

Rio Dell

Nuisance Advisory Committee Meeting Agenda



April 19, 2023 – 3:00 P.M.
Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562

Nuisance Advisory Committee Representatives:

City Council	Julie Woodall
City Council	Amanda Carter
Public	Alonzo Bradford
Public	Jim Brickley
Public	Patrick Knight
City Manager/Chair	Kyle Knopp
Chief of Police/Vice-Chair	Greg Allen
Community Dev. Dir.	Kevin Caldwell
CSO	Mary Clark
Secretary/ Records Tech	Sabrina Lumpkin

Membership:

City Council (1)
City Council (2)
Public Member (1)
Public Member (2)
City Manager
Chief of Police
Community Dev. Dir.

“A committee made up of two members of the City Council, the City Manager, the Community Development Director, the Chief of Police and at least two and not more than four members of the public.

The committee shall provide oversight and advice to the Code Compliance Manager and the Police Chief on priorities and courses of action. It shall meet once per month at a regularly scheduled time set by the City Manager.”

1. Call to order
2. Introductions/Roll Call
3. Approval of Minutes of March 22, 2023 Meeting (Action)
4. Public Presentations
5. Discussion about the Rental Housing Inspection Program
6. Update on City of Rio Dell Parking Ordinance
7. Active Comcate List (Review of open and closed cases)
 - A. Update on 192 Belleview Avenue
 - B. Update on 1000 Pine Street
 - C. Discussion on 508 ½ Wildwood Avenue
8. Member Reports
9. Adjournment



Rio Dell

Nuisance Advisory Committee Meeting

Minutes

March 22, 2023 - 3:00 P.M.
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675 Wildwood Avenue
Rio Dell, CA 95562

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1. Call to order

Chair Knopp called meeting to order at 3:02 P.M. on March 22, 2023.

2. Introductions/Roll Call

Chair Knopp called on each member of the Nuisance Advisory Committee to see if they were present. The Nuisance Advisory Committee Members present at the meeting were: Woodall, Carter, Knight, Knopp, Allen, and Caldwell constituting a quorum. The Nuisance Advisory Committee Members absent at roll-call were: Bradford and Brickley. Nuisance Advisory Committee Member Jim Brickley had a prior engagement and his absenteeism was excused.

3. Approval of Minutes of January 18, 2023 Meeting (Action)

Chair Knopp called for a motion to approve the minutes from the January 18, 2023 meeting. Woodall wanted clarification about 215 Monument Road being up for sale, and how the process worked with a violation recorded on the title. Caldwell explained that the violation would follow the property until the violation was corrected, re-inspected, and a release of Notice of Violation and Order to Abate be mailed to the county. Woodall also

wanted clarification about Adult Protective Services (APS) and if they were requested for the family on Fourth Avenue. Knopp advised that the county workers from the earthquake were made aware of the situation and the substandard housing at the address and would be in contact with APS. Knopp asked if anyone else had questions or needed clarification regarding the minutes; Hearing None, Knopp called for a motion to approve the January 18, 2023 minutes.

Motion: Woodall

Second: Carter

Chair Knopp asked all members on the Nuisance Advisory Committee in favor of approving the minutes say "I." All members present said "I." Knopp mentioned that the January 18, 2023 minutes were unanimously approved.

4. Public Presentations

Chair Knopp asked if there were any public presentations; Hearing none, Knopp asked to move on to item #5 on the agenda.

5. Active Comcate List

Chair Knopp called on the Nuisance Committee Members one by one to see if they had any questions pertaining to the active Comcate List. Clark mentioned that the lady from 185 Douglas Street passed and the executor of the estate backed out. Clark mentioned that she spoke with the attorney and the estate cannot enter probate without an executor. Carter mentioned that the property may qualify for a receivership instead of the conservatorship. Allen mentioned that the property currently has no water. Clark was going to follow-up with the City Attorney to see if he has any suggestions. Clark also mentioned that 527 1st Avenue applied for an electrical permit with the city. Clark mentioned that there are some cases on the Comcate List that have been on it for years, and she would like to close as many as possible. Clark was open for suggestions on how to handle fence height violations and some previous abatement violators. Caldwell suggested to fine the property owners until they correct the violation. Clark mentioned that the idea sounds great in theory. Caldwell mentioned that he just recently sent the owner of 70 Wildwood Avenue a letter mentioning that the building needed repairs and the city was going to issue a fine every day until the violation was repaired. The owner came in and filed for a building permit to repair the violation. Carter mentioned that there was a new fence on Meadowbridge Lane that was questionable. The fence blocks the visibility when trying to make the turn. Caldwell explained that a fence must be less than three feet when located near an intersection to keep the 'visibility triangle' clear from obstruction. Allen and Caldwell both mentioned that they would go check out the fence to see if it was in violation of the city ordinance. Carter also wanted to know the status on 508 1/2 Wildwood Avenue. Clark explained that she was just informed that Russell Rye agreed to sell Daren Gallagher the house, and Darren will be getting the house in his name. Clark also explained that she will now move forward with the active Comcate Case. Knopp mentioned that the city put aside \$30,000 in the budget for abatements, and explained how the process worked. Once the city receives a bill for an abatement. The city forwards the bill to the property owner. If the property owner fails to pay, the city will pay the bill and files a lien with the county on the property. When the property sells, the city collects what's owed. Sometimes it can take years for the city to collect their money back from an abatement. Allen asked the Nuisance Committee Members present what they would like to see completed. Discussion occurred. In

summary, the members would like to focus on 192 Belleview Avenue, and the Davis property located at 1000 Pine Street. Woodall asked about how we would go about it? Caldwell offered to draft a letter for the zoning violations and blight. Clark was going to work on the Request for Proposal (RFP) for the property located at 192 Belleview Avenue. Clark also mentioned that she wrote a warrant and had the opportunity to inspect 601 Gunnerson Lane. Clark was surprised that the property was not in need of an abatement. However, Clark spoke with the owner about getting the tires put back on her car in the driveway. Clark explained that the inoperable car and all the car parts in her driveway were in violation and that she really needed to clean it up. The owner told Clark that she would have the tires put back on the car. Clark agreed to give her a couple of weeks to correct the violation. Clark mentioned that 113 1st Avenue was way better. Caldwell mentioned that the owner came in and got a building permit. Caldwell handed out the Parking Ordinance with the changes that were suggested at the last meeting to see what the members thought before presenting it to the City Council. Caldwell explained that the parking regulations are part of Chapter 10 in our Rio Dell Municipal Code instead of Chapter 17 which allows the Nuisance Committee to bring it straight to the City Council instead of needing approval from the Planning Committee. All the Nuisance Committee Members liked the changes and agreed that the Parking Ordinance was ready to be presented to the City Council. Caldwell also brought up that Humboldt County was currently changing their Blight Ordinance. The word blight is very subjective. Caldwell suggested that we should modify the Rio Dell Blight Ordinance once the county finalizes theirs. All the Nuisance Advisory Committee Members agreed with Caldwell. Caldwell also suggested to Clark that she should reach out to all the other County Code Enforcement Officers to see if they would be interested to meet up monthly to help each other, and answer questions that each other might have. Knopp asked if anyone else had something else to add; Hearing none, Knopp moved on to the next item on the agenda.

6. Member Reports

Chair Knopp mentioned that the inspectors that went around assessing the damage from the earthquakes found many pre-existing issues such as black mold, and sub-standard housing. Habitat for Humanity and the Hope Crisis are wanting to help. They are giving us a lot of feedback. Only about half of the residents in Rio Dell were eligible for the CBDG Loan. Some loans are offering deferred payments that are filed like a lien on the property and are not required to be paid back until the sale of the property. Woodall mentioned that sixty percent of town are rentals and the other forty percent are owner occupied. Knopp added that there were ninety-one red tag homes, and even more yellow tagged homes. Some homes are so bad, that it becomes an ethical issue whether or not to repair the home. There are homes with more than earthquake damage. There are houses that are on post and pier in low level troughs. There are sewer lines underground that are being sheared off at ground level. As a city, we need to have a five-year and ten-year plan. Knopp mentioned that himself and Caldwell are looking into Housing Choice (like section 8) and the Rental Housing Inspection Program. Knopp plans to have the Housing Committee come speak with the City Council and possibly the Nuisance Advisory Committee. If the City of Rio Dell adopts the inspection program we would have to hire consultants and additional staff to facilitate the program. Caldwell mentioned that the Humboldt Area Foundation's visuals could be Rio Dell in the future. Lumpkin mentioned that that Nuisance Committee Member Brickley turned in a complaint that someone turned in to him regarding the road conditions on Curtis Lane. There are huge pot holes all along the edge of the road. Caldwell mentioned that he would look into if it's a private road or City

maintained road. Knopp asked if anyone else had any other Member Reports; Hearing none, Knopp asked to adjourn the meeting.

7. Adjournment

Chair Knopp adjourned the meeting at 4:22 P.M.

RESOLUTION NO. 1579-2023



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AUTHORIZING THE COUNTY OF HUMBOLDT TO ADMINISTER THE CITY'S PROGRAM INCOME FOR THE CITY'S CDBG AND CALHOME OWNER OCCUPIED AND RENTAL REHABILITATION PROGRAMS.

WHEREAS on February 7, 2023 the City Council adopted Resolution No. 1571-2023 reallocating the use of the City's CDBG Program Income back to the City's Owner-Occupied Rehabilitation program due to the recent earthquakes; and

WHEREAS, Resolution No. 1571-2023 also authorized the City Manager, or designee, to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications; and

WHEREAS, at the meeting of February 7, 2023 the Council also authorized the City Manager to execute Memorandum of Understanding (MOU) with the County to Administer the City CDBG Projects and Programs.

BE IT RESOLVED by the City Council of the City of Rio Dell as follows:

SECTION 1:

The City Council hereby authorizes the County of Humboldt to Administer the City CDBG and CalHome Projects and Programs, including the City Owner Occupied and Rental Rehabilitation Programs.

SECTION 2:

The City expects that the County shall comply with all state and federal public participation requirements in the administration of the programs.

SECTION 3:

The City hereby authorizes the County to execute and deliver all CDBG and CalHome applications and act on the City's behalf in all matters pertaining to all such applications.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on April 18, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Debra Garnes

STATE OF CALIFORNIA
City of Rio Dell

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1579-2023 adopted by the City Council of the City of Rio Dell on April 18, 2023.

Karen Dunham, City Clerk, City of Rio Dell

**Rio Dell Housing Code
Title 14**

Article I

ADOPTION, SHORT TITLE, PURPOSE, FINDINGS, SCOPE and DEFINITIONS

- 14.05.010 Adoption.
- 14.05.020 Short title.
- 14.05.030 Purpose.
- 14.05.040 Findings
- 14.05.050 Scope
- 14.05.060 Definitions
- 14.05.070 Nuisances described.

Article II

VIOLATIONS, AUTHORITY, ABATEMENT PROCESS, PENALTIES

- 14.05.080 Violations
- 14.05.090 Authority
- 14.05.100 Administration
- 14.05.110 Authority to Enter and Inspect.
- 14.05.120 Summary abatement.
- 14.05.130 Administrative abatement.
- 14.05.140 Delivery of Notices.
- 14.05.150 Appeal, Public hearing.
- 14.05.160 Form and Contents of Decision; Finality of Decision.
- 14.05.170 Failure to Appeal
- 14.05.180 Costs on Appeal
- 14.05.190 Penalties
- 14.05.200 Cost Recovery
- 14.05.210 Lien.

