



COUNTY OF HUMBOLDT

For the meeting of: April 11, 2017

Date: March 20, 2017

To: Board of Supervisors

From: County Counsel's Office, Code Enforcement Unit *Sm*
Scott Miles, Senior Deputy County CounselSubject: Administrative Abatement Hearing
Aubrey and Dorothy Osborne
934 Patrick's Point Drive, Trinidad, California, AP# 515-221-003RECOMMENDATION(S):

That the Board of Supervisors (Board), 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:

General funds were used to prepare this agenda item.

DISCUSSION:

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

Prepared by Scott Miles and Bernadette Arwood

CAO Approval *E. C. Hayes*

REVIEW:

Auditor *MBM* 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 *Sundberg* Seconded by Supervisor *Fennell*Ayes: *Sundberg, Fennell, Bohn, Bass, Wilson*
Nays _____
Abstain _____
Absent _____

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

Dated: April 11, 2017

By: *B. J. Hayes*
Kathy Hayes, Clerk of the Board

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.....
- (f) Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county."

On or about August 31, 2016, the Code Enforcement Unit ("CEU") conducted a site inspection at 934 Patrick's Point Drive, Trinidad, California; AP# 515-221-003 (hereinafter referred to as the "Property"). The CEU was accompanied by Animal Control and Adult Protective Services. During this inspection, the CEU was able to confirm multiple violations of the Humboldt County Code. These violations consist of the following: building/property use in violation of zoning code; development within the coastal zone without permits; non-approved water supply system; junk vehicles; maintaining a junkyard; sewage/sewage system creating a nuisance; and substandard housing. As a result of the initial inspection, the CEU recorded a Notice of Nuisance against the Property on September 22, 2016. A copy of the Notice of Nuisance was then mailed to the owners of record Aubrey and Dorothy Osborne, and posted on the premises.

After further investigation, it was discovered that Aubrey and Dorothy Osborne were deceased. Since then the Property has been occupied by their daughter Iris Gutschmidt. Mrs. Gutschmidt has been very cooperative with the CEU however, is now under conservatorship with the Humboldt County Public Guardian's Office.

The CEU has continued to monitor the conditions of the Property, and on March 17, 2017 conducted a follow-up site inspection. No significant changes were noted to the conditions of the Property. Furthermore, the CEU was notified by the Public Guardian's Office that during the month of December Mrs. Gutschmidt suffered a massive heart attack. Mrs. Gutschmidt is now living in a rehabilitation facility in Eureka.

Due to the above-referenced circumstances, the CEU believes that an Order of Abatement is necessary to ensure timely corrective action. The Order of Abatement is based on the following:

1. The violations observed on the Property violate local and state law.
2. The violations include: Humboldt County Code Sections 311-10.1, building/property use or operation in violation of zoning code; 312-3, development within coastal zone without permits; 331-11.5, non-approved water supply system; 352-26, junk vehicles; 371-2, maintaining a junkyard; 612-6, sewage/sewage system creating nuisance; and Uniform Housing Code Section 1001, substandard housing.
3. The violations have created conditions that are unsafe and detrimental to the 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 owners/occupant to abate the nuisance within thirty (30) 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 owners/occupant 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 \$50,000. 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. In addition, it does not appear that the owners/occupant of the Property has any ability to improve the conditions of the Property on their own.

ATTACHMENTS:

Attachment A. Proposed Findings and Order

Attachment B. Exhibit Packet – to be provided no later than April 7, 2017

ATTACHMENT “A”

Findings of Nuisance & Order of Abatement

In Re: Abatement Hearing
Aubrey and Dorothy Osborne
934 Patrick's Point Drive, Trinidad, California; AP# 515-221-003

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

FINDINGS OF NUISANCE & ORDER OF ABATEMENT

In Re: Abatement Hearing

County of Humboldt v. Aubrey and Dorothy Osborne
934 Patrick's Point Drive, Trinidad, California; AP# 515-221-003

April 11, 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 934 Patrick's Point Drive, Trinidad, California is located in a Rural Residential Agriculture zone, in the unincorporated area of Trinidad, Humboldt County, California, referred to as Assessor's Parcel Number 515-221-003; 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 owners were 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 owners have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owners were served with a Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-15, the Notice to Abate Nuisance was posted on the

property pursuant to said County Code and the property owners were sent a certified letter containing the Notice to Abate Nuisance with the date and time of the hearing; and

6. The property owners have 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 311-10.1, building/property use or operation in violation of zoning code; 312-3, development within coastal zone without permits; 331-11.5, non-approved water supply system; 352-26, junk vehicles; 371-2, maintaining a junkyard; 612-6, sewage/sewage system creating nuisance; and Uniform Housing Code Section 1001, 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 owners abate all violations of the Humboldt County Code and Uniform Housing Code as described above. The property owners shall take the following actions:

§311-10.1 Building/property use or operation in violation of zoning code
Corrective Actions:
a) Apply for permits from Planning & Building Dept.

