BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of November 7, 2017

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT AMENDING SECTIONS 328-2, 331-28, 331.5-22, 337-21, 351-6, 351-13, 351-19, 352-4, 352-14, 352-18, 352-23, AND 353-4, AND ADDING SECTION 352-24 TO TITLE III OF THE HUMBOLDT COUNTY CODE RELATING TO PUBLIC NUISANCES, ABATEMENT AND PENALTIES AND AMENDING SECTION 434-6 TO TITLE IV OF THE HUMBOLDT COUNTY CODE RELATING TO PARKING ZONES, BUS ZONES AND WEIGHT LIMITS

ORDINANCE NO. 2585

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Section 328-2 is hereby amended to Chapter 8 of Division 2 of Title III of the Humboldt County Code as shown on the attached page.

SECTION 2. Section 331-28 is hereby amended to Chapter 1 of Division 3 of Title III of the Humboldt County Code as shown on the attached page.

SECTION 3. Section 331.5-22 is hereby amended to Chapter 1.5 of Division 3 of Title III of the Humboldt County Code as shown on the attached page.

SECTION 4. Section 337-21 is hereby amended to Chapter 7 of Division 3 of Title III of the Humboldt County Code as shown on the attached pages

SECTION 5. Sections 351-6, 351-13, and 351-19 are hereby amended to Chapter 1 of Division 5 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 6. Sections 352-4, 352-14, 352-18 and 352-23 are hereby amended to Chapter 2 of Division 5 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 7. Section 353-4 is hereby amended to Chapter 3 of Division 5 of Title III of the Humboldt County Code as shown on the attached pages.

SECTION 8. Section 352-24 is hereby added to Chapter 2 of Division 5 of Title III of the Humboldt County Code as shown on the attached page.

SECTION 9. Section 434-6 is hereby amended to Chapter 4 of Division 3 of Title IV of the Humboldt County Code as shown on the attached pages.

SECTION 10. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
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PASSED, APPROVED AND ADOPTED this 7th day of November, 2017 on the following vote, to wit:

AYES:	Supervisors	Fennell, Bass, Wilson, Bohn
NOES:	Supervisors	--
ABSENT:	Supervisors	Sundberg

Virginia Bass

Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)
ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____
Ryan Sharp, Deputy

CHAPTER 8

ENFORCEMENT AND PENALTIES FOR VIOLATION

328-1. PROHIBITIONS.

(a) No person shall sell, lease, or finance any parcel or parcels of real property, or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Final Map is required by the Map Act or this division, until the final map thereof in full compliance with the provisions of the Map Act and this division has been filed for record with the Recorder of Humboldt County. (Ord. 1876, § 15, 9/26/89

(b) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a Parcel Map is required by the Map Act or this division, until the parcel map thereof or Instrument of Waiver in full compliance with the provisions of the Map Act and this division has been filed for record with the Recorder of Humboldt County. (Ord 1876, § 15, 9/26/89

(c) Conveyance of any part of a division of real property for which a Final or Parcel Map is required by the Map Act or this division shall not be made by parcel or block number, initial or other designation, unless and until the final or parcel map has been filed for record with the Recorder of Humboldt County. (Ord. 1876, § 15, 9/26/89

(d) Subdivisions (a), (b) and (c) do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or except from any law (including this division), regulating the design and improvement of subdivisions in effect at the time the subdivision was established. (Ord. 1876, § 15, 9/26/89

(e) Nothing contained in subdivisions (a) and (b) shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where the sale, lease, or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required by the Map Act and this division. (Ord. 1146, § 110, 7/19/77; Ord 1876, § 15, 9/26/89)

328-2. PENALTIES FOR VIOLATION.

Any person who violates any provision of this division shall be guilty of a misdemeanor, and any person, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) and not more than One Thousand Dollars ($1,000.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable or summary remedy to which the County or other political subdivision or any person, firm, corporation, partnership or copartnership may be entitled to, including but not limited to restraining or enjoining any attempted or proposed subdivision or sale in violation of this division. (Ord 1146, § 111, 7/19/77, Ord 2585, § 1, 11/07/2017)

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 abatement, removal and/or enjoinment of any such public nuisance shall be 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, Ord. 2585, § 2, 11/07/2017)

(b) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the County Jail of the County of Humboldt for not more than six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of the provisions is committed, continued or permitted by such person. (Ord 2585, § 3, 11/07/2017)

(c) The provisions of subsection (b) shall not apply to an owner of real property building or improving structures thereon of appurtenances thereto who does such work himself, provided that:

(1) Such structure or structures are not intended or offered for sale, lease or rent; and

(2) Such structure or structures are one-family dwellings, farm or ranch buildings, which are not more than two (2) stories in height.

In all actions, criminal or civil, brought under this chapter, proof of the sale, leasing or renting, or the offering for sale, lease or rent, of any such structure by the owner-builder within one (1) year after completion of sale if presumptive evidence that such structure was undertaken for purposes of sale, lease or rent. (Ord. 1644, § 2, 7/10/84)

337-19. AUTHORITY TO INSPECT.

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the County has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the County may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the responsible party or occupant refuses entry after a request to enter and inspect has been made, the County is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord 2532, § 1, 05/26/2015)

337-20. AUTHORITY TO SAMPLE, ESTABLISH SAMPLING DEVICES, AND TEST.

During any inspection conducted in compliance with this Chapter, the County may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. 2532, § 1, 05/26/2015)

337-21. ENFORCEMENT - VIOLATIONS.

