



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. 13CEU-69

COUNTY v. JOHN MCDOWELL

A.P. No. 508-291-007

March 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--Individual Grant Deed (2 page)

EXHIBIT C-- Notice of Nuisance dated October 11, 2013 (6 pages)

EXHIBIT D-- Order Imposing Administrative Penalty 14-11 (4 pages)


EXHIBIT E – Amended Notice of Nuisance dated November 29, 2016 (6 pages)

EXHIBIT F – Notice to Abate Nuisance dated February 15, 2017 (4 pages)

EXHIBIT G - Copy of Humboldt County Code Sections 331-28, 352-26, 371-2, and 521-4
(9 pages)

EXHIBIT H - Photographs of Subject Property taken November 22, 2017 (10 pages)

Date: 3/11/17


Scott A. Miles, Senior Deputy
County Counsel

Administrative Abatement Hearing

In Re: John McDowell
1680 Anderson Road, McKinleyville, California; AP# 508-291-007

ATTACHMENT "B"

Exhibit Packet

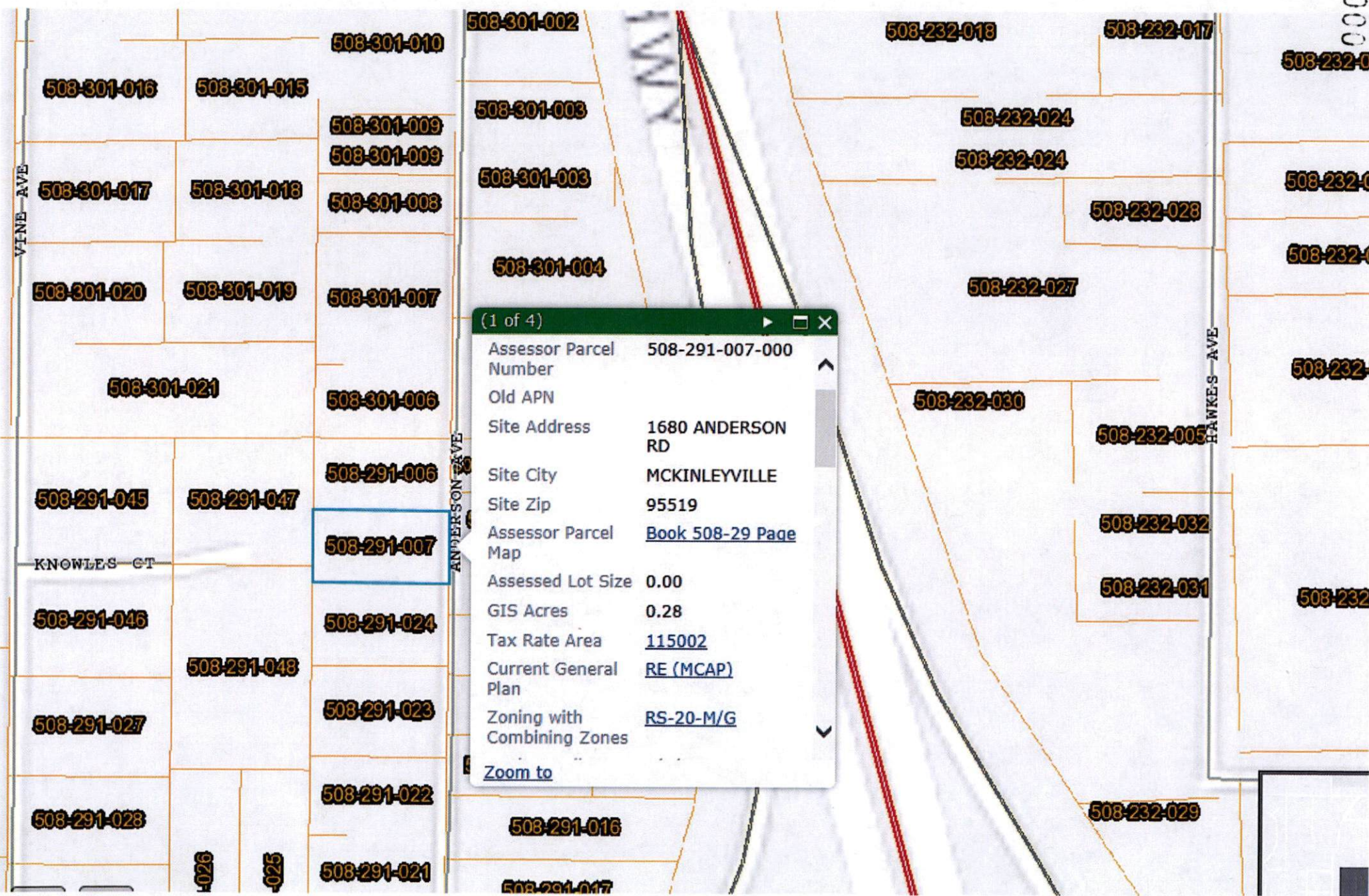
000001

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "A"

Location Maps

000002



000003

508-301-006

508-301-005

000004

508-291-006

508-291-007

508-291-024

Parcels: 508-291-007-000

Assessor Parcel Number 508-291-007-000

Old APN

Site Address 1680 ANDERSON RD

Site City MCKINLEYVILLE

Site Zip 95519

Assessor Parcel Map [Book 508-29 Page](#)

Assessed Lot Size 0.00

GIS Acres 0.28

Tax Rate Area [115002](#)

Current General Plan [RE \(MCAP\)](#)

[Zoom to](#)

508-291-013

Administrative Abatement Hearing, County v. John McDowell

A.P. No. 508-291-007

EXHIBIT "B"

Individual Grant Deed

000005

RECORDING REQUESTED BY
WESTERN TITLE INSURANCE COMPANY
AND WHEN RECORDED MAIL TO
NAME JOHN L. McDOWELL
ADDRESS 1680 Anderson
CITY & STATE MCKINLEYVILLE, CA 95521
Title Order No. Escrow No. 155637