§312-3 Development within coastal zone without permit(s)
Corrective Actions:
a) Cease use and/or development & apply for permits

§331-11.5 Non-approved water supply system
Corrective Actions:
Apply for permits for system or removal

- §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
- §371-2 Maintaining a junkyard
Corrective Actions:
a) Contain all debris within a 200 square-foot area, and/or
b) Contain all debris within an enclosed structure, and/or
c) Remove all debris
- §612-6 Sewage/sewage system creating nuisance
Corrective Actions:
Cease use & contact Environmental Health Dept.
- §1001 Substandard Housing
Corrective Actions:
Correct or repair substandard conditions as listed on the
Conditional Release of Health Hold from the Division of
Environmental Health including obtaining a building permit if
necessary

3. That the abatement of all violations be completed on or before May 14, 2017, 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 owners fail 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: 4/12/17

Vingroxe Bers
Chair, Humboldt County Board of Supervisors

ATTACHMENT “B”

Exhibit Packet

In Re: Abatement Hearing
Aubrey and Dorothy Osborne
934 Patrick’s Point Drive, Trinidad, California; AP# 515-221-003



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. 16CEU-107

COUNTY v. AUBREY & DOROTHY OSBORNE

A.P. No.515-221-003

April 11, 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 (1 page)

EXHIBIT B-- Grant Deed (2 page)

EXHIBIT C-- Notice of Nuisance dated September 16, 2016 (5 pages)

EXHIBIT D--Notice to Abate Nuisance dated March 22, 2017 (4 pages)

EXHIBIT E – Copy of Humboldt County Code Sections 311-10.1, 312-3, 331-11.5, 352-26, 371-2, 612-6, and UHC 1001 (16 pages)

EXHIBIT F –Photographs of Subject Property taken on March 17, 2017 (5 pages)

Date: 4/5/17


Scott A. Miles, Senior Deputy
County Counsel

ATTACHMENT "B"

