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BOARD OF SUPERVISORS' MEETING
October 23, 2018

FILE NUMBER: CDEF 2016-001
PROPERTY OWNER: Joseph and Teri Bertotti
TYPE OF PROJECT: Order to Abate

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County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

October 12, 2018

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

TO: Board of Supervisors
Agenda Date: October 23, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson Director *MAL*

SUBJECT: Determine if the substandard residence at 701-985 Johnstonville Road will be abated by Lassen County in accordance with the Order of the Building Official, if the property owner does not complete the demolition by November 6, 2018. Assessor Parcel Number 116-050-65.

ACTION REQUESTED:

1. Conduct hearing;
2. Adopt a Resolution upholding the Building Official's determination.

Summary:

The purpose of this hearing is to determine if the above referenced residence will be abated as ordered by the Building Official in accordance with the Uniform Code for the Abatement of Dangerous Buildings (UCADB). The UCADB was adopted by Lassen County at section 12.25.010 of the Lassen County Code to require substandard or dangerous buildings to be repaired, vacated or demolished. Said code works in conjunction with the California Health and Safety Code (e.g. section 17920.3) and Chapter 12.25 of County Code. County Code Chapter 12.25, the UCADB, and Health and Safety Code section 17920.3 are attached for reference.

On March 30, 2017, the residence on the above referenced parcel was declared to be a "Dangerous Building" in accordance with Lassen County Code section 12.25.030 and the UCADB. Said notice (attached) was provided in accordance with section 401.2 of the UCADB, and provided 30 days to commence work to demolish the structure or obtain a permit and commence repair of the structure. Photographs are included with the pertinent Inspection Reports (see chronology below) which further illustrate why the residence is considered dangerous and substandard. No appeal was filed for the above Notice and Order (a 30-day appeal period is provided in accordance with section 501 of the UCADB). The residence was not demolished nor was a permit secured to make repairs during this time.

On July 3, 2017, a demolition permit (DM2017-027) was issued to the property owner for demolition of the substandard residence on this parcel. Despite issuance of said permit, the owner immediately requested additional time to allow the structure to be demolished by fire, as part of a training exercise with the Susan River Fire Protection District (SRFPD). While a demolition permit is active for a certain amount of time (initially for one year) the County does not have to allow a nuisance to persist for prolonged periods.

Communication with Susanville Fire Department Fire Chief James Moore indicated a willingness to assist the SRFPD in obtaining the necessary permits to conduct such an exercise. In subsequent communication, Chief Jim Uruburu of the SRFPD indicated a willingness and intent to conduct such an exercise. Chief Uruburu indicated a desire to secure the necessary permits and conduct said exercise starting June 1, 2018, and lasting for three days.

In a July 10, 2017, letter from the Department, pursuant to the owner's request, the owner was given until July 3, 2018, to complete this demolition and the associated clean-up of debris. Again, this extension was intended to allow the proposed training exercise to proceed.

However, the exercise did not take place on June 1, 2018. Staff has spoken with Chief Uruburu several times since June, and he indicates the exercise is now instead scheduled for November 3, 2016, through November 6, 2018. Chief Uruburu reports that the SRFPD was unable to complete the permitting in time for the June date. Chief Uruburu initially indicated that he is willing to provide a letter stating that the exercise is scheduled for November, but as of this Board letter, no such letter has been provided (despite several phone calls reiterating the request for such a letter). The SRFPD is responsible for securing all permits required for the fire training exercise. Said exercise is not a County effort and the property owner and SRFPD assume all associated risk.

County's Authority to Abate:

In accordance with section 701.3(3) of the UCADB, the Building Official is authorized to abate the structure or remains from the fire exercise if the owner fails to complete the demolition by November 6, 2018 (and provided the Board concurs with the Building Official through this hearing). This hearing is being conducted, in addition to the requirements detailed in the UCADB, to allow the property owner an opportunity to present any evidence or information as to why Lassen County should not proceed with the demolition if the SRFPD and/or owner fail to properly demolish the residence and remove all debris by November 6, 2018.

If, after this hearing, the Board concurs that the Building Official's order is appropriate (and if the property owner fails to act) the Department will prepare a contract with a private contractor to complete the abatement. Section 12.25.035 of County Code authorizes the Building Official to complete any repair or demolition ordered under the UCADB by private contract. Additionally, through the Lassen County Purchasing Policy, the Board has already delegated authority to the County Administrative Officer (CAO) to sign such a contract, up to \$45,000.

If necessary, the Building Official will secure an abatement warrant from the Lassen County Superior Court to execute the Building Official's Order.

If abatement is performed by Lassen County in accordance with the UCADB, the cost of the abatement may be recovered in accordance with Chapter 9 of the UCADB. The Department would return to the Board of Supervisors for an additional hearing where the expense incurred by Lassen County would be considered.

Chronology:

The following section lists many (but not necessarily all) of the records, orders, and interactions pertaining to this case (said records are attached to this Board letter). Letters are presented with the associated Declaration of Service:

- February 23, 2017, Field Inspection Report, with photographs.
- March 30, 2017, Field Inspection Report, with photographs.
- March 30, 2017, Notice and Order of Posting from the Department indicating the structure was considered to be dangerous, ordering repair or demolition to commence within 30 days, and providing the procedure to appeal the Notice within 30 days.
- May 5, 2017, Field Inspection Report, with photographs.
- May 8, 2017, Notice of Issuance of Citation and Citation. It was determined that no progress toward compliance had been made and a \$100 administrative citation was issued in accordance with Chapter 1.20 of Lassen County Code. Information on the 15-day appeal period appeared on the reverse side of the Citation.
- June 5, 2017, Violation Status Sheet, documenting a visit to the Department by the property owner. A copy of a rental agreement with the City of Susanville and a City Council resolution was provided (both attached).
- June 16, 2017, Supplemental Notice and Order of Posting, regarding the agreement with the City of Susanville to use the structure for fire training. Said letter agreed, in principle, to allow a proposed training exercise whereby the structure would be demolished by fire, provided the required approvals could be secured.
- July 3, 2017, letter from the property owner requesting an appeal of the May 8, 2017, administrative citation and stating that a demolition permit had been secured. This letter also proposed one year to complete the demolition.
- July 3, 2017, demolition permit DM2017-027 was issued to the property owner.
- July 10, 2017, letter from the Department informing the property owner that the appeal period for the May 8, 2017, citation was over (said appeal period is 15 days). Said letter also accepted the property owner's proposal to reach compliance by July 3, 2018.
- July 24, 2017, Notice of Dangerous/Substandard Building recorded as Instrument Number 2017-03001, recorded as required by section 402 of the UCADB.

- February 1, 2018, letter from the Department to Chief Jim Uruburu of the Susan River Fire Protection District inquiring as to the status of the proposed fire training exercise to demolish the structure.
- February 16, 2018, note from Assistant Director Gaylon Norwood documenting a visit to the office by Fire Chief Jim Uruburu indicating the fire training exercise to demolish the structure by fire would occur over three days starting June 1, 2018.
- March 8, 2018, letter from the Department to the property owner, stating that Chief Jim Uruburu indicated that the fire training exercise for the demolition by fire would start June 1, 2018. The letter stated in no case was the Department interested in delaying demolition beyond July 3, 2018 (the demolition permit expiration date)
- April 26, 2018, and May 1, 2018, note from Assistant Director Gaylon Norwood documenting attempted communications with Chief Jim Uruburu.
- May 1, 2018, letter from the Department to Chief Jim Uruburu of the Susan River Fire Protection District inquiring as to the status of the proposed fire training exercise.
- May 9, 2018, email to Susanville Fire Chief James Moore regarding the status of the fire training exercise scheduled for June 1, 2018.
- May 30, 2018, May 31, 2018, June 6, 2018, and June 11, 2018, notes recording a series of phone communication between Assistant Director Gaylon Norwood and Chief Jim Uruburu. The fire training exercise was rescheduled to November 3, 2018, through November 6, 2018.
- May 31, 2018, letter from the property owner requesting a one-year extension of the building permit.
- June 27, 2018, Supplemental Notice and Order to Correct Violations, extending Demolition permit DM2017-027, and stating the Building Official would initiate abatement by the County if it was not completed by the property owner or fire district by November 6, 2018.
- August 13, 2018, Field Inspection Report, with photographs.
- August 13, 2018, letter from the Department to the property owner indicating that a hearing will be held before the Board of Supervisors to confirm the Building Official's abatement order.
- October 11, 2018, notice of the October 23, 2018, hearing mailed to the property owner. Said notice was also emailed on October 11, 2018.

RESOLUTION NO. _____

**RESOLUTION UPHOLDING THE BUILDING OFFICIAL'S
DETERMINATION THAT THE RESIDENCE AT 701-985 JOHNSTONVILLE
ROAD BE ABATED**

WHEREAS, Assessor's Parcel Number: 116-050-65 (as described in Exhibit A) is a parcel owned by Joseph and Teri Bertotti located at 701-985 Johnstonville Road, Susanville, California; and

WHEREAS, a hearing was conducted by the Board of Supervisors on October 23, 2018, to determine if the Building Official's Order that the residence on the subject property be abated would be implemented; and

WHEREAS, in accordance with section 401.2 of the Uniform Code for the Abatement of Dangerous Buildings, the Lassen County Building Official gave Notice to the property owner on March 30, 2017, ordering that repair or demolition is to commence within 30 days.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct
2. The Board of Supervisors further finds that:
 - a. The March 30, 2017, notice to the property owner that the residence must be repaired or demolished was properly given in accordance with the Uniform Code for the Abatement of Dangerous Buildings, which was properly adopted by Lassen County at section 12.25.010 of the Lassen County Code.
 - b. The property owner has not secured any permits for repair of the residence. On July 3, 2017, the property owner secured a demolition permit (DM 2017-027), but as of the date of this resolution demolition has not occurred.
 - c. The Susan River Fire Protection District indicated that a fire training exercise, where the residence would be demolished by fire, would take place starting June 1, 2018. That date was subsequently changed to November 3, 2018. The Building Official has correctly stated that Lassen County does not have a permitting role in such an exercise.
 - d. On July 10, 2017, the compliance deadline was extended to July 3, 2018, at the request of the property owner to accommodate Susan River Fire Protection District's proposed fire training exercise.