(a) It shall be unlawful for any responsible party to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of, or failure to comply with, any of the requirements of this Chapter shall constitute a misdemeanor and shall be punishable as specified in Section 112-5 - General Penalty; Continuing Violations of the Humboldt County Code. (Ord. 2532, § 1, 05/26/2015)

(b) Any condition caused or permitted to exist in violation of the provisions of the Chapter is a threat to public health, safety, and welfare and shall constitute a public nuisance and shall be subject to enforcement in accordance with the "Public Nuisance, Abatement, and Penalties" set forth in Title III, Division 5, Chapter 1 of the Humboldt County Code. (Ord 2532, § 1, 05/26/2015; Ord. 2585, § 4, 11/07/2017)

(c) Any responsible party who violates any provision of this Chapter or any requirement issued in compliance with this Chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice of this potential liability to the responsible party. (Ord. 2532, § 1, 05/26/2015)

(m) Personal Property. Articles of personal or household use or ornament, including, but not limited to, furniture, furnishings, automobiles and boats, as well as precious metals in any tangible form, such as bullion or coins. As used herein the term "Personal Property" does not include intangible property such as evidence of indebtedness, bank accounts and other monetary deposits, documents of title or securities. (Ord. 2576, § 4, 06/27/2017)

(n) Property. Any Premises and/or Real Property located within the unincorporated area of Humboldt County. (Ord. 2576, § 4, 06/27/2017)

(o) Real Property. Any lot or parcel of land, including any alley, sidewalk, parkway or unimproved public easement. (Ord. 2576, § 4, 06/27/2017)

351-5. SUMMARY ABATEMENT

The Code Enforcement Unit shall have the authority to immediately abate any public Nuisance, which presents an immediate threat to public health or safety, at the sole discretion of the Code Enforcement Unit. Any such Abatement activity may be conducted without observance of the notice requirements described in this Chapter. If a public Nuisance is summarily abated, the Code Enforcement Unit shall keep and account of the Costs incurred as a result thereof, including any and all applicable Abatement Costs, Administrative Costs and Attorney's Fees. Upon completion of the Summary Abatement process the Code Enforcement Unit shall schedule a hearing to recover such Costs as set forth in this Chapter. (Ord. 2547, §2, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

351-6. METHOD OF GIVING NOTICE.

(a) Any and all notices, findings and orders required by this Chapter may be served by any of the following methods:

i. By personal service on each Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property. (Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

ii. By first class and certified mail, postage prepaid, return receipt requested, to each Owner, Beneficial Owner, Occupier or any other person in charge or control of the property, at the address shown on the last available equalized secured property tax assessment roll, or as otherwise known by the Code enforcement Unit, and by posting in a prominent and conspicuous place on the affected Property or abutting public right-of-way; however, if access is denied because a common entrance to the property is restricted by a locked gate or similar impediment, the Property may be posted at that locked gate or similar impediment. Service by certified mail and posting shall be deemed complete on the date that a notice, finding or order has been both mailed and posted as set forth herein. (Ord 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017; Ord. 2585, § 5, 11/07/2017)

iii. Publication of a legal advertisement, at least once a week for the period of two (2) weeks, in a newspaper of general circulation in the County of Humboldt. (Ord. 2576, § 4, 06/27/2017)

(b) The failure of the Code Enforcement Unit to serve, or attempt to serve, any notice, finding or order on any person required herein shall not invalidate any proceedings set forth in this Chapter as to any other person duly served. If no address is known, or can be identified, by the Code Enforcement Unit, any and all notices, findings and orders required by this Chapter shall be so mailed to such person at the address of the affected Property. The failure of the Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property to accept, or otherwise receive any notice, finding or order required by this Chapter, shall not affect the validity of any proceeding initiated hereunder. (Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

351-13. JURISDICTION TO ABATE NUISANCE.

(a) Upon expiration of the time limits set forth in the Notice to Abate Nuisance, or in case of an appeal, within ten (10) calendar days after service of the Finding of Nuisance and Order of Abatement or such longer period as may be determined by the Hearing Officer, the Code Enforcement Unit shall acquire jurisdiction to correct or abate the condition or conditions causing the Nuisance on the affected Property Unless an emergency situation exists, the Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property shall be given at least ten (10) calendar days to correct or abate the condition or conditions causing the Nuisance. (Ord. 601, §12, 06/06/1967, Ord. 2576, § 4, 06/27/2017, Ord. 2585, § 5, 11/07/2017)

(b) The Planning Director, personally or through assistants so designated, is authorized to reduce and/or eliminate Administrative Costs and/or Attorney's Fees and may enter into compliance agreement with Owner, Beneficial Owner, Occupier or any other person in charge or control of the property which reduce and/or eliminate Administrative Costs and/or Attorney's Fees in exchange for compliance to correct or otherwise remedy the Violation to preserve the public health, safety, and welfare of the County residents. (Ord. 2585, § 5, 11/07/2017)

351-14. REVOLVING FUNDS.

The Humboldt County Board of Supervisors may create a revolving fund or funds from which the Abatement Costs, Administrative Costs and Attorney's Fees resulting from the enforcement of this Chapter may be paid, and into which the receipts from the collection of such Costs shall be paid. (Ord 601, §13, 06/06/1967; Ord 2576, § 4, 06/27/2017)

351-15. SALE OF MATERIALS.

Any Personal Property collected by the Code Enforcement Unit during the correction or Abatement of the condition or conditions causing the Nuisance on the affected Property may be sold in the same manner as surplus Personal Property of the County of Humboldt is sold, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of this Chapter (Ord 601, §15, 06/06/1967, Ord. 2576, § 4, 06/27/2017)

351-16. ISSUANCE OF NOTICE OF NUISANCE ABATEMENT ASSESSMENT BY CODE ENFORCEMENT UNIT.

Upon completion of the correction or Abatement of a condition or conditions found to constitute a Nuisance, the Code Enforcement Unit may prepare, and serve upon each Owner, Beneficial Owner, Occupier and any other person in charge or control of the affected Property and the Clerk of the Humboldt County Board of Supervisors, a "Notice of Nuisance Abatement Assessment" as set forth in this Chapter. The Notice of Nuisance Abatement Assessment may be combined with a Notice of Administrative Civil Penalty Assessment issued pursuant to the provisions of this Division. (Ord 601, §15, 06/06/1967; Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

351-17. CONTENTS OF NOTICE OF ASSESSMENT.