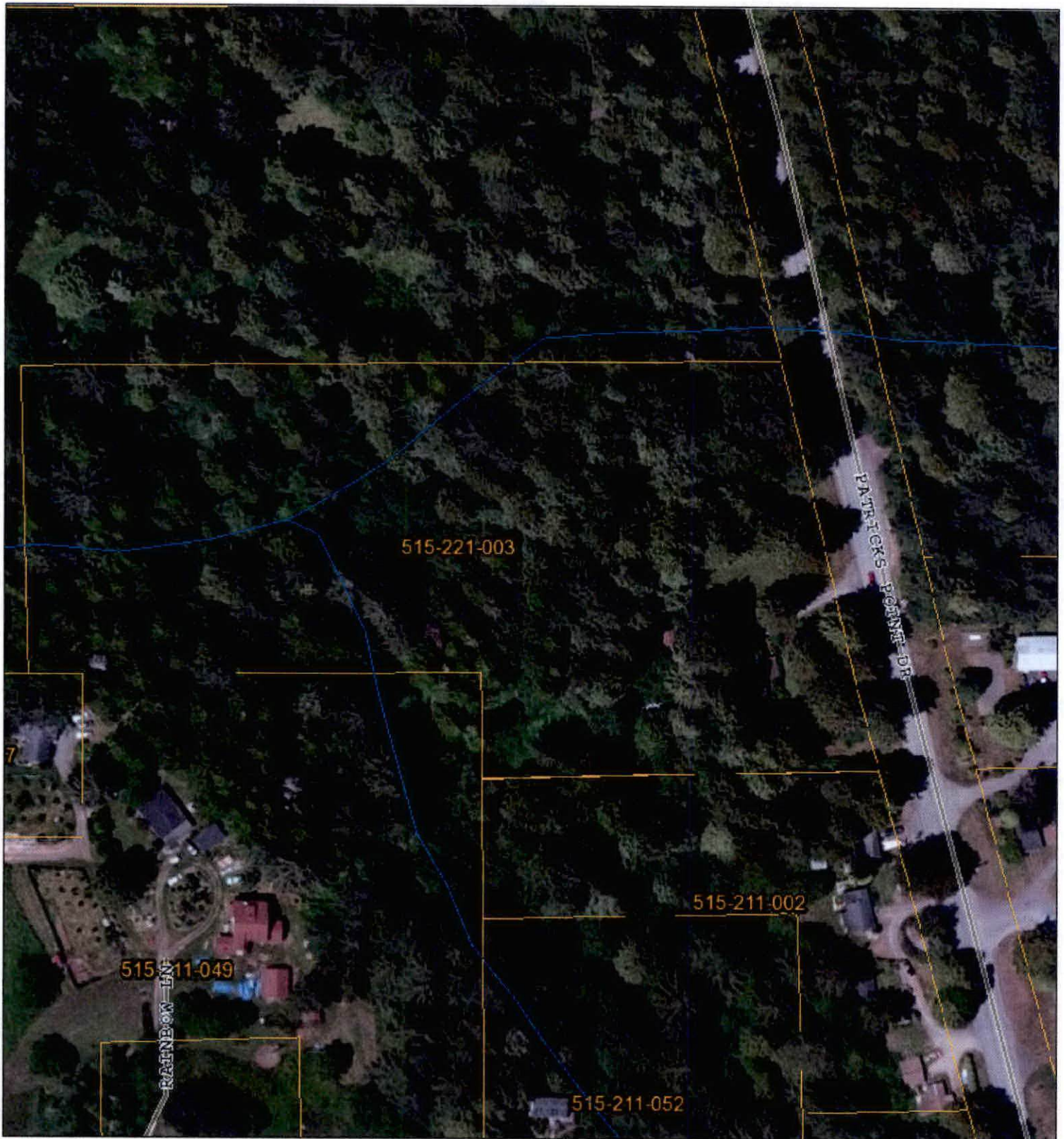
Exhibit Packet

In Re: Abatement Hearing
Aubrey and Dorothy Osborne
934 Patrick's Point Drive, Trinidad, California; AP# 515-221-003

Administrative Abatement Hearing, County v. Aubrey & Dorothy Osborne
A.P. No. 515-221-003

EXHIBIT "A"

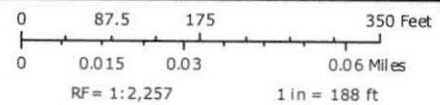
Location Map



ArcGIS Web Map

Humboldt County Planning and Building Department

- Highways and Roads**
- Private or Unclassified
 - Intermittent
 - Principal Arterials
 - Major River or Stream
 - Subsurface
 - Minor Arterials
 - Blue Line Streams
 - Major Collectors
 - Perennial 1-3
 - Minor Collectors
 - Perennial >4
 - Local Roads
- City Boundary
- Counties
- Parcels



Printed: April 3, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS

000001

Administrative Abatement Hearing, County v. Aubrey & Dorothy Osborne
A.P. No. 515-221-003

EXHIBIT "B"

Grant Deed

000003

In the event of a failure after 60 days/^{default} to comply with the terms hereof by the party of the second part, the party of the first part shall be released from all obligation in law or equity to convey said property, and the party of the second part shall forfeit all right thereto and all moneys theretofore paid hereunder shall be treated as liquidated damages for the non-fulfillment of this contract.

And the party of the first part, on receiving such payment, at the times and in the manner above mentioned, agrees to execute and deliver to the party of the second part or to his assigns, a good and sufficient deed conveying said property free and clear of all liens and incumbrances made, done, or suffered by the party of the first part.

Party of the first part agrees to furnish a certificate of title when plat is paid for.

And it is understood that the stipulations aforesaid are to apply to and bind the heirs, executors, administrators and assigns of the respective parties, and that time is of the essence of this agreement.

In Witness Whereof, the parties, hereto have executed these presents in duplicate the day and year first above written.

Signed and delivered in the Presence of)

Elizabeth B. Gatliff

George E. Jackson

State of California, }
COUNTY OF HUMBOLDT. } SS.

On this Sixth day of April A.D., One Thousand Nine Hundred and Forty Four before me L. A. Launer, a Notary Public in and for said County, personally appeared Elizabeth B. Gatliff, a widow and George E. Jackson, a single man, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my Hand and Official Seal,

(SEAL) L. A. Launer

Notary Public in and for the County of Humboldt,
State of California.

4532 Recorded at the Request of Bank of America National Trust and Savings Association, August 7th, 1944, at 22 min. past 2 o'clock/^{P.M.} in Volume 268 of Deeds page 219, Humboldt County Records.

W. J. Crans, Recorder.

Fee \$1.00

Bernice Locke ~~Recorder~~ ^{Conservator}

By Bernice Locke, Deputy Recorder.