RESOLUTION NO. _____

- e. The Susan River Fire Protection District indicated that the exercise previously scheduled to start June 1, 2018, is now scheduled to start November 3, 2018.
 - f. The information provided in the Board packet for this hearing is true and correct and is hereby adopted by reference.
 - g. Notice of the October 23, 2018, Board hearing was provided to the property owner on October 11, 2018.
3. The Building Official is hereby directed to complete the abatement if the property fails to complete the demolition by November 6, 2018. This includes the required removal of any debris from the demolition.
4. If abatement is executed by Lassen County in accordance with this resolution, cost recovery shall be pursued in accordance with Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings.

The forgoing resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 23rd day of October 2018, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Chairman of the Board of Supervisors,
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 2018.

Deputy Clerk of the County of Lassen Board of Supervisors

Exhibit "A"
Legal Description for A.P.N. 116-050-65

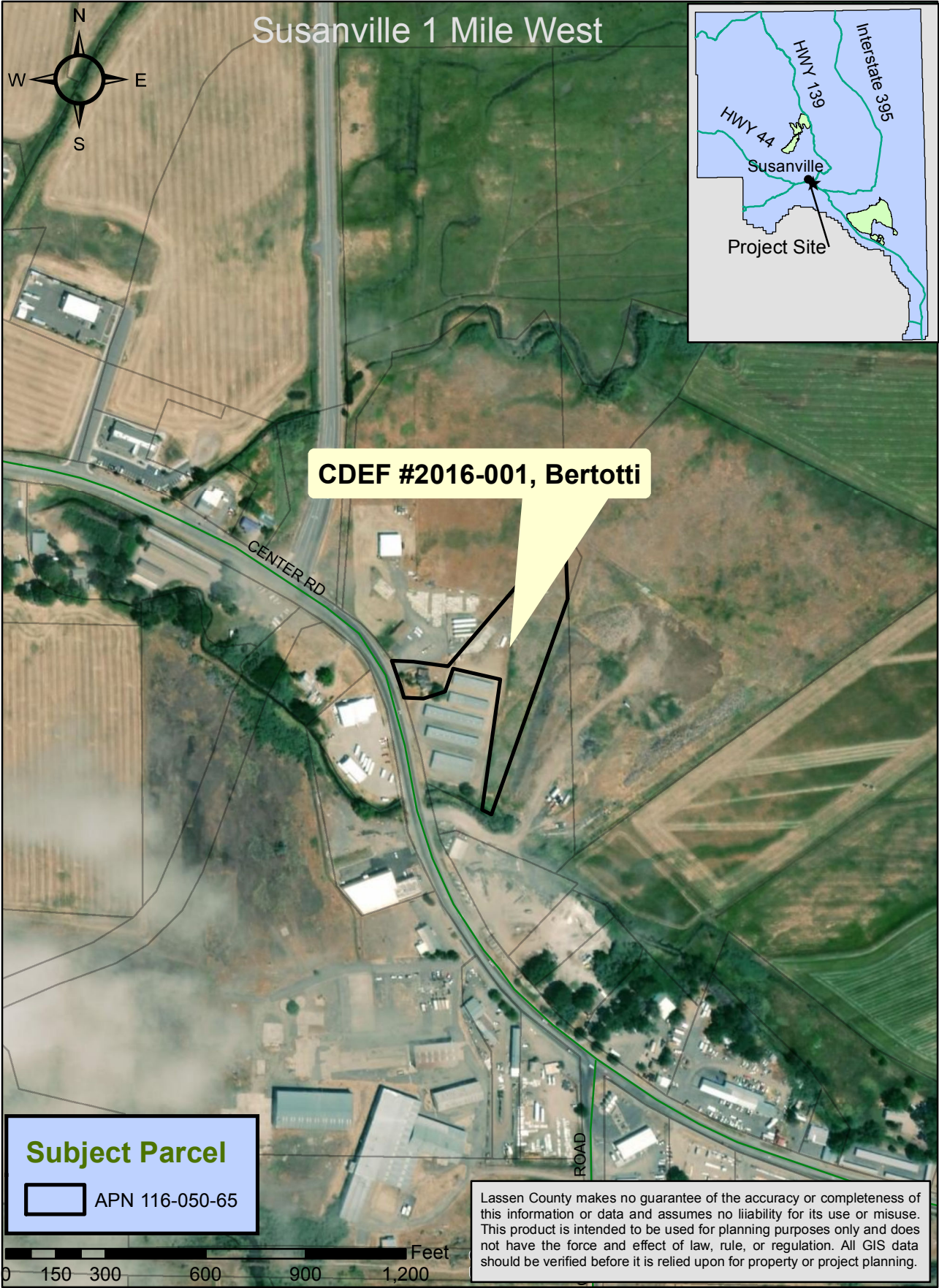
All that certain real property being a portion of Parcel "A" as shown on Parcel Map No. 13-3-75 for Honey Lake Investors, filed April 18, 1975 in Book 10 of Maps, at Page 154, of the Official Records of Lassen County, California, and being located in a portion of Section 3, Township 29 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated area of Lassen County, California, more particularly described as follows:

All of the "Remainder" parcel as shown on Parcel Map No. 96046 for Joseph J. and Teri L. Bertotti, filed December 15, 1999 in Book 36 of Maps, at Pages 9-10, of the Official Records of Lassen County, California.



Don E. Willis

CDEF #2016-001



VIOLATION FIELD INSPECTION REPORT

File # CDEF 2016-001	Inspection #	Date: 2-23-17	Time: 3:00 PM
Owner: BERTOTT I			
Property Address: 701-985 JOHNSTONVILLE ROAD			
A.P.N.: 116-050-65-11		Parcel Size: 2.7	
Person Contacted: NONE			
Relation to Property:			

Conditions Observed:

Photos

YES

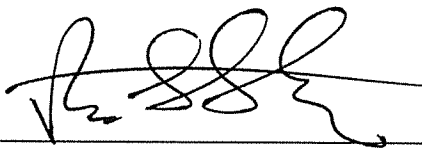


NO



ATTRACTIVE STRUCTURE W/ FAMILY DWELLING ACROSS FROM BUILDING. OPENINGS NOT BOARDED UP ON GARAGE AND UPPER STORY. FRONT PORCH STRUCTURE COMPLETELY FAILING OPEN FRONT GATE. UNSIGHTLY. METAL ROOFING TORN BACK EXPOSING INTERIOR OF GARAGE.

Code Enforcement Officer:



Robert Steen





Code Enforcement

Initial Field Worksheet

Date: March 30, 2017 p.m. Discovery Date/Time: _____Discovered by: _____ Inspected by: R. SteenA.P.N.: 116 - 050 - 65 Zoning: _____Property Owner: BertottiAddress: 701 - 985 Johnstonville Rd.Photos included: Yes ☒ No ☐Violation (check all that apply): ☒ Building ☐ Zoning ☒ Public Nuisance☐ No Building Permit☒ Substandard/Dangerous Dwelling☐ Junk Yard☐ Non-Ops☐ Signage☒ Debris, Trash, Junk☐ Home Business☐ Second Residence/RV Occupancy☐ Kennel☐ Repair/Auto Body Shop☐ Animals☐ Storage Yard (Trucks, Large Equipment, RV'S)

Other: _____

Person contacted/relation to property: Unchanged since last inspectionAdditional notes: The metal scrap covering garage opening has blown down making more accessible
POSTED "DO NOT ENTER" NOTICES @ Front, side, backStaff Initials rls 12







DECLARATION OF SERVICE BY POSTING

I, THE UNDERSIGNED, SAY:

1. I am an employee of Lassen County, California, over the age of eighteen year;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and

I posted the foregoing **NOTICE DO NOT ENTER/ UNSAFE TO OCCUPY** on the property depicted in said notice attached thereto and incorporated therein, at 701-985 Johnstonville Road, Susanville, CA (APN: 116-050-65) on Thursday, March 30, 2017, and address as follows:

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville, CA 96114

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

Executed on this Thursday, March 30, 2017, at Susanville, California 96130



Robert Steen, Code Enforcement Officer



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

NOTICE AND ORDER OF POSTING

CERTIFIED MAIL/RETURN RECEIPT
7015 0640 0005 0681 1776

March 30, 2017

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville Ca. 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter is in regard to the above mentioned property which is in violation of *Lassen County Code*, the *Uniform Code of Abatement of Dangerous Buildings* and the *California Health and Safety Code*. This property is 2.78 acres and is located in a M-1 (Light Industrial) zoning district.

On March 30, 2017, a site inspection was conducted on this property. As a result of the conditions observed it was determined that this property is substandard as defined by *California Health and Safety Code §17920.3* (attached). The specific conditions that were noted were general dilapidation or improper maintenance, deteriorated or defective lack of waterproofing created by uncovered upper window openings and damaged roof, structural hazard created by rotted and deteriorated exterior porch structure and an unsecured yard and building creating an attractive nuisance.

CODE VIOLATIONS

The above conditions are to the extent they endanger the life, limb, health, property, safety or welfare of the public thereof and shall be deemed and hereby declared to be a "Dangerous Building", in accordance with Lassen County Code §12.25.030, which states:

Any condition declared by 17920.3 of the California Health & Safety Code to be a 'substandard building' shall constitute a 'dangerous building' within the definitions of that term contained in §302 of the Uniform Code for the Abatement of Dangerous Buildings.

The present conditions necessitate the issuance of a notice to vacate in the form of a posting of the building, "Do Not Enter, Unsafe to Occupy". As such, March 27, 2017, the above referenced structure was so posted, pursuant to and in accordance with *Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings* and is not to be entered without prior authorization from the Lassen County Planning and Building Services Department.

REMEDY

In accordance with the authority delegated to the *Building Official in §401.2 of the Uniform Code for the Abatement of Dangerous Buildings*, you are hereby notified that you have 30 days from the date of this letter to obtain a permit and commence work to repair or demolish the structures. If you determine that you will repair the structure, you must submit plans prepared by a licensed engineer identifying the corrections that will be necessary to bring the structure into compliance with the California Building Code. You are also directed to secure the structure from unauthorized entry while in the process of repairs or demolition.


If permits have not been obtained and work has not commenced as detailed above, this office may pursue remediation in accordance with procedure as detailed in *Chapter 8 of the Uniform Code for the Abatement of Dangerous Buildings*, and any other pertinent sections of state and local code or regulation.

Recovery of said abatement cost will be pursued in accordance with the protocol detailed in *Chapter 9 of the Uniform Code for the Abatements of Dangerous Buildings* and any other pertinent sections of state and local code or regulation.