GLF/c11

26724
RECORDED AT REQUEST OF
Western Title Insurance Co.
VOL. 1532 OFFICIAL RECORDS PG 2291
Dec 4 3 40 PM 1978
HUMBOLDT COUNTY RECORDS
GRACE JACKSON, RECORDER
Humboldt County Deputy
FEE \$47.00
TAX COLLECTED BY

MAIL TAX STATEMENTS TO
NAME
ADDRESS same as above
CITY & STATE

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Documentary transfer tax \$ 14.30
☒ Computed on full value of property conveyed, or
☐ Computed on full value less liens and encumbrances
remaining thereon at time of sale.
M. Davisport Western Title Insurance Co.
Signature of declarant or agent determining tax—firm name

Individual Grant Deed

WESTERN TITLE FORM NO. 104

FOR VALUE RECEIVED, REX ALLEN HOGAN and JANET LYNN HOGAN, husband and wife

GRANT to JOHN L. McDOWELL, an unmarried man

all that real property situate in the Unincorporated area of the

County of Humboldt, State of California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

AP NO: 508-291-07

Dated November 28, 1978

Rex Allen Hogan
Rex Allen Hogan

Janet Lynn Hogan
Janet Lynn Hogan

STATE OF CALIFORNIA } ss.
County of Humboldt
On Nov. 30, 1978, before me, the undersigned,
a Notary Public, in and for said State, personally appeared
Rex Allen Hogan & Janet Lynn Hogan
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Charlotte Cudney
Notary Public

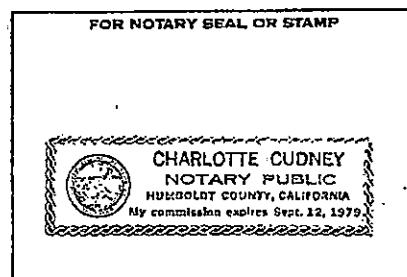


EXHIBIT "A"
DESCRIPTION

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

Those portions of the southwest quarter of the northwest quarter of Section 6, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE

Parcel One of Parcel Map No. 307 on file in the office of the County Recorder of Humboldt County, California, in Book 3 of Parcel Maps, page 67.