Consideration Less than \$100.00 No IRS Required
DEED

We AUBREY C. OSBORNE and DOROTHY OSBORNE, husband and wife, GRANT to AUBREY C. OSBORNE and DOROTHY OSBORNE, husband and wife, in joint tenancy, all that real property situated in the County of HUMBOLDT, State of California, bounded and described as follows, to-wit:

COMMENCING on the quarter section line at a point 1438.14 feet north of the quarter section corner on the south line of Section 14, in Township 8 North, Range 1 West, Humboldt Meridian;

and running thence west 476.52 feet;

thence north 321.42 feet;

thence east 676.52 feet more or less to the west line of the State Highway as deeded to the State of California by deed dated November 18 1936 and recorded in Book 226 of Deeds page 426, Humboldt County Records;

thence southerly along said last mentioned line 450 feet more or less to the south line of the northwest quarter of the southeast quarter of said Section 14;
 thence west along the subdivision line 290 feet more or less to the quarter section line;
 thence north along said quarter section line 120 feet more or less to the place of beginning.

WITNESS my hand this date: July 28 1944.

Aubrey C. Osborne

Dorothy Osborne

STATE OF CALIFORNIA, }
 County of Sonoma } SS.

On this date: August 2, 1944, before me the undersigned, H. A. Thompson, a notary public in and for said county, personally appeared Aubrey C. Osborne and Dorothy Osborne, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal.

(SEAL) H. A. Thompson
 Notary Public in and for the County of Sonoma,
 State of California.
 My Com. Expires Nov. 17, 1945

4536 Recorded at the request of Belcher Abstract & Title Co., August 7th 1944, at 43 minutes past 3 P.M., in book 268 of Deeds page 220, Records of the County of Humboldt.

W. J. Crane, Recorder.

Paid \$1.00 Compa~~re~~^{at} Bernice Locke, Compa~~re~~^{for}.

By Bernice Locke, Deputy.

DEED

MARGARET H. OSBORNE, the party of the first part, hereby grants to AUBREY C. OSBORNE, the party of the second part, all that real property situate in the County of Humboldt, State of California, bounded and described as follows:

COMMENCING on the quarter section line at a point 1438.14 feet north of the quarter section corner on the south line of Section 14 in Township 8, North of Range 1 West, Humboldt Meridian;

and running thence west 476.52 feet;

thence north 321.42 feet;

thence east 676.52 feet more or less to the west line of the state highway as deeded to the State of California by deed dated November 18, 1936 and recorded in Book 226 of Deeds, page 426, Humboldt County Records;

thence southerly along said last mentioned line 450 feet more or less to the south line of the northwest quarter of the southeast quarter of said Section 14;

thence west along the subdivision line 290 feet more or less to the quarter section line;

thence north along said quarter section line 120 feet more or less to the point of beginning.

To have and to hold the above granted and described premises, with all the appurtenances thereof unto the said grantee, his heirs, successors or assigns forever.

IN WITNESS WHEREOF, the grantor has hereunto subscribed her name this 25th day of July, 1944.

Margaret H. Osborne



Administrative Abatement Hearing, County v. Aubrey & Dorothy Osborne
A.P. No. 515-221-003

EXHIBIT "C"
Recorded 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

2016-018066

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY
Pages: 5

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: gw Total: \$0.00
Sep 22, 2016 at 03:23:14

*** CONFORMED COPY ***

NOTICE OF NUISANCE

Owner: Aubrey & Dorothy Osborne

Address of Subject Premises: 934 Patrick's Point Drive, Trinidad, CA 95570

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: 9/16/2016


Jason Sheets
Deputy County Counsel
Humboldt County

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input checked="" type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input checked="" 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 & 17922]	Apply for permit for repair, securement or demolition
<input checked="" type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-14	Grading without permits	Apply for and obtain permits
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 371-2	Maintaining a junkyard	a) Contain all debris within a 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 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 checked="" type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input checked="" type="checkbox"/> UHC §1001	Substandard Housing	Correct or repair substandard conditions as listed on the Conditional Release of Health Hold from the Division of Environmental Health including obtaining a building permit if necessary.
A.P. No. 515-221-0001		

Attachment B

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

COMMENCING on the quarter section line at a point 1438.14 feet north of the quarter section corner on the south line of Section 14 in Township 8, North of Range 1 West, Humboldt Meridian;

and running west 476.52 feet;

thence north 321.42 feet;

thence east 676.52 feet more or less to the west line of the state highway as deeded to the State of California by deed dated November 18, 1936 and recorded in Book 226 of Deeds page 426, Humboldt County Records;

thence southerly along said last mentioned line 450 feet more or less to the south line of the northwest quarter of the southeast quarter of said Section 14;

thence west along the subdivision line 290 feet more or less to the quarter section line;

thence north along said quarter section line 120 feet more or less to the point of beginning.