NOTICE OF RIGHT TO APPEAL

In accordance with §501 of the *Uniform Code for the Abatement of Dangerous Buildings* (enclosed), you have thirty (30) days from the date of this letter to submit to this office a written request for an appeal of this posting. To submit an appeal letter you must also submit the \$159 appeal filing fee (pursuant to Lassen County Code §3.18.020). Again, the appeal and filing fee must both be received within thirty (30) days of the date of this letter. In accordance with Section 402 of the Uniform Code for the Abatement of Dangerous Buildings service of this letter is effective on the day of mailing.

Sincerely,



Maurice L. Anderson, Director
Acting Building Official

MLA: rls

Enclosures: California Health and Safety Code 17920.3
Uniform Code for the Abatement of Dangerous Buildings Chapters 4,5 and 7.
California Penal Code 370-373(a)

cc: Lassen County Sheriff's Office


**DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND
FIRST CLASS MAIL**

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130, and ;
3. I served the foregoing **NOTICE AND ORDER OF POSTING** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Thursday, March 30, 2017, addressed as follows:

BERTOTTI, JOSEPH J & TERI L
464-950 OLD CUT OFF RD
JANESVILLE, CA 96114

I declare under penalty of perjury that the foregoing is true and correct.
Executed on Thursday, March 30, 2017, at Susanville, California 96130.


Brooke Suarez

7015 0640 0005 0681 1776

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$ 3.25
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.67
Total Postage and Fees	\$ 4.77
Sent To	Joseph and Teri Bertotti
Street and Apt. No., or PO Box No.	464-950 Old Cut Off Road
City, State, ZIP+4®	Janesville, CA 96114
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville, CA 96114



9590 9403 0376 5163 1011 03

2. Article Number (Transfer from service label)

5 0640 0005 0681 1776

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Carol Mosen*

☒ Agent
☐ Addressee

B. Received by (Printed Name)

Carol Mosen

C. Date of Delivery

3-31-17

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

APR 03 2017

*Larson County Department of
Building Services*

3. Service Type

- ☒ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

CEP2016-001

Domestic Return Receipt

Code Enforcement

Initial Field Worksheet

Date: 5/5/17 Discovery Date/Time: 5-5-17
Discovered by: Steen Inspected by: Steen
A.P.N.: 116-050-65 Zoning: _____
Property Owner: Bertotti
Address: 701-985 Johnstonville Rd.

Photos included: Yes ☒ No ☐

Violation (check all that apply): ☒ Building ☐ Zoning ☒ Public Nuisance

☐ No Building Permit

☒ Substandard/Dangerous Dwelling

☐ Junk Yard

☐ Non-Ops

☐ Signage

☒ Debris, Trash, Junk

☐ Home Business

☐ Second Residence/RV Occupancy

☐ Kennel

☐ Repair/Auto Body Shop

☐ Animals

☐ Storage Yard (Trucks, Large Equipment, RV'S)

Other: _____

Person contacted/relation to property: _____

Additional notes: unchanged, - unsafe - - hazard - photo's included





County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

NOTICE OF ISSUANCE OF CITATION

CERTIFIED MAIL/RETURN RECEIPT
7017 0660 0000 6270 5573

May 8, 2017

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Joseph and Teri Bertotti
464-950 Old Cut Off Rd.
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
A.P.N. 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter is in regard to the above referenced property, which is in violation of Lassen County Code and the California Health and Safety Code. This property is 2.78 acres in size and is zoned M-1 (Light Industrial District).

As stated in this Department's previous "Notice and Order of Posting", you were advised of the violations existing on your property which present a public nuisance and the remedies to bring your property into compliance. The specific conditions noted were dilapidated, unsafe, unsecured structure that is a violation of California Health and Safety Code §17920.3.

On May 5, 2017, an additional site visit was conducted. As observed and documented from the public access, there is no change in the existing violations which continue to present a public nuisance. At this time, the 1st citation (#2016-001-01) has been issued (enclosed) and included with this letter. Information on how to pay the citation and rights of appeal are located on the reverse side of said citation.

REMEDY

To remedy these violations, you must secure the property and building from entry so as not to present a public nuisance and apply for the proper permits to repair or demolish the structure.

Joseph and Teri Bertotti

May 8, 2017

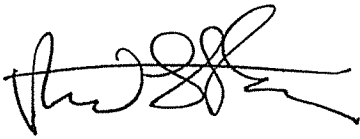
Page 2 of 2

ADDITIONAL ENFORCEMENT

Failure to correct these violations by May 26, 2017 will result in the issuance of a second administrative citation in the amount of \$500, the third and subsequent citations are \$1000 (each day as a new violation). Additional enforcement actions such as administrative abatement, criminal prosecution, and/or civil injunction may also be utilized to correct these violations.

If you have any questions concerning the process to secure a building permit or demolition permit, please contact Kelley Hinman at (530) 251-8269. If you have questions concerning the content of this letter, please contact Code Enforcement Officer Rob Steen at the same number.

Sincerely,



FDR: Maurice L. Anderson, Director
Acting Building Official

MLA:rls

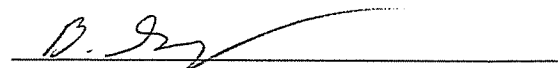
**DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND
FIRST CLASS MAIL**

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130, and ;
3. I served the foregoing **NOTICE OF ISSUANCE OF CITATION** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Monday, May 08, 2017, addressed as follows:

JOSEPH J & TERI BERTOTTI
464-950 OLD CUT OFF RD
JANESVILLE, CA 96114

I declare under penalty of perjury that the foregoing is true and correct.
Executed on Monday, May 08, 2017, at Susanville, California 96130.


Brooke Suarez

7017 0660 0000 6270 5573

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$ 3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.46
Total Postage and Fees	\$ 6.56
Sent To	
Street and Apt. No., or PO Box	Joseph & Teri Bertotti
City, State, ZIP+4®	464-950 Old Cut Off Rd. Janesville, CA 96114
PS Form 3800, April 2015 PS	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville, CA 96114



9590 9403 0376 5163 1011 03

2. Article Number (Transfer from service label)

5 0640 0005 0681 1776

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Carol Morgan*

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Carol Morgan

C. Date of Delivery

3-31-17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

APR 03 2017

*Larson County Department of
Housing and Building Services*

3. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

COEP2016-001

Domestic Return Receipt



ADMINISTRATIVE CITATION



CITATION NUMBER: # 2016-001-01



Lassen County
Department of Planning and Building Services
Code Enforcement
707 Nevada Street, Suite 5
Susanville, CA 96130
(530) 251-8269

CITATION DATE May 5, 17 TIME 0800



Lassen County
Public & Environmental Health
1445 Paul Bunyan Rd.
Susanville, CA 96130
(530) 251-8183

An inspection of the property located at: 701-985 Johnstonville Road

(Assessor's Parcel Number: 116-050-65)
in the County of Lassen, revealed a violation(s) of the California Building Code, Health and Safety Code, and/or
Lassen County Code.

Name of owner: Joseph Bertotti

Mailing address: 464-950 Old Cut-off Rd
Janesville Ca. 96114



1st CITATION \$100.00



2nd CITATION \$500.00



3rd (or subsequent) CITATION \$1,000.00

TAKE NOTICE: YOU MAY BE CITED EACH DAY THE VIOLATION CONTINUES. OTHER ENFORCEMENT ACTION AND PENALTIES MAY ALSO RESULT IF COMPLIANCE IS NOT ACHIEVED OR IF YOU IGNORE THIS CITATION. ALL CITATIONS ARE DUE WITHIN THIRTY (30) DAYS OF CITATION DATE.

***SEE THE OTHER SIDE OF THIS FORM FOR INFORMATION ON HOW TO PAY THE FINE.

THIS VIOLATION WAS ORIGINALLY BROUGHT TO YOUR ATTENTION ON March 30, 2017 AND YOU HAVE NOT CORRECTED OR RESOLVED THE VIOLATION(S).

CODE SECTION(S):
17920.3 CA H&S

DESCRIPTION OF VIOLATION(S):
Dangerous building

RECEIPT ACKNOWLEDGED BY: _____ DATE: _____



Service by Certified Mail



Service by Posting

SIGNATURE OF OFFICER

PRINT NAME OF OFFICER

R. Steen

IMPORTANT - READ CAREFULLY
THE LAW REQUIRES

Administrative Citation

Lassen County Code Chapter 1.20 provides for the issuance of administrative citations for Lassen County Code Violations and/or the California Health and Safety Code. There are three levels of citations that can be issued for a violation. The fines, as indicated on the front of the citation, are \$100.00 for the First Citation, \$500.00 for the Second Citation and \$1,000.00 for the Third and subsequent Citations for violations of the same ordinance within one year. These fines are cumulative and citations may be issued each day the violation exists.

Rights of Appeal

You have the right to appeal this administrative citation within fifteen (15) days from the citation date. An appeal must be in writing. To appeal, submit a completed Request for Hearing form (obtained from the Planning and Building Services Department) together with proof of an advanced payment of the fine, to the address indicated on the front of this citation and to the attention of "Administrative Hearing Officer." A properly filed appeal will result in an administrative hearing.

Failure of any person to properly file a written appeal within fifteen (15) CONSECUTIVE days from the citation date shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation or any portion thereof and the total amount of the fine.

A full description of the hearing process for the County's administrative hearings for Code violations and your rights in that process are found in Lassen County Code sections 1.20.070, 1.20.090, and 1.20.100.

How to Pay Fine

The amount of the fine is indicated on the front of this administrative citation. Prior to receiving an invoice from the Lassen County Tax Collector's Office of Recovery and Reimbursement, you may pay by mail or in person at 220 S. Lassen Street, Suite 3, Office of Recovery and Reimbursements, Susanville, CA 96130. Payment should be made by personal check, cashier's check, or money order, payable to Lassen County. Please write the citation number on your check or money order. Payment may be made by debit or credit card at www.officialpayments.com (when the selection comes up for payment type, select Recovery and Reimbursement Collections), note client number or citation number.

If the citation is not paid or appealed within the statutory time, you will receive an invoice from the Office of Recovery and Reimbursement. Payment plans are available, additional charges may apply. Please follow the instructions on the invoice to ensure proper processing of your payment. **Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by Lassen County. If not paid in full in thirty (30) days, principle accrues interest of 10% per year (Lassen County Code Chapter 1.20.030(f)).**

Consequences of Failure to Pay the Fine

The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation or on the invoice from the Office of Recovery and Reimbursement may result in a claim with the Small Claims Court or any legal remedy, such as a lien, to collect such money. The County has the authority to collect all costs associated with the filing of such actions. The consequences for failure to pay fine penalties may be found in Lassen County Code section 1.20.110.