The Notice of Nuisance Abatement Assessment shall contain all of the following:

(a) The name and last known address of each Owner, Beneficial Owner, Occupier and any other person in charge or control of the affected Property. (Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the affected Property. (Ord. 601, §15, 06/06/1967; Ord 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(c) A description of the actions taken by the Code Enforcement Unit to correct or abate the condition or conditions found to constitute a Nuisance. (Ord. 601, §15, 06/06/1967; Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

(d) An itemized account of the Abatement Costs, Administrative Costs and/or Attorney's Fees associated with the performance of the actions required to correct the condition or conditions found to constitute a Nuisance, as well as, any and all proceeds received from the sale of Personal Property collected by the Code Enforcement Unit during the correction or Abatement of the condition or conditions causing the Nuisance on the affected Property. (Ord. 601, §15, 06/06/1967, Ord 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

(e) The amount of the assessment proposed to be levied against the affected Property in order to recover the Abatement Costs, Administrative Costs and Attorney's Fees incurred during the performance of the actions required to correct the condition or conditions found to constitute a Nuisance. (Ord. 601, §15, 06/06/1967; Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(f) A statement that the Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property may file with the Code Enforcement Unit an objection to the proposed assessment within ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment. (Ord 601, §15, 06/06/1967; Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(g) A statement that an objection to the proposed assessment must be in writing and shall clearly identify the Property subject to the Notice of Nuisance Abatement Assessment. (Ord. 2576, § 4, 06/27/2017)

(h) A statement that, upon receipt of an objection to the proposed assessment, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors, and issue a Notice of Cost Recovery Hearing as set forth in this Chapter. (Ord. 2576, § 4, 06/27/2017)

(i) A statement that the date of the Cost Recovery Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Cost Recovery Hearing is served on the Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property. (Ord. 601, §15, 06/06/1967; Ord. 2547, §1, 08/23/2011, Ord. 2576, § 4, 06/27/2017)

(j) A statement that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding a Cost Recovery Hearing as set forth in this Chapter, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of the Notice of Nuisance Abatement Assessment. (Ord. 2576, § 4, 06/27/2017)

(k) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may become a charge against the affected Property and may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes. (Ord. 2547, §1, 08/23/2011, Ord 2576, § 4, 06/27/2017)

(l) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may also become a charge against the affected Property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 4, 06/27/2017)

351-18. ISSUANCE OF NOTICE OF COST RECOVERY HEARING BY CODE ENFORCEMENT UNIT.

Upon receipt of an objection to a proposed assessment, filed by any Owner, Beneficial Owner, Occupier or any other person in charge or control of the affected Property upon whom a Notice of Nuisance Abatement Assessment was served, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors, and serve a "Notice of Cost Recovery Hearing" upon the objecting party or parties as set forth in this Chapter. The Notice of Cost Recovery Hearing may be combined with a Notice of Administrative Civil Penalty Assessment Appeal Hearing issued pursuant to the provisions of this Division. (Ord. 2576, § 4, 06/27/2017)

351-19. CONTENTS OF NOTICE OF COST RECOVERY HEARING.

The Notice of Cost Recovery Hearing shall contain all of the following:

(a) The name and last known address of each Owner, Beneficial Owner, Occupier and any other person in charge or control of the affected Property. (Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the affected Property. (Ord 601, §15, 06/06/1967, Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(c) A statement that at the time and place specified therein, which shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Cost Recovery Hearing is served on the objecting party, the Humboldt County Board of Supervisors shall hear testimony and consider evidence concerning the validity of the proposed assessment and any other matters deemed pertinent. (Ord 601, §16, 06/06/1967; Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(d) A statement that the Appellant may be represented by legal counsel and present testimony and cross-examine the Code Enforcement Investigator and other witnesses at the Cost Recovery Hearing. (Ord. 2547, §1, 08/23/2011, Ord. Ord 2576, § 4, 06/27/2017)

(e) A statement that, upon conclusion of the Cost Recovery Hearing, the Humboldt County Board of Supervisors may confirm, deny or modify and revise the proposed assessment either in whole or in part, and that such action shall be final and conclusive as to all matters pertaining to the proposed assessment. (Ord 601, §16, 06/06/1967; Ord. 2547, §1, 08/23/2011; Ord. 2576, § 4, 06/27/2017)

(f) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may become a charge against the affected Property and may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes. (Ord 2547, §1, 08/23/2011, Ord 2576, § 4, 06/27/2017)

(g) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may also become a charge against the affected Property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 4, 06/27/2017)

(h) A statement that the Cost Recovery Hearing shall be recorded (i.e., audio, video and/or stenographic) in order to maintain a record of the proceedings (Ord. 2585, § 5, 11/07/2017)

352-4. METHOD OF GIVING NOTICE.

(a) Any and all notices, findings and orders required by this Chapter may be served by any of the following methods:

i. By personal service on each Responsible Party. (Ord. 2576, § 5, 06/27/2017)

ii. By first class and certified mail, postage prepaid, return receipt requested, to each Responsible Party at the address of shown on the last available equalized secured property tax assessment roll for the Property on which the Violation occurred or exists, or any other address of each Responsible Party otherwise known by the Code Enforcement Unit, and by posting in a prominent and conspicuous place on the Property at which the Violation occurred or exists or abutting public right-of-way; however, if access is denied because a common entrance to the property is restricted by a locked gate or similar impediment, the Property may be posted at that locked gate or similar impediment. Service by certified mail and posting shall be deemed complete on the date a notice, finding or order has been both mailed and posted as set forth herein. (Ord 2138a, §1, 12/03/1996, Ord. 2576, § 5, 06/27/2017; Ord. 2585, § 6, 11/07/2017)

(b) The failure of the Code Enforcement Unit to serve, or attempt to serve, any notice, finding or order on any person required herein shall not invalidate any proceedings set forth in this Chapter as to any other person duly served. If no address is known, or can be identified, by the Code Enforcement Unit, any and all notices, findings and orders required by this Chapter shall be so mailed to such person at the address of the Property on which the Violation occurred or exists. The failure of any Responsible Party to accept, or otherwise receive any notice, finding or order required by this Chapter, shall not affect the validity of any proceeding initiated hereunder. (Ord. 2138a, §1, 12/03/1996, Ord. No 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

352-5. IMPOSITION OF ADMINISTRATIVE CIVIL PENALTY.