APN: 515-221-003

000009

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 September 16, 2016, I served a true copy of 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)

Aubrey & Dorothy Osborne
P.O. Box 583
Trinidad, CA 95570

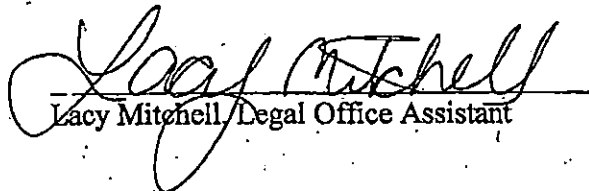
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 16th day of September, 2016, at the City of Eureka, County of Humboldt, State of California.


Lacy Mitchell, Legal Office Assistant

000010

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF HUMBOLDT)

I, BERNADETTE ARWOOD, 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; 825 Fifth Street, Eureka, California; that on September 16, 2016, I served a true copy of NOTICE OF NUISANCE.

_____ 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:

_____ by personally hand delivering a true copy thereof to the occupant who resides at the premises located at:

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

934 Patrick's Point Drive
Trinidad, CA 95570

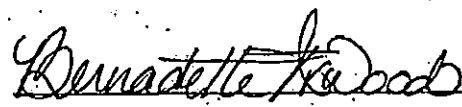
_____ by placing a true copy thereof in the designated place at Court Operations to the attorney/parties named below:

_____ by placing a true copy in the County's Mailroom designated to the attorney named below:

_____ by fax as set forth below:

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

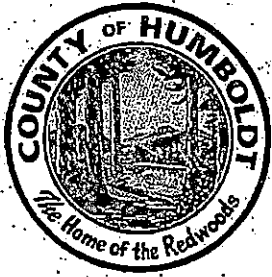
Executed on this 16 day of September, 2016, in the City of Eureka, County of Humboldt, State of California.


Bernadette Arwood, Code Compliance Officer

Administrative Abatement Hearing, County v. Aubrey & Dorothy Osborne
A.P. No. 515-221-003

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: 934 Patrick's Point Drive, Trinidad, CA 95570; AP# 515-221-003

To: Aubrey & Dorothy Osborne

NOTICE IS HEREBY GIVEN TO APPEAR before the Board of Supervisors of the County of Humboldt, on April 11th, 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]

000013

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: March 22, 2017



Scott Miles
Senior Deputy County Counsel

"Attachment A"

Code Section	Nature of Violation	Corrective action required
<input checked="" type="checkbox"/> § 311-10.1	Building/property use or operation in violation of zoning code	Apply for permits from Planning & Building Dept.
<input checked="" type="checkbox"/> § 312-3	Development within coastal zone without permit(s)	Cease use and/or development & apply for permits
<input type="checkbox"/> § 313-88.1.1.2	Use of a recreational vehicle as a residence in the Coastal Zone	Cease use or obtain a special permit if in a recreational zone.
<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 & 17922]	Apply for permit for repair, securement or demolition
<input checked="" type="checkbox"/> § 331-11.5	Non-approved water supply system	Apply for permits for system or removal
<input type="checkbox"/> § 331-28	Construction of building/structure in violation of building, plumbing and/or electrical codes	Apply for and obtain permits
<input checked="" type="checkbox"/> § 352-26	Junk vehicles	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperable vehicles within enclosed structure
<input checked="" type="checkbox"/> § 371-2	Maintaining a junkyard	a) Contain all debris within a 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 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 checked="" type="checkbox"/> § 612-6	Sewage/sewage system creating nuisance	Cease use & contact Environmental Health Dept.
<input checked="" type="checkbox"/> UHC § 1001	Substandard Housing	Correct or repair substandard conditions as listed on the Conditional Release of Health Hold from the Division of Environmental Health including obtaining a building permit if necessary.
Remarks:		

A.P. No. 515-221-003

000015

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 March 24, 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)

Aubrey & Dorothy Osborne
P.O. Box 583
Trinidad, CA 95570

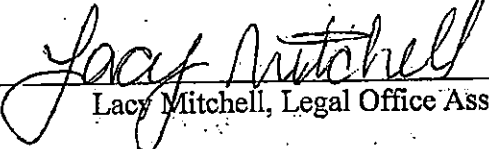
_____ by personally delivering a true copy thereof to the person as forth below.

_____ 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 24th day of March, 2017 in the City of Eureka, County of Humboldt,
State of California.