Consequences of Failure to Correct Violations

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, 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 up to \$100,000.00, to demolish structures or make necessary repairs at the owner's expense, and to incarcerate violators. Any of these options or others may be used if the administrative citations do not achieve compliance.

For Additional Information Please Contact:

Nuisance Compliance- Code Enforcement Officer (530) 251-8269

Health and Safety Code Violation- County Health Officer (530) 251-8183

How to make a payment- Recovery & Reimbursement (530) 251-8227

VIOLATION STATUS SHEET

File # 2016-001

Date: 6-5-17

Owner: Joseph and Teri Bertotti

Mailing Address 464-950 Old Cut off Rd Jonesville 96114

Property Address 701-985 Johnstonville Rd

A.P.N.: 116-050-65

Zoning: M-1

Complaint: _____

Notice Sent: _____

Response Deadline: _____

Response Received: _____

Notes:

Joe Bertotti was in the office today. Presented a copy of an agreement with the city whereby the city uses the SFR for training. Also presented a copy of a city resolution authorizing the use. Says he's working with the city to burn the structure as a training exercise.

Gaylon Norwood

(Signature)

Permit Research: _____

Refer to D.A.:

Yes

☐

No

☒

Referral Letter Sent: _____

2

RECEIVED

JUN 05 2017

*Lassen County Department of
Planning and Building Services*

RENTAL AGREEMENT – FOR FIRE TRAINING PURPOSES BETWEEN

**City of Susanville and
Susan River Fire Protection District and
Joseph Bertotti**

Preamble

This Agreement is entered into on October 15, 2014 by and between Joe Bertotti, an individual, (hereinafter "Landlord"), and City of Susanville, a municipal corporation and general law city of the State of California (hereinafter "Tenants") and Susan River Fire District, a California Special District. Landlord hereby rents to Tenants the uninhabitable single-family house located at 701-985 Johnstonville Road, Susanville, California 96130, hereafter called the "rented premises." The "rented premises" shall also any other outbuildings, sheds or structures located on the property.

Term

1. This lease shall be for a term of four (4) years commencing at 12:01 A.M. October 15, 2014(the "Commencement Date"), and ending at 12:01 A.M. on October 14, 2018, unless sooner terminated under the provisions of this lease.

Rent

2. Tenants agree to pay to Landlord as rent for the use and occupancy of the leased premises the sum of ONE DOLLAR (\$1.00) per year, payable in advance.

Security Deposit

3. No security deposit is required.

Utilities

4. Tenants shall pay all charges for all utilities, including electricity, gas, water, garbage disposal, and telephones, used in or on the leased premises during the term of this lease. Tenants shall make payments for these utilities directly to the utility companies.

Occupancy of Leased Premises

5. Except as otherwise provided in this paragraph, only those persons collectively referred to in this lease as "Tenants" (their employees, representatives, volunteers, officials, and trainees) will use the leased premises. No other person shall be permitted to use the leased premises except with the prior written approval of Landlord.

Use of Leased Premises

6. Tenants agree that the leased premises are to be used exclusively as a fire training facility of the City of Susanville and the Susan River Fire District, and Tenants shall have the right to conduct the fire training operations on the leased premises including but not limited to: drills such as ventilation, fire fighter rescue and self-rescue, building construction and basement fire fighting. Landlord states that he has no intention of rebuilding said premises upon completion of this lease. Tenants do not contemplate conducting activities involving burning of the structure at any time but may perform drills involving constructing and demolishing walls within the structure.

Condition of Leased Premises

7. The rights and responsibilities of Landlord and Tenants relating to the condition of the leased premises are as follows: Landlord deems this structure a tear-down and has no plans for remodel or restoration.

Alterations and Repairs by Tenant

8. Tenants shall not be required to make any alterations, repairs, remediation, maintenance, replacements, construction or re-construction on the leased premises. Tenants' purpose in leasing the premises is to conduct fire training activities and the parties contemplate and expect that the leased premises may be damaged, destroyed, and rendered inoperable and unusable by Tenants said activities. Tenants may do internal construction for purpose of destructive training exercises.

Entry by Landlord

9. Landlord may enter the premises at any time upon giving 8 hours notice to tenants but at no time should landlord interfere with any scheduled drills of tenants.

Locks and Keys

10. Tenant may not change or add any lock to the leased premises without obtaining Landlord's prior written consent and without providing Landlord with a key to the changed or added lock.

Tenants will secure all doors and windows as best they can from unauthorized entry at all such times when they are not in use of the premises.

Assignment and Subletting

11. Tenants may not assign this lease or sublet all or any portion of the leased premises without the permission of landlord.

Default by Tenant

12. Landlord and Tenant agree that every condition, covenant, and provision of this lease is material and reasonable. Any breach by Tenants of a condition, covenant, or provision of this lease will constitute a material breach. For any material breach by Tenants, Landlord may provide Tenants with a written three-day notice that describes the breach and demands that Tenants cure the default (if a cure is possible). If Tenants do not cure the default within the three days, or if a cure is not possible, this lease will be terminated. Termination of this lease for a breach by Tenants will not occur unless the events described in this paragraph occur.

Name and Address of Owner

13. The owner of the leased premises is Joe Bertotti, P O Box 499, Susanville, CA 96130-0499.

Notices

14. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this lease or by law to be served on or given to either party to this lease by the other party shall be in writing and shall be deemed to be served when personally delivered to the party to whom the notice is directed or, in lieu of personal service, when deposited in the United States mail, first-class postage prepaid, addressed to Tenants at:

City Administrator
City of Susanville
66 North Lassen Street
Susanville, CA 96130

Susan River Fire Department
705-145 Highway 395
Susanville CA 96130

or to Landlord at:

Joe Bertotti
P O Box 499
Susanville CA 96130-0499

Either party to this lease may change their address for purposes of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

Waiver

15. The waiver by Landlord of any breach by Tenants of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach by Tenants either of the same or of another provision of this lease.

Hold Harmless

16. Tenants hereby agree to and shall indemnify and hold Landlord, their employees, representatives and agents harmless from any and against any or all loss, liability, expense, claim, costs, suits, attorneys fees, and damages of every kind, nature and description, directly or indirectly arising from the conditions and performance of this Agreement. Landlord hereby agrees to and shall indemnify and hold Tenants, its officials, officers, employees, representatives and agents harmless from any and against any or all loss, liability, expense, claim, costs, suits, attorneys fees, and damages of every kind, nature and description, directly or indirectly arising from the conditions and performance of this Agreement.

Binding on Heirs and Successors

17. This lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Landlord and Tenants; provided, however, that nothing in this paragraph shall be construed as a consent by Landlord to any assignment of this lease or any interest in it by Tenant.

Time of Essence

18. Time is expressly declared to be of the essence in this lease.

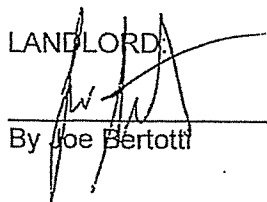
Sole and Only Agreement

19. This instrument is the full, complete, sole, final, and exclusive agreement of the parties concerning the matters covered by this agreement and the rights granted and duties undertaken as between the parties. There is no other agreement between the parties respecting the subject matter of this agreement or the rights, duties, promises, and undertakings of the parties. Any statement, representation, promise, or undertaking made prior to or contemporaneously with the execution of this agreement shall be void and of no effect, or to be held to have merged or been superseded by the terms and conditions of this agreement. Any statement, promise, or representation made to or by any party, or made to or by an employee, attorney, servant, agent or representative of

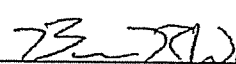
any party, respecting the matters set forth in this agreement shall not be valid or binding as to these parties unless it is specifically contained in this agreement. Any oral representation, modification, or change concerning this agreement, or the terms or conditions of this agreement, shall be of no force and effect, except for a subsequent modification being reduced to a writing and signed by the parties to this agreement.

Executed on October 15, 2014 at Susanville, Lassen County, California.

LANDLORD:

By  _____
Joe Bertotti

TENANTS:
CITY OF SUSANVILLE

 _____
Brian Wilson, Mayor

ATTEST:

 _____
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM:

 _____
Peter M. Talia, City Attorney

SUSAN RIVER FIRE PROTECTION DISTRICT

RECEIVED

JUN 05 2017

Lassen County Department of
Planning and Building Services

RESOLUTION NO. 14-5109
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
APPROVING AND AUTHORIZING MAYOR TO EXECUTE RENTAL
AGREEMENT BETWEEN CITY, SUSAN RIVER FIRE PROTECTION
DISTRICT AND JOE BERTOTTI

WHEREAS, the City of Susanville, in partnership with the Susan River Fire Protection District, has an opportunity to renew the lease for an uninhabitable single-family dwelling located at 701-985 Johnstonville Road, which is to be used exclusively as a fire training facility; and

WHEREAS, this facility will be beneficial to the community by providing a facility for fire training purposes; and

WHEREAS, the rental agreement is for a four-year time period commencing October 15, 2014 and ending October 14, 2018 at a cost of \$1.00 per year to be paid in advance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Susanville to approve the agreement, incorporated herein by reference, and to authorize the Mayor to execute the agreement on behalf of the City.

APPROVED: Brian R. Wilson
Brian R. Wilson, Mayor

ATTEST: Gwenna MacDonald
Gwenna MacDonald, City Clerk

The foregoing Resolution No. 14-5109 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of October, 2014 by the following vote:

AYES:	De Boer, Garnier and Wilson
NOES:	None
ABSENT:	Callegari and McBride
ABSTAINING:	None

Gwenna MacDonald
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM: Peter M. Talia
Peter M. Talia, City Attorney



County of Lassen

Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

SUPPLEMENTAL NOTICE AND ORDER OF POSTING

CERTIFIED MAIL/RETURN RECEIPT

7015 0640 0005 0681 0243

June 16, 2017

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter follows your June 5, 2017, visit to this Department and our conversation in regard to the above referenced case. During said visit you provided a copy of a rental agreement between you, the City of Susanville, and the Susan River Fire Protection District whereby the City and District rent the structure on the subject parcel for use as a "fire training facility." You also provided a copy of a resolution (number 14-5109) of the City of Susanville extending the rental agreement to October 14, 2018. You further stated that you had a conversation with Susanville Fire Chief James Moore who is agreeable to demolishing the subject structure by fire, as a training exercise.

