

Exhibit D

Intent to Conduct Public Nuisance Abatement



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CODE ENFORCEMENT

3015 H Street • Eureka CA 95501
Phone: (707) 476-2429 • Fax: (707) 268-3792

Certified Mail Receipt No.: 9171 9690 0935 0062 8392 32

October 3, 2023

Russell Papstein
3458 Buttermilk Lane
Arcata, CA 95521

RE: Intent to Conduct Public Nuisance Abatement
4181 Weiler Road, Eureka, CA 95503 APN: 019-161-021
Case Number CE21-0949

Dear Russell Papstein,

As you are aware, Code Enforcement has an open case regarding the property listed above for violations of Humboldt County Code, Code Enforcement Case CE21-0949.

The Building Division of the Planning and Building Department issued a Notice and Order of Substandard Housing and Order to Vacate due to the condition of the manufactured home and property on July 9, 2021. *See Attached.*

The Notice and Order of Substandard Housing (“Notice and Order” hereinafter) informed you that the work to correct the conditions must have been commenced by September 7, 2021, which included the securing of any necessary permits. The Notice and Order also provided you with the right to an appeal provided the appeal was made in writing within thirty (30) days from the date of service of the Notice and Order.

The Planning and Building Department did **not** receive an Appeal Request regarding the Notice and Order of Substandard Housing.

On or around August 25, 2022, a review of the Planning and Building Department’s permit application system revealed no permits had been applied for to correct the violations listed in the Notice and Order. Observation from the roadway in front of the property showed no significant progress on the structures, or the solid waste and junk vehicles on the property.

A Notice to Abate Nuisance dated September 28, 2022, was served upon the property by Code Enforcement for:

- *Uniform Housing Code 1001 and Health and Safety Code 17290.3: Substandard Housing*
- *Humboldt County Code 351-3(c): Building Conditions Endanger Life, Health, Safety, or Welfare of the Public*
- *Humboldt County Code 521-1,521-4,521-12: Improper Storage and Removal of Solid waste*
- *Humboldt County Code 354-1: Junk and/or Inoperable Vehicles*
- *Humboldt County Code 371-2: Maintaining a Junkyard*
- *Humboldt County Code 352-3(t)(3): Failure to Comply with Chief Building Official's Order*

See Attached Notice to Abate Nuisance

The deadline to appeal the Notice to Abate Nuisance was October 10, 2022. Code Enforcement did **not** receive a Code Enforcement Appeal Hearing Request Form to request an appeal hearing.

The Notice to Abate Nuisance informed you that if the corrective actions set forth were not commenced, prosecuted and completed within ten (10) calendar days after service of the Notice to Abate Nuisance, pursuant to Humboldt County Code § 351-13, the Code Enforcement Unit may correct or abate the conditions causing the public nuisance on the property.

The Notice to Abate Nuisance also informed you that the costs of the required abatement may also become a charge against the property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

Additionally, the costs of the required abatement may also become a charge against the property which has the same force, effect and priority of a judgement lien governed by the provisions of California Code of Civil Procedure § 697.310, et seq., and may be extended as provided in California Code of Civil Procedure § 683.110, et seq.

Code Enforcement did **not** receive any information or contact from the property owner that the nuisance had been abated, or that any progress was made with abating the nuisance.

Drive by inspections of the property from October 24, 2022 through August 4, 2023, did not reveal any progress with the corrective actions listed on the Notice to Abate Nuisance or Notice and Order of Substandard Housing and Order to Vacate. Checks of the Planning & Building Department's Permit System revealed no Building Permits had been applied for.

Due to continued public complaints against the property, lack of contact from you the property owner, and a lack of abatement progress, Code Enforcement applied for and obtained an Inspection Warrant (*See Attached*) in order to determine the extent of the violations occurring on the property.

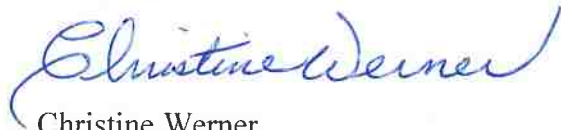
Inspection Warrant No. SW2300556 was served on August 23, 2023 at 1:00 P.M. The inspection confirmed that no progress had been made with the corrective actions listed on the Notice to Abate Nuisance, therefore Code Enforcement has jurisdiction to abate the nuisance occurring on the property.