Lacy Mitchell, Legal Office Assistant

Administrative Abatement Hearing, County v. Aubrey & Dorothy Osborne
A.P. No. 515-221-003
EXHIBIT "E"
Humboldt County Code Sections

Humboldt County Code § 311-10.1

[Building/property use or Operation
in Violation of Zoning Code - Use
Requirements]

311-9 HOW THE PROVISIONS OF THIS CODE RELATE TO EACH OTHER AND TO OTHER PROVISIONS OF LAW

- 9.1 All other provisions of law still apply. Unless otherwise specifically provided, no provision of these Zoning Regulations shall be construed as relieving any party to whom a development permit, license, or variance is issued, from any other provision of State or Federal Law or from any provision, ordinance, rule, or regulation of Humboldt County requiring a license, franchise, or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use. (Former Section CZ#A311-11; Ord. 1705, 9/10/85)
- 9.2 Each provision of this code is severable and independent. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations. It is hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Former Section CZ#A311-12; Ord. 1705, 9/10/85)
- 9.3 These regulations supersede other existing code sections previously adopted. These Regulations supersede the existing zoning regulations, as amended, of the County of Humboldt, for land which lies within the unincorporated areas of the County. If any provisions of these Regulations should be determined to be invalid or inapplicable, the provisions of the most recently adopted pre-existing zoning regulations shall apply. (Former Section CZ#A311-13; Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 9.4 These Regulations shall not be construed as validating or legalizing any building, structure or land use conducted, constructed, erected, or maintained in violation of any Federal, State or Humboldt County ordinance. Insofar as the provisions of these regulations impose the same regulations as those imposed by existing zoning regulations, this ordinance shall be construed as a continuation of said regulations and not as a new enactment. (Former Section CZ#A311-13; Ord. 1705, 9/10/85)

311-10 LIMITATIONS ON LAND USES AND STRUCTURES

Except as otherwise specifically provided in this Code:

- 10.1 **Use Requirements.** No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land or premises is located. (Former Section INL#313-7(a); Ord. 519, Sec. 307, 5/11/65; Amended by Ord. 2214, 6/6/00)

Humboldt County Code § 312-3

[Development within coastal zone without permit(s)]

- 2.4.1.2 The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and (Former Section CZ#A315-2(C)(5)(b); Ord. 1705, 9/10/85)
- 2.4.1.3 The proposed development is not located on the same lot where conditions exist or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance a) is necessary for the abatement of the existing violation(s) or; b) addresses an imminent health and/or safety violation; or, c) facilitates an accessibility improvement to a structure or site for ADA compliance consistent with 312-42 of this Chapter; or d) the applicant has executed and recorded an enforcement agreement with the County to cure the violation(s) on a form approved by the Risk Manager and County Counsel. (Former Section CZ#A315-2(C)(5)(c); Ord. 1705, 9/10/85; Ord. 2407, § 1, 12/16/2008)
- 2.4.2 A public hearing shall not be required to be held prior to the Director's decision to approve or deny an application for a zoning clearance certificate. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)
- 2.4.3 Written notification of the Director's decision shall be transmitted to the Building Division, within five (5) working days of the decision. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 2.4.4 Decisions on zoning clearance certificate applications are not appealable. (Former Section CZ#A315-2(C); Ord. 1705, 9/10/85)

2.5 EXPIRATION OF ZONING CLEARANCE CERTIFICATES

A Zoning Clearance certificate shall expire at the end of the 180th calendar day after issuance, unless otherwise indicated on the clearance, or when the proposed development no longer conforms with the County Zoning Regulations. However, if the proposed development has commenced, as authorized by any required County permits, the certificate shall not expire as long as the required building permit does not expire, as specified in the Uniform Building Code (currently Section 106.4.4). (Former Section CZ#A315-2(D); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

312-3. REQUIRED PERMITS AND VARIANCES

3.1 REQUIRED PERMITS

In addition to any other permits or approvals required by the County, including grading and building permits, any permit required by this Chapter shall be secured prior to the development of any lot in the unincorporated territory of Humboldt County. The following permits shall be required: (Former Section CZ#A315-3(A); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)

- 3.1.1 **Special Permit (SP).** A Special Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is permitted with a Special Permit. (Former Section CZ#A315-3(A)(1); Ord. 1705, 9/10/85; Amended by Ord. 2214, 6/6/00)
- 3.1.2 **Use Permit (UP).** A Use Permit must be secured, pursuant to all requirements of this Code, prior to the initiation, modification or expansion of a use or development that is:

- 3.1.2.1 permitted only as a conditionally permitted use, or. (Former Section CZ#A315-3(A)(2); Ord. 1705, 9/10/85)
- 3.1.2.2 for any use not specifically enumerated in these regulations, if it is similar to and compatible with the same uses permitted in the zone in which the subject property is situated. (Added by Ord. 2214, 6/6/00)
- 3.1.3 **Planned Unit Development Permit (PDP).** A Planned Unit Development Permit must be secured, pursuant to all requirements of this Code, prior to the initiation of a planned unit development. (Former Section INL#315-4(b); CZ#A315-3(A)(3))
- 3.1.4 **Coastal Development Permit (CDP).** A Coastal Development Permit must be secured, pursuant to the requirements of these regulations, prior to the commencement of any development within the Coastal Zone of the County, including development by State and local public agencies, unless the development is exempted or excluded under the California Public Resources Code (Section 30000, and following) or the California Code of Regulations. (See also, Section 312-15, Waiver of Procedures for Emergencies. (Former Section CZ#A315-3(A)(4); ; Amended by Ord. 2214, 6/6/00)

3.2 VARIANCES

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. (From Government Code Sec. 65906; Former Section INL#317-21; CZ#A315-3(B); Ord. 946, Sec. 3, 10/2/73; Amended by Ord. 2214, 6/6/00)

3.3 CONCURRENT PERMIT REQUIREMENTS

- 3.3.1 **Concurrent/Combined Permit Requirements.** Whenever a development proposal requires the issuance of more than one permit for approval, the applicable permit procedures shall be applied simultaneously. (Former Section CZ#A315-4(A))
 - 3.3.1.1 A proposed development or use that requires a Special Permit and a Use Permit shall be processed as a Use Permit. (Former Section CZ#A315-4(A)(1))
 - 3.3.1.2 A proposed development or use that requires a Planned Unit Development Permit and a Use Permit shall be processed as a Planned Unit Development Permit. (Former Section CZ#A315-4(A)(2))
 - 3.3.1.3 A proposed development or use that requires a Special Permit, Use Permit, or Planned Unit Development Permit and a Coastal Development Permit shall be processed as a Coastal Development Permit. (Former Section CZ#A315-4(A)(3))

Humboldt County Code § 331-11.5

[Non-approved water supply system]

- (j) For all of the above cited codes, it is intended that the references include all of their respective successor provisions. (Ord. 2275, § 1, 05/28/2002)

331-11.5 WATER SUPPLY REQUIREMENTS.

(a) An applicant for a building permit must provide proof acceptable to the Chief Building Inspector and Health Department that each dwelling unit will be served by an individual water supply which will supply at least 720 gallons of potable water per day or by a public water supply which conforms to the requirements of the State of California Waterworks Standards (22 California Administrative Code § 64551 et seq.). (Ord. 2275, § 1, 05/28/2002)

(b) A "individual water supply" is a water system not required to conform with the California Safe Drinking Water Act (Health and Safety Code § 4010 et seq.).

(c) If the available water is not potable, the plans provided shall include the equipment needed to make the water potable.

(d) Violation of this section alone is not sufficient grounds for a building code abatement proceeding. (Ord. 1518, § 1, 3/30/82)

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 § 612-6

[Sewage/Sewage system creating nuisance]

building or place be occupied, he/she shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the Health Officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(b) In the event a sewage disposal system subject to this division is operated, constructed or repaired contrary to the terms of this division or regulations issued by the Health Officer, the Health Officer may send written notice to the owner of the land as shown on the most recent equalized assessment roll, at his address listed on said roll. Said notice shall state the manner in which the sewage disposal system is in violation, what corrective measures must be taken, the time within which such corrections must be made, and, that if the land owner fails to make corrections within the period provided, the corrections may be made by the County and the land owner shall be liable for the costs thereof.

(c) If the corrections listed on the notice are not made as required in said notice, the Health Officer shall abate the nuisance or violation pursuant to §§ 361-1 et seq. The notice permitted by this subsection need not be given prior to abating the nuisance or violation pursuant to §§ 361-1 et seq. (Ord. 945, § 8, 10/2/73)

612-6. DECLARATION OF PUBLIC NUISANCE.

The following are hereby declared to be a public nuisance:

(a) The presence of sewage upon the surface of the ground in urban and suburban areas.

(b) a sewage disposal system which creates a public nuisance.

(c) A sewage disposal system which empties, flows, seeps or drains into any surface waters or can reasonably be expected to do so.

(d) A sewage disposal system which now does or may reasonably be expected to empty, flow or drain into or adversely affect any subsurface water which is used or is suitable for use by any inhabitants of the State.