Article III

RENTAL HOUSING INSPECTIONS

- 14.05.220 Rental Housing Code Compliance Fee Requirement.
- 14.05.230 Payment of a Rental Housing Code Compliance Fee and Provision of Contact Information as a Condition to Rental.
- 14.05.240 Property Inspections and Inspection Reports
- 14.05.250 Problem Properties.
- 14.05.260 Properties Exempt from Inspection.
- 14.05.270 Certification of Inspectors.
- 14.05.280 Tenant Rights and Responsibilities.

**Article IV
RENTAL HOUSING CODE COMPLIANCE FEES**

- 14.05.290 Rental Housing Code Compliance Fee.**
- 14.05.300 Billing Procedure.**
- 14.05.310 Determination of Rental Housing Code Compliance Fee.**
- 14.05.320 Reinspection Fee**
- 14.05.330 Inspection Fee.**
- 14.05.340 Building Permit Fee.**
- 14.05.350 Hourly Burdened Rate.**
- 14.05.360 Contract Administration Fee.**
- 14.05.370 Appeal Fee.**
- 14.05.380 Late Fee.**
- 14.05.390 Notice Fee.**
- 14.05.400 Closing Fee.**

DRAFT

Title 14
HOUSING CODE
Chapter 14.05

Article I
ADOPTION, SHORT TITLE, PURPOSE, FINDINGS, SCOPE and DEFINITIONS

Sections:

14.05.10	Adoption
14.05.20	Short Title
14.05.30	Purpose
14.05.40	Findings
14.05.50	Scope
14.05.60	Definitions

14.05.010 Adoption.

(1) There is hereby adopted a Housing ordinance for the City of Rio Dell, State of California, as provided pursuant to the provisions of State of California State Housing Law, Division 13, Part 1.5 of the State of California Health and Safety Code, Division 13, Housing, and the Health and Safety Code itself, all as amended from time to time by the Legislature of the State of California.

(2) This chapter incorporates by reference the State Housing Law and the Health and Safety Code, including administrative and enforcement mechanisms of Health and Safety Code Chapters 5 and 6 of Division 13, Part 1.5, as amended from time to time by the Legislature.

(3) These State of California Law and Codes preempt other provisions of this chapter in the event of differing or conflicting provisions. This chapter makes no local changes to the State Housing Law or State Housing Code due to local climatic, geographical or topographical conditions under Health and Safety Code Section 17958.5. Accordingly, no local legislative findings or filings are required under Health and Safety Code Section 17958.7

(4) The provisions of this title shall apply to all lands and all owners of lands within all the incorporated area of the City of Rio Dell.

14.05.020 Short title.

This title shall be known and cited as the "Rio Dell Housing Ordinance." In any administrative action taken by any public official under the authority set forth in this title the use of the term "housing ordinance," unless further modified, shall also refer to and mean this title.

14.05.030 Purpose.

(1) This title is adopted to promote and protect the public, health, safety, morals, comfort, convenience and general welfare and to ensure social and economic stability within the City of Rio Dell. Substandard housing has caused health risks to its occupants and those who reside in the surrounding neighborhood. Additionally, substandard housing has significantly contributed

to neighborhood blight. As a result, substandard housing is a nuisance that threatens the public's health, safety and welfare of the citizens and community of Rio Dell.

(2) To eliminate this nuisance it is imperative to establish enforceable minimum standards for residential buildings. The purpose of this chapter is to establish such standards for maintaining all residential buildings within the City of Rio Dell and thereby safeguard life, limb, health, property, safety, and welfare of the public.

(3) The City is under a state mandate to have a program to enforce the provisions of the State Housing Law. Unsafe housing is a community blight often associated with unlawful activity. While the cost of enforcement is significant, the result of failing to abate substandard housing has more adverse and far reaching consequences such as loss of housing and displaced individuals.

(4) Complaint initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community. An increased level of service which includes routine inspections of rental housing units has been determined to be necessary to eliminate substandard housing in the City.

(5) Having determined the appropriate level of service to be provided by a housing code enforcement program, it is also determined that those persons who violate the State Housing Law should bear the greatest practical share of the costs of operating such a program through enforcement fees and penalties. However, the establishment of such a program requires revenue to fund its implementation costs and to fund the difference between the ongoing costs of such a program and the revenue collected from violators through enforcement fees and penalties. The source of this revenue must be reliable if such a program is to achieve its objectives. Collection of enforcement fees and penalties is inherently unreliable as a funding source, and therefore cannot be relied upon either to establish the initial operating revenue for such a program or to fully support its ongoing operational costs.

(6) It is therefore necessary to levy a Rental Housing Code Compliance Fee for the purpose of generating the revenue required to fund the implementation and ongoing operating costs of such a program. The Rental Housing Code Compliance Fee may be adjusted annually, as necessary, for the purpose of ensuring adequate funding for the program. The Rental Housing Code Compliance Fee is a supplemental funding source for this program, intended to make up for any actual or forecast deficiencies in total program costs not generated from the collection of business license fees, enforcement fees and penalties from violators.

14.05.030 Findings:

The Rio Dell City Council finds as follows:

(1) It is imperative to establish enforceable minimum standards for residential buildings and to provide a program for enforcing these standards which is self-supporting.

(2) Complaint-initiated enforcement actions are sufficient to provide the essential level of abatement of substandard housing conditions needed by this community.

(3) Violators of the State Housing Law must bear the largest feasible share of the cost of housing Code enforcement.

(4) Rental property owners derive a substantial benefit from a housing Code enforcement program and should therefore contribute to a portion of program costs.

(5) Residents of rental property also benefit from a housing Code enforcement program and should therefore contribute to program costs indirectly through the cost of renting such housing.

(6) It is necessary to establish an operating fund, which is separate from the City's general fund, for the purpose of implementing a housing code enforcement program and operating it on an ongoing basis. It is necessary that this source of funds be predictable and reliable for the efficient and continued operation of such a program. The imposition of a Rental Housing Code Compliance Fee is an appropriate means to accomplish this purpose.

(7) It is recognized that the majority of rental housing property owners comply with the State Housing Law and applicable City ordinances, and that only a relatively small percentage violate these laws. And while it is the intent of this chapter that this group of violators should pay for as much of the cost of a housing Code enforcement program as is practical and feasible, it is also recognized that the collection of enforcement fees and penalties from violators can be a protracted and costly process, and that reliance thereupon as the sole source to fund such a program is inherently speculative and unrealistic. Therefore, while the primary source of revenue for this housing code enforcement program is intended to come from the collection of enforcement fees and penalties from violators, in their absence, the Rental Housing Code Compliance Fee is intended to make up program cost deficiencies. The reliance of such a program on the City's general fund for its cost of operation shall be minimized to the greatest extent possible.

(8) This chapter satisfies the City's legal obligations under the State Housing Law.

14.05.50 Scope

The provisions of this chapter shall apply to all new and existing buildings or portions thereof used, or designed or intended to be used, for human habitation. This chapter is not an exclusive regulation of housing within the City of Rio Dell. It shall supplement, be accumulative with, and be in addition to any and all regulatory ordinances and State or Federal law existing or hereafter enacted by the City, the State or Federal government or any other legal entity that may have jurisdiction.

14.05.60 Definitions

For purposes of this chapter, the following definitions shall apply:

"Board" means the (APPEALS BOARD...Board of Abatement Appeals (Section 15.10.100 RDMC))?

"Boarded Building" means a building in which at least 30 percent of the window and/or door surface has been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals.

"Building" means any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building, accessory” means a detached subordinate building located on the same building site as the main building and designed and intended for a use which is subordinate to the main building.

“Building Code” is the California Building Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Building, main” means a building in which is conducted the principal use of the building site on which it is situated.

“Building Official” means the City of Rio Dell Building Official established pursuant to Chapter 15.05 of the Rio Dell Municipal Code or his designee.

“Building, vacant” means a building that has been standing vacant for more than 90 consecutive days.

“City Council” shall mean the City Council of Rio Dell.

“City Manager” means the City Manager of Rio Dell, or his or her designated representatives.

“Clerk” means the Clerk of the Rio Dell City Council, or his or her designated representative.

“Complaint” means notification by any person, filed with the City of Rio Dell, of a violation or a suspected violation of the Rio Dell Municipal Code or this chapter.

“Council” means the City Council of Rio Dell.

“County” means the County of Humboldt.

“Demolish” means to destroy a building and to remove all debris and waste materials from the lot on which the building stood.

“Director” means the City of Rio Dell Housing Director and/or Community Development Director.

“Displaced” mean if a tenant is ordered to move out of a rented dwelling unit or structure by an order to vacate issued by the City.

“Dwelling” means any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence for one or more families, but not including a tent, boat, trailer, mobile home, dormitory, labor camp, hotel or motel.

“Dwelling, multiple-family” means a building or portion thereof containing three or more dwelling units.

“Dwelling, single-family” means a building containing exclusively one dwelling unit.

“Dwelling, two-family” or “duplex” means a building containing exclusively two dwelling units under a common roof.

“Dwelling unit” means one room, or a suite of two or more rooms, designed and intended for occupancy or a place of residence by one family, and which unit has one kitchen or kitchenette. **“Family”** means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.

“Electrical Code” is the National Electrical Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Enforcement” means diligent effort to secure compliance or abatement, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this chapter, “enforcement” may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to such existing buildings.

“Fire Code” is the Uniform Fire Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Fiscal Year” means the year beginning July 1 and ending June 30.

“Garbage” means any refuse and waste material derived from the preparation, use and consumption of meats and food and all dead fish, animals, fowl, fruits, vegetables, and other noxious or offensive matter or material usually and ordinarily referred to as garbage or market refuse.

“Hearing Officer” means the City Council to hear matters as provided for and described in this chapter. The hearing officer (City Council) shall also serve as the housing appeals board as that term is used in the State Housing Law.

“Housing Code” means this chapter and includes the Building Code, the Electrical Code, the Mechanical Code, the Plumbing Code and the State Housing Law.

“Landlord” means an owner, lessor, or sublessor (including any person, firm, corporation, partnership, or other entity) who receives or is entitled to receive rent for the use of any dwelling, or the agent, representative, or successor of any of the foregoing.

“Mechanical Code” is the Uniform Mechanical Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Notice and Order” means a written notice served by an authorized City official to the owner and posted on the affected property declaring that the nuisance and/or substandard condition be repaired, removed or demolished to the satisfaction of the City.

“Notice to Abate Nuisance” means a written notice served by an authorized City official to the owner and posted on the affected property declaring that the that if the nuisance and/or substandard condition has not repaired, removed or demolished within the timeframe established in the Notice of Nuisance to the satisfaction of the City, the City shall file and record such notice with the Humboldt County Recorder’s Office.

“Notice of Nuisance” means that if the nuisance and/or substandard condition is not repaired, removed or demolished within the timeframe established in the Notice and Order to the

satisfaction of the City, the City shall file and record such notice with the Humboldt County Recorder's Office.

"Notice of Release of Nuisance" means that nuisance and/or substandard condition has been repaired, removed or demolished to the satisfaction of the City. The City shall file and record such notice with the Humboldt County Recorder's Office.

"Nuisance" means any condition declared by statute of the State of California or ordinance of the County of Humboldt or City of Rio Dell to be a nuisance, any condition potentially detrimental to any member or members of the public, including conditions which are unsafe, potentially unsafe, obstruct the free use or enjoyment of property, or diminish property values.