This letter is to notify you of Code Enforcement's intent to conduct an abatement of the public nuisance on your property. I am requesting your consent to conduct the abatement, which would include allowing Code Enforcement staff, Planning and Building Department staff, and any hired contractors to enter the property and structures in the course of the County abatement process in order to abate the nuisances occurring.

If I do not receive a response to this letter by October 13, 2023, I will assume you have refused my request for consent and I will move forward with applying for an Inspection Warrant and Order of Abatement in order to conduct the abatement.

If you have any questions, please feel free to contact me at 707-476-2358, or by email at cwerner@co.humboldt.ca.us.

Sincerely,



Christine Werner
Code Enforcement Investigator

Attachments: Notice and Order of Substandard Housing and Order to Vacate; Notice to Abate Nuisance; Inspection Warrant No. SW2300556



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H Street Eureka CA 95501
Fax: (707) 268-3792 Phone: (707) 445-7541

Certified Mail No.: 9171 9690 0935 0062 7405 83

DATE: 7/9/2021
APN: 019-161-021-000
NAME: Papstein Russell H
TITLE: Micah Mathieson - Building Inspector
ADDRESS: 4181 Weiler Rd, Eureka, CA
SUBJECT: Substandard Housing conditions
Case Number: CE21-0949

NOTICE AND ORDER OF SUBSTANDARD HOUSING AND ORDER TO VACATE

PLEASE TAKE NOTICE that an inspection was performed on 4/26/2021, of the dwelling at the above location by the Humboldt County Building Division acting under the authority, and whose observations are reviewed and approved, by the Humboldt County Chief Building Official. The inspection revealed conditions that are in violation of the 1997 Uniform Housing Code (UHC) and the 2018 International Property Maintenance Code (IPMC) adopted by the County of Humboldt. The building has been found by the County Chief Building Official to constitute substandard housing per Chapter 10, §1001 of UHC and various state and local laws and regulations.

YOU ARE HEREBY NOTIFIED by the County Chief Building Official that the following conditions, injurious to the public health, exist at the above referenced location and are in violation of Humboldt County Code and render the building dangerous and substandard:

Inadequate Sanitation - UHC § 1001.2

1. (6) Lack of adequate heating facilities. UHC 1001.2.6
2. (11) Dampness of habitable rooms. UHC 1001.2.11
3. (12) Infestation of insects, vermin or rodents as determined by the health officer. UHC 1001.2.12
4. (13) General dilapidation or improper maintenance. UHC 1001.2.13
5. (15) Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer. UHC 1001.2.15
 - Structures do not have electrical service
 - Property is littered with inoperable vehicles and rubbish

Structural Hazards - UHC § 1001.3

1. (1) Deteriorated or inadequate foundations. UHC 1001.3.1
2. (2) Defective or deteriorated flooring or floor supports. UHC 1001.3.2
3. (4) Member of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. UHC 1001.3.4
4. (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration. UHC 1001.3.6
 - Structures on property have not been maintained therefore compromising the structural integrity of the structures.
 - Structures are unsafe to enter due to compromised structural components.

Nuisance - UHC § 1001.4

1. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises or a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris, vegetation that may prove a hazard for inquisitive minors. UHC 1001.4.401.2
2. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer. UHC 1001.4.401.3
3. Uncleanliness, as determined by the health officer. UHC 1001.4.401.7
 - Structures on property have not been maintained therefore compromising the structural integrity of the structures.
 - Structures are unsafe to enter due to compromised structural components

Faulty Weather Protection - UHC § 1001.8

- Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors. UHC 1001.8.3
- Broken rotted, split or buckled exterior wall coverings or roof coverings. UHC 1001.8.4
 - Roof structure is failing due to lack of maintenance.

Fire Hazard - UHC § 1001.9

1. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising for any cause shall be considered substandard. UHC 1001.9

- Rubbish and inoperable vehicles have created a fire hazard.

Faulty Material of Construction - UHC § 1001.10

1. The use of materials of construction, except those that are specifically allowed or approved by this code and Building code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard. UHC 1010.1
 - Structures have major structural components failing

Hazardous or Insanitary Premises - UHC § 1001.11

1. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat or other rodent harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire health of safety hazards, which shall be abated. UHC 1001.11
 - Exterior Rubbish is considered unsanitary

Improper Occupancy - UHC § 1001.4

1. All building or portions there of occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard. UHC 1001.14
 - Owner is living in an unpermitted accessory structure.