(a) Any and all Violations may be subject to an administrative civil penalty of up to ten thousand dollars ($10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day up to and including the ninetieth (90th) calendar day. Administrative civil penalties may be imposed by the Code Enforcement Unit as set forth in this Chapter or the court if the Violation requires court enforcement without an administrative process. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; (Ord. 2576, § 5, 06/27/2017)

(b) In the case of a continuing Violation, the Code Enforcement Unit or the court shall provide the Responsible Party with a reasonable period of time, not to exceed ten (10) calendar days, to correct or otherwise remedy the Violation prior to the imposition of the administrative civil penalty, except in situations in which the Violation creates an immediate danger to the health, safety and/or general welfare of the public. (Ord 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(c) Each calendar day that a Violation occurs, continues or exists between the Imposition Date and the Completion Date shall constitute a separate Violation up to the ninetieth (90th) calendar day. (Ord 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

(d) If a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty, an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter. (Ord 2138a, §1, 12/03/1996; Ord No. 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

(e) The imposition of administrative civil penalties pursuant to the provisions of this Chapter shall be in addition to any and all available criminal, civil, or other legal and/or equitable remedies established by local or state law. In addition, the County of Humboldt may withhold issuance of any licenses, permits and other entitlements to a Responsible Party on any project that is subject to unpaid administrative civil penalties. (Ord. 2138a, §1, 12/03/1996, Ord. 2576, § 5, 06/27/2017)

352-6. AMOUNT OF ADMINISTRATIVE CIVIL PENALTY.

(a) The amount of the administrative civil penalty to be imposed shall be set by the Code Enforcement Unit or the court according to the following schedule:

i. Category 1 Violations shall be subject to an administrative civil penalty of one dollar ($1.00) to one thousand dollars ($1,000.00) per calendar day. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; (Ord. 2333, §1, 11/02/2004; Ord. 2576, § 5, 06/27/2017)

ii. Category 2 Violations shall be subject to an administrative civil penalty of one thousand dollars ($1,000.00) to three thousand dollars ($3,000.00) per calendar day. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2333, §1, 11/02/2004; Ord 2576, § 5, 06/27/2017)

iii. Category 3 Violations shall be subject to an administrative civil penalty of three thousand dollars ($3,000.00) to six thousand dollars ($6,000.00) per calendar day. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2333, §1, 11/02/2004; Ord. 2576, § 5, 06/27/2017)

iv. Category 4 Violations shall be subject to an administrative civil penalty of six thousand dollars ($6,000.00) to ten thousand dollars ($10,000.00), or as allowed by applicable state law, whichever is higher, per calendar day. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2333, §1, 11/02/2004; Ord. 2576, § 5, 06/27/2017)

(b) In determining which Violation category a Violation should be placed, and the amount of the administrative civil penalty to be imposed, the Code Enforcement Unit or the court shall consider, without limitation, all of the following factors: (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

i. The severity of the Violation's impact on the health, safety and/or general welfare of the public, including, without limitation, the type and seriousness of the injuries or damages, if any, suffered by any member of the public. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

ii. The number of complaints received regarding the Violation at issue. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

iii. The willfulness and/or negligence of the Responsible Party. In assessing the degree of willfulness and/or negligence, all of the following factors shall be considered:

1. How much control the Responsible Party had over the events which caused the Violation to occur. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

2. Whether the Responsible Party took reasonable precautions against the events which caused the Violation to occur. (Ord. 2138a, § 1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

3. Whether the Responsible Party knew, or should have known, the impacts associated with the conduct which caused the Violation to occur. (Ord. 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

4. The level of sophistication of the Responsible Party in dealing with compliance issues. (Ord. 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

iv. The number of times in which the Responsible Party has committed the same or similar Violations in the previous three (3) years. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

v. The amount of administrative staff time which was expended in investigating or addressing the Violation at issue. (Ord 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

vi. The amount of administrative civil penalties which have been imposed in similar situations. (Ord. 2138a, § 1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

vii. The efforts made by the Responsible Party to correct the Violation and remediate the impacts thereof. (Ord. 2576, § 5, 06/27/2017)

(c) The factors of willfulness and severity of impact are considered together in determining which category a particular Violation should be placed. For example, a Violation involving little impact could be determined to be a Category 2 Violation or a Category 3 Violation, depending on the degree of willfulness associated therewith. Similarly, an unintentional Violation could be determined to be a Category 1 Violation or a Category 2 Violation, depending on the severity of the impact arising therefrom. (Ord 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

352-7. ISSUANCE OF NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY BY CODE ENFORCEMENT UNIT.

Whenever the Code Enforcement Unit determines that a Violation has occurred, the Code Enforcement Unit shall prepare, and serve upon each Responsible Party, a "Notice of Violation and Proposed Administrative Civil Penalty," as set forth in this Chapter. The Notice of Violation and Proposed Administrative Civil Penalty may be combined with a Notice to Abate Nuisance issued pursuant to the provisions of this Division. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

352-8. CONTENTS OF NOTICE OF VIOLATION AND PROPOSED ADMINISTRATIVE CIVIL PENALTY.