PARCEL TWO

A right of way for road and public utility purposes over and across a strip of land, 20 feet wide, the east line of which is described as follows:

BEGINNING at the southeast corner of Parcel One;
thence south along the west line of land conveyed to Vernon M. Harrell and wife by deed recorded April 23, 1953 under Recorder's File No. 5188, Humboldt County records, 495.0 feet to the south line of the northwest quarter of said Section 6, being the same as granted in deed dated September 10, 1962 executed by Robert G. Hawkes and wife to Robert C. Harrell and wife and recorded October 4, 1962 in Book 706 of Official Records at page 323 under Recorder's File No. 16932, Humboldt County records.

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "C"
Recorded Notice of Nuisance

000008



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

2013-023518-6
Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: HC COUNTY COUNCIL

Clerk MM Total \$0.00
Oct 18, 2013 at 09:52:18
CONFORMED COPY

NOTICE OF NUISANCE

Owner: John McDowell
Address of Subject Premises: 1680 Anderson Avenue, McKinleyville California; AP#508-291-007

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: October 11, 2013


Jefferson Billingsley
Deputy County Counsel

A.P. No: 508-291-007

File No: 13CEU069

000009

"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 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 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.
Remarks:		

A.P. No. 508-291-007

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 northwest quarter of Section 6, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE

Parcel One of Parcel Map No. 307 on file in the office of the County Recorder of Humboldt County, California, in Book 3 of Parcel Maps, page 67.

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 October 15, 2013, 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)

John McDowell
1680 Anderson Avenue
McKinleyville, CA 95519

_____ 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 15th day of October, 2013, 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: CODE ENFORCEMENT UNIT DEFENDANT/RESPONDENT: John McDowell		CASE NUMBER:
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 13EEV069

(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):
John McDowell
 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:
1680 ANDERSON AVENUE, MCKINLEYVILLE
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 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:

John McDowell

- 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 10/16/2013 1415 Hours

☐ 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.

or

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

Date: 10/16/2013

Jeff Conner

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

(SIGNATURE)

000011

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "D"

Order Imposing Administrative Penalty



COUNTY OF HUMBOLDT

CODE ENFORCEMENT UNIT
Courthouse Bldg., 825 Fifth Street
Eureka, CA 95501
(707) 476-2429

ORDER IMPOSING ADMINISTRATIVE PENALTY - H.C.C. § 2131-3

To: John McDowell
1680 Anderson Avenue
McKinleyville, CA 95519

The Code Enforcement Unit (hereinafter "CEU") has determined that conditions exist on your property located at 1680 Anderson Avenue, in the unincorporated area of McKinleyville, Humboldt County, California, known as Assessor's Parcel number 508-291-007, in violation of State law and County codes, as is more fully described on Attachment A affixed hereto. Accordingly, the CEU imposes an administrative penalty upon you, jointly and severally, pursuant to Humboldt County Code section 2131-3(a). The amount of the administrative penalty imposed is:

Two Thousand Five Hundred Dollars [\$2,500.00]

Please make your remittance payable to the Humboldt County Code Enforcement Unit, at the County Courthouse, Room 110, 825 Fifth Street, Eureka, CA, 95501.

You have the right to request a hearing to contest the imposition of this administrative penalty. The request must be in writing and must be received by the CEU within thirty (30) calendar days of the date of service on you of this Order imposing administrative penalties. The date of service is located on the proof of service found on the last page of this Order. You may use the enclosed written form to request a hearing. Please be sure to fill out all of the requested information. If you fail to make a timely written request for hearing, the administrative penalty will become final. An administrative penalty shall create a lien in the amount of the penalty against the above-described premises, be collected by special assessment and/or become a personal obligation against you. Be advised that any responsible party against whom an administrative penalty has become final may seek judicial review of the order imposing such penalty pursuant to Government Code section 53069.4.

Be further advised that under Humboldt County Code section 2131-4(a), each day a violation continues or occurs constitutes a separate offense. Your failure to immediately correct the violations may subject to you additional administrative penalties.