Chapter 3 - Exterior Property and Areas - IPMC § 302

1. Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. IPMC 302.1
2. Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. IPMC 302.5
3. Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. IPMC 302.8
 - Vehicles and rubbish are litter across property

Chapter 3 - Exterior Structure - IPMC § 304

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. IPMC 304.1

2. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: (1) the nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects. (3) Structures or components thereof that have reached their limit state. (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight. (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects. (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. (7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects. (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects. (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (13) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. Exceptions: Where substantiated otherwise by an approved method. Demolition of unsafe conditions shall be permitted where approved by the code official. IPMC 304.1.1

3. Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. IPMC 304.2

4. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). IPMC 304.3
5. Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. IPMC 304.4
6. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. IPMC 304.7
7. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. IPMC 304.10
 - Structures are in extreme disrepair.

Chapter 3 - Rubbish and Garbage - IPMC § 308

1. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. IPMC 308.1
2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. IPMC 308.2
3. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. IPMC 308.2.1
4. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. IPMC 308.2.3
 - Rubbish and vehicle outside are improperly disposed of.

Chapter 3 - Pest Elimination - IPMC § 309

1. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. IPMC 309.1
2. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. IPMC 309.5

- Garbage and substandard structures are contributing to rodent and pest infestation

Chapter 7 - Means of Egress - IPMC § 702

1. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. IPMC 702.1

- Obstruction/Rubbish is a hazard to occupants egress.

The above-described conditions were observed by Humboldt County Building Division and concurred with by the Humboldt County Chief Building Official.

YOU ARE HEREBY NOTIFIED the conditions listed above are determined to be an immediate danger to human life, limb, property and safety of the occupant and the public.

YOU ARE HEREBY ORDERED to vacate the premises and to secure and maintain the premises against entry. Pursuant to UHC Section 1101.2(3) (3.2), the County Chief Building Official has determined that the premises must be vacated immediately after posting and must remain vacated, secured, and maintained against entry until the dangerous conditions are abated and corrected.

No person shall remain in or enter any building that has been posted as uninhabitable, except for entry to make repair, demolish, or remove such building under permit from the Humboldt County Building Department (HCBD). No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a misdemeanor.

The following corrections must be commenced by September 7, 2021, including the securing of all necessary permits, if any. These same corrections must be completed within such time as determined is reasonable per UHC §1101.2(3) (3.1). Micah Mathieson is the building inspector to contact.

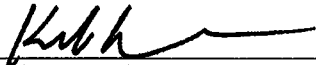
- Mobile home and 2 compromised accessory structures will need to be demolished. Structures are beyond repair.
- Remove and dispose of all debris and rubbish within parcel.
- All inoperable vehicle shall be removed from property.
- Apply for a demo permit from HCBD for demolition of structures

Please be advised that property owners are required to maintain buildings and structures in a safe and sanitary manner. Action must be taken to correct the above-identified conditions within the identified timeframe and must comply with Humboldt County Code and the requirements of this office. If the required corrective action and repairs are not commenced within the time specified, the Chief Building Official may proceed to cause the work to be done and charge the cost thereof against the property or its owner. In addition, failure with this order constitutes a misdemeanor and may result in enforcement action against you pursuant to UHC §1401.1 and 1401.2.

The Substandard conditions noticed by the Humboldt County Building Division were determined to be caused by the Owner Russell H Papstein . Therefore the owner would not qualify for the health and safety code article 2.5 tenant relocation assistance [17975-17975.10]

RIGHT TO APPEAL: Any person having any record title or legal interest in the building and premises may appeal this Notice and Order or any action of the Humboldt County Chief Building Official to the housing advisory and appeals board provided the appeal is made in writing as provided in the UHC 1201 and Humboldt County Code 331-11 and filed with the Humboldt County Building Official within 30 (thirty) days from the date of service of this order (UHC 203.1, 1201.1). Failure to appeal will constitute a waiver of all rights to an administrative hearing and adjudication of the notice and order and any determination/action of the County Chief Building Official (UHC 1202).

Signed,



Keith Ingersoll
County of Humboldt
Chief Building Official



Micah Mathieson
Building Inspector
Humboldt County Building Division

Enclosure(s):

Exhibit 1: Legal description

Code Sections.

Photo documentation.

Do not enter unsafe to occupy placard.