The Notice of Violation and Proposed Administrative Civil Penalty shall contain all of the following:

(a) The name and last known address of each Responsible Party. (Ord. 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2576, § 5, 06/27/2017)

(c) A description of the specific acts or omissions that gave rise to the Violation and the specific provision of each code, ordinance, regulation, condition or other legal requirement that has been violated and identification of the Violation category that the Violation falls within. (Ord 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

(d) An order to correct or otherwise remedy any continuing Violation within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, except in situations in which the Violation creates an immediate danger the health, safety and/or general welfare of the public. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

(e) A statement that each calendar day the Violation occurs, continues or exists between the Imposition Date and the Completion Date shall constitute a separate Violation up to the ninetieth (90th) calendar day. (Ord. 2138a, §1, 12/03/1996, Ord. No. 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

(f) The amount of the proposed administrative civil penalty that will be incurred each calendar day the Violation occurs, continues or exists between the Imposition Date and the Completion Date up to the ninetieth (90th) calendar day. (Ord 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(g) A Statement that the Responsible Party may file with the Code Enforcement Unit a written appeal of the determination that a Violation has occurred or exists and/or the amount of the proposed administrative civil penalty within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty. (Ord 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(h) A statement that an appeal of the Code Enforcement Unit's determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty must be prepared using the form provided with the Notice of Violation and Proposed Administrative Civil Penalty, and shall contain all of the following information:

i. The name and current address of each Responsible Party. (Ord. 2576, § 5, 06/27/2017)

ii. A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2576, § 5, 06/27/2017)

iii. A brief statement setting forth the Appellant's interest in the proceedings. (Ord 2138a, §1, 12/03/1996; (Ord. 2576, § 5, 06/27/2017)

iv. A brief statement of the material facts which support the Appellant's contention that no Violation occurred or exists and that an administrative civil penalty should not be imposed as a result thereof, if applicable. (Ord. 2138a, §1, 12/03/1996, Ord. No. 2272, 04/23/2002, (Ord 2576, § 5, 06/27/2017)

v. A brief statement of the material facts which support the Appellant's contention that the amount of the proposed administrative civil penalty is inappropriate under the circumstances, if applicable. (Ord. 2138a,Ord 2576, § 5, 06/27/2017)

vi. An address at which the Appellant agrees that any additional notices relating to the imposition of the proposed administrative civil penalty may be served by the Code Enforcement Unit. (Ord 2138a, §1, 12/03/1996; Ord No. 2272, 04/23/2002, Ord. 2576, § 5, 06/27/2017)

(i) A statement that an appeal of the Code Enforcement Unit's determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty must be signed by the Appellant under penalty of perjury. (Ord. 2576, § 5, 06/27/2017)

(j) A statement that, upon receipt of an appeal of the determination that a Violation has occurred and/or the amount of the proposed administrative civil penalty, the Code Enforcement Unit shall set the matter for hearing before a Hearing Officer appointed by the Humboldt County Board of Supervisors pursuant to California Government Code Section 27720 and issue a Notice of Administrative Civil Penalty Appeal Hearing as set forth in this Chapter. (Ord. 2138a, §1, 12/03/1996; Ord No 2272, 04/23/2002, Ord. 2458, §1, 08/23/2011, Ord 2576, § 5, 06/27/2017)

(k) A statement that the date of the Administrative Civil Penalty Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Appeal Hearing is served on the Appellant. (Ord 2138a, §1, 12/03/1996; Ord. 2458, §1, 08/23/2011; Ord 2576, § 5, 06/27/2017)

(l) A statement that the imposition of the administrative civil penalty shall become final and the Code Enforcement Unit shall acquire jurisdiction to collect full amount thereof and any and all Administrative Costs and/or Attorney's Fees, as follows·

i. Within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a Violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed as set forth in this Chapter; or (Ord 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002, Ord 2576, § 5, 06/27/2017)

ii. Within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in this Chapter and California Government Code Section 53069.4(b)(1)-(2); or (Ord 2138a, §1, 12/03/1996, Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

iii. Within ten (10) calendar days after service of the Humboldt County Superior Court's decision regarding the Hearing Officer's imposition of the final administrative civil penalty, if the Court finds against the Appellant. (Ord. 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(m) A statement that the final administrative civil penalty, along with any and all Administrative Costs and/or Attorney's fees associated therewith, may become a lien against the Property on which the Violation occurred or exists which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 5, 06/27/2017)

(n) A statement that an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty. (Ord. 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002, Ord 2576, § 5, 06/27/2017)

352-9. ISSUANCE OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING BY CODE ENFORCEMENT UNIT.

Upon receipt of a timely appeal of the determination that has a Violation has occurred and/or the amount of the administrative civil penalty by any Responsible Party upon whom a Notice of Violation and Proposed Administrative Civil Penalty was served, the Code Enforcement Unit shall set the matter for hearing before the Hearing Officer and serve a "Notice of Administrative Civil Penalty Appeal Hearing" upon each Appellant as set forth in this Chapter The Notice of Administrative Civil Penalty Appeal Hearing may be combined with a Notice of Code Enforcement Appeal Hearing issued pursuant to the provisions of this Division. (Ord. 2138a, §1, 12/03/1996; Ord. 2458, §1, 08/23/2011; Ord. 2576, § 5, 06/27/2017)

352-10. CONTENTS OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY APPEAL HEARING.

The Notice of Administrative Civil Penalty Appeal Hearing shall contain all of the following:

(a) The name and last known address of each Responsible Party. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. ((Ord. 2576, § 5, 06/27/2017)

352-13. JUDICIAL REVIEW OF FINDING OF VIOLATION AND ORDER IMPOSING ADMINISTRATIVE CIVIL PENALTY.

(a) Pursuant to California Government Code Section 53069.4(b)(1)-(2), an Appellant may contest the Hearing Officer's imposition of a final administrative civil penalty by filing a request for judicial review in the Humboldt County Superior Court within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty. The Appellant shall serve a copy of the request for judicial review of the Finding of Violation and Order Imposing Administrative Civil Penalty upon the Code Enforcement Unit either in person or by first class mail. (Ord 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

(b) If the Humboldt County Superior Court finds against the Appellant, the Code Enforcement Unit may proceed to collect the administrative civil penalty as set forth in this Chapter. (Ord. 2576, § 5, 06/27/2017)

(c) The failure to file a request for judicial review of a Finding of Violation and Order Imposing Administrative Civil Penalty in accordance with the requirements set forth in California Government Code Section 53069.4(b)(1)-(2) shall constitute a waiver of the right to contest the Hearing Officer's decision. (Ord. 2576, § 5, 06/27/2017)

352-14. JURISDICTION TO COLLECT ADMINISTRATIVE CIVIL PENALTIES.