Dated: 2/14/14

JEFFERSON BILLINGSLEY
Deputy County Counsel

A.P. No: 508-291-007

File 13CEU-69

Order #14-11

000016

"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 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 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.
Remarks		
A.P. No. 508-291-007		

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 February 18, 2014, I served a true copy of the: ORDER IMPOSING ADMINISTRATIVE PENALTY 14-11

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)**

**John McDowell
1680 Anderson Avenue
McKinleyville, CA 95519**

_____ by personally delivering a true copy thereof to the County mail room as forth below.

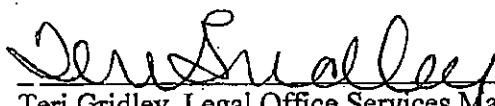
_____ by placing a true copy thereof in the designated place at Court Operations to the

_____ by fax

_____ by personally delivering a true copy thereof as set forth below:

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

Executed on the 18th day of February 2014, at the City of Eureka, County of Humboldt, State of California.


Teri Gridley, Legal Office Services Manager

HEARING REQUEST

To: CODE ENFORCEMENT UNIT
825 FIFTH STREET
EUREKA, CALIFORNIA 95501

DATE: _____

PURSUANT TO HUMBOLDT COUNTY CODE SECTION 2131-5, I AM REQUESTING A HEARING TO CONTEST THE ADMINISTRATIVE PENALTY.

[BRIEF STATEMENT SETTING FORTH THE INTEREST I HAVE IN THE MATTER RELATING TO THE IMPOSITION OF THE PENALTY]: _____

[BRIEF STATEMENT OF MATERIAL FACTS I CLAIM SUPPORT MY CONTENTION THAT NO ADMINISTRATIVE PENALTY SHOULD BE IMPOSED OR THAT AN ADMINISTRATIVE PENALTY OF A DIFFERENT AMOUNT IS WARRANTED]: _____

[ADDRESS AT WHICH I AGREE NOTICE OF ANY ADDITIONAL PROCEEDINGS OR AN ORDER RELATING TO THE IMPOSITION OF THE ADMINISTRATIVE PENALTY MAY BE RECEIVED BY FIRST CLASS MAIL]:

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE NO. _____

I UNDERSTAND, AND AGREE, THAT IF I FAIL TO APPEAR AT THE APPOINTED TIME, DATE AND PLACE OF SAID HEARING, THE ORDER IMPOSING ADMINISTRATIVE PENALTY SHALL BE DEEMED A FINAL ORDER OF THE HEARING EXAMINER.

SINCERELY,

X _____

[YOUR SIGNATURE]

A.P. #: 508-291-007
ORDER 14-11

000019

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "E"

Recorded Amended Notice of 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

Exempt From Fees Per Gov't C. § 27383

2016-024013

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY
Pages: 6

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: sc Total: \$0.00
Dec 08, 2016 at 01:09:16

*** CONFORMED COPY ***

AMENDED NOTICE OF NUISANCE

Owner: John McDowell

Address of Subject Premises 1680 Anderson Road, McKinleyville, California; AP# 508-291-007

This document amends the previous Notice of Nuisance, which was recorded on October 18, 2013, as 2013-023518-6 by adding additional violations to "Attachment A."

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 of 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: November 29, 2016


Jason Sheets
Humboldt County Deputy County Counsel

A.P. No: 508-291-007

File No: 13CEU-69

000021

"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 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&SS17920.3]	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 checked="" 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.
Remarks:		

A.P. No. 508-291-007

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 northwest quarter of Section 6, Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE

Parcel One of Parcel Map No. 307 on file in the office of the County Recorder of Humboldt County, California, in Book 3 of Parcel Maps, page 67.

A.P. No. 508-291-007

000023

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 December 1, 2016, I served a true copy of AMENDED NOTICE OF 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)

John McDowell
1680 Anderson Avenue
McKinleyville, CA 95519

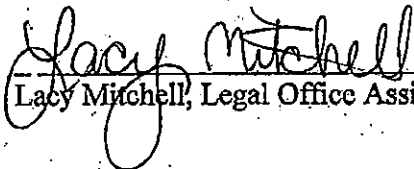
_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax.