I spoke with Chief James Moore subsequent to your visit to the office. Mr. Moore affirmed that he is agreeable to assisting the Susan River Fire Protection District process the approvals necessary to demolish the structure by fire, but the proposal would have to be from the Susan River Fire Protection District since the structure is in their jurisdiction.

Your agreement with the City of Susanville and the Susan River Fire Protection District does not affect our responsibility to have this structure abated under the Uniform Code for the Abatement of Dangerous Buildings. As stated in our March 30, 2017, Notice and Order of Posting, the structure has been determined to be a dangerous building pursuant to Section 17920.3 of the Health and Safety Code and Section 302 of the Uniform Code for the Abatement of Dangerous Buildings.

That said, provided all the necessary approvals can be obtained, this Department is agreeable to the demolition of the subject structure by fire. It is not yet clear to this Department what permits will be required for the demolition of the structure in this manner; however, the Susan River Fire Protection District would be responsible for securing all required permits. If the structure is to be demolished in this manner the Department will need to approve definite deadlines for the demolition to occur. We will require a letter from the District, proposing a timeline. We would not be interested in delaying this beyond 2017. We will hold off any further enforcement action during this process provided you continue to secure the structure against unauthorized entry.

Please also note that we are required by Section 402 of the Uniform Code for the Abatement of Dangerous Buildings to record a certificate with the County recorder describing the property and certifying that the building is dangerous and the owner has been so notified. Said certificate will be recorded after July 6, 2017. When the corrections are completed, a new certificate shall be filed with the County recorder stating such.

If we have not heard from you in writing by **July 6, 2017**, with firm dates as to the subject structures demolition, we will reinstate enforcement actions. Be advised, the next ticket is \$500 and all subsequent tickets will be \$1,000.

Sincerely,



Gaylon Norwood, Assistant Director

:gfn

Enclosures: California Health and Safety Code 17920.3
Uniform Code for the Abatement of Dangerous Buildings Chapters 3 and 4

cc: City of Susanville, Fire Department
Susan River Fire Protection District
Lassen County Sheriff's Office

Case No: CDEF 2016-001
Certified/Return Receipt
7015 0640 0005 0681 0243

DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT and FIRST CLASS MAIL

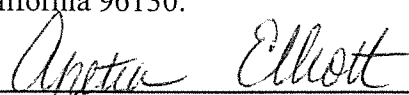
I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Room 236, Susanville, California 96130; and;
3. I served the foregoing **Supplemental Notice and Order of Posting** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California, on the 16th Day of June 2017, addressed as follows:

**Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114**

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

Executed this 16th Day of June 2017, at Susanville, California 96130.

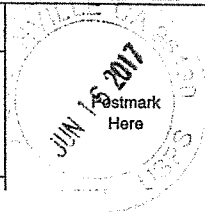

Anetia Elliott

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



**Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville CA 96114**

RECEIVED

JUL 03 2017

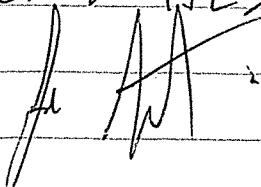
TO: GAYLON NORWOOD
FROM: JOE BERTOTTI

Cassen County Department of
Planning and Building Services
BROOKS CC; MLA, GFN, RS

RE: CDEF 2016-001

- 1) APPEAL OF ADMINISTRATIVE FINE
I'M PAYING THAT FINE UNDER PROTEST.
PLEASE SCHEDULE AN APPEAL AND PROVIDE
ME WITH NOTICE IN ADVANCE
- 2) DEMOLITION PERMIT. TODAY, AS THERE
WAS NO STAFF PRESENT TO ASSIST ME,
I REQUESTED AND WAS GRANTED A
DEMOLITION PERMIT FOR THE STRUCTURE
WHICH IS THE SUBJECT OF THIS MATTER.
AS THAT PERMIT IS VALID FOR ONE
YEAR, PLEASE ACCEPT THAT TIME
PERIOD AS OUR ANTICIPATED SCHEDULE,
BECAUSE THERE ARE OTHER GOVERNMENTAL
AGENCIES INVOLVED, EACH WITH THEIR SEPERATE
BOARDS AND STAFFS, THE EXACT SCHEDULE
IS SOMEWHAT UNCLEAR AT THIS TIME

IF YOU HAVE ANY QUESTIONS, PLEASE
DON'T HESITATE TO CALL





County of Lassen

Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

CERTIFIED MAIL/RETURN RECEIPT

7015 0640 0005 0681 0311

July 10, 2017

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville, CA 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter is in regard to the above referenced code enforcement case and follows a letter from you received July 3, 2017.

The first section of the letter you submitted states:

“Appeal of administrative fine I’m paying that fine under protest please schedule an appeal and provide me with notice in advance”

The only citation issued for the above referenced case is citation number 2016-001-01. Said citation was issued by mail on May 8, 2017. Please be advised that Lassen County Code Section 1.20.070 states the following in regard to an appeal:

Appeal of administrative citation.

Any recipient of an administrative citation may contest that there was a violation of the Lassen County Code or that he or she is the responsible person by completing a request for hearing form and returning it to the Lassen County department of community development within fifteen days from the correction date of the administrative citation, together with an advanced deposit of the fine to the Lassen County tax collector. Any administrative citation fine which has been deposited shall be refunded, if after a hearing, it is determined that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

The correction date stated in the letter accompanying the citation was May 26, 2017. Thus, the period to appeal the above referenced citation is exhausted, as it has been more than fifteen days from the correction date. If, for any reason, the second citation is issued, you will have an additional appeal period for that additional citation.

The second (and last) section of the letter you submitted to this Department on July 3, 2017, states the following:

“Demolition Permit. Today, as there was no staff present to assist me, I requested and was granted a demolition permit for the structure which is the subject of this matter. As that permit is valid for one year, please accept that time period as our anticipated schedule. Because there are other governmental agencies involved, each with their separate boards and staffs, the exact schedule is somewhat unclear at this time.”

Your proposed timeline is hereby accepted and **you have until July 3, 2018**, to complete the demolition. The structure is to remain posted “Do Not Enter – Unsafe to Occupy” and is not to be entered without the express permission of the Building Official.

Sincerely,



Gaylon Norwood, Assistant Director

:gfn

cc: City of Susanville, Fire Department
Susan River Fire Protection District
Lassen County Sheriff's Office

DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT
and FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and;
3. I served the foregoing "*Code Enforcement Case Letter*" on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California, on the 10th day of July, 2017, addressed as follows:

**Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville CA 96114**

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

Executed this, 10th day of July, 2017 at Susanville, California 96130.



Anetia Elliott

7015 0640 0005 0681 0311

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$ _____
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postmark Here	
JOSEPH AND TERI BERTOTTI	
464-950 OLD CUT OFF ROAD	
JANESVILLE CA 96114	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

When recorded return to:

Lassen County Department of
Community Development
707 Nevada Street, Suite 5
Susanville, CA 96130

No Fee pursuant to
Government Code 27383

Conformed Copy

2017-03001

Recorded at the request of:
LASSEN COU DEPT COMM DEV
07/24/2017 02:49 PM
Fee: \$0 PAGES 3

OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA



NAME: JOSEPH AND TERI BERTOTTI
ADDRESS: 464-950 OLD CUT OFF ROAD
CITY: JANESVILLE
STATE & ZIP: CALIFORNIA, 96114

NOTICE OF DANGEROUS/SUBSTANDARD BUILDING

AS REQUIRED BY THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDING §402 AND/OR THE UNIFORM HOUSING CODE §1102; ADOPTED AT LASSEN COUNTY CODE §12.25.010, THE LASSEN COUNTY PLANNING AND BUILDING SERVICES DEPARTMENT RECORDS THIS NOTICE ON: JULY 24th, 2017.

ASSESSOR'S PARCEL NUMBER: 116-050-65

OWNED BY: * JOSEPH AND TERI BERTOTTI
* Bertotti

AS DESCRIBED IN EXHIBIT "A" (ATTACHED).

THIS ACTION IS NECESSARY BECAUSE OF THE PROPERTY OWNERS FAILURE TO CORRECT THE HAZARDOUS CONDITIONS WITHIN THE DANGEROUS, SUBSTANDARD BUILDING AND BRING IT INTO COMPLIANCE WITH BUILDING CODE REQUIREMENTS AS LISTED IN TITLE 12 OF THE LASSEN COUNTY CODE, MORE SPECIFICALLY, CHAPTER 3 OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND/OR CHAPTER 10 OF THE UNIFORM HOUSING CODE.

THE PROPERTY OWNER HAS BEEN NOTIFIED OF CODE REQUIREMENTS BY POSTING, ON SITE, MARCH 27, 2017, AS WELL AS THROUGH CORRESPONDENCE DATED MARCH 30, 2017.

THIS NOTICE WILL NOT BE CANCELLED UNTIL EVIDENCE OF COMPLIANCE ON THE PROPERTY HAS BEEN SECURED FROM THE LASSEN COUNTY BUILDING DIVISION AND THE FEE FOR THE RECORDING OF A NOTICE OF CANCELLATION HAS BEEN PAID.

**PLEASE SEE
ATTACHED FOR
NOTARIZATION**

Maurice L. Anderson
Director, Planning and Building Services

Dated: This 24th day of July, 2017

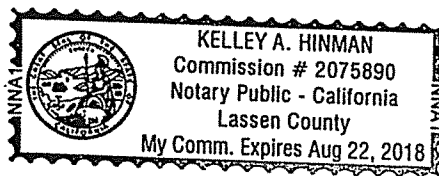
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Lassen

On July 24, 2017, before me, Kelley A. Hinman, Notary Public, personally appeared Maurice L. Anderson, 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 he executed the same in his authorized capacity, and that by 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.



Kelley A. Hinman
Signature of Notary Public

(Seal)

Exhibit "A"
Legal Description for A.P.N. 116-050-65

All that certain real property being a portion of Parcel "A" as shown on Parcel Map No. 13-3-75 for Honey Lake Investors, filed April 18, 1975 in Book 10 of Maps, at Page 154, of the Official Records of Lassen County, California, and being located in a portion of Section 3, Township 29 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated area of Lassen County, California, more particularly described as follows:

All of the "Remainder" parcel as shown on Parcel Map No. 96046 for Joseph J. and Teri L. Bertotti, filed December 15, 1999 in Book 36 of Maps, at Pages 9-10, of the Official Records of Lassen County, California.