(a) The Code Enforcement Unit shall acquire jurisdiction to collect the final administrative civil penalty along with any and all Administrative Costs and/or Attorney's fees associated therewith as follows:

i. Within ten (10) calendar days after service of the Notice of Violation and Proposed Administrative Civil Penalty, if an appeal of the Code Enforcement Unit's determination that a Violation has occurred, and/or an appeal of the amount of the administrative civil penalty, is not filed as set forth in this Chapter; or (Ord. 2138a, §1, 12/03/1996, Ord No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

ii. Within twenty (20) calendar days after service of the Finding of Violation and Order Imposing Administrative Civil Penalty, if a request for judicial review of the Hearing Officer's imposition of the final administrative civil penalty is not filed with the Humboldt County Superior Court as set forth in this Chapter and California Government Code Section 53069.4(b)(1)-(2), or (Ord. 2138a, §1, 12/03/1996, Ord No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

iii. Within ten (10) calendar days after service of the Humboldt County Superior Court's decision regarding the Hearing Officer's imposition of the final administrative civil penalty, if the Court finds against the Appellant. (Ord 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(b) The Humboldt County Board of Supervisors may create a revolving fund or funds from which the Administrative Costs and Attorney's Fees resulting from the enforcement of this Chapter may be paid, and into which the receipts from the collection of administrative civil penalties and the Costs associated therewith shall be paid. (Ord. 2576, § 5, 06/27/2017)

(c) The Planning Director, personally or through assistants so designated, is authorized to reduce and/or eliminate Administrative Costs, Attorney's Fees, and/or administrative civil penalties and may enter into compliance agreement with Owner, Beneficial Owner, Occupier or any other person in charge or control of the property which reduce and/or eliminate Administrative Costs, Attorney's Fees, and/or administrative civil penalties in exchange for compliance to correct or otherwise remedy the Violation to preserve the public health, safety, and welfare of the County residents. (Ord 2585, § 6, 11/07/2017)

(k) A statement that the proposed assessment shall be deemed final and summarily approved by the Humboldt County Board of Supervisors without holding an Administrative Civil Penalty Assessment Appeal Hearing as set forth in this Chapter, if an objection to the proposed assessment is not filed within ten (10) calendar days after service of the Notice of Administrative Civil Penalty Assessment. (Ord. 2138a, §1, 12/03/1996, Ord. No. 2272, 04/23/2002; Ord. 2458, §1, 08/23/2011; Ord. 2576, § 5, 06/27/2017)

(l) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may become a lien against the Property on which the Violation occurred or exists which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 5, 06/27/2017)

(m) A statement that an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; (Ord. 2576, § 5, 06/27/2017)

352-17. ISSUANCE OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL HEARING BY CODE ENFORCEMENT UNIT.

Upon receipt of an objection to a proposed assessment filed by any Responsible Party upon whom a Notice of Administrative Civil Penalty Assessment was served, the Code Enforcement Unit shall set the matter for hearing before the Humboldt County Board of Supervisors, and serve a "Notice of Administrative Civil Penalty Assessment Appeal Hearing" upon the objecting party or parties as set forth in this Chapter. The Notice of Administrative Civil Penalty Assessment Appeal Hearing may be combined with a Notice of Cost Recovery Hearing issued pursuant to the provisions of this Division. (Ord. 2576, § 5, 06/27/2017)

352-18. CONTENTS OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL HEARING.

The Notice of Administrative Civil Penalty Assessment Appeal Hearing shall contain all of the following:

(a) The name and last known address of each Responsible Party. (Ord. 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(c) A statement that at the time and place specified therein, which shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served on the objecting party, the Humboldt County Board of Supervisors shall hear testimony and consider evidence concerning the validity of the proposed assessment and any other matters deemed pertinent. (Ord. 2576, § 5, 06/27/2017)

(d) A statement that the Appellant may be represented by legal counsel and present testimony and cross-examine the Code Enforcement Investigator and other witnesses at the Administrative Civil Penalty Assessment Appeal Hearing. (Ord 2576, § 5, 06/27/2017)

(e) A statement that, upon conclusion of the Administrative Civil Penalty Assessment Appeal Hearing, the Humboldt County Board of Supervisors may confirm, deny or modify and revise the proposed assessment either in whole or in part, and that such action shall be final and conclusive as to all matters pertaining to the proposed assessment. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; (Ord 2576, § 5, 06/27/2017)

(f) A statement that the final assessment, as approved by the Humboldt County Board of Supervisors, may become a lien against the Property on which the Violation occurred or exists which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 5, 06/27/2017)

(g) A statement that an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2576, § 5, 06/27/2017)

(h) A statement that the Administrative Civil Penalty Assessment Appeal Hearing shall be recorded (i.e., audio, video and/or stenographic) in order to maintain a record of the proceedings. (Ord. 2585, § 6, 11/07/2017)

352-19. ADMINISTRATIVE CIVIL PENALTY ASSESSMENT APPEAL HEARING.

(a) At the time and place specified in the Notice of Administrative Civil Penalty Assessment Appeal Hearing, which shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Administrative Civil Penalty Assessment Appeal Hearing is served on the objecting party, the Humboldt Board of Supervisors shall hear testimony and consider evidence concerning the validity of the proposed assessment and any other matters deemed pertinent. The Administrative Civil Penalty Assessment Appeal Hearing may be combined with a Cost Recovery Hearing held pursuant to the provisions of this Division. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2458, §1, 08/23/2011; Ord. 2576, § 5, 06/27/2017)

(b) Upon conclusion of the Administrative Civil Penalty Assessment Appeal Hearing, the Humboldt County Board of Supervisors will adopt a resolution confirming, discharging, or modifying the proposed assessment either in whole or in part. (Ord. 2138a, §1, 12/03/1996, Ord No. 2272, 04/23/2002; Ord. 2458, §1, 08/23/2011, Ord. 2576, § 5, 06/27/2017)

(c) A resolution of the Humboldt County Board of Supervisors confirming, discharging or modifying a proposed assessment shall be final and conclusive as to all matters pertaining to the proposed assessment. Any appeal of the resolution confirming, discharging or modifying a proposed assessment shall be governed by California Code of Civil Procedure Section 1094.6, as such section may be amended from time to time. (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord 2458, §1, 08/23/2011; Ord. 2576, § 5, 06/27/2017)

352-20. SUMMARY APPROVAL OF PROPOSED ADMINISTRATIVE CIVIL PENALTY ASSESSMENTS.