Or

"Nuisance" or "public nuisance" includes any public nuisance known at common law or in equity jurisprudence; any attractive nuisance which endangers health and safety and may prove detrimental to infants and other minors, whether in a building, on the premises of a building, or upon an unoccupied lot including any abandoned wells, shafts, basements and excavations; abandoned refrigerators; abandoned, dismantled or inoperable motor vehicles or parts thereof or machinery; any unsound fences or structures; any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors; whatever is dangerous to human life or is detrimental to health; any condition, matter, or thing declared by any law of the City of Rio Dell or the State of California to be a nuisance; abandoned buildings or structures in such neglected condition that the owner's intention to relinquish all further rights or interests in them may be reasonably concluded; abandoned structures or property that create a condition tending to reduce the value of private property; promote blight and deterioration; invite plundering; create fire hazards; harbor rodents and insects; jeopardize health, safety and general welfare; annoy, injure or endanger the safety, health, or offend the public decency; unlawfully interfere with, obstruct or render dangerous for passage any public park, square, street, alley or highway. -

"Nuisance Abatement" means the correction, removal, stoppage, demolition or destruction of that which causes a nuisance.

"Nuisance Abatement Revolving Fund" means the fund established by this chapter, of that name, which shall be maintained by the City Finance Department either as an account or a fund, and may, for the purpose of accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or a fund. All such records with respect to any such fund shall at all times be maintained in accordance with sound accounting practice.

"Order to Vacate" is a written notice served by an authorized City official on the owner and posted on the affected property declaring that, due to failure to repair or maintain, the dwelling shall be vacated.

"Occupant" means any person over one year of age living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit.

"Owner" means the owner of fee title to a dwelling unit.

“Parties in interest” means all persons, businesses, partnerships, and corporations who have a mortgage or other interest of public record in a dwelling or dwelling unit, or who are in possession thereof.

“Person” shall include any person, firm, company, corporation, partnership, association, organization or entity.

“Planning Commission” shall mean the Planning Commission of the City of Rio Dell.

“Plumbing Code” is the Uniform Plumbing Code adopted pursuant to Chapter 15.05 of the Rio Dell Municipal Code.

“Private Property” means such property as belongs absolutely to an individual, and of which he or she has the exclusive right of disposition. Property of a specific, fixed and tangible nature, capable of being in the possession of an individual and transmitted to another, such as houses, lands, vehicles, etc.

“Program” means the Housing Code enforcement program created under this chapter.

“Proof of Compliance” is documentation, on such form and in such manner as the City may provide that the deficiencies noted in the order or citation issued by the City has been corrected.

“Public Property” is a designation of those things which are considered as being owned by the public, the entire state or community, and not restricted to dominion of a private person. The term may also apply to any property owned by a state, nation or municipality

“Public Record” means deeds, mortgages and other instruments of record relating to land titles and recorded by the Humboldt County Recorder.

“Rental dwelling unit” means the dwelling unit rented for any tenure, type or price.

“Rental Housing Business License Fee” means the fee assessed and adopted pursuant to Chapter 5.05 of the Rio Dell Municipal Code.

“Rental Housing Code Compliance Fee” means the fee assessed under this chapter for each rental dwelling unit.

“Responsible Fire Chief” means the chief of the Rio Dell Fire Protection District.

“Rubbish” means refuse matter, combustible and noncombustible, including tin cans, bottles, papers, ashes, wire, box strapping’s, packing materials, lawn trimmings, trees, plants and other nursery stock, crockery, glass, brick, cement, motor vehicle bodies and discarded mechanisms, sawdust, mill trimmings, waste and all other material and matter similar to that herein mentioned. [Ord. 23 § 1, 1965.]

“State Housing Law” means Division 13, Part 1.5 of the Health and Safety Code (commencing at Section 17913) and Article 1 (commencing at Section 1) of Chapter 1, Title 25 of the California Code of Regulation.

“Substandard dwelling” has the same meaning as substandard building as set forth in Health and Safety Code Section 17920.3, or any successor statute.

“Summary Abatement” means the abatement of the nuisance by the City, or a contractor of the City, by removal, demolition, repair or other acts with or without notice to the owner, agent or occupant of the property when the City determines that the public nuisance constitutes an immediate and/or imminent peril to public health, safety or general welfare.

“Tenant” means the individual or individuals occupying a rental dwelling unit.

“Untenantable Rental Dwelling Unit” means a rental dwelling unit deemed untenantable for the purposes of this chapter, if it or the common area of the dwelling, structure, or premises in which it is located is the subject of a Housing Code citation or order pursuant to this chapter and substantially lacks any of the affirmative standard characteristics set forth in Civil Code Section 1941.1.

“Vacation Date” means the date by which a tenant is required to vacate a rental dwelling unit, pursuant to an order by an authorized City official.

14.05.70 Nuisances described.

(1) The following are some examples of situations that constitute a public nuisance. The list shall not be considered exhaustive. Additional situations may be determined to be a public nuisance by the City’s enforcement official and/or City Council.

(a) Abandoned Building or Structure.

(i) A building or structure which is not being inhabited, occupied or used.

(ii) A partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of three months or more.

(b) Attractive Nuisance.

(i) Property which is in an unsecured state so as to potentially attract infants, children, squatters or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

(c) A Building or Structure Which Is in a State of Disrepair.

(i) A building or structure which has broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.

(ii) A building or structure the exterior, walls, fences, retaining walls, driveways, or walkways of which are broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts neighboring property or presents an endangerment to public safety.

(d) Property Inadequately Maintained.

(i) Property which contains overgrown, diseased, dead or decayed trees, weeds or other vegetation and/or refuse or scrap materials which by reason of location, character and visibility detrimentally impacts the surrounding neighborhood or community or can attract rodents and/or vermin, become a fire hazard or can be transported by wind or otherwise onto or upon any public street, alley, sidewalk or other public place.

(e) Property Which Creates a Dangerous Condition.

(i) Property which contains unused and broken equipment; structurally unsound fences, walkways, porches, decks or other structures; machinery which is inadequately protected; lumber, trash, fences, debris; storage of chemicals, motor oil, or toxic or hazardous materials; storage of abandoned vehicles, tires or parts thereof.

(f) Property Which Creates Visual Blight.

(i) Graffiti. [Ord. 239 § 4, 2000.]

Article II

VIOLATIONS, AUTHORITY, ABATEMENT PROCESS, PENALTIES

SECTIONS

- 14.05.080 Violations
- 14.05.090 Authority
- 14.05.100 Administration
- 14.05.110 Authority to Enter and Inspect.
- 14.05.120 Summary abatement.
- 14.05.130 Administrative abatement.
- 14.05.140 Delivery of Notices.
- 14.05.150 Appeal, Public hearing.
- 14.05.160 Form and Contents of Decision; Finality of Decision.
- 14.05.170 Failure to Appeal
- 14.05.180 Costs on Appeal
- 14.05.190 Penalties
- 14.05.200 Cost Recovery
- 14.05.210 Lien.

14.05.80 Violations

(1) Existence of a Substandard Dwelling. All dwellings, or portions thereof, shall be maintained, repaired or reconstructed in accordance with the Housing Code. Any dwelling, or portion thereof, which has become a substandard dwelling as defined herein, is declared to be a **nuisance** and an infraction and shall be abated through correction, repair, reconstruction or demolition in accordance with applicable provisions of this chapter.

(2) Rent or Lease of Substandard Dwelling. It shall be unlawful and a violation of this Code for the owner(s) or parties in interest of any dwelling, or portion thereof, that is a substandard dwelling to rent or lease, or to offer for rent or lease the substandard dwelling, or any portion thereof. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080 of Chapter 8.10 of this Code.**

(3) Failure to Obey Notice and/order. It shall be unlawful and a violation of this Code for any owner to fail or refuse to comply with the terms and provisions stated in any notice and order issued under this chapter. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080 of Chapter 8.10 of this Code**.

(4) Rental Without Inspection. It shall be unlawful and a violation of this Code for any owner or party in interest to rent to another person a vacant dwelling unit which is the subject of a pending enforcement action under this chapter, until such dwelling unit has been inspected by the City for Housing Code compliance, and has passed such inspection, and written evidence thereof has been received. For purposes of this section, a dwelling unit is the subject of a pending enforcement action under this chapter if all repairs and work required by a notice and/order previously issued, amended, or supplemented by the City concerning such dwelling unit have not been completed with all required building permit inspections finalized. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080 of Chapter 8.10 of this Code**.

(5) Removing Notice and/order Without Inspection. It shall be unlawful and a violation of this Code for any individual to remove a notice to vacate attached to the structure of a vacant dwelling unit which is the subject of a pending enforcement action under this chapter, until such dwelling unit has been inspected by the City for Housing Code compliance, and has passed such inspection, and written evidence thereof has been received. For purposes of this section, a dwelling unit is the subject of a pending enforcement action under this chapter if all repairs and work required by a notice and/order previously issued, amended, or supplemented by the City concerning such dwelling unit have not been completed with all required building permit inspections finalized. Any person violating this subsection may be charged with an infraction as provided in **Section 8.10.080 of Chapter 8.10 of this Code**.

Authority, Administration & Enforcement

14.05.90 Authority

(1) The California Constitution (Article XI, Section 7) grants cities the police power to enforce their nuisance abatement ordinances.

(2) The Rio Dell Community Development Department is hereby authorized and directed to administer and enforce the Housing Code, all of the provisions set forth in this chapter, and all regulations approved and adopted by the City Council as provided in **Section 14.05.100**. For such purposes, the Director or his designee shall have the powers of a law enforcement officer.

(3) Should any public nuisance not be abated within two weeks of the date stated in the notice and order or within the time extension granted by the City Council, the City shall have the authority to enter the property and abate the public nuisance thereon.

(4) In abating the nuisance, the City may go to whatever legal extent necessary to complete the abatement of the public nuisance, including removal and demolishing of the nuisance. All costs shall be recoverable. [Ord. 239 § 11, 2000.]

14.05.100 Administration

The Director may present to the City Council for approval and adoption those regulations which seem consistent with the purposes, intent, and express terms of this chapter as he or she deems necessary to implement such purposes, intent, and express terms. No regulation or amendments thereto, shall be enforced or become effective until thirty (30) calendar days following the date on which the proposed regulation or amendment has been approved by the City Council and filed with the Clerk. The Director shall have the power to render interpretations of this chapter and its regulations in order to clarify the application of its provisions. Such interpretations shall be in conformity with the intent and purpose of this chapter.

14.05.110 Authority to Enter and Inspect.

(1) The Director, subject to the consent given by an occupant who reasonably appears to be at least sixteen (16) years of age, has authority to enter and inspect any dwelling or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this chapter and any regulation adopted pursuant to this chapter. In the event consent of the occupant is not available, the Director may obtain an inspection warrant pursuant to the provisions set forth in the California Code of Civil Procedure (commencing at Section 1822.50).

(2) The owner, authorized agent of any owner, or any of the parties in interest of any dwelling, or portion thereof, may enter the dwelling, subject to the consent of the occupant, whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this chapter.

(3) Subject to the provisions of California Code of Civil Procedure Section 1822.50 et seq. concerning inspection warrants, no person authorized by this Section to enter dwellings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the occupants of the dwelling.