RECORDING REQUESTED BY:

Mark W. Hapgood

And When Recorded Mail To
and Mail Tax Statements To:

Russ Papstein
4181 Weiler Rd.
Eureka, CA 95503

2000-20578-2
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by MARK W HAPGOOD
Rec Fee 10.00
Clerk: MM Total: 10.00
Sep 28, 2000 at 15:27

SPACE ABOVE THIS LINE

INTERSPOUSAL TRANSFER GRANT DEED

(Excluded from Reappraisal Under Proposition 13 i.e. Calif. Const. Art. 13A§1 et seq.)

Documentary transfer tax is \$0. Computed on full value of property conveyed, or _____ computed on full value less value of liens and encumbrances remaining at time of sale, or X is exempt from imposition of the Documentary Transfer Tax pursuant to Revenue and Tax Code §11927(a), on transferring community, quasi-community, or quasi-marital property, assets between spouses, pursuant to a judgment, an order, or a written agreement between spouses in contemplation of any such judgment or order.

This is an Interspousal Transfer under §63 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion from Reappraisal under Proposition 13;

- ___ A transfer to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor,
- ___ A transfer which takes effect upon the death of a spouse,
- X A transfer to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation, or
- ___ A creation, transfer, or termination, solely between spouses, of any co-owner's interest.
- ___ The distribution of a legal entity's property to a spouse or former spouse in exchange for the interest of such spouse in the legal entity in connection with a property settlement agreement or a decree of dissolution of a marriage or legal separation.
- ___ Other:

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LORIE PAFSTEIN,

hereby GRANT(S) to:

RUSSELL HANS PAFSTEIN

the following described real property in the County of Humboldt, State of California:

See Exhibit "A" attached hereto and incorporated herein by reference.

Dated 7-13-00

Lorie Papstein

LORIE PAFSTEIN

State of California
County of Humboldt

On July 13, 2000, before me, the undersigned, personally appeared LORIE PAFSTEIN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Leslie Ames*

Notary Public of California



①

EXHIBIT "A"

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

PARCEL ONE:

Parcel 3 as shown on Parcel Map No. 1669 on file in the office of the County Recorder of Humboldt County, California, in Book 14 of Parcel Maps, Page 107.

PARCEL TWO:

A non-exclusive right of way for road purposes over a strip of land 30 feet in width, the Westerly line of which is described as follows:

BEGINNING at the Southwest corner of Parcel One above described;
thence South 16 degrees 30 minutes West along the Westerly line of the land conveyed to A. J. Huestis by Deed dated June 7, 1859, recorded in Book C of Deeds, Page 690, a distance of 210 feet, more or less, to the Northerly line of land conveyed to Sunset Memorial Park, Inc., a California corporation, by Deed recorded March 16, 1927, in Book 181, Page 4 of Deeds, in the office of the County Recorder of said county.

PARCEL THREE:

A non-exclusive right of way for road purposes over the following described land:

BEGINNING at the Southwest corner of Parcel Two above described:
thence North 73 degrees 36 minutes West about 850 feet to the state highway;
thence Northerly along said state highway to the South line of the parcel of land conveyed to Dermont C. Roberts, by Deed dated June 1, 1859, and recorded in Book "C", Page 673 of Deeds, in the office of the County Recorder of said county;
thence South 72 degrees 40 minutes East along said Roberts land about 858 feet to the Westerly line of Parcel Two above described;
thence South 16 degrees 30 minutes West along said Westerly line, about 30 feet to the point of beginning.

PARCEL FOUR:

A non-exclusive easement for ingress and egress over and across a strip of land 25 feet wide, the North line of which begins at the Southwest corner of Parcel One above and runs thence South 73 degrees 30 minutes 05 seconds East along the Southwesterly line of said Parcel One, 115 feet.