If an objection to the proposed assessment is not filed by a Responsible Party within ten (10) calendar days after service of the Notice of Administrative Civil Penalty Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding an Administrative Civil Penalty Assessment Appeal Hearing (Ord. 2138a, §1, 12/03/1996; Ord. No. 2272, 04/23/2002; Ord. 2458, §1, 08/23/2011; Ord. 2576, § 5, 06/27/2017)

352-21. ISSUANCE OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY LIEN BY CODE ENFORCEMENT UNIT.

Upon confirmation of the proposed assessment by the Humboldt County of Board of Supervisors, the Code Enforcement Unit shall prepare, and serve upon each Responsible Party a "Notice of Administrative Civil Penalty Lien," as set forth in this Chapter. (Ord 2138a, §1, 12/03/1996; Ord. 2576, § 5, 06/27/2017)

352-22. CONTENTS OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY LIEN.

The Notice of Administrative Civil Penalty Lien shall contain all of the following:

(a) The name and last known address of each Responsible Party. (Ord 2138a, §1, 12/03/1996, Ord. 2576, § 5, 06/27/2017)

(b) A street address, legal description or other description sufficient to identify the Property on which the Violation occurred or exists. (Ord. 2138a, §1, 12/03/1996, Ord. No 2272, 04/23/2002, Ord 2576, § 5, 06/27/2017)

(c) A description of the proceedings to impose and collect the administrative civil penalty, including, without limitation, the Imposition Date, the Completion Date and the date on which the Administrative Civil Penalty Assessment was approved by the Humboldt County Board of Supervisors. (Ord 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002; Ord. 2576, § 5, 06/27/2017)

(d) A description of the actions taken by the Code Enforcement Unit to impose and collect the administrative civil penalty and/or the Administrative Costs and/or Attorney's Fees associated therewith. (Ord 2576, § 5, 06/27/2017)

(e) The amount of the Administrative Civil Penalty Assessment to be charged against the Property on which the Violation occurred or exists in order to recover the administrative civil penalty and/or the Administrative Costs and/or Attorney's Fees associated therewith. (Ord. 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002, Ord. 2576, § 5, 06/27/2017)

(f) A claim of lien in the amount of the Administrative Civil Penalty Assessment to be charged against the Property on which the Violation occurred or exists in order to recover the administrative civil penalty and/or the Administrative Costs and/or Attorney's Fees associated therewith. (Ord. 2138a, §1, 12/03/1996; Ord. No 2272, 04/23/2002, (Ord 2576, § 5, 06/27/2017)

(g) A statement that upon the recordation of the Notice of Administrative Civil Penalty Lien, which shall be no sooner than forty-five (45) calendar days after service of such notice, the Administrative Civil Penalty Lien shall have the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq , and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. (Ord. 2576, § 5, 06/27/2017)

(h) A statement that the Administrative Civil Penalty Lien may be foreclosed, and the real property subject to such lien sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. (Ord 2576, § 5, 06/27/2017)

(i) A statement that an additional Notice of Violation can be served upon the Responsible Party as set forth in this Chapter, if a Violation occurs, continues or exists after ninety (90) days from the Imposition Date of the initial administrative civil penalty. (Ord. 2138a, §1, 12/03/1996, Ord No 2272, 04/23/2002, (Ord 2576, § 5, 06/27/2017)

352-23. IMPOSITION OF ADMINISTRATIVE CIVIL PENALTY LIEN.

(a) Upon the passage of forty-five calendar days after service of the Notice of Administrative Civil Penalty Lien, the Code Enforcement Unit shall cause said Notice of Administrative Civil Penalty Lien to be recorded in the Humboldt County Clerk-Recorder's Office. (Ord. 2138a, §1, 12/03/1996, Ord No. 2272, 04/23/2002, Ord 2458, §1, 08/23/2011, Ord. 2576, § 5, 06/27/2017)

(b) Upon recordation of the Notice of Administrative Civil Penalty Lien, which shall be no sooner than forty-five (45) calendar days after service of such notice, the Administrative Civil Penalty Lien shall have the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697 310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq. The Administrative Civil Penalty Lien shall have no force or effect until recorded by the Humboldt County Clerk-Recorder's Office. (Ord 2576, § 5, 06/27/2017)

(c) Interest shall accrue on the principal amount of the Administrative Civil Penalty Lien remaining unsatisfied pursuant to the law applicable to civil money judgments. (Ord 2576, § 5, 06/27/2017)

(d) The Administrative Civil Penalty Lien may be foreclosed and the real property subject to such lien sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. (Ord 2585, § 6, 11/07/2017)

352-24. COLLECTION OF COSTS AND ATTORNEY'S FEES PRIOR TO RECORDATION OF NOTICE OF ADMINISTRATIVE CIVIL PENALTY LIEN.

The Humboldt County Revenue Recovery Office may accept payment of any amount due at any time prior to recordation of a Notice of Administrative Civil Penalty Lien with the Humboldt County Clerk-Recorder's Office pursuant to the provisions of this Chapter. (Ord. 2585, § 7, 11/07/2017)

352-25. SATISFACTION OF ADMINISTRATIVE CIVIL PENALTY LIEN.