14.05.120 Summary abatement.

(1) Summary abatement shall be executed when the City determines that the public nuisance constitutes an immediate and/or imminent peril to public health, safety or general welfare.

(2) Summary abatement is the abatement of the nuisance by the City, or a contractor of the City, by removal, demolition, repair or other acts with or without notice to the owner, agent or occupant of the property. The abatement shall be at the expense of the person causing, committing or maintaining the nuisance or the owner of the property on which it is occurring. [Ord. 239 § 6, 2000.]

(3) If the Building Official finds from the inspection he/she has made, or caused to be made, of any building that there exists therein or on the premises thereof any conditions imminently dangerous to life should such building be or remain occupied by human beings, he/she may order the immediate evacuation of such building, if occupied, and shall cause to be posted at each entrance thereto a notice reading substantially as follows:

DANGER

DO NOT ENTER

Unsafe to Occupy

Building Official of the City of Rio Dell

Any unauthorized person removing this sign or entering this building shall be prosecuted.

(2) Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued by him/her under this chapter, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted at each entrance door thereof the prescribed notice, except that entry may be made to repair, demolish, or remove such building. No person shall remove or deface any such notice so posted until the required repairs, demolition, or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code of the City of Rio Dell. [Ord. 224 § 8.25.022, 1994.]

14.05.130 Administrative abatement.

(1) Administrative abatement proceedings as described in this section will take place when the nuisance is of a nonemergency nature.

(a) Courtesy Letter. Upon determination by an enforcement official that a nuisance exists, a courtesy letter will be delivered to the owner, occupant, lessee and/or agent of the property where the nuisance is occurring. The courtesy letter will:

(i) Give a sufficient description to identify the property where the nuisance is occurring and shall include the parcel number and address;

(ii) Describe the condition causing the nuisance;

(iii) Include a description of corrective action that must occur to remedy the violation;

(iv) Advise the owner/occupant/lessee and/or agent of the property that the nuisance must be abated within four weeks of the date of receipt of the courtesy letter;

(v) Advise the owner/occupant/lessee or agent of the property that failure to abate the nuisance within four weeks will result in further action.

(b) **Notice and Order.** If the nuisance is not abated within four weeks of delivery of the courtesy letter, the City will deliver a notice of violation and order to abate to the owner/lessee/occupant or agent. The notice and order may be recorded in the office of the County Recorder of the County of Humboldt. The notice and order will:

(i) Give a sufficient description to identify the property and its legal owner where the nuisance is occurring including the parcel number and address;

- (ii) Describe the condition causing the nuisance;
- (iii) Include a description of the corrective action that must occur to remedy the violation;
- (iv) Provide dates by which the violation must be commenced and entirely abated.

Commencement must occur within two weeks and abatement must be complete in a specified amount of time no less than four weeks and no more than six weeks from the delivery of the notice and order, depending on the nuisance, unless an extension is granted by the City Council. The dates shall be set by the enforcement official;

(v) Provide a description of the penalties for failure to remedy the nuisance within the specified time defined as \$25.00 per day each day beyond the specified time limits until the nuisance is abated, including \$25.00 per day if the abatement is not commenced within two weeks, and \$25.00 per day if the abatement is not completed within the time period specified in the notice and order, up to a maximum of \$500.00;

(vi) Give notice that if the nuisance has not been abated within **two weeks** of the specified time limit, the City shall have the authority to abate the nuisance itself or via a contractor and that the responsibility for the costs of abatement, including the costs of actual removal or demolition and the associated administrative and legal costs, will be assessed to the owner, lessee and/or occupant of the land on which the nuisance is located and that failure to comply may also warrant the pursuit of further civil and/or criminal charges in accordance with the laws of the State of California;

(vii) Describe the rights of the owner, lessee and/or occupant of the land to request a public hearing before the City Council. (Refer to RDMC 8.10.100.)

(2) Weed Abatement. The City shall gain the authority to abate/destroy weeds, dry grass, rubbish and other inflammable material or vegetation **10 days** from the delivery of the courtesy letter/notice to destroy weeds. The costs of such abatement, including administrative costs, shall be the responsibility of the property owner. [Ord. 239 § 7, 2000.]

14.05.140 Delivery of Notices.

Any notice or letter required to be delivered by this chapter shall be deemed to have been delivered when a copy of said notice is either served personally or has been deposited in the mail, postage prepaid, certified, return receipt requested to the owner and/or occupant, lessee or agent of the property. A copy of the notice may also be prominently affixed to the premises. The failure of the City to make or attempt to make such service shall not invalidate any proceedings of this chapter. If no address can be found or is known to the City, then any notice shall be so mailed to such person at the address of the premises where the nuisance is occurring. The failure of any person to receive such notice shall not affect the validity of the proceedings of this chapter. [Ord. 239 § 9, 2000.]

14.05.150 Appeal, Public hearing.

(1) Appeal. Within **two weeks?** of delivery of the notice and order, the owner, lessee or occupant may appeal any notice and order by filing at the office of the Clerk an appeal fee established by resolution of the City Council and a written appeal. The appeal shall not be

deemed filed until payment of the appeal fee has been received; however, the appeal fee required hereby may be waived on the basis of financial hardship. Within the same two-week time period, the owner, lessee or occupant of the property may submit to the City in writing a sworn declaration that the nuisance does not exist and/or is not their responsibility. In this case, the Director may continue the public hearing to determine the existence and/or responsibility of the nuisance. The written appeal shall contain:

- (a) The names of all appellants participating in the appeal.
 - (b) A brief statement setting forth the legal interest of each of the appellants in the building or land described in the notice and/order, determination or action.
 - (c) A brief statement in ordinary and concise language of the specific order, determination or action protested, together with any material facts claimed to support the contentions of the appellant(s).
 - (d) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, determination or action should be reversed, modified or otherwise set aside.
 - (e) The signature of each party named as an appellant and their official mailing address(es).
 - (f) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- (2) Inspection. The City Council may inspect the premises involved in the appeal hearing prior to, during or after the hearing, provided that:
- (a) Notice of such inspection shall be given to the parties before the inspection is made;
 - (b) The parties are given an opportunity to be present during the inspection;
 - (c) The City Council shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn there from; and
 - (d) Each party then shall have a right to rebut or explain the matters for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.
- (3) Public Hearing. A public hearing shall be scheduled before the City Council as soon as practicable. The Clerk shall give written notice of the time and place of the hearing at least five days prior to the date of the hearing to each appellant by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, certified postage prepaid return receipt requested, addressed to each appellant at his or her address shown on the appeal. Notice shall be effective upon personal delivery or five days after mailing.

(a) Conduct of Hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(b) Persons Affected. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the enforcement official and other witnesses. The hearing may be continued from time to time by motion of the majority of the City Council.

(5) Determination of the Council. Upon conclusion of a hearing, the Council may terminate the abatement proceedings or order the abatement to proceed.

(a) The City Council may grant additional time for the responsible party to effect the abatement of the nuisance; provided that such an extension is warranted and limited to a specific time period, set by a motion and passed by a majority of the City Council.

(b) If the City Council determines that the nuisance shall be abated within the original time period, failure to do so will result in the accruing of penalty fees and further action. [Ord. 239 § 10, 2000.]

14.05.160 Form and Contents of Decision; Finality of Decision.

(1) Form. The decision of the City Council or Director shall be in writing, shall contain findings of fact and a determination of the issues presented, and shall be issued no later than thirty (30) days from the date of the hearing, unless the time is waived by the parties.

(2) Possible Orders. If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance the decision shall require the owner to commence abatement of the nuisance not later than fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the City Council, or in the alternative, within the time designated by the Director. If the building, structure or premises is lawfully occupied, and abatement of the nuisance may not be safely accomplished under the circumstances as a result of such occupancy, the occupants may be ordered to vacate the premises under terms reasonable under the circumstances presented. The City Council may order such remedies as are reasonable under the circumstances for the protection of the public or affected property, and as are otherwise authorized by law or in equity, including the following: The owner shall be responsible for satisfying all relocation benefits, as may be required by law. The premises may be ordered fenced and boarded against entry. Regular patrol of the premises to ensure the integrity of such boarding and fencing measures may be ordered. (It is not the intent of this Code to allow boarding and fencing of premises to substitute for abatement of the

public nuisance; such actions are to be merely interim measures, lasting only so long as is necessary to protect the public and property until full abatement may be accomplished.) The City Council may order other measures which are reasonable and necessary for the protection of the public or property under the circumstances. The City Council's decision shall inform the owner that if the nuisance is not abated within the time and in the manner specified, the nuisance may be abated by the City, without further notice or consent of the owner or any party in interest, in such manner as may be ordered by the hearing examiner, and the expense thereof, including all costs of enforcement, and relocation benefits required to be paid by the City as a result of the owner's failure to do so, may be made a lien on the subject property.

(3) Decision Final. The decision of the City Council or Director shall be final when signed and issued by the City Council or Director and served as herein provided.

14.05.170 Failure to Appeal

Failure of any person to properly appeal, including making payment of the appeal fee in accordance with the provisions of this chapter, shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and/order, determination, or action, or any portion thereof.

14.05.180 Costs on Appeal

The City may be awarded its costs, including attorneys' fees, in defending against an unsuccessful appeal brought without substantial merit, which costs may be charged jointly and severally against the appellants and recovered as costs of enforcement as provided herein. Such an award must be based upon a finding supported by a preponderance of the evidence that the appeal was without substantial merit or was taken for the sole purpose of delay.

14.05.190 Penalties

(1) Each day in which a violation and/or public nuisance is not abated following the commencement and completion dates specified in the notice and order will constitute a separate infraction of this chapter with a penalty of \$25.00 per day, including \$25.00 per day if not commenced by the specified date and \$25.00 per day each day that the nuisance continues to exist on the property beyond the specified abatement deadline, up to a maximum of \$500.00. Additional civil and criminal charges or penalties may be imposed in accordance with California State law.

(2) Repeat violations of this chapter by the same responsible party within one year of delivery of the first notice and order may result in higher per-day penalties, up to \$50.00 per day, up to a maximum of \$1,000.

(3) Fines. The City may seek, in addition to all other remedies available at law, criminal sanctions, contempt and other penalties provided for under Chapter 6, Division 1.5 of the Health and Safety Code (commencing at Section 17995).

(4) The City may shut off the water supply to any rental units where the owners have failed to pay the required Rental Housing Code Compliance fee or have failed to conduct the required property inspection and the filing of the inspection reports as required by this Chapter.

14.05.200 Cost Recovery

(1) **Costs.** In the event that the owner/lessee/occupant does not abate the nuisance within the time period specified in the notice and order, the City shall retain the right to abate the public nuisance at the expense of the responsible party. Expenses to the owner/lessee/occupant shall include the actual costs of abatement as well as the associated administrative and legal costs, including court costs and attorneys' fees, and penalties.

(2) **Revolving Fund.**

(a) The City Council shall create a Housing Code Enforcement Fund revolving fund from which may be paid the costs of enforcing the provisions of this chapter and the City's nuisance abatement program, and into which shall be paid the receipts from the collection of penalties and costs recovered.

(b) The material property retrieved from any nuisance abated by the enforcement official may be sold in the same manner as surplus City personal property is sold, and the proceeds from such sale shall be paid into the revolving fund.

(3) **Accounting and Receipts.**

(a) The City Finance Department shall keep an itemized account of the expenses incurred by the City in enforcing the provisions of this chapter, including the costs of administering this chapter and actually abating a public nuisance and all administrative, legal and contracting costs.