A. P. No. 19-161-21

2000-20578-2

2

Exhibit Code Sections

DATE: 7/9/2021
APN: 019-161-021-000
NAME: Papstein Russell H
TITLE: Micah Mathieson - Building Inspector
ADDRESS: 4181 Weiler Rd, Eureka, CA
SUBJECT: Substandard Housing conditions
Case Number: CE21-0949

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Chapter 3 - Exterior Structure - IPMC § 304

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. IPMC 304.1
2. Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength. (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects. (3) Structures or components thereof that have reached their limit state. (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight. (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects. (6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. (7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects. (9) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects. (10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. (13) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects. Exceptions: Where substantiated otherwise by an approved method. Demolition of unsafe conditions shall be permitted where approved by the code official. IPMC 304.1.1

3. Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. IPMC 304.2
4. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). IPMC 304.3
5. Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. IPMC 304.4
6. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. IPMC 304.7
7. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. IPMC 304.10

Chapter 3 - Rubbish and Garbage - IPMC § 308

1. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. IPMC 308.1
2. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. IPMC 308.2
3. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. IPMC 308.2.1
4. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. IPMC 308.2.3

Chapter 3 - Pest Elimination - IPMC § 309

1. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. IPMC 309.1
2. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. IPMC 309.5

Chapter 7 - Means of Egress - IPMC § 702

1. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. IPMC 702.1



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H Street Eureka CA 95501
Fax: (707) 268-3792 Phone: (707)445-7541

DATE: 7/9/2021
APN: 019-161-021-000
NAME: Papstein Russell H
TITLE: Micah Mathieson - Building Inspector
ADDRESS: 4181 Weiler Rd, Eureka, CA
SUBJECT: Substandard Housing conditions
Case Number: CE21-0949

Pictures 1 of 6

Looking northwest from southerly easement.



Picture 2 of 6

Looking northwest from southerly easement.



Picture 3 of 6

Looking north from southerly easement.



Picture 4 of 6

Looking north from southerly easement.



Picture 5 of 6

Looking east from Weiler Rd



Picture 6 of 6

Looking East from Weiler Rd



**DO NOT ENTER
UNSAFE TO OCCUPY**

BY ORDER OF CHIEF BUILDING OFFICIAL

It is a misdemeanor to occupy this building, or to remove or deface this notice pursuant to UHC section 1104.

According to the California State Housing Law and the Uniform Housing Code, this building has been declared unfit for human habitation or occupancy; and it is unlawful for any person to reside in or occupy the same.

By Keith Ingersoll

Date 7-9-2021

HUMBOLDT COUNTY PLANNING
AND BUILDING DEPARTMENT



COUNTY OF HUMBOLDT
CODE ENFORCEMENT UNIT
3015 H Street
Eureka, California 95501
(707) 476-2429

Government Code § 27383

NOTICE TO ABATE NUISANCE

[Humboldt County Code §351-7]

Address of Affected Property:

4181 Weiler Rd, Eureka, CA

Assessor's Parcel Numbers:

019-161-021-000

Owners:

Russell H. Papstein
3458 Buttermilk Ln
Arcata, CA 95521

NOTICE IS HEREBY GIVEN that conditions described in "Attachment A – Conditions Constituting a Nuisance" exist on property situated in the County of Humboldt, State of California, as described in "Attachment B – Legal Description," which are in violation of state law and/or the Humboldt County Code. Such conditions exist to an extent that constitutes a "nuisance" pursuant to Humboldt County Code Section 351-3.

YOU ARE HEREBY ORDERED to ABATE said nuisance within ten (10) calendar days after service of this Notice to Abate Nuisance.

NOTICE IS FURTHER GIVEN that, if the Humboldt County Code Enforcement Unit determines that the condition or conditions causing said nuisance is imminently dangerous to human life or limb or is detrimental to the public health or safety, the Code Enforcement Unit may order that the affected property be vacated pending the correction or abatement of the condition or conditions causing the nuisance.

NOTICE IS FURTHER GIVEN that you may not retaliate against a lessee of the affected property pursuant to Section 1942.5 of the California Civil Code.

NOTICE IS FURTHER GIVEN that you may file with the Code Enforcement Unit an appeal of the determination that a nuisance exists on the affected property within ten (10) calendar days after service of this Notice to Abate Nuisance.

NOTICE IS FURTHER GIVEN that an appeal of the Code Enforcement Unit's determination that a nuisance exists on the affected property must be prepared using the form attached hereto as "Attachment C – Code Enforcement Appeal Hearing Request Form."

NOTICE IS FURTHER GIVEN that, upon receipt of an appeal of the determination that a Nuisance exists on the affected property, the Code Enforcement Unit shall set the matter for hearing before a County appointed hearing officer and issue a Notice of Code Enforcement Appeal Hearing as set forth in Humboldt County Code Section 351-9.

NOTICE IS FURTHER GIVEN that the date of the Code Enforcement Appeal Hearing shall be no sooner than fifteen (15) calendar days after the date on which the Notice of Code Enforcement Appeal Hearing is served.

