



Calaveras County

Building Department

(209) 754-6390
(209) 754-6396 fax

Code Compliance

(209) 754-6326
(209) 754-6328 fax

Website: www.co.calaveras.ca.us

NOTICE OF VIOLATION, ORDER TO ABATE AND ADMINISTRATIVE CITATION AND FINE

Date: 11/09/2017 Case Number: 2028 Date and Time Violations Observed: 11/07/2017 & 10:58

You are in violation of the following provisions of the County Code:

- X 8.06.060 Public nuisance
 - X California Health and Safety Code 17920.3 Hazardous structure
 - X International Property Maintenance Code section 108.1.1- Unsafe Structure
 - X 17.06.1030 Junk
 - X Calaveras County Code 17.04.210 – Junk, Junk, Debris or Junk Cars
 - X Calaveras County Code 17.04.170 – Dead Storage of Mobile Homes and Recreation Vehicles
 - X International Property Maintenance Code Section 307.1 - Accumulation of Rubbish or Garbage
 - X International Property Maintenance Code Section 307.2.2 – Refrigerators
- X Notes: **Please see attached notice.**

You must cease and abate the above violation(s) of County Code **and** submit proof of having done so within **20 days** from the date of this notice, citation, and order.

If you fail to cease and abate the violation(s) within **20** days of the date of this notice, a fine of **\$100** per day will accrue beginning on the **21th** day and will continue to accrue on a daily basis until the County has received proof of abatement. The violation **shall also be subject to abatement** by the County pursuant to County Code Chapter 8.06. If the County physically abates the violation(s), you are responsible for all costs associated with the abatement, which may be recovered via a lien on the property. **SEE REVERSE SIDE for payment instructions, appeal rights, and other important information.**

APN #(s): 068-049-006

Site Address: 735 Anrey Ct. Murphys Ca.

Person Cited: (X) Owner () Tenant () Other Responsible Party

Name: Charles and Paula Schwartz

Mailing Address: P.O. Box 2340 Murphys Ca. 95247

C. Minehart Issuing Officer 11.9.17 Date

Signature of Person Cited _____ Phone Number _____
 Valid with or without signature. Your signature acknowledges receipt and is not an admission of guilt.

- I, C Minehart on 11/09/2014
- Hand-delivered to person cited
 - Deposited in U.S. Mail, addressed to mailing address above
 - Deposited in U.S. Mail, addressed to Cert#
 - X Deposited in U.S. Mail, addressed to same as above regular mail

County of Calaveras Code Chapter 8.06 provides for the issuance of administrative citations for Code violations and for the assessment of fines.

Each day any violation exists is a separate offense, starting with the first day of documentation by the County, and will carry an independent fine. If you fail to correct the violation(s) noted on the front side of this notice and citation within the time specified, fines may be imposed as follows: \$100.00 per violation for the first day, and \$100.00 per violation per day for each calendar day thereafter that the violation exists on the premises (§8.06.430), or for violations of Chapter 17.95, \$1000.00 per day while the violation exists on the premises (§17.95.230(A)). The County may also seek from the Board of Supervisors an abatement order and a lien to recover costs of abatement. **If the County is forced to incur abatement costs, it may result in the placement of a lien on your property for payment prior to the next property tax billing cycle.**

Consequences of Failure to Correct Violation(s):

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to, civil penalties, abatement by Calaveras County with costs assessed as a lien on property taxes, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the County to collect fines, demolish structures, make necessary repairs at the owner's expense, and incarcerate violators. Any of these options or others may be used if the administrative citation(s) do not achieve compliance.

Right of Appeal:

You have the right to appeal the imposition of an administrative citation and fine within fifteen (15) days from the date the citation is issued. **Your appeal must be made in writing and received by the Calaveras County Code Compliance Unit by or before 4:00 p.m. on the 15th day.** You may hand deliver or mail the written appeal to Administrative Hearing Board, c/o Calaveras County Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA, 95249. A proper timely appeal will result in an administrative hearing and an opportunity to appear before the administrative hearing board. (§8.06.600)

Failure of any person to properly file a written appeal within fifteen (15) days shall constitute a waiver of his or her right to an administrative hearing, including adjudication of the administrative citation or any part of it and the total amount of the fine. **Unless a written appeal request is timely received, the violation(s) shall be deemed admitted, the fine and obligation for abatement costs shall be deemed accepted, and upon ratification by the Board of Supervisors, this shall be deemed an abatement order authorizing the County to physically abate the violation.**

If the violations are upheld by the administrative hearing board you will be responsible for the costs of appeal and all other administrative costs incurred by the County of Calaveras, its Agents, and Contractors. Any finding or recommendation by the administrative hearing board will be considered a formal recommendation to the Board of Supervisors. A copy of the statement of decision, findings and recommendations by the administrative hearing board will be submitted to the Board of Supervisors, and the matter will then be agendized for ratification or modification.

How to Pay Fines and Administrative Costs:

The amount of the fine is indicated on the front of this notice of violation, order to abate, and administrative citation. **Payment may be made in person or by mail to Calaveras County, Code Compliance Unit, 891 Mountain Ranch Rd., San Andreas, CA. 95249.** Payment should be made by cash, personal check, cashier's check or money order. Be sure to write the citation number on your check or money order, **made payable to Calaveras County**, and enclose a copy of the citation. **Do not mail cash.**

Consequences of Failure to Pay:

The County has the authority to collect all fines accrued, administrative costs associated with compliance, and actual costs of abatement. The failure to pay these fines and costs may result in the matter being referred to the County Counsel to initiate a civil or small claims court action. Alternatively, the County may pursue any other legal remedy to collect the administrative fines and abatement costs, including but not limited to a lien. Lien assessments are due and payable in the next property tax cycle and must be paid at the time property taxes are paid.