(b) Upon completion of the abatement, the enforcement official shall cause a public notice to be prepared which will specify the work done and include an itemized account of the costs and receipts of performing the work; an address, legal description or other description sufficient to identify the premises; the amount of the assessment proposed to be levied against the premises; and the time and place when and where the enforcement official will submit the account to the Council.

(4) **Assessment of Costs and Penalties.** At a regularly scheduled City Council meeting, of which responsible parties will be notified, the Council shall hear and consider the account, penalties and proposed assessment, together with objections and protests thereto. The Council may make such modifications and revisions of the proposed assessment as it deems just, and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Council shall be final and conclusive.

(5) Penalties and/or costs will be billed directly to the responsible party. Failure to pay will result in the preparation and recording of a lien.

14.05.210 Lien.

(1) Upon failure of the responsible party to pay penalties and costs, and upon confirmation by the Council, the enforcement official shall cause to be prepared and recorded in the office of the County Recorder of the County of Humboldt a notice of lien. Said notice shall contain the following:

(a) An address, parcel number, legal description or other description sufficient to identify the premises;

(b) A description of the proceedings under which the special assessment was made, including the order of the Council confirming the assessment;

(c) The amount of the assessment;

(d) A claim of lien upon the described premises.

(2) Lien. Upon the recordation of such notice of lien, the amount claimed shall constitute a lien upon the described premises.

(a) Collection with Ordinary Taxes. The notice of lien, after recordation, shall be delivered to the County Auditor, who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary City taxes, and all laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.

**Article III
RENTAL HOUSING INSPECTIONS**

Sections

- 14.05.220 Rental Housing Code Compliance Fee Requirement.
- 14.05.230 Payment of a Rental Housing Code Compliance Fee and Provision of Contact Information as a Condition to Rental.
- 14.05.240 Property Inspections and Inspection Reports
- 14.05.250 Problem Properties.
- 14.05.260 Properties Exempt from Inspection.
- 14.05.270 Certification of Inspectors.
- 14.05.280 Tenant Rights and Responsibilities.

14.05.220 Rental Housing Code Compliance Fee Requirement.

No rental dwelling unit shall be occupied by a tenant unless there has been paid to the City the annual Rental Housing Code Compliance Fee for such rental dwelling unit and has provided the information required by Sections 14.05.230 and 14.05.240 of this chapter.

14.05.230 Payment of a Rental Housing Code Compliance Fee and Provision of Contact Information as a Condition to Rental.

(1) There is hereby established, levied, and imposed for each dwelling unit within the City of Rio Dell which is operated as a rental dwelling unit, as defined by this chapter, an annual Rental Housing Code Compliance Fee. For each such rental dwelling unit, the owner shall pay the Rental Housing Code Compliance Fee to the City in an amount established pursuant to this chapter.

(2) At the time required for payment, the owner shall also provide information, on a form approved by the Director, giving contact information for the owner, management and their authorized representatives. Such contact information shall include, at a minimum, the name, telephone number, facsimile number and mailing address of at least one record owner of the property being rented as well as that of the property manager; the address or addresses of such property; a description of the types of dwellings being rented; the number of residential units at the property; and, a name, including a business name if applicable, address and telephone number to be used for emergency contacts. The owners and managers shall notify the City within sixty (60) days of any changes to the information provided pursuant to this subsection.

(3) The Director shall contact the manager prior to the owner and shall provide a reasonable time for responses from the manager.

(4) Information collected pursuant to this section, to the extent it is not already a public record, shall be retained by the City as confidential information and the City shall defend any action brought by third parties to obtain such information.

14.05.240 Property Inspections and Inspection Reports

(1) At the commencement of any tenancy, but prior to occupancy by the tenant, the owner of the rental property, the manager of such property or any other qualified individual authorized to act for the owner, shall conduct an inspection of the rental unit.

(2) Subject to the provisions of Section 14.05.110 of this chapter, the City, the owner or the owner's authorized representatives shall conduct annual inspections of each rental dwelling. At the time of payment of the Rental Housing Code Compliance Fee, an owner may opt for annual self-inspection. Only persons with a certificate of completion issued pursuant to Section 14.05.270 of this chapter may perform such inspections on behalf of an owner. Inspections shall be reported on a form approved by the Department which shall be maintained by the owner or agent for no less than three years from the date a given tenant vacates the property that is subject to such reports. Reports shall be provided to the City within 15 days of the required inspection.

(3) Notwithstanding subsections (1) and (2) of this section, any rental property that has been subject to a notice and/order more than once in the year immediately prior to the effective date of the ordinance codified in this section and for which corrections were not made within the time permitted by the notice and/order shall be deemed a problem property and shall be subject to the provisions of Section **14.05.250** of this chapter.

(4) No sooner than one year from the effective date of the ordinance codified in this section, the City may conduct audits of rental owners to determine compliance with these inspection

provisions. Except as provided in this subsection, the City shall review the owner inspection reports when conducting a compliance audit. In the event the City determines that an owner is not in compliance, rental units subject to such noncompliance shall be inspected by the City.

(5) If the City determines, in its sole and absolute discretion, that there are deficiencies in any inspection report, it may conduct its own inspection of the property. The form used for such inspection shall be the same form required to be used by owners and managers of rental units. An inspection by the City may be conducted without reference to the original inspection report if code violations are visible from the exterior of the property or if the City receives a complaint concerning code violations at a property.

(6) For purposes of any compliance audit, any owner or manager shall provide the inspection report prepared to subsections (1) and (2) of this section to the City and its inspectors. The owner or manager shall provide an inspection reports within seventy-two (72) hours from the date they are requested.

(7) A copy of all inspection reports required by this section shall be provided to the tenant no later than ten (10) calendar days from the completion of the inspection.

14.05.250 Problem Properties.

(1) Any rental property subject to a notice and/order more than once in any calendar year and for which corrections are not made within the time permitted by the notice and/order shall be deemed a problem property.

(2) The City shall conduct exterior and interior inspections of such properties at least twice per year.

(3) The City may, in its sole discretion, determine to inspect other rental properties of an owner of a problem property.

(4) Owners of such properties, in addition to any other penalty, may be required to attend educational sessions for landlords.

(5) A problem property shall not be subject to self-inspection pursuant to subsection (2) of Section **14.05.250**.

(6) A property shall no longer be classified as a problem property at such time as it consecutively passes two City inspections and the owner has completed any required education.

(7) Costs for the inspections required by this subsection shall be billed to and assessed against the specific properties subject to such inspections and shall be in an amount to assure full cost recovery to the City.

14.05.260 Properties Exempt from Inspection.

The following properties shall be exempt from the initial and annual inspections otherwise required by this chapter:

(1) Any property during the five years after its initial construction;

(2) Any property subject to the Federal Housing Choice Voucher Program (Section 8).

14.05.270 Certification of Inspectors.

Inspections performed pursuant of subsections (1) and (2) of Section 14.05.240 performed by other than the record owner of the property shall be performed by persons who have attended an approved program of instruction. A certificate of completion shall be issued upon completion of such a program and shall be valid for a period of five years from the date it is issued.

14.05.280 Tenant Rights and Responsibilities.

Prior to the commencement of any tenancy, a property owner or manager shall provide the tenant(s) with information concerning tenant rights and responsibilities. Such information shall be provided in a form or forms approved by the City.

**Article IV
RENTAL HOUSING CODE COMPLIANCE FEES**

SECTIONS

14.05.290	Rental Housing Code Compliance Fee.
14.05.300	Billing Procedure.
14.05.310	Determination of Rental Housing Code Compliance Fee.
14.05.320	Reinspection Fee
14.05.330	Inspection Fee.
14.05.340	Building Permit Fee.
14.05.350	Hourly Burdened Rate.
14.05.360	Contract Administration Fee.
14.05.370	Appeal Fee.
14.05.380	Late Fee.
14.05.390	Notice Fee.
14.05.400	Closing Fee.

14.05.290 Rental Housing Code Compliance Fee.

The Rental Housing Code Compliance Fee is payable annually on July 1st. The Rental Housing Code Compliance Fee may be increased or decreased by resolution of the City Council after a duly noticed public hearing.

14.05.300 Billing Procedure.

(1) The Rental Housing Code Compliance Fee shall be billed for the fiscal year period to the owner of record on January 1st of each year. All charges for the Rental Housing Code Compliance Fee shall be billed to the owner of record of any such parcel having rental dwelling units. The Rental Housing Code Compliance Fee may be billed directly by the Department and/or as part of the City's consolidated utility billing service.

(2) Adjustments to a Rental Housing Code Compliance Fee bill may be made when appropriate. Any amount paid in excess of the actual computed charge shall be refunded. Any deficiency in the amount paid against the actual computed charge shall be added to the charge for the

succeeding billing. No deficiencies or refunds shall be made for a period of more than three years prior to the date that the Department determines that a billing discrepancy exists. An application requesting an adjustment of billing and stating grounds for an adjustment of refund shall be made in writing to the City.

14.05.310 Determination of Rental Housing Code Compliance Fee.

The City Manager shall annually review the financial condition of the Program for the purpose of making a recommendation to the City Council as to whether the Rental Housing Code Compliance Fee should be adjusted for the next fiscal year, and if so, by what amount. This recommendation shall be presented to the Council at the same time as the City Manager's annual evaluation of the Program. The City Manager shall take into consideration in this review and recommendation process the receipts deposited in the Housing Code Enforcement Fund during the preceding fiscal year from all sources, including, but not limited to, the Rental Housing Code Compliance Fees and recovered costs, fines, enforcement and penalties, and the present balance of the Fund in light of maintaining prudent reserves for the next fiscal year's operating expenses.

14.05.320 Reinspection Fee

Following issuance of a notice and/order for a violation of the provisions of this chapter, upon reinspection of a dwelling to determine whether corrective action has been satisfactorily completed, and upon a determination that corrective action has not been successfully completed by the time of such reinspection, there shall be a reinspection fee levied against the owner(s) determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council. There shall be no reinspection fee charged for an inspection caused by any complaint if no violation is discovered.

14.05.330 Inspection Fee.

Where a violation continues to exist following the first inspection and reasonable opportunity to correct as provided in this chapter, there shall be an inspection fee levied against the owner(s) determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council. Reinspections occurring thereafter to determine whether corrective action has been satisfactorily completed shall be charged to the owner(s) in the amount of the reinspection fee described above for each subsequent inspection required to determine compliance with this chapter.

14.05.340 Building Permit Fee.

Where issuance of a building permit is required under the Building Code in order to complete work required by a notice and/order which has been issued under this chapter, such permit shall be obtained from the City, and the fee shall be paid to the City in the same amount as would be applicable under the fee schedule for building permits.

14.05.350 Hourly Burdened Rate.

Where the Director finds that additional costs of enforcement are not otherwise recovered by the fees levied by this chapter in association with a dwelling found to constitute a violation, the additional costs of enforcement shall be levied at the current hourly burdened rate determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council.

14.05.360 Contract Administration Fee.

For all private contracts entered by the Director for work authorized under this chapter, in addition to the contract price, there shall also be authorized as an additional cost of enforcement charged to the owner(s) a percentage of the contract price as a contract administration fee. This contract administration fee shall be determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council.

14.05.370 Appeal Fee.

The fee for all appeals taken under this chapter shall be determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council.

