 feet of an approved public sewer shall be connected to the public sewer by the owner or his agent. A separate connection for each building or place may be required. The measurement of the 300 feet shall be as follows: starting to the point where the permitting agency's jurisdiction ends (property line or curb line) to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than 1,000 feet from the public sewer line.

(b) Large Flow Situations. Multiple family units, mobilehome park, commercial establishments, motels, hotels, subdivision and minor subdivisions, and other buildings or places creating a large flow of sewage or waste may be required by the Health Officer to connect from distances greater than 300 feet. In requiring connections from greater distances, the Health Officer shall consider for the long term the following:

- (1) The intent and purpose of this division.
- (2) Effect on the General Plan, the Zoning Title and the Open Space Plan.
- (3) Potential nuisance creation.
- (4) Quantity of sewage flow.
- (5) Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage disposal systems.
- (6) Such other factors as the Health Officer deems appropriate.

Humboldt County Code § 1001.14 UHC  
[Substandard Housing]



1001.14 – Improper Occupancy.

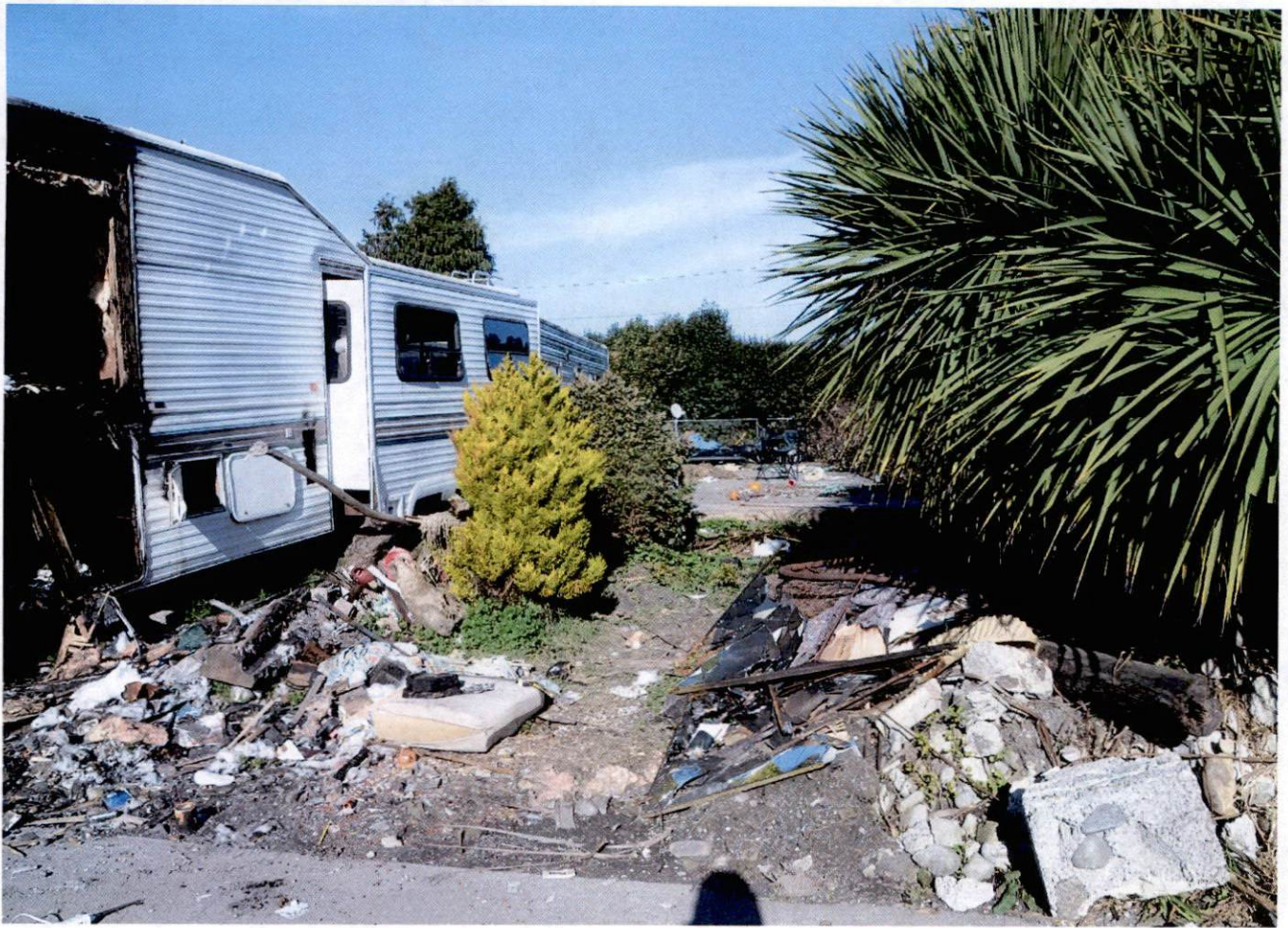
All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.

Administrative Abatement Hearing, County v. McKinley Davis  
A.P. No. 520-071-017

**EXHIBIT "F"**

Photographs of Subject Property









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