Once the County receives full payment of the administrative civil penalty and/or the Administrative Costs and/or Attorney's Fees associated therewith, the Code Enforcement Unit will either record a Notice of Satisfaction or provide each Responsible Party with a Notice of Satisfaction for recordation at the Humboldt County Clerk-Recorder's Office. Such notice shall cancel the Administrative Civil Penalty Lien. (Ord. 2576, § 5, 06/27/2017)

352-26. ENFORCEMENT BY CIVIL ACTION.

As an alternative to the procedures set forth in this Chapter, the Code Enforcement Unit may correct or otherwise remedy a Violation through the prosecution of a civil action brought by the Humboldt County Counsel's Office, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings or receivership, prohibiting the maintenance of the Violation. (Ord. 2138a, §1, 12/03/1996, (Ord 2576, § 5, 06/27/2017)

352-27. TREBLE DAMAGES.

Upon entry of a second or subsequent civil or criminal judgment for a Violation that may be abated in accordance with the Nuisance Abatement procedures set forth in this Division within a two-year period, the court may order the Responsible Party to pay treble damages. (Ord 2576, § 5, 06/27/2017)

352-28. MISDEMEANOR PENALTY.

Any person found to be in violation of any provision of this Chapter shall be guilty of a misdemeanor. (Ord 2576, § 5, 06/27/2017)

(b) Any citizen of the State of California, residing in the County of Humboldt, in his or her own name is authorized to abate, prevent, perpetually enjoin and seek damages against the person conducting or maintaining the nuisance of unlawful selling, serving, storing, keeping manufacturing or giving away of any controlled substance, precursor, or analog, and the owner, tenant, their agent, or anyone else associated with the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance, when such nuisance occurs within any building or place in the unincorporated areas of the County of Humboldt as hereinafter provided, and there is reason to believe that a nuisance exists under Health and Safety Code section 11570. Any complaint filed by such a citizen, pursuant to these provisions, must be verified. (Ord 2049, § 1, 08/16/1994, Ord. 2576, § 6, 06/27/2017)

353-4. NOTICE.

(a) Prior to bringing or maintaining an action to abate or prevent, perpetually enjoin a nuisance or seek damages therefrom, as described in § 353-2 of the Humboldt County Code, the person(s) authorized to commence nuisance proceedings shall give notice to the owner, tenant, their agent and anyone else associated with the nuisance of the building or place including but not limited to owners as shown by the records of the County Recorder or Assessor, business tax records, records of the Secretary of State in the case of corporate ownership or interest and any other evidence showing occupancy or presence associated with the nuisance where the nuisance is alleged to exist and shall request that the nuisance be abated within a reasonable time of the receipt of the notice. (Ord. 2049, § 1, 08/16/1994; Ord 2576, § 6, 06/27/2017; Ord 2585, § 7, 11/07/2017)

(b) The notice shall contain as enclosures documentation to establish that a nuisance exists in or upon the building or place. (Ord. 2576, § 6, 06/27/2017)

(c) The notice shall be served on the owner, tenant, their agent, or anyone else associated with the nuisance by personal service or by certified mail. (Ord. 2576, § 6, 06/27/2017)

(d) "Reasonable time" shall mean at least 30 days, unless a shorter time period is agreed to by the parties herein. (Ord. 2576, § 6, 06/27/2017)

(e) The subdivision shall apply only to an action brought or maintained by the Code Enforcement Unit and/or District Attorney. (Ord 2576, § 6, 06/27/2017)

(f) This notice shall not be required prior to bringing or maintaining an action to enjoin, abate, prevent a nuisance and seek damages if any one of the following exist: (Ord 2576, § 6, 06/27/2017)

(1) There is a danger to the public; (Ord 2576, § 6, 06/27/2017)

(2) The notice would impede an investigation; (Ord. 2576, § 6, 06/27/2017)

(3) The Code Enforcement Unit and/or District Attorney determines there is good cause to forego the notice; (Ord. 2576, § 6, 06/27/2017)

(4) For the purposes of this paragraph, "good cause" includes, but is not limited to, when an owner, tenant, their agent, or anyone else associated with the nuisance is unavailable or is evading service of process; (Ord. 2576, § 6, 06/27/2017)

(5) The issuing agency shall provide the identified owner, tenant, their agency, or other person associated with the nuisance with the opportunity to demonstrate to that agency that the notice was issued on insufficient grounds or the owner, tenant, their agency or other person associated with nuisance was mistakenly identified. This agency shall present the Code Enforcement Unit and/or District Attorney with all information received in any request for action under this section. (Ord No 2269, 04/23/2002; Ord 2576, § 6, 06/27/2017)

434-6. REMOVAL OF UNLAWFULLY PARKED VEHICLES

Any vehicle parked or left standing in violation of Section 434-5 of this Code shall be subject to removal as provided for in Section 22651 of the California Vehicle Code. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the Humboldt County Sheriff's Department, or any investigator regularly employed and paid as such in the office of a district attorney, or any Humboldt County Code Enforcement Officer, may remove such vehicle from the street or highway, and may store such vehicle with the nearest keeper of a garage or other place of safety, or as otherwise authorized by law. In the event of removal and storage, the agency or person directing this storage shall give notice as provided in Sections 22852 and 22853 of the California Vehicle Code. (Ord. No. 2280, 10/15/2002, Ord 2348, § 1, 09/13/2005; Ord 2585, § 9, 11/07/2017)

434-10. ONE-WAY STREETS.

Pursuant to the authority contained in §§ 21101 and 21657 of the Vehicle Code of the State of California, the following streets are designated one-way streets and traffic thereon shall at all times proceed in the one direction designated herein.

(a) Boeing Avenue (County Road No. 4M195) from its intersection with Baadsgard Road (County Road No. 4M190) to Lycoming Avenue, northerly.

(b) Lycoming Avenue from Boeing Avenue (County Road No. 4M195) to Cessna Avenue, westerly. (Ord. 1420, § 1, 8/26/80)

(c) Main Street (County Road No. C3H180) from its intersection with Loleta Drive (County Road No. A3H200) to Church Street (County Road No. 3H190), southerly. (Ord. 2478, § 2, 05/08/2012)