14.05.380 Late Fee.

If a fee has not been received by the date upon which it is due under this chapter there shall be imposed a late fee of twenty-five (25) percent per annum of the fee.

14.05.390 Notice Fee.

The owner may be charged for the City's postage or mileage costs for sending or posting notices required to be given pursuant to this chapter

14.05.400 Closing Fee.

In every instance in which a notice and/order is issued and served, the additional costs of administration and completion of the documentation associated with concluding the enforcement activity shall be levied at the current hourly burdened rate determined per Code Enforcement Fee Schedule as adopted via resolution by the City Council.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: April 18, 2023

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Kyle Knopp, City Manager
Date: April 11, 2023
Subject: Amendment of Section 10.05.530, Parking and Storage of Vehicles on Streets.
Ordinance No. 398-2023.

Recommendation:

That the City Council:

1. Receive a brief staff presentation regarding the proposed amendments; and
2. Introduce (first reading) Ordinance No. 398-2023 amending Chapter 10.05, "Use of streets for storage of vehicles prohibited", Section 10.05.530 of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of May 2, 2023 for the second reading and adoption.

Background and Discussion

The City's Community Services Officer (CSO) is tasked for enforcing the City's various regulations, including parking regulations. One of the difficulties in enforcing the regulations

regarding the parking or storage of vehicles, including trailers, recreational vehicles and boats, the fact that many property owner's move the vehicles ever so slightly. The CSO recently discussed this problem with both the Nuisance Committee and Traffic Committee and suggested the amendments below to the regulations.

10.05.530 Use of streets for storage of vehicles prohibited.

(1) No person who owns or has possession, custody or control of any vehicle, including trailers, recreational vehicles and boats shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours. [Ord. 173 § 33-11.050, 1983.]

(2) After any vehicle including trailers, recreational vehicles and boats has been parked or left standing in the same location on a street or alley for 72 or more consecutive hours, such vehicle must be moved at least one block or 300 lineal feet, whichever is more, to avoid violation of California Vehicle Code Section 22651(k) or this section.

(3) In the event a vehicle is parked, including trailers, recreational vehicles and boats stored or left standing upon a street or alley in excess of 72 hours, the City may cause to remove such vehicle from the street or alley subject to the requirements of the California Vehicle Code.

Both Committees supported the proposed amendments and recommends that the Council codify the changes. Ordinance No. 398-2023 amending Chapter 10.05, "Use of streets for storage of vehicles prohibited", Section 10.05.530 of the Rio Dell Municipal Code (RDMC) is included as Attachment 1.

Attachment 1: Ordinance No. 398-2023 amending Chapter 10.05, "Use of streets for storage of vehicles prohibited", Section 10.05.530 of the Rio Dell Municipal Code (RDMC).

ORDINANCE NO. 398-2023



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING CHAPTER 10.05, "USE OF STREETS FOR STORAGE OF VEHICLES
PROHIBITED", SECTION 10.05.530 OF THE RIO DELL MUNICIPAL CODE (RDMC).**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City's Community Services Officer (CSO) is tasked for enforcing the City's various regulations, including parking regulations; and

WHEREAS one of the difficulties in enforcing the regulations regarding the parking or storage of vehicles, including trailers, recreational vehicles and boats, the fact that many property owner's move the vehicles ever so slightly; and

WHEREAS the CSO recently discussed this problem with both the Nuisance Committee and Traffic Committee; and

WHEREAS both Committees supported the proposed amendments and recommends that the Council codify the changes; and

WHEREAS the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Chapter 10.05.530 of the Rio Dell Municipal Code is hereby amended to read in as follows:

10.05.530 Use of streets for storage of vehicles prohibited.

(1) No person who owns or has possession, custody or control of any vehicle, including trailers, recreational vehicles and boats shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours. [Ord. 173 § 33-11.050, 1983.]

(2) After any vehicle including trailers, recreational vehicles and boats has been parked or left standing in the same location on a street or alley for 72 or more consecutive hours, such vehicle must be moved at least one block or 300 lineal feet, whichever is more, to avoid violation of California Vehicle Code Section 22651(k) or this section.

(3) In the event a vehicle is parked, including trailers, recreational vehicles and boats stored or left standing upon a street or alley in excess of 72 hours, the City may cause to remove such vehicle from the street or alley subject to the requirements of the California Vehicle Code.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on April 18, 2023 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the May 2, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 398-2023 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the May 2, 2023.

Karen Dunham, City Clerk, City of Rio Dell

Open Code Enforcement Cases									
Case #	Status	Violation(s)	Property Owner	Priority	Location	Open Date	Age	Follow Up Date	Follow up action
CE23-242	Notice to Correct Served	Animal Noise	Linda Freitas	Public Safety	789 Pacific Ave	4/5/2023	8	4/19/2023	monitor barking and complaints
CE23-241	Case Initiated	Animals running at large	Leonard Holly	Public Safety	287 Ogle Ave	3/31/2023	13		
CE23-239	Notice to Correct Served	Animal Noise Public Nuisance	Wesley and Nancy Nally Sherry Saler	Public Safety	965 Riverside Dr	3/7/2023	37		check property/monitor complaints
CE22-222	Notice of Violation Served	Improper Parking Public Nuisance	Parker Hall	Public Safety	161 Meadow Bridge Lane	9/27/2022	198	4/8/2023	check parking
CE22-197	Notice of Violation Served	Vegetation Junk Vehicles Solid Waste	Ralph and Harriett Pollard	Public Safety	216 First Ave	7/28/2022	259		
CE22-193	Case Initiated	Public Nuisance	Toheed and Maira Ahmad	Public Safety	127 Wildwood Ave	6/29/2022	288		
CE22-191	Notice of Violation Served	Dog License Required Solid Waste	James Graham	Public Safety	420 First Ave	6/8/2022	309	4/27/2023	inspect property
CE22-179	Notice and Order Served	Drug House Junk Vehicles Public Nuisance Solid Waste Substandard Housing	Helen Elliott Catherine Fontaine Taylor Grimes	Public Safety	185 Douglas St	5/3/2022	345		Harland Law Firm

CE22-177	Case Initiated	Junk Vehicles Solid Waste	Lillian Ingles Sheila Ingles	Public Safety	157 Monument Rd	4/21/2022	357		monitor progress
CE21-143	Notice to Correct Served	Vegetation Fence Height Violation	Anna Laniewski	Regulatory	775 Pacific Ave	6/28/2021	654		
CE21-136	Notice of Violation Served	Vegetation Junk Vehicles Solid Waste	Brian Davis Stormi Bowen- Davis	Cosmetic	1000 Pine St	6/28/2021	654	7/1/2023	check violations
CE21-132	Notice to Correct Served	Public Nuisance Violation of 2016 California Building Code	Kenneth Hough	Regulatory	324 Wildwood Ave	5/14/2021	699		
CE21-130	Notice and Order Served	Vegetation Junk Vehicles Solid Waste	Chuck Heuer	Cosmetic	45 Davis St	4/29/2021	714		release notice and order
CE21-121	Property Inspected	Violation of 2016 California Building Code	James Cortazar	Regulatory	720 Dinsmore Ranch Rd	2/11/2021	791		continue to monitor property
CE21-119	Notice and Order Served	Appliances Camping Prohibited Excessive Vegetation Junk Vehicles Solid Waste	Janine Busald	Cosmetic	601 Gunnerson Lane	1/29/2021	804	4/15/2023	van

CE20-117	Abatement Completed	Abandoned Appliances Fence Height Violation Junk Vehicles Solid Waste	Cheri Tolley	Cosmetic	520 First Ave	10/6/2020	919	assessment lein
CE20-116	Notice and Order Served	Solid Waste Substandard Housing	Delany Norris Jeffery Newell Phil Griesbach	Public Safety	113 First Ave	9/28/2020	927	
CE19-90	Notice and Order Served	Junk Vehicles Solid Waste Substandard Housing Violation of 2016 California Building Code	Darren Gallagher	Public Safety	508 1/2 Wildwood Ave	#####	1236	4/19/2023 extension expired
CE19-80	Notice and Order Served	Appliances Animal Noise Animals running at large Dog License Required Excessive Vegetation Junk Vehicles Solid Waste Substandard	Shayla Jaklitsch	Public Safety	527 First Ave	9/12/2019	1309	

CE19-47	Notice and Order Served	Solid Waste Unsafe Structure	Joseph Baratti	Public Safety	215 Monument Rd	4/3/2019 1471		
CE18-41	Administrative Citation Issued	Appliances Excessive Vegetation Improper Parking Junk Vehicles Solid Waste	Rodney Campbell Jennifer Campbell	Cosmetic	590 Gunnerson Lane	##### 1625		admin citation 2
CE18-35	Notice and Order Served	Vegetation Junk Vehicles Solid Waste Substandard Housing Unsafe Structure	Vivian Gillbert Richard Gillbert Kevin Rosenlund	Public Safety	192 Bellevue Ave	8/27/2018 1690		potential buyer
CE18-19	Notice to Correct Served	Fence Height Violation	Donald and Nina Tillman	Regulatory	310 1st Ave	8/5/2017 2077		
CE18-5	Abatement Completed	Vegetation Junk Vehicles Solid Waste	Stuart Cox	Cosmetic	833 Pacific Ave	7/1/2017 2112		assessment lein
CE18-15	Administrative Citation Issued	Solid Waste	Jeanie Speir	Public Safety	483 4th Ave	3/13/2017 2222		assessment lein
CE18-13	Abatement Completed	Junk Vehicles Solid Waste	Margaret Sager	Cosmetic	66 Davis St	1/20/2017 2274		assessment lein

CE18-4	Notice to Correct Served	Fence Height Violation	Dan Collings	Regulatory	560 1st Ave	8/4/2016	2443		
CE18-3	Notice and Order Served	Vegetation Unsafe Structure	Michael Vega	Public Safety	474 Walker Lane	7/14/2016	2464		wait for recorded document to return
CE18-9	Notice to Correct Served	Improper Parking Junk Vehicles Solid Waste	Darrell & Janice Astor	Cosmetic	286 Ogle Ave	3/30/2016	2570		
CE18-8	Notice and Order Served	Vegetation Unsafe Structure	Scott Chandler Dennis Katri	Public Safety	282 Belleview Ave	1/8/2016	2652	3/31/2023	clear nuisance and order to abate
CE18-10	Notice and Order Served	Vegetation Junk Vehicles Solid Waste Unsafe Structure	Barton & Delphia Kiser	Public Safety	909 Martin Dr	8/1/2013	3542		monitor progress

Closed Code Enforcement Cases							
Case #	Status	Violation(s)	Property Owner	Priority	Location	Follow Up Date	Follow up action
CE23-240	Closed - Abated by Owner	Solid Waste	James and Patricia Potter	Public Safety	155 Elko St	4/3/2023	case closed
CE23-238	Closed - Abated by Owner	Improper Parking	Jose and Juana Flores	Public Safety	482 4th Ave	3/10/2023	case closed
CE23-237	Closed - Abated by Owner	Animal Noise	Judy and Bill Wells	Public Safety	470 2nd Ave	3/31/2023	case closed
CE23-236	Closed - Abated by Owner	Animals running at large	Sarah Albin	Public Safety	203 Wildwood Ave	4/13/2023	case closed
CE23-235	Closed - Abated by Owner	Animals running at large Dog License Required	Cynthia Whitchurch	Public Safety	790 Ireland St	3/15/2023	case closed
CE23-234	Closed - Abated by Owner	Public Nuisance Violation of Zoning Code for Suburban Residential Zone	Charles Woodcox	Public Safety	952 May Ave	4/10/2023	case closed
CE21-120	Closed - Abated by Owner	Excessive Vegetation Junk Vehicles Solid Waste	Shirley Sager Jeff Sager	Cosmetic	295 Belleview Ave	3/6/2023	case closed