Don E. Willis



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

February 1, 2018

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Jim Uruburu, Fire Chief
Susan River Fire Protection District
705-145 Highway 395 East
Susanville, CA 96130

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN: 116-050-65

Dear Mr. Uruburu:

This letter follows the June 16, 2017, Supplemental Notice and Order of Posting (attached) for the above referenced property. Specifically, we understand that a proposal has been made to demolish the structure on this property by fire, as a training exercise. This proposed training exercise is referenced in said Notice. In the attached Notice, the Department reported it was agreeable to such a proposal, provided the training exercise could be completed in a timely manner. In a subsequent letter to the owner dated July 10, 2017, the Department required that said training exercise take place by July 3, 2018.

The purpose of this letter is to inquire as to the status of this training exercise. Are the required approvals proceeding on schedule, and do you expect the demolition by fire (e.g. training exercise) to be completed prior to the July 3, 2018, deadline?

Please let this Department know if the Susan River Fire Protection District and/or the Susanville Fire Department remain interested in pursuing a training exercise at this property. You may contact me at (530) 251-8269 or <gnorwood@co.lassen.ca.us>.

Sincerely,

Gaylon F Norwood
Assistant Director

:gfn
Enclosure

cc: City of Susanville, Fire Department
Joseph and Teri Bertotti

s/pla/Building/Code/2016-001

~~VIOLATION FIELD INSPECTION REPORT~~

File # 2016-001 | Inspection # | Date: 2-16-18 | Time: 2:20 P.M.

Owner: Bertotti

Property Address 701-985 Johnstonville Rd

A.P.N.: 116-050-65 Zoning: M-1

Person Contacted: Jim Uruburu

Relation to Property: Susan River Fire District Chief

Conditions Observed:

Photos

YES

☐

NO

☐

Jim Uruburu came to the counter to brief me on the status of their proposed project to demo the Subject structure by fire.

the plan is to complete the required permitting and conduct the exercise starting June 1, 2018. The exercise would last three days.

If it and the exercise does not take place on June 1, 2018, Chief Uruburu said it would have to occur after the fire season (Sept). We (the Dept) did not agree to any proposal other than June 1, 2018.

Code Enforcement Officer:

Gaylon Norwood
Gaylon Norwood



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

CERTIFIED MAIL/RETURN RECEIPT
7017 0660 0000 6270 9038

March 8, 2018

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter follows the **Supplemental Notice and Order of Posting** dated June 16, 2017, in regard to the above referenced code enforcement case. We have received information from Jim Uruburu, Susan River Fire District Chief in reference to the proposed demolition of the structure.

The plan, according to Mr. Uruburu, is to complete the required permitting process and then conduct the fire training exercise (demolition) on June 1, 2018. Said exercise is expected to last for three days. Provided all the necessary approvals can be obtained, this Department is still agreeable to the demolition of the subject structure by fire.

The Department is not interested in delaying the demolition beyond the July 3, 2018, deadline set last year.

Sincerely,

Gaylon Norwood, Assistant Director

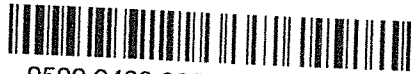
GFN:jsc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville, CA 96114



9590 9402 2665 6336 7619 84

2. Article Number (Transfer from service label)

7017 0660 0000 6270 9038

PS Form 3811, July 2015 PSN 7530-02-000-9053 CDEF

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

MAR 15 2018

Lassen County Department of
Planning and Building Services

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

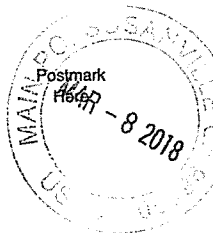
1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitle cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **LETTER REGARDING BUILDING DEMOLITION** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Thursday, March 08, 2018, addressed as follows:

JOSEPH & TERI BERTOTTI
464-950 OLD CUT OFF RD
JANESVILLE, CA 96114

I declare under penalty of perjury that the foregoing is true and correct. Executed on Thursday, March 08, 2018, at Susanville, California, 96130.


Brooke Suarez

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.47
Total Postage and Fees	\$ 6.67
Sent To	
Street and Apt. No., or PO	Joseph and Teri Bertotti
	464-950 Old Cut Off Road
City, State, ZIP+4®	Janesville, CA 96114
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



VIOLATION FIELD INSPECTION REPORT

File #	Inspection #	Date: 4-26-18	Time: 1:40
Owner: Bertotti			
Property Address			
A.P.N.:		Zoning:	
Person Contacted:			
Relation to Property:			

Conditions Observed:

Photos

YES

☐

NO

☐

Called and left a voice mail mess.
for Jim Uruburu asking status
of the planned 6-1-18 abatement
by fire

Gaylon Norwood
[Signature]

5-1-18 - left a voice mail MSG for
chief Uruburu asking
status of exercise planned for
this building on June 1, 2018, for
Bertotti house

— Gaylon Norwood
[Signature]

Code Enforcement Officer: _____



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

May 1, 2018

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Jim Uruburu, Fire Chief
Susan River Fire Protection District
705-145 Highway 395 East
Susanville, CA 96130

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN: 116-050-65
Owned by Bertotti

Dear Mr. Uruburu:

This letter follows a February 1, 2018, letter to you regarding the above referenced property. Following said letter, you came to the public assistance counter of this Department on February 16, 2018, in regard to said letter. You reported that it was your intent to complete the required permitting to allow a training exercise (demolition by fire) to be completed at the above residence starting June 1, 2018, and lasting for three days. This letter is to request an update on your permitting efforts for said exercise.

As we discussed on February 16, 2018, this Department is not interested in extending the demolition deadline beyond the July 3, 2018, date established in a July 10, 2017, notice to the owner.

Please let me know if the Susan River Fire Protection District remains interested in pursuing a training exercise at this property and if you anticipate having said exercise completed prior to the July 3, 2018, deadline.

You may contact me at (530) 251-8269 or gnorwood@co.lassen.ca.us if you have any questions or need to discuss this project further.

Sincerely,

Gaylon F Norwood
Assistant Director

:gfn

cc: City of Susanville, Fire Department
Joseph and Teri Bertotti

s/pla/Building/Code/2016-001

Gaylon Norwood

From: Gaylon Norwood
Sent: Wednesday, May 09, 2018 3:32 PM
To: 'jmoore@cityofsusanville.org'
Subject: Bertotti house Johnstonville Road

James:

I'm trying to determine if the fire exercise at the Bertotti house (701-985 Johnstonville Road) is still on for June 1, 2018. I have been unable to contact Chief Uruburu (I left several messages at 257-7477) to get an update. Do you have any information as to whether this exercise (to burn the house down as a training exercise) will proceed on June 1, 2018, or do you have a better way to contact Chief Uruburu? On February 16, 2018, Chief Uruburu had told me that he was trying to get the necessary approvals for this exercise to occur starting June 1, 2018,

You may recall that we had allowed an extension to July 3, 2018, for the abatement of this structure.

Thank you for any information you may have.

Sincerely,

Gaylon F. Norwood
Assistant Director of Planning
and Building Services
Lassen County
707 Nevada Street Suite 5
Susanville, CA 96130
(530) 251-8269
Fax: (530) 251-8373

~~VIOLATION FIELD INSPECTION REPORT~~

File # 2016-001 | Inspection # | Date: See below | Time:
Owner: Bertotti
Property Address
A.P.N.: 116-050-65 | Zoning:
Person Contacted: Chief Jim Uruburu
Relation to Property:

Conditions Observed:

Photos

YES

☐

NO

☐

- 5-30-18 Chief Jim Uruburu called me. Gave me his cell # (I had been trying to reach him for approx 3 weeks). Said the training exercise is now scheduled for 11-3-18 through 11-6-18.
- 5-31-18 - I called chief uruburu on his cell to ask for a letter stating that the exercise is now scheduled for November. Chief uruburu agreed to provide a letter.
- 6-6-18 Tried to call chief uruburu's cell - no answer
- 6-11-18 spoke with chief uruburu on his cell (I called him). Says he is working on a letter re new fire training exercise dates.

Code Enforcement Officer:

Gaylon Norwood
Gaylon Norwood

5-31-18

PLEASE RENEW MY
DEMO PERMIT - DMZ017-027
FOR ONE YEAR.

THE FIRE PROTECTION DIST
WAS NOT ABLE TO
COMPLETE THEIR PLANNED
BURN DOWN / TRAINING
BEFORE FIRE SEASON
STARTS ON JUNE 1.

CHIEF URUBURU INDICATES
THAT THEY CAN DO
IT SOME TIME LATE
THIS YEAR.

THANKS, NOE RECEIVED

MAY 31 2018

Lassen County Department of
Planning and Building Services



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

**SUPPLEMENTAL NOTICE AND ORDER
TO CORRECT VIOLATIONS**

CERTIFIED MAIL/RETURN RECEIPT
7017 0660 0000 6270 9243

June 27, 2018

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter follows your May 31, 2018, letter requesting a one year extension of demolition permit number DM2017-027. This letter is also in regard to a proposal to conduct a fire training exercise (which would partially demolish the structure) on November 3, 2018, through November 6, 2018. First, we would like to apologize for the delay responding to your extension request. We initially had difficulty reaching Susan River Fire Protection District (SRFPD) Fire Chief Jim Uruburu (through letter or by phone) to discuss the proposed fire training exercise (we have since made contact).

As you know, on March 30, 2017, the residence on the above referenced parcel was declared to be a "Dangerous Building" in accordance with Lassen County Code section 12.25.030 and the Uniform Code for the Abatement of Dangerous Buildings (UCADB). Said notice was provided in accordance with section 401.2 of the UCADB (adopted by Lassen County at County Code section 12.25.010), and provided 30 days to commence work to demolish the structure or obtain a permit and commence repair of the structure. There was no appeal filed for said Notice and Order. Accordingly, after further notices and administrative citations, a "Notice of Dangerous/Substandard Building" was recorded on July 24, 2017, as Instrument Number 2017-03001. Said Notice is required by section 402 of the UCADB if there is no compliance within the timeframe specified in the Notice and Order. After the demolition is completed a new certificate will be recorded, certifying that the structure has been demolished.