NOTICE IS FURTHER GIVEN that, if the required corrective action or actions set forth in "Attachment A – Conditions Constituting a Nuisance" is not commenced, prosecuted and completed within ten (10) calendar days after service of this Notice to Abate Nuisance, or in case of an appeal, the time limits set forth in the Finding of Nuisance and Order of Abatement, the Code Enforcement Unit may correct or abate the condition or conditions causing the nuisance on the affected property pursuant to Humboldt County Code Section 351-13.

NOTICE IS FURTHER GIVEN that the costs of the required abatement may become a charge against the affected property and made a special assessment against the property, and that said special assessment may be collected at the same time and in the same manner, and shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency, as is provided for ordinary property taxes.

NOTICE IS FURTHER GIVEN that the costs of the required abatement may also become a charge against the affected property which has the same force, effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure Sections 697.310, et seq., and may be extended as provided in California Code of Civil Procedure Sections 683.110, et seq.

NOTICE IS FURTHER GIVEN that any personal property collected by the Code Enforcement Unit during the correction or abatement of the condition or conditions causing the nuisance on the affected property may be sold in the same manner as surplus personal property of the County of Humboldt, and the proceeds from such sale shall be paid into the revolving fund created pursuant to the provisions of the Humboldt County Code.

For the Humboldt County Code Enforcement Unit:

Signature: 

Title: Code Enforcement Investigator

Name: Christine Werner

Date: September 28, 2022

CERTIFICATE OF ACKNOWLEDGMENT

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 this 28th day of SEPTEMBER, 20 22, before me, Daniela Parada Notary Public, personally appeared Christine Wemer who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her authorized capacity, and that by her/his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

Witness my hand and official seal.

Daniela Parada (seal)
Signature



ATTACHMENT A CONDITIONS CONSTITUTING A NUISANCE

Code Section(s)	Nature of Violation	Conditions Causing Nuisance	Corrective Action Required
351-3(c) & 352-3(t)(3)	Building Conditions Endanger Life, Health, Safety, or Welfare of the Public & Failure to Comply with Chief Building Official's Order	Buildings dangerous to human life and detrimental to public health and safety	Vacate premises immediately and secure premises against entry until dangerous nuisance conditions are abated and corrected. Refer to page 6 of Attachment D Notice & Order of Substandard Housing and Order to Vacate
354-1	Junk and/or Inoperable Vehicles	Junk and/or inoperable vehicles openly stored	a) Restore vehicle(s) to operative condition, and/or b) Remove inoperable vehicles, and/or c) Store inoperative vehicles within an enclosed legal structure
371-2	Maintaining a Junkyard	More than 200 square feet of discarded and/or salvaged items placed and stored throughout property	a) Contain all debris within 200 square-foot area, and/or b) Contain all debris within an enclosed legal structure, and/or c) Remove all debris
521-1, 521-4, 521-12	Improper Storage and Removal of Solid Waste	Solid waste openly stored throughout property	Contain & dispose of all solid waste in a proper and legal manner
UHC 1001 and H&S 17290.3 & 352-3(t)(3)	Substandard Housing & Failure to Comply with Chief Building Official's Order	Improperly maintained, structurally unsound, unsafe buildings	a) Apply for and obtain Demolition Permit from Humboldt County Building Dept. for the Mobile Home and two compromised accessory structures; and b) complete all work associated with Demolition Permit and have final inspection to confirm work. Refer to page 6 in Attachment D Notice & Order of Substandard Housing and Order to Vacate issued by Chief Building Official on July 9, 2021

ATTACHMENT B LEGAL DESCRIPTION

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

PARCEL ONE:

Parcel 3 as shown on Parcel Map No. 1669 on file in the office of the County Recorder of Humboldt County, California, in Book 14 of Parcel Maps, Page 107.

PARCEL TWO:

A non-exclusive right of way for road purposes over a strip of land 30 feet in width, the Westerly line of which is described as follows:

BEGINNING at the Southwest corner of Parcel One above described;
thence South 16 degrees 30 minutes West along the Westerly line of the land conveyed to A. J. Huestis by Deed dated June 7, 1859, recorded in Book C of Deeds, Page 690, a distance of 210 feet, more or less, to the Northerly line of land conveyed to Sunset Memorial Park, Inc., a California corporation, by Deed recorded March 16, 1927, in Book 181, Page 4 of Deeds, in the office of the County Recorder of said county.