Open Abandoned Vehicle Cases							
Case #	Status	Violation(s)	Vehicle Owner (Registered)	Location	Open Date	Follow Up Date	Follow up action
AV23-547	Vehicle Towed	Abandoned or Inoperable Vehicle on Private Property	Terri Sanchez	267 Berkeley St	4/3/2023	4/20/2023	junk slip
AV23-546	Vehicle Towed	Abandoned or Inoperable Vehicle on Private Property	Luke Hayes	160 Grayland Heights Dr	3/30/2023	4/14/2023	junk slip
AV23-545	Vehicle Abatement Letter Mailed	Abandoned or Inoperable Vehicle on Private Property	Hiedi King	172 Ogle Ave, Unit A	3/28/2023	4/10/2023	tow vehicle
AV23-541	Vehicle Abatement Letter Mailed	Abandoned or Inoperable Vehicle on Public Property Expired Registration Parking for more than 72 hours	Nickolas Lennon	300 Cherry Lane	3/24/2023		monitor vehicle
AV23-540	Vehicle Abatement Letter Mailed	Abandoned or Inoperable Vehicle on Private Property	Janine Busald	601 Gunnerson Lane	3/24/2023	4/13/2023	check tires
AV23-536	Vehicle Towed	Expired Registration	Arthur Martin	520 First Ave	3/18/2023	4/18/2023	junk slip
AV23-533	Vehicle Towed	Abandoned or Inoperable Vehicle on Public Property Expired Registration	Benjamin Carter	800 Ireland St	3/17/2023	4/15/2023	junk slip
AV23-521	Vehicle Abatement Letter Mailed	Expired Registration	Jose Ochcatello	508 1/2 Wildwood Ave	1/27/2023	4/18/2023	tow vehicle
AV23-519	Vehicle Abatement Letter Mailed	Expired Registration Parking for more than 72 hours	Darlene Gallagher	508 1/2 Wildwood Ave	1/27/2023	4/18/2023	tow vehicle

Closed Abandoned Vehicle Cases						
Case #	Status	Violation(s)	Vehicle Owner	Location	Follow Up	Follow up action
AV23-549	Closed: Unfounded	Expired Registration	Frances Cook	441 4th Ave	4/13/2023	case closed
AV23-548	Closed: Unfounded	Abandoned or Inoperable Vehicle on Private Property	Linah Muljono	475 Davis St	4/5/2023	case closed
AV23-544	Closed: Voluntary Compliance	Expired Registration	Jeremiah Puge	491 3rd Ave	4/3/2023	case closed
AV23-543	Closed: Voluntary Compliance	Parking for more than 72 hours	Gene Price	491 3rd Ave	3/28/2023	case closed
AV23-542	Closed: Voluntary Compliance	Parking for more than 72 hours	Mikayla Cooper	200 First Ave	4/3/2023	case closed
AV23-539	Closed: Voluntary Compliance	Expired Registration Parking for more than 72 hours	Tina Moore	288 Dixie St	4/6/2023	case closed
AV23-538	Closed: Voluntary Compliance	Expired Registration	Kyle and Stefanie Gray	500 Rigby Ave	3/20/2023	case closed
AV23-537	Closed: Voluntary Compliance	Expired Registration Parking for more than 72 hours	David Crowell	600 Pacific Ave	3/28/2023	case closed
AV23-535	Closed: Voluntary Compliance	Abandoned or Inoperable Vehicle on Public Property Expired Registration	Shayla Jaklitsch	520 First Ave	4/13/2023	case closed
AV23-534	Closed: Voluntary Compliance	Expired Registration Parking for more than 72 hours	Belinda Ward	700 Ireland St	3/24/2023	case closed
AV23-532	Closed: Voluntary Compliance	Abandoned or Inoperable Vehicle on Public Property Parking for more than 72 hours	Anthony Raya	769 Rigby Ave	3/20/2023	case closed

AV23-531	Closed: City Abated	Abandoned or Inoperable Vehicle on Private Property	Helen Sanchez Richard Morris	235 Belleview Ave	3/27/2023	case closed
AV23-530	Closed: City Abated	Abandoned or Inoperable Vehicle on Public Property Expired Registration	Timothy and James Simmons	520 First Ave	4/6/2023	case closed
AV23-529	Closed: City Abated	Abandoned or Inoperable Vehicle on Private Property	Christine Snowton	95 Belleview Ave	4/6/2023	case closed
AV23-527	Closed: Voluntary Compliance	Expired Registration	Zion Foster	216 First Ave	3/6/2023	case closed
AV23-525	Closed: City Abated	Expired Registration Parking for more than 72 hours		471 Painter St	3/17/2023	case closed
AV23-524	Closed: City Abated	Parking for more than 72 hours	Robert Vogel	203 Sequoia Ave	3/8/2023	case closed
AV23-523	Closed: Voluntary Compliance	Expired Registration	Debra Pippin	203 Sequoia Ave	3/15/2023	case closed
AV23-520	Closed: Voluntary Compliance	Expired Registration Parking for more than 72 hours	Nathan and Tricia Rogers	508 1/2 Wildwood Ave	3/6/2023	case closed
AV23-518	Closed: Voluntary Compliance	Expired Registration	Troy Deherrera	508 1/2 Wildwood Ave	4/7/2023	case closed
AV23-513	Closed: City Abated	Parking for more than 72 hours	Ferne Labs	700 Rigby Ave	3/27/2023	case closed
AV23-507	Closed: Voluntary Compliance	Expired Registration	Arthur Martin	500 First Ave	4/3/2023	case closed



Code Enforcement Division
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-5642
cityofriodell.ca.gov

April 4, 2023

Brian Davis & Stormi Davis Bowen
145 W. Painter
Rio Dell, CA. 95562

Subject: APN: 052-162-061; 1000 Pine Street

Dear Mr. & Mrs. Davis:

The City continues to receive complaints and comments regarding your property at 1000 Pine Street. The Nuisance Committee met on March 22, 2023 and discussed the condition of your property. The Committee unanimously opined that the property constitutes visual blight and a nuisance and it certainly does not reflect the character of a residential property. The property is one of the first properties resident and visitors see on their way into town. It certainly doesn't reflect or convey the message the City wants to send our residents and visitors. Enclosed are photos of the property that were recently taken.

As you know the property is zoned Urban Residential (UR). In 2016 the City approved a Conditional Use Permit (CUP) for a residential accessory building to be built prior to a residence. Residential accessory uses are required to be subordinate to the principal use of the site and serves a purpose ***which does not change the character*** of the principal residential use. One of the findings for the CUP required that the design, location, size, ***and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.*** Another finding required that the use or activity ***not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.*** Based on the current condition and use of the property, you are in violation of the CUP.

In addition, in the opinion of the Nuisance Committee, members of the Beautification and Walkability Committee and members of the community, the property in its current state does not exhibit residential characteristics. The current condition of the property reflects the characteristics of a junk or salvage yard and is considered "Blight" pursuant to Section 8.10.20(1) of the Rio Dell Municipal Code (RDMC).

1. Blight, § 8.10.20(1) RDMC. Visual blight is any unreasonable, nonpermitted or unlawful condition ***or use of real property, premises or building exteriors which by reason of its appearance as viewed from the public right-of-way is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood.*** (RDMC 8.10.20(1))

In addition, the condition of the property is considered a “Nuisance” pursuant to Section 8.15.020 of the Rio Dell Municipal Code (RDMC).

2. Nuisance, § 8.15.020 RDMC. “Nuisance” means anything or condition that annoys, injures or endangers the safety, health, comfort, welfare, or repose of any considerable number of persons; offends the public decency; unlawfully interferes with, obstructs or renders dangerous for passage any public park, square, street, alley or highway; in any way renders any considerable number of persons insecure in life or in use of property; in any way offends the senses of any considerable number of persons; is declared to be a public nuisance by the ordinances or laws of the City of Rio Dell or the State of California; any attractive nuisance which may prove dangerous or detrimental to infants; any public nuisance known at common law or equity; and any condition dangerous to human life, unsafe, or detrimental to the public health or safety.

Furthermore, the condition of the property exhibits the characteristics of the definitions of “Auto and Vehicle Storage”, “Automobile and Vehicle Services, Major Repair/Body Work”, “Automobile Wrecking” and “Junk Yard” pursuant to Section 17.10.010 of the Rio Dell Municipal Code (RDMC). None of these uses are allowed in the Urban Residential Zone.

3. Definitions § 17.10.010 RDMC.

“Auto and vehicle storage” means storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling or retail sales.

“Automobile and vehicle services, major repair/body work” means establishments providing general repair, rebuilding, reconditioning, removal and replacement of engines, transmissions, drive-trains, collision repair including body, frame or fender straightening of automobiles, trucks, boats, recreational vehicles, etc.

“Automobile wrecking” means the commercial dismantling or disassembling of used motor vehicles or trailers, tractors, self-propelling farm or road machinery, or the storage, sale or dumping of same when dismantled, partially dismantled, obsolete or wrecked, or the parts thereof.

“Junk yard” means the use of more than 200 square feet of area of any parcel, lot or contiguous lots as a place where imported waste, junk or salvaged vehicles, equipment, machinery or other materials are disassembled, handled, baled, packed, processed, or stored.

As indicated previously, none of the above uses are allowed in the Urban Residential zone. As such, the following additional Rio Dell Municipal Code (RDMC) regulations apply:

17.40.020 Violation of regulations.

It shall be unlawful for any person, whether principal, agent, employee, firm, corporation or otherwise, to violate or causing or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. [Ord. 350 § 1, 2016; Ord. 252 § 8.02, 2004.]

17.40.030 Penalty.

Any person, firm, corporation, or other entity, whether as owner, lessee, sublessor, sublessee, or occupant of any premises that violates the provisions of this chapter or any order issued pursuant to this chapter shall be subject to any or all of the following:

- (1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees, imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;
- (2) Such person shall be guilty of a misdemeanor for each day such violation continues, and, upon conviction thereof, shall be punished for each violation by a fine not to exceed \$1,000, or by imprisonment of not longer than six months, or both for each violation;
- (3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;
- (4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense. [Ord. 350 § 1, 2016; Ord. 349 § 1, 2016; Ord. 252 § 8.02.5, 2004.]

17.40.040 Declaration of public nuisance.

Any building or use operated or maintained contrary to the provisions of these regulations shall be and the same is hereby declared to be a public nuisance and shall be subject to injunction and abatement as such. [Ord. 350 § 1, 2016; Ord. 252 § 8.03, 2004.]

Enclosed is a copy of the Notice of Violation and Order to Abate. Please read it carefully as it contains potential fines that can be levied and information regarding the appeal process. Because of the volume of vehicles, equipment and materials, the removal of all the vehicles, equipment and materials shall be completed no later than July 1, 2023.

Also, please note that you are responsible for all costs associated related to staff's time, including the City Attorney's time, in pursuing the violations.

Please contact us once the violation has been corrected so we can verify. If you have any questions or need additional information, please feel to contact me by phone at (707) 764-5642 or by email at clarkm@cityofriodell.ca.gov. Thank you in advance for your cooperation.