If you need further clarification, please call the Code Compliance Unit at (209) 754-6326.

ATTACHMENT TO NOV/CITATION/ORDER

LOCATION OF PROPERTY: 526 Pennsylvania Gulch Rd.

APN: 068-049-006

Case# 2028

Calaveras County Code 8.06.060. It shall be unlawful for any person, own, occupant, tenant, or operator to cause or maintain a public nuisance on a premise. A public nuisance is defined as:

- A. Anything injurious or likely to become injurious to the health and safety, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, including a condition of visual blight, or unlawfully obstructing the free passage or use, in the customary, of any public park, square, street, or highway; or for a person to occupy as a tenant, or owner- occupant, or to permit another person to occupy, premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Enumeration of such nuisances in this chapter shall not be deemed exclusive.
- B. Any violation of the provisions of the Calaveras County Code as set forth in Title 13, Chapter 13.12; Title 15; and Title 17.
- C. Any violation of the California Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, California Fire Code, California Administrative Code, California Health and Safety Code, International Property Maintenance Code, or any other applicable law.
- D. Any accumulation of junk, debris, or junk cars, as defined in Section 17.06.1030 of the Calaveras County Code, on any other parcel of land within sight of any other parcels of land, or public or private roads that are not enclosed within four walls and a roof.
- E. Any violations of the provisions of this chapter

Due to the condition of the structure(s) on the property, alleged code violations exist under Calaveras County Code 8.06.060 through a violation of the California Health and Safety Code 17920.3 which states Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building.

Specifically, the conditions found to be in violation are the remains of the burnt mobile home.

Options to Abate:

1. Obtain a demolition permit and remove the structure.

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of the International Property Maintenance Code section 108.1.1- Unsafe Structure. An unsafe structure is one that is found to be dangerous to life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or such faulty construction or unstable foundation, that partial or complete collapse is possible.

Options to Abate:

1. Obtain a demolition permit and remove the structure.

Alleged code violations exist under Calaveras County Code 8.06.060 through a violation of Calaveras County Code 17.06.1030 – Junk: “Junk” means, and is not limited to, trash, refuse, paper, glass, cans, bottles, rags, ashes, trimming from lawns, yards, trees, shrubbery, including plants and leaves, and other solid waste or salvageable materials other than garbage; inoperable appliances, parts, tools; inoperable and unregistered vehicles, vehicle parts, vehicle hulks; discarded furniture; dirt, rocks, and materials from the demolition, alteration or construction of buildings or structures, unless such dirt, rocks, or other materials from demolition, alteration or construction are being used for purposes of fill material.

Options to Abate:

1. Remove all items that constitute a violation of this code to appropriate disposal locations.

Alleged code violations exist under Calaveras County Code 8.06.060, through a violation of Calaveras County Code 17.04.210 – Junk, Junk, Debris or Junk Cars: No property owner, tenant, occupant or other use of public or private property in the County shall permit or cause to accumulate junk, debris, or junk cars, as defined in Section 17.06.1030, on any parcel of land zoned Residential Agriculture (RA), Rural Residential (RR) or Single Family Residential (R1), Two Family Residential (R2) and Multiple Family Residential (R3) unless that junk, debris, or junk cars are completely enclosed within a structure with solid walls and a roof.

Options to Abate:

1. Junk vehicles and/or junk and debris must either be placed in a structure with solid walls and a roof, or
2. remove from the property, or
3. In the case of junk vehicles, the vehicles must be made road operable, licensed, and registered with the Department of Motor Vehicles.

Alleged code violations exist under Calaveras County Code 8.06.060, through a violation of Calaveras County Code 17.04.170 – Dead Storage of Mobile Homes and Recreation Vehicles: A travel trailer or other recreation vehicle may be kept in dead storage on private property in any zoning district, provided that the unit is currently registered with the Department of Motor Vehicles.

Specifically, the conditions found to be in violation are the unlicensed travel trailers(s) or other recreational vehicle(s) on the property.

Options to Abate:

1. Contact the Department of Motor Vehicles to obtain current registration of any travel trailer or other recreation vehicle on the property, or
2. Remove the unit(s) from the property.

Alleged code violations exist under Calaveras County Code 8.06.060. Through a violation of International Property Maintenance Code Section 307.1 - Accumulation of Rubbish or Garbage: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Options to Abate:

1. Remove all rubbish to an appropriate disposal facility.

Alleged code violations exist under Calaveras County Code 8.06.060. Through a violation of International Property Maintenance Code Section 307.2.2 – Refrigerators: Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Options to Abate:

1. Remove refrigerators to an appropriate disposal facility.

Notes; the mobile home on the property has been posted “Substandard do not occupy” in accordance with the International Property Maintenance Code and may only be entered to remove items from 8 am to 5 pm. The property is littered with junk, debris and inoperable vehicles. Any vehicle on the property must be registered and road operable. Camping on the property can only be for fourteen days not to exceed thirty days in a calendar year in an R.V. or trailer currently registered with the Department of Motor Vehicle. A demolition permit must be applied for no later than November 27, 2017 and major progress in the cleanup of the property. As of November 27, 2017 the fines of \$100.00 a day per violation will be assessed until all violations are abated.

Officer: Minehart

Date: 11/09/2017