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

Executed on the 1st of December, 2016, in the City of Eureka, County of Humboldt, State of California.



Lacy Mitchell, Legal Office Assistant

000024

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: John McDowell	CASE NUMBER: Ref. No. or File No.: 13LEU-69	
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☐ summons
 - ☐ complaint
 - ☐ Alternative Dispute Resolution (ADR) package
 - ☐ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): **AMENDED NOTICE OF NUISANCE**
- Party served (specify name of party as shown on documents served):
JOHN MCDOWELL
 - Person served: ☒ party in item 3a ☐ other (specify name and relationship to the party named in item 3a):
- Address where the party was served:
1680 ANDERSON ROAD
- I served the party (check proper box)
 - ☐ 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):
 - ☐ 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):
 - ☐ (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.
 - ☐ (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.
 - ☐ (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.
 - ☐ 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.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: CODE ENFORCEMENT UNIT

CASE NUMBER:

DEFENDANT/RESPONDENT:

John McDowell

- 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 12/2/2016 1400 Hours

☐ 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: 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.

or

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

Date: 12/5/2016

Jeff Conner

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

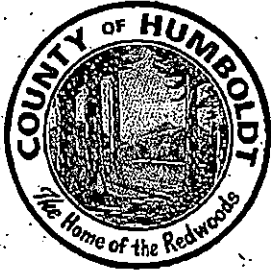
(SIGNATURE)

000026

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "F"

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: 1680 Anderson Road, McKinleyville, California
AP# 508-291-007

To: John McDowell

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on March 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]

000028

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: February 15, 2017



Scott Miles
Senior 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 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 checked="" 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.
Remarks:		
A.P. No. 508-291-007		

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 February 15, 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)

John McDowell
1680 Anderson Avenue
McKinleyville, CA 95519

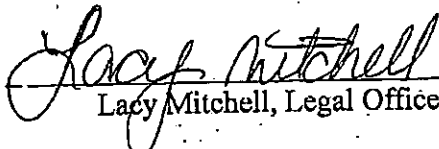
_____ by personally delivering a true copy thereof to the person as forth below.

_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below.

_____ by fax

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

Executed on the 15th day of February, 2017 in the City of Eureka, County of Humboldt, State of California.


Lacy Mitchell, Legal Office Assistant

000031

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "G"

Sections of Humboldt County Code

Humboldt County Code § 331-28
[Violations Constituting a Public Nuisance]

331-25. PERSON MAY DO OWN WORK.

Nothing in this chapter shall be construed as prohibiting any person from doing his/her own work or from employing any person to work on a building or structure to which the provisions of this chapter apply. (Ord. 777, § 9, 9/13/71)

331-26. RECORDS.

It shall be the duty of the Chief Building Inspector to keep a permanent record of all pertinent transactions under this chapter and to render a monthly report to the Board of Supervisors concerning such transactions. All fees collected by the Chief Building Inspector shall be turned over to the County Treasurer and placed in the general fund. The Auditor-Controller shall specify the method to be used in the handling of and accounting for said receipts. The Chief Building Inspector shall transmit to the County Assessor copies of all applications for building permits and copies of all completion reports pertaining to building permits. (Ord. 777, § 10, 7/13/71)

331-27. LIABILITY.

This chapter shall not be construed as imposing upon the County or upon any of its officers or employees any liability or responsibility for injury or damage resulting from any building, plumbing, electrical, heating, comfort-cooling or sign work approved or performed pursuant to this chapter or by reason of any inspection performed hereunder. (Ord. 777, § 11, 7/13/71)

331-28. VIOLATIONS CONSTITUTING A PUBLIC NUISANCE.

Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The County Counsel shall, upon order of the Board of Supervisors, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal, or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipping, use, occupation or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter. (Ord. 1101, § 5, 9/14/76)

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 § 371-2

[Maintaining a junkyard]

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

[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)

Administrative Abatement Hearing, County v. John McDowell
A.P. No. 508-291-007

EXHIBIT "H"

Photographs of Subject Property

000042



000043



000041





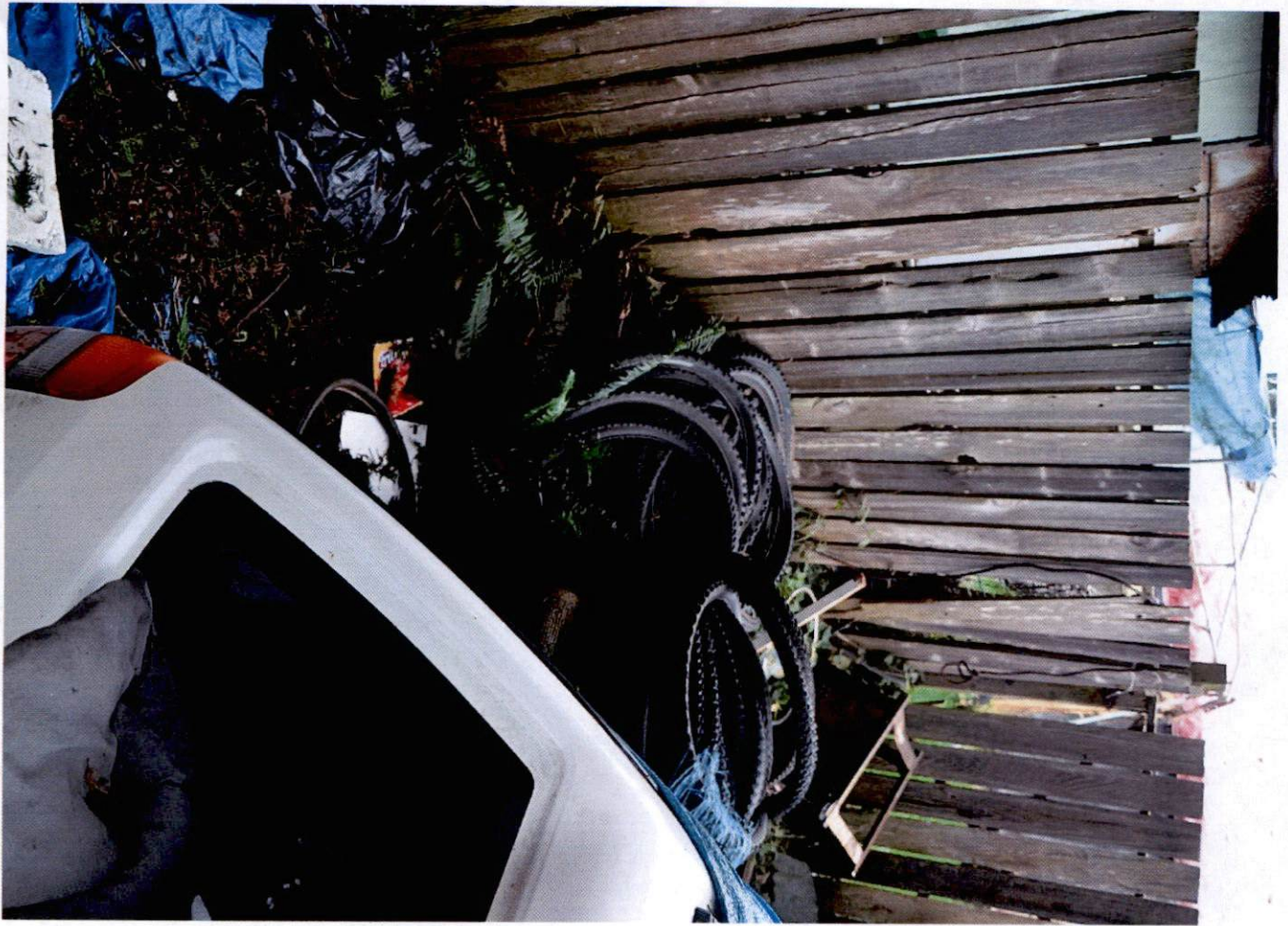
000046



000047











000052



000053