On July 3, 2017, a demolition permit (DM2017-027) was issued to you for the removal of the substandard residence on this parcel. Despite issuance of said permit, you immediately requested additional time to allow the structure to be demolished by fire, as part of a training exercise with the SRFPD. Communication with Susanville Fire Department Fire Chief James Moore in June of 2017 indicated a willingness to assist the SRFPD in obtaining the necessary permits to conduct such an exercise. In a July 10, 2017, letter from this Department, pursuant to your request, you were given

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

until July 3, 2018, to complete this demolition, in order to allow the proposed training exercise to proceed.

In subsequent communication, Chief Jim Uruburu indicated a willingness and intent to conduct such an exercise (February 16, 2018, meeting at this office). Chief Uruburu indicated a desire to secure the necessary permits and conduct said exercise starting June 1, 2018, and lasting for three days.

As you know, the exercise did not take place on June 1, 2018. We have spoken with Chief Uruburu several times recently, and he indicates the exercise is now instead scheduled for November 3, 2016, through November 6, 2018. Chief Uruburu reports that the SRFPD was unable to complete the permitting in time for the June date. Chief Uruburu initially indicated that he is willing to provide a letter stating that the exercise is scheduled for November, but as of this letter, no such letter has been provided (despite several phone calls reiterating the request for such a letter).

County's Authority to Abate:

In accordance with section 701.3(3) of the UCADB, the Building Official is authorized to abate the structure if you fail to complete the demolition by July 3, 2018. That said, the County will wait to execute said authority until after November 6, 2018. It is important to understand that we are not extending the compliance deadline. Instead, we are choosing to exercise the above authority after November 6, 2018 (subject to the conditions discussed herein).

As such, pursuant to the authority found in the UCADB, this Department will have a contract prepared with a private contractor to complete the abatement, in the event you fail to demolish said structure by November 6, 2018. Again, we will not execute the contract until after November 6, 2018. If necessary, we will secure an abatement warrant from the Lassen County Superior Court to execute the Building Official's Order.

Regardless of how the demolition is executed, you are responsible for removing all debris from the parcel. This includes any debris from the fire training exercise if it does indeed occur. If you fail to remove all materials from the demolition (whether it be by fire or traditional means) this Department will complete the abatement. If abatement is performed by Lassen County in accordance with said Code, the cost of the abatement may be recovered in accordance with Chapter 9 of the UCADB.

Your request to extend Demolition Permit Number 2017-027 is hereby granted. However this extension of the demolition permit does not affect or alter the Building Official's order that the structure be abated by July 3, 2018. The demolition permit is extended in accordance with subsection 12.24.075(e) of the Lassen County Code, and, as already discussed, the order that the structure be abated was given pursuant to the Uniform Code for the Abatement of Dangerous Buildings. You and the SRFPD are responsible for securing all permits required for the fire training exercise. Said exercise is not a County effort and you and SRFPD assume all associated risk.


If the training exercise does not take place by November 6, 2018, and you fail to complete the abatement, this Department will cause the substandard structure to be abated. Again, if abatement is performed by Lassen County in accordance with said Code, the cost of the abatement may be recovered in accordance with Chapter 9 of the UCADB.

Secure Against Unauthorized Entry:

As stated in the March 30, 2017, Notice and Order, and in accordance with section 403.1.3 of the UCADB, we will require every opening, door and window of the structure to be secured against unauthorized entry until the demolition is completed. Enclosed with this letter are instructions and diagrams detailing the board up procedure. The main residence and all accessory buildings must be boarded up and secured. When the board up is complete, you are required to contact this office to arrange an inspection. If you have not secured the building(s) in accordance with this Order by July 11, 2018, this department will secure the building(s). Unpaid cost may become a lien against the property in accordance with Chapter 9 of the UCADB. Securing the building is considered a temporary (but required) solution until the demolition is completed, but does not resolve the above mentioned violations.

If you have any questions contact Code Enforcement Officer Rob Steen or Code Enforcement Officer Jeanette Childress at (530) 251-8269

Sincerely,



Gaylon F. Norwood,
Assistant Director

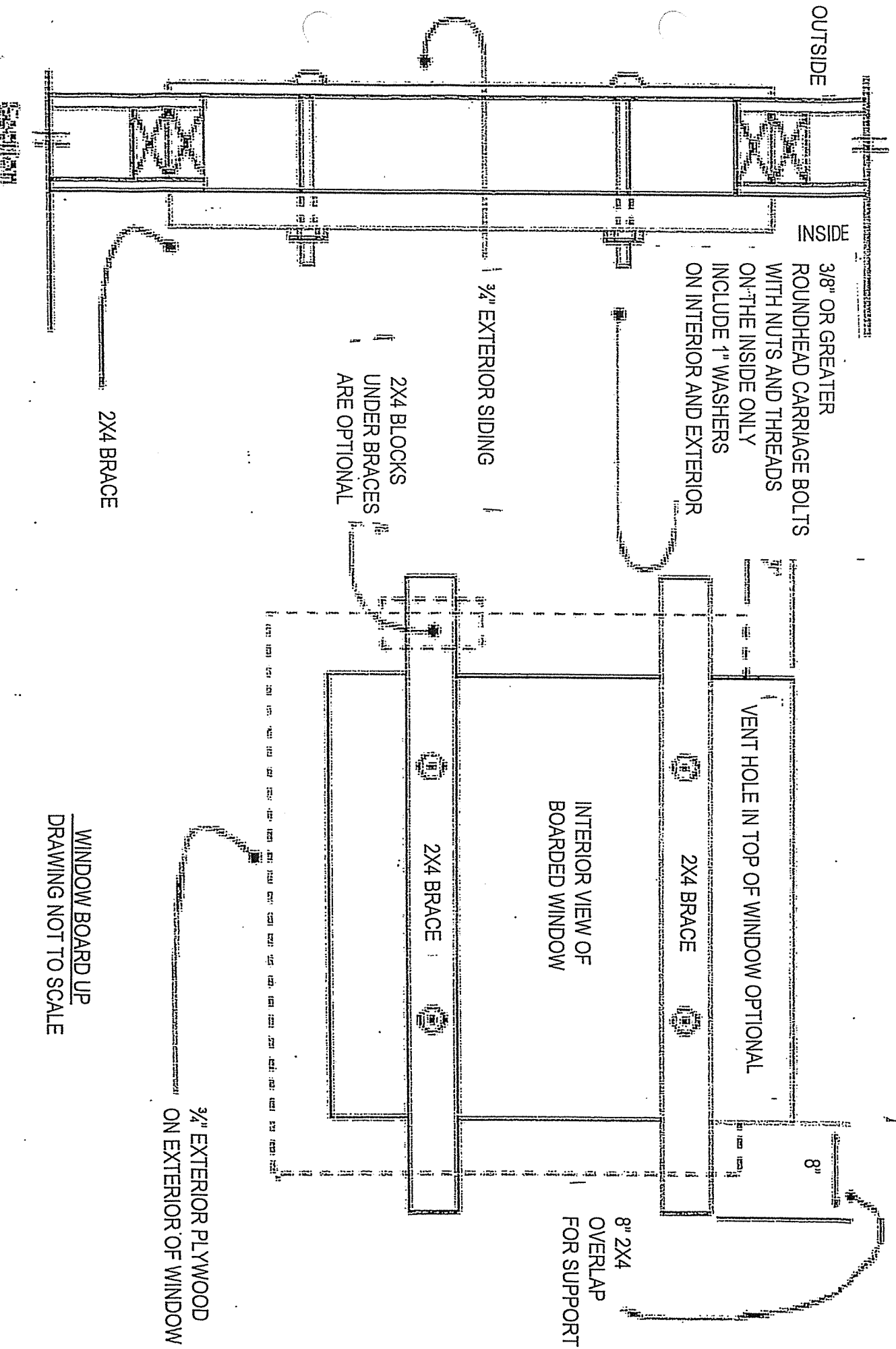
:gfn
Enclosure

cc: Susan River Fire Protection District
City of Susanville, Fire Department
Lassen County Sheriff's Office
Maurice Anderson, Director

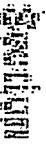
s/pla/building.code/2016/2016-001/Supp NOCV

Tension Window and Door Board Up Instructions

1. Remove and dispose of any broken glass remaining in window frame or that has fallen on the ground/ floor and remove doors and store in structure.
2. Measure and cut $\frac{3}{4}$ " exterior grade plywood, (not OSB) to cover the entire window or door openings.
3. Take out removable window panes and store in closet, or open top and bottom of fixed panes so four carriage bolts can pass through from the exterior to the interior of the structure.
4. Cut 2x4 lumber long enough to extend 8" beyond the interior window or door opening.
5. Measure to align plywood with 2x4 lumber and drill holes appropriately sized for your $\frac{3}{8}$ carriage bolts to pass through as close to the door or window frame as possible.
6. Push the carriage bolts through a $1\frac{1}{2}$ " washer, then through the plywood.
7. From the interior hold the plywood in place by grasping the bolts and place the predrilled 2x4 lumber over the bolt and install the nut and washer.
8. Adjust the plywood as needed and tighten the carriage bolts into place pinching the plywood and the 2x4 lumber braces around the window or door frame. (see attached diagram)



61



DECLARATION OF SERVICE BY FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and;
3. I served the foregoing *CDEF 2016-001, Joseph and Teri Bertotti* on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California, on the 27 day of June, 2018, addressed as follows:

**Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville CA 96114**

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

Executed this, 27th June, 2018 at Susanville, California 96130.

7017 0660 0000 6270 9243

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	

Postmark Here

Anetia Elliott

Anetia Elliott

**Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville CA 96114**

VIOLATION FIELD INSPECTION REPORT

File# 2016-001 Inspection# Date: 08/13/2018 Time: 0920 hrs

Owner: Joseph and Teri Bertotti_____

Property Address: 701-985 Johnstonville Rd.

A.P.N.: 116-050-65 Zoning: _____

Person Contacted: N/a

Relation to Property: _____

Conditions Observed:

Photos: Yes: XX No:

Inspected structure: back door, side door in garage and a side window are now open with no plywood or security. There is a trail through the grass, it appears vagrants or squatters are entering the structure. There also appears to be more wind damage to the roof since last inspection.