Respectfully,

Mary Clark

Mary Clark
Community Services Officer

Enclosure
Notice of Violation and Order to Abate

Copy:
Nuisance Committee
City Council
City Manager
Chief Allen
Kevin Caldwell, Community Development Director
APN File

Recording Requested By & For Benefit Of:
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Return To:
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA. 95562

Exempt From Fees Per Government Code § 27383

NOTICE OF VIOLATION & ORDER TO ABATE

Date: April 5, 2023

Owner's Name: Brian Davis & Stormi Davis Bowen
Property Address: 1000 Pine Street, Rio Dell, CA. 95562
Assessor Parcel Number: 052-162-061

NOTICE IS HEREBY GIVEN that the conditions identified below on the property described in Exhibit A are in violation of the Rio Dell Municipal Code (RDMC).

1. Blight, § 8.10.20(1) RDMC. Visual blight is any unreasonable, nonpermitted or unlawful condition or use of real property, premises or building exteriors which by reason of its appearance as viewed from the public right-of-way is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. (RDMC 8.10.20(1))

2. Nuisance, § 8.15.020 RDMC. "Nuisance" means anything or condition that annoys, injures or endangers the safety, health, comfort, welfare, or repose of any considerable number of persons; offends the public decency; unlawfully interferes with, obstructs or renders dangerous for passage any public park, square, street, alley or highway; in any way renders any considerable number of persons insecure in life or in use of property; in any way offends the senses of any considerable number of persons; is declared to be a public nuisance by the ordinances or laws of the City of Rio Dell or the State of California; any attractive nuisance which may prove dangerous or detrimental to infants; any public nuisance known at common law or equity; and any condition dangerous to human life, unsafe, or detrimental to the public health or safety.

3. Definitions § 17.10.010 RDMC.

"Auto and vehicle storage" means storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling or retail sales.

“Automobile and vehicle services, major repair/body work” means establishments providing general repair, rebuilding, reconditioning, removal and replacement of engines, transmissions, drive-trains, collision repair including body, frame or fender straightening of automobiles, trucks, boats, recreational vehicles, etc.

“Automobile wrecking” means the commercial dismantling or disassembling of used motor vehicles or trailers, tractors, self-propelling farm or road machinery, or the storage, sale or dumping of same when dismantled, partially dismantled, obsolete or wrecked, or the parts thereof.

“Junk yard” means the use of more than 200 square feet of area of any parcel, lot or contiguous lots as a place where imported waste, junk or salvaged vehicles, equipment, machinery or other materials are disassembled, handled, baled, packed, processed, or stored.

The property described in Exhibit A is zoned Urban Residential. None of the use types above are allowed in the Urban Residential zone. Pursuant to Section 17.40.040 of the Rio Dell Municipal Code (RDMC) any building or use operated or maintained contrary to the provisions of these regulations shall be and the same is hereby declared to be a public nuisance and shall be subject to injunction and abatement as such. [Ord. 350 § 1, 2016; Ord. 252 § 8.03, 2004.]

4. Date Which Violation(s) Must be Abated: The Violation(s) must be **abated no later than July 1, 2023.**

5. Administrative Civil, Criminal and Monetary Penalties: If the person, corporation or entity fails to abate the violation and/or nuisance within the specified time on this Notice and Order they shall be subject to any and all of the following:

(1) Such person shall be subject to summary or administrative abatement of the nuisance by the City, and be subject to fines, civil penalties, fees and costs, including reasonable attorney fees imposed by the City pursuant to the summary or administrative abatement procedures contained in the City Code or any other provisions of law;

(2) Such person shall be guilty of a misdemeanor for each day such violation continues, and upon conviction thereof, shall be punished for each violation by a fine not to exceed **\$1,000 (one thousand dollars)**, or by imprisonment of no longer than six months, or both for each violation;

(3) Such person shall be prosecuted in a civil action, criminal action, or both brought by the City. The City Attorney or other authorized legal representative may bring an action in a court of

competent jurisdiction to enjoin or prosecute any nuisance violation of this chapter, or violation of any other ordinance of the City;

(4) Each and every day that any such violation continues to exist shall constitute a continuing and separate offense.

6. Appeal/Contact Information: You may appeal this determination by filing with the City Clerk **within 21 calendar days** from the recordation date of this Notice of Violation and Order to Abate, and on a form available from the City of Rio Dell. The request for an appeal must include a written statement requesting a hearing and providing a factual and specific explanation why you believe:

(1) The premises should not be declared to be a violation of the Rio Dell Municipals Code (RDMC), or a public nuisance and abated; and/or

(2) Penalties should not be assessed; and/or

(3) The costs of such abatement should not become a charge and lien against the premises;

Any person, corporation, or entity seeking to appeal a Notice and order shall be required to pay to the City, at the time the appeal is requested (within 21 days from the recording date of the Notice of Violation and Order to Abate), a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

The appeal shall be heard by a hearing officer who has a contract with the City to perform such a role. He or she shall be an attorney in good standing or otherwise capable of conducting the hearing.

The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than 15 days and not more than 30 days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least 10 days before the date set for hearing.

At the time set for the appeal hearing, the hearing officer shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.

The hearing officer may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the hearing officer's own motion.

Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the hearing officer's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.

The accuracy of an administrative citation and the accuracy of a notice and order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.

Please contact Kevin Caldwell, Community Development Director at (707) 764-5642 or by email at clarkm@cityofriodell.ca.gov.

7. Release of Notice of Violation and Order to Abate: This Notice of Violation and Order to Abate shall be released once all violations have been corrected and any fees and/or fines have been paid.

City of Rio Dell
Police Department – Code Enforcement Division

By: 
Mary Clark, Community Services Officer

EXHIBIT A

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

The bearings of the following description are based upon the California Coordinate System, Zone 1.

Rotate the bearings shown hereon counterclockwise 1 degree 22 minutes 25 seconds to obtain true bearings according to the information shown on the survey for the Division of Highways, recorded on March 19, 1968, in Book 23 of Surveys, Pages 108, 109 and 110, Humboldt County Records. Distances shown are ground distances.

PARCEL ONE:

BEGINNING at a point on the North line of Section 6, Township 1 North, Range 1 East, Humboldt Meridian, distant thereon North 89 degrees 27 minutes 8 seconds West, 995 feet from the Northeasterly corner of said Section 6;

thence North 89 degrees 27 minutes 8 seconds West along said North line of Section 6, a distance of 584.80 feet to the intersection with the Northerly projection of the West line of the land conveyed to James H. and Pearl Thompson, recorded on November 13, 1959 in Book 560, Page 449, Humboldt County Official Records;

thence South 0 degrees 32 minutes 52 seconds West, along the Westerly line of said Thompson land, 100 feet to the Southwest corner thereof;

thence continuing South 0 degrees 32 minutes 52 seconds West, 40 feet;

thence South 29 degrees 3 minutes 55 seconds East, 417.33 feet to the Easterly corner common to Lot 8 and Lot 9 of the Map of Rio Dell, filed in Book 1 of Maps, Page 55, Humboldt County Records;

thence South 33 degrees 52 minutes 55 seconds East, along the Easterly line of Lot 9 and Lot 10 of said Map, 95.15 feet to the point described in the Deed from Chester Albin, et al, to Eric Meyers, recorded April 13, 2006 as Instrument No. 2006-10900-4, Humboldt County Records, as being "North 18 degrees 52 minutes 55 seconds West, 116.05 feet to the Easterly line of Lot 10 of said Map";

thence North 18 degrees 52 minutes 55 seconds West, 103.95 feet to a point located South 71 degrees 7 minutes 5 seconds West (South 70 degrees West according to the description in the Notice of Lot Line Adjustment and Subdivision Compliance recorded on August 8, 2005 as instrument No. 2005-26444-3, Humboldt County Records), from the Northwest corner of the land described in said Notice;

thence North 71 degrees 7 minutes 5 seconds East, parallel with the Northerly line of Lot 12 of said Map and prolongation thereof, 240 feet;

thence at right angles South 18 degrees 52 minutes 55 seconds East, 220 feet to the North line of Painter Street as it is shown in Book 1 of Maps, page 55;

thence along the North line of Painter Street, North 71 degrees 7 minutes 5 seconds East, 92.20 feet to a point which bears South 4 degrees 52 minutes 25 seconds East (South 3 degrees 30 minutes East true bearing according to Deed);

thence North 4 degrees 52 minutes 25 seconds West, 580.87 feet to the point of beginning.

EXCEPTING therefrom Parcels 1, 2, 3 and 4 of Parcel Map No. 3498 recorded in Book 34 of Parcel Maps, Pages 61 through 64, inclusive, Humboldt County Records.

PARCEL TWO:

BEGINNING at a point on the North line of Section 6, Township 1 North, Range 1 East, Humboldt Meridian, distant

thereon North 89 degrees 27 minutes 8 seconds West, 995 feet from the Northeast corner of said Section 6;

thence South 4 degrees 52 minutes 25 seconds East (South 3 degrees 30 minutes East true bearing according to Deed), 580.87 feet to the North line of Painter Street as shown on the Map, filed in Book 1 of Maps, Page 55, Humboldt County Records;

thence North 71 degrees 7 minutes 5 seconds East along the North line of Painter Street, 8.90 feet to an angle point in said North line;

thence South 88 degrees 26 minutes 36 seconds East along said North line, 116.10 feet;

thence North 14 degrees 6 minutes 52 seconds West (North 15 degrees 23 minutes West true bearing according to Deed), 598.82 feet to the point of beginning.

EXCEPTING from Parcels One and Two above, those parcels of land conveyed by the following Deeds:

- (1) Deed to Dwight O. Hebert and wife, recorded August 14, 1947 in Book 15 of Official Records, Page 200.
- (2) Deed to Harold M. Muncy and wife, recorded December 11, 1948 in Book 75 of Official Records, Page 401.
- (3) Deed to Sylvanus C. Webster and wife, recorded May 5, 1949 in Book 93 of Official Records, Page 434.
- (4) Deed to Clark Homer Sellers and wife, recorded February 14, 1951 in Book 159 of Official Records, page 351.
- (5) Deed to Milton L. Anglin and wife, recorded February 14, 1951 in Book 159 of Official Records, Page 352.
- (6) Deed to Roy W. Betker and wife, recorded February 10, 1965 in Book 824 of Official Records, Page 560.
- (7) Deed to the State of California, recorded December 23, 1971 in Book 1117 of Official Records, Page 242.
- (8) Deed to Angela S. Martindale, recorded March 31, 2005 as Instrument No. 2005-10264-2.
- (9) Deed to Matthew C. Galt and wife, recorded November 30, 2005, as Instrument No. 2005-40310-2.

Said land also being shown as the remainder parcel on Parcel Map No. 3498 recorded in Book 34 of Parcel Maps, Pages 61 through 64, inclusive, Humboldt County Records.

APN: 052-162-061

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Humboldt

On April 5, 2023 before me, Joanne Farley, Notary Public, personally appeared Mary Clark, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Signature Joanne Farley (Seal)

In response to Mary's request for clarification on the proposal to remedy the property. My plan is to remove excess property that I no longer require. Reorganize materials, install improved pads for parking along with fencing an area to place my gooseneck trailers, the visible pickups, the small utility trailer along with the job box and other items so not to be in view of the public.

Brian Davis