PARCEL THREE:

A non-exclusive right of way for road purposes over the following described land:

BEGINNING at the Southwest corner of Parcel Two above described:
thence North 73 degrees 36 minutes West about 850 feet to the state highway;
thence Northerly along said state highway to the South line of the parcel of land conveyed to Dermont C. Roberts, by Deed dated June 1, 1859, and recorded in Book "C", Page 673 of Deeds, in the office of the County Recorder of said county;
thence South 72 degrees 40 minutes East along said Roberts land about 858 feet to the Westerly line of Parcel Two above described;
thence South 16 degrees 30 minutes West along said Westerly line, about 30 feet to the point of beginning.

PARCEL FOUR:

A non-exclusive easement for ingress and egress over and across a strip of land 25 feet wide, the North line of which begins at the Southwest corner of Parcel One above and runs thence South 73 degrees 30 minutes 05 seconds East along the Southwesterly line of said Parcel One, 115 feet.

A. P. No. 19-161-21

ATTACHMENT C
CODE ENFORCEMENT APPEAL HEARING REQUEST FORM

Address of Affected Property:
4181 Weiler Rd, Eureka, CA

Assessor's Parcel Number:
019-161-021-000

To: Humboldt County Code Enforcement Unit
3015 H Street
Eureka California, 95501

Pursuant to Humboldt County Code Section 351-9, I am requesting a hearing to contest the Humboldt County Code Enforcement Unit's determination that a nuisance exists on the above-referenced property.

[Brief statement setting forth the interest that the requesting party has in the Code Enforcement Unit's determination that a violation has occurred or exists on the affected property]: _____

[Brief statement of the material facts that the requesting party claims support the contention that a nuisance does not exist on the affected property]: _____

[Address at which the requesting party agrees to accept service of any additional notices or documents relating to the Code Enforcement Unit's determination that a nuisance exists on the affected property]:

Name: _____ Telephone Number: _____

Address: _____ City, State: _____

I understand, and agree, that if I fail to appear at the place and time set for the requested appeal hearing, as set forth in the Notice of Code Enforcement Appeal Hearing issued pursuant to Humboldt County Code Section 351-9, the Code Enforcement Unit's determination that a nuisance exists on the affected property will become final after ten (10) calendar days after service of the Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-13.

I hereby declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Signature: _____

Date: _____

Name: _____

ELECTRONICALLY

FILED

Superior Court of California,
County of Humboldt

08/15/2023 at 01:50:25 PM

MEARA C. HATTAN, CLERK

By: Michelle B., Deputy Clerk

1 County of Humboldt
2 **CODE ENFORCEMENT UNIT**
3 THOMAS CHAPIN (SBN 221741)
4 Deputy County Counsel
5 825 Fifth Street
6 Eureka, California 95501
7 Telephone: (707) 476-2343
8 countycounsel@co.humboldt.ca.us

9 Attorney for Applicant
10 COUNTY OF HUMBOLDT

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF HUMBOLDT

13 IN THE MATTER OF THE
14 APPLICATION OF THE
15 COUNTY OF HUMBOLDT FOR
16 AN INSPECTION WARRANT
17 RE PREMISES AT:

Warrant No: **SW2300556**

18 4181 WEILER ROAD
19 EUREKA, CA 95503
20 APN: 019-161-021

21 **INSPECTION WARRANT**

22 The People of the State of California to:

23 **CHRISTINE WERNER CODE ENFORCEMENT INVESTIGATOR**

24 Proof, by declaration, made this day before me that there is cause for believing that there
25 are conditions of nonconformity in and upon the premises located at 4181 Weiler Road, Eureka,
26 California, which Humboldt County Tax Collector records indicate belongs to Russell H. Papstein,
27 which constitute violations of *Uniform Housing Code* (“UHC”) and *Health & Safety Code*
28 (“H&S”) pertaining to Substandard Housing (*UHC* § 1001 and *H&S* § 17290.3); Inadequate
Sanitation (*UHC* § 1001.2); Structural Hazards (*UHC* § 1001.3); Nuisance (*UHC* § 1001.4);
Faulty Weather Protection (*UHC* § 1001.8); Fire Hazard (*UHC* § 1001.9); Faulty Material of
Construction (*UHC* § 1001.10); Hazardous or Insanitary Premises (*UHC* § 1001.11); Improper
Occupancy (*UHC* § 1001.4); *International Property Maintenance Code* (“IPMC”) pertaining to
Exterior Property and Areas (*IPMC* § 302); Exterior Structure (*IPMC* § 304); Rubbish and