This declaration of public nuisance is not intended to be an exclusive definition of public nuisance or a limitation upon the authority of the Health Officer to declare other circumstances to be a public nuisance. (Ord. 945, § 9, 10/2/73)

612-7. PENALTY.

It shall be unlawful for any person, firm or corporation to violate, refuse or fail to comply with any of the provisions of this division. (Ord. 945, § 20, 10/2/73)

Humboldt County Code § 1001.14 UHC
[Substandard Housing]

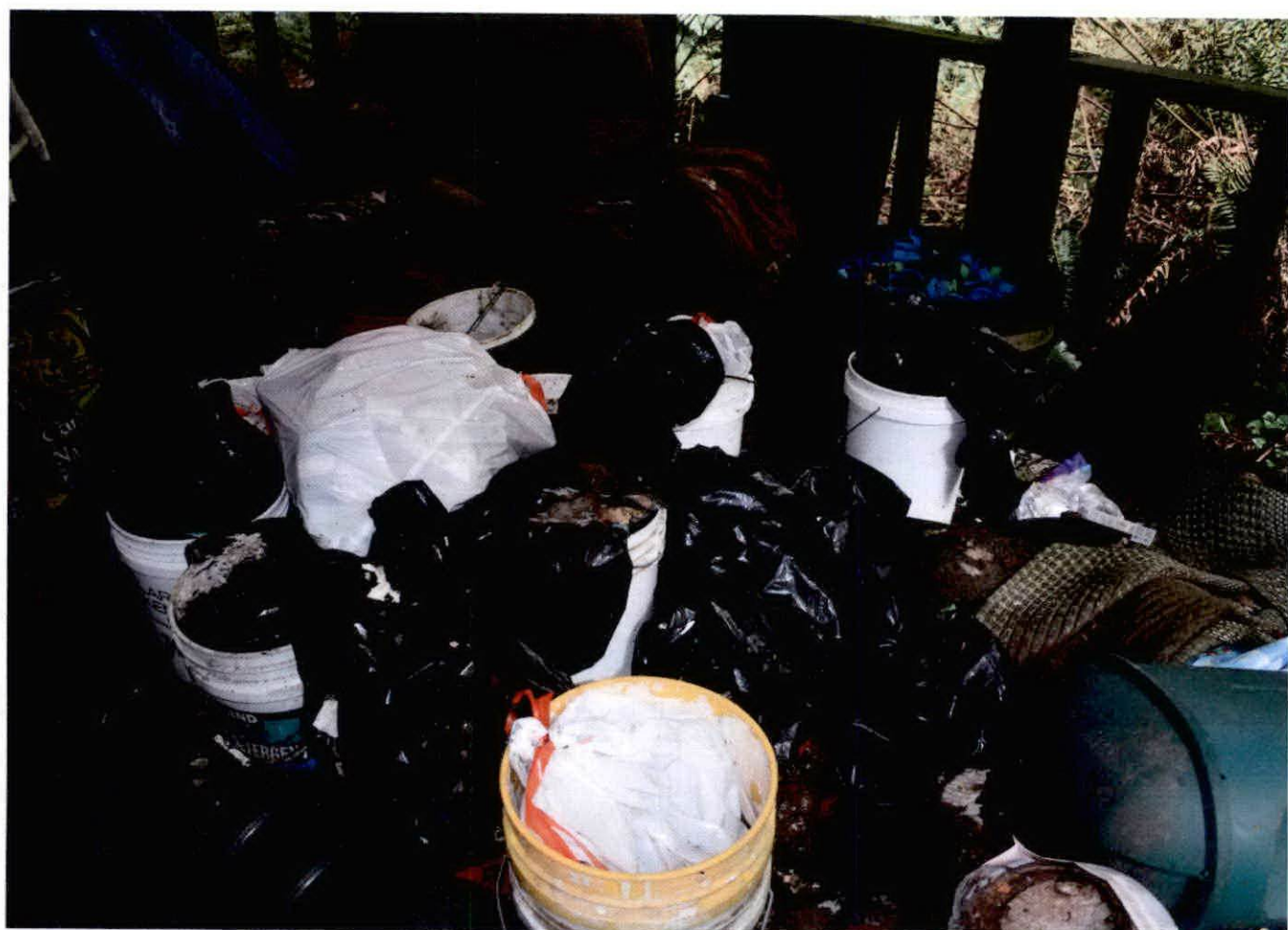
1001.14 – Improper Occupancy.

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. Aubrey & Dorothy Osborne
A.P. No. 515-221-003

EXHIBIT "F"

Photographs of Subject Property









000038



000029