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1 Garbage (*IPMC* § 308); Pest Elimination (*IPMC* § 309); Means of Egress (*IPMC* § 702); along
2 with *Humboldt County Code* (“*HCC*”) Building Conditions Endanger Life, Health, Safety, or
3 Welfare of the Public (*HCC* § 351-3(c)); Improper Storage and Removal of Solid Waste (*HCC*
4 521-1/521-4/521-12); Junk and/or Inoperable Vehicles (*HCC* 354-1); Maintaining a Junkyard
5 (*HCC* § 371-2) and Failure to Comply with Chief Building Official’s Order (*HCC* 352-3(t)(3)).

6
7 **YOU ARE HEREBY COMMANDED** to enter and inspect the premises described below
8 and to take evidence, as authorized and required by the *Code of Civil Procedure* Section 1822.50,
9 for the purpose of determining whether violations of *Uniform Housing Code* (“*UHC*”) and *Health*
10 *& Safety Code* (“*H&S*”) pertaining to Substandard Housing (*UHC* § 1001 and *H&S* § 17290.3);
11 Inadequate Sanitation (*UHC* § 1001.2); Structural Hazards (*UHC* § 1001.3); Nuisance (*UHC* §
12 1001.4); Faulty Weather Protection (*UHC* § 1001.8); Fire Hazard (*UHC* § 1001.9); Faulty
13 Material of Construction (*UHC* § 1001.10); Hazardous or Insanitary Premises (*UHC* § 1001.11);
14 Improper Occupancy (*UHC* § 1001.4); *International Property Maintenance Code* (“*IPMC*”)
15 pertaining to Exterior Property and Areas (*IPMC* § 302); Exterior Structure (*IPMC* § 304);
16 Rubbish and Garbage (*IPMC* § 308); Pest Elimination (*IPMC* § 309); Means of Egress (*IPMC* §
17 702); along with *Humboldt County Code* (“*HCC*”) Building Conditions Endanger Life, Health,
18 Safety, or Welfare of the Public (*HCC* § 351-3(c)); Improper Storage and Removal of Solid Waste
19 (*HCC* 521-1/521-4/521-12); Junk and/or Inoperable Vehicles (*HCC* 354-1); Maintaining a
20 Junkyard (*HCC* § 371-2) and Failure to Comply with Chief Building Official’s Order (*HCC* 352-
21 3(t)(3)), exists at the subject premises. The premises are located in the unincorporated area of
22 Humboldt County described as:

23 **4181 Weiler Road**

24 **Eureka, CA 95503**

25 **APN: 019-161-021**

26 This warrant authorizes entry by you, or any Officer or Investigator within the Code
27 Enforcement Unit (“*CEU*”), and such other persons as you deem necessary to assist you in
28 conducting the inspection upon the above-described property, including but not limited to Law

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1 Enforcement, Planning & Building Department staff, staff from the County's Licensed Contractor
2 Mercer-Fraser Company, CEU personnel, Department of Health and Human Services staff
3 (including but not limited to Department of Environmental Health), to assist you in conducting
4 the inspection upon the above-described property, including the taking of photographs of the
5 property and the conditions found upon it without limitation.

6 You may force entry onto the property, including the cutting of chains or locks on gates,
7 if the owner/occupant(s) are not present to provide entry. You may force entry into structures and
8 vehicles pursuant to this warrant located on the property. You may perform any and all other acts
9 reasonably necessary to determine whether conditions on the specified property are in violation of
10 Humboldt County Codes. This warrant is effective from the date hereof for a period not to exceed
11 fourteen (14) days. Said inspection shall not be made between 6:00 p.m. and 8:00 a.m. of the
12 succeeding day and may be made in the absence of the owner/occupant(s). This warrant shall be
13 returned to the Clerk of the Humboldt County Superior Court after it has been served.

14 You shall advise the owner/occupant(s) that a willful refusal to permit the inspection
15 authorized by this warrant is a misdemeanor pursuant to *Code of Civil Procedure* Section 1822.57.

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Date: August 15, 2023


SUPERIOR COURT JUDGE