Code Enforcement Officer: R. Steen

en 







County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

CERTIFIED MAIL/RETURN RECEIPT
7017 1070 0000 7544 8009

August 13, 2018

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Joseph and Teri Bertotti
464-950 Old Cut Off Road
Janesville Ca. 96114

RE: CDEF 2016-001
701-985 Johnstonville Road
Susanville, CA 96130
APN 116-050-65

Dear Mr. and Mrs. Bertotti:

This letter follows our June 27, 2018, letter which informed you we would postpone execution of code enforcement action on the above referenced parcel until after November 6, 2018, as you requested (except for board up of the building, which is required). As you are aware, the Building Official's March 30, 2017, and subsequent Supplemental Notices are enforceable under the Uniform Code for the Abatement of Dangerous Buildings (adopted by Lassen County at section 12.25.010 of County Code). Consistent with these sections, a hearing will be held before the final order authorizing demolition is executed by Lassen County. As such, we will schedule a hearing with the Lassen County Board of Supervisors. However, if the Board upholds the Building Official's order, demolition would not be executed until after November 6, 2018, as discussed in our June 27, 2018, letter. Said hearing before the Board of Supervisors is tentatively scheduled for October 9, 2018. You will receive additional confirmation of the date and time.

It is also noted that you left a phone message for me on July 18, 2018. I called you back at the number provided and left a voice mail message. To date you have not contacted me. I am available if you would like to discuss this case or have questions. Please call me at (530) 251-8269 or come to our public assistance counter. If you choose to come to the office, I recommend making an appointment to assure my availability.

Sincerely,

Gaylon Norwood,
Assistant Director

:gfn

s/pla/building.code/2016/2016-001/Board hearing

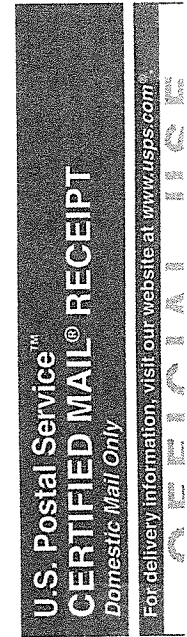
DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT
AND FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitle cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **LETTER STATING HEARING WILL BE SCHEDULED** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Tuesday, August 14, 2018, addressed as follows:

JOSEPH AND TERI BERTOTTI
464-950 OLD CUT OFF RD
JANESVILLE, CA 96114

I declare under penalty of perjury that the foregoing is true and correct. Executed on Tuesday, August 14, 2018, at Susanville, California, 96130.



8000

DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND FIRST CLASS MAIL

I, THE UNDERSIGNED, DECLARE THAT:

1. I am an employee of Lassen County, California, over the age of eighteen years and not a party to the within entitled cause or matter;
2. My business address is 707 Nevada Street, Susanville, California 96130 and;
3. I served the foregoing **NOTICE OF HEARING** on the interested parties in said cause by depositing true copies thereof enclosed in sealed envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in sealed envelopes with postage fully paid for both Certified/Return receipt and 1st Class, in Susanville, California on Thursday, October 11, 2018, addressed as follows:

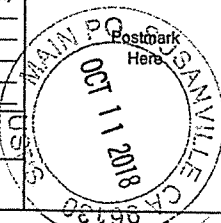
JOSEPH & TERI BERTOTTI
464-950 OLD CUT OFF RD
JANESVILLE, CA 96114

I declare under penalty of perjury that the foregoing is true and correct. Executed on Thursday, October 11, 2018, at Susanville, California, 96130.


Brooke Suarez

7017 1070 0000 7544 8269

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
OFFICIAL USE	
Certified Mail Fee	\$ 2.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$ 2.75
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.47
Total Postage and Fees	\$ 6.67
Sent To	
Street and Apt. No., or P.O.E. Joseph & Teri Bertotti	
City, State, ZIP+4® 464-950 Old Cut Off Rd.	
Janesville, CA 96114	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See reverse for instructions	





County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

CERTIFIED MAIL/RETURN RECEIPT
7017 1070 0000 7544 8269

October 11, 2018

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

NOTICE OF HEARING
LASSEN COUNTY BOARD OF SUPERVISORS

Property Owner: Joseph and Teri Bertotti
File No.: Code Enforcement File 2016-001
Project: Determine if the substandard residence at 701-985 Johnstonville Road will be abated by Lassen County in accordance with the Order of the Building Official, if the property owner does not complete the demolition by November 6, 2018.
Location: 701-985 Johnstonville Road, Susanville, CA 96130
Zoning: M-1 (Light Industrial District)
A.P.N.: 116-050-65
Staff Contact: Gaylon Norwood, Assistant Director

The County Board of Supervisors will hold a hearing to consider the project at 10:30 a.m. on Tuesday, October 23, 2018, in the Board Chambers, 707 Nevada Street, Susanville, California. All interested persons are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services at the address given above.

For the Board of Supervisors,

For Julie Bustamante, Lassen County Clerk

JB:MLA:gfn

Distribution: Applicant

NOTE: Anyone wishing to challenge in court an action on the project described above may be limited to raising only those issues raised at the hearing described in this notice or in written correspondence delivered at, or prior to, said hearing.

s/pla/building/code/2016/2016-001/hearing/notice

Lassen County Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames
Title 12 BUILDINGS AND CONSTRUCTION							
Article I. Building Code							

Chapter 12.25 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

12.25.010 Adoption.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted by the International Conference of Building Officials, is adopted by this reference with the same force and effect as if fully set forth in this chapter. (Ord. 2017-006 § 2; Ord. 510 § 5, 1992; Ord. 500 § 5, 1990; Ord. 427-B § 15, 1985; Ord. 470 § 1, 1984).

12.25.020 Definitions.

When used in the Uniform Code for the Abatement of Dangerous Buildings, the words set out in this section shall have the following meanings:

- (a) "City" means the county of Lassen.
- (b) "City council" means the board of supervisors.
- (c) "Building official" means the chief county building inspector or authorized representative.
- (d) "Health officer" means the county health officer or authorized representative and includes the county sanitarian.
- (e) "Fire marshal" means the State Fire Marshal and includes the deputy fire marshals.
- (f) "Mayor" means the chair of the board of supervisors. (Ord. 470 § 1, 1984).

12.25.025 Abatement of nuisance in emergency.

(a) Notwithstanding Section 801 of the Uniform Code for the Abatement of Dangerous Buildings, the building official may abate any public nuisance summarily without notice in an emergency where life or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice, shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement. Summary abatement shall include only such actions as are required to alleviate those conditions that present the immediate health and/or safety concerns.

(b) If summary abatement is performed under this section, the county shall provide the party responsible for the violation with an automatic post-abatement hearing to contest the validity of the summary abatement pursuant to the procedures for an appeal contained in Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 2017-006 § 3).

12.25.030 Additional definitions of "dangerous building."

Any condition declared by Section 17920.3 of the California Health and Safety Code to be a "substandard building" shall constitute a "dangerous building" within the definitions of that term contained in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 470 § 1, 1984).

12.25.035 Performance of work.

Section 801.1 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3 Item 3, of this code, the Building Official shall either:

1. Accomplish said work by private contract under the direction of said Building Official or his or her designee; or
2. Issue an order therefore to the Director of Public Works and the work shall be accomplished by personnel of this jurisdiction or by private contract.

Plans and specifications therefore may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed. (Ord. 2017-006 § 4).

12.25.040 Board of appeals.

Notwithstanding anything to the contrary contained in Section 205 of said Uniform Code for the Abatement of Dangerous Buildings, a hearing officer as appointed by the county administrative officer shall serve as the board of appeals, and wherever used in said code, "board of appeals" means the hearing officer appointed for this purpose. The hearing officer shall not be a Lassen County employee. The employment, performance evaluation, compensation and benefits to the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 2017-006 § 5; Ord. 470 § 1, 1984).

View the [mobile version](#).

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Chapter 1

TITLE AND SCOPE

SECTION 101 – TITLE

These regulations shall be known as the *Uniform Code for the Abatement of Dangerous Buildings*, may be cited as such, and will be referred to herein as “this code.”

SECTION 102 – PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECION 103 – ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 3403 of the Building Code.

Chapter 2

ENFORCEMENT

SECTION 201 – GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official’s authorized representative has reasonable cause to believe

that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 – ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 – VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 – INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 108 and 1701 of the Building Code.

SECTION 205 – BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

DEFINITIONS

SECTION 301 – GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *Uniform Building Code* promulgated by the International Conference of Building Officials; as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

SECTION 302 – DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials; member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4

NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the building official.

- 3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

- 3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

- 3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or

1.2 The building shall be demolished at the option of the building owner; or

1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. 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.

Chapter 5

APPEAL

SECTION 501 -- GENREAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the of"
2. A caption reading: "Appeal of, " giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official.

Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Chapter 6

PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 – GENERAL

601.1 Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

601.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

601.4 Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths—Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 – FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (the board of appeals or name of hearing examiner) at on the day of, 19....., at the hour, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (board of appeals or name of hearing examiner).”

SECTION 603 – SUBPOENAS

603.1 Filing of Affidavit. The board or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

603.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

603.3 Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

SECTION 604 – CONDUCT OF HEARING

604.1 Rules. Hearing need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

604.3 Hearsay Evidence. Hearsay evidence may be used 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 in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

604.6 Rights of Parties. Each party shall have these rights, among others;

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice.

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinance of the city or rules and regulations of the board.

604.7.2 Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

604.7.3 Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

604.7.4 Inspection of the premises. The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

SECTION 605 – METHOD AND FORM OF DECISION

605.1 Hearing before Board Itself. When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

605.2 Hearing before Examiner: If a contested case is heard by a hearing examiner alone, the examiner shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the board as its decision in the case. All examiner's reports filed with the board shall be matter of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the board.

605.3 Consideration of Report by Board—Notice. The board shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

605.4 Exceptions to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party may present oral argument to the board.

605.5 Disposition by the Board. The board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

605.6 Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Section 605.5, the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section 605.2 hereof after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

605.7 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

605.8 Effective Date of Decision. The effective date of the decision shall be as stated therein.

Chapter 7

ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BOARD OF APPEALS

SECTION 7001 – COMPLIANCE

701.1 General. After any order of the building official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective;

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

.....of.....

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

SECTION 702 – EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

SECTION 703 – INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchase is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Chapter 8

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 – GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall issue an order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

SECTION 802 – REPAIR AND DEMOLITION FUND

801.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 – ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 – NOTICE OF HEARING

Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or

as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the director's report, together with any objections or protests which may be filed s hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 – PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protest or objections shall be considered.

SECTION 904 – HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

SECTION 905 – PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

905.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 Special Assessment. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 – CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgement.

SECTION 907 – AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body's determination to allow payment of such assessments in installments, the number of installments, whether they

shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

SECTION 908 – LIEN OF ASSESSMENT

908.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

SECTION 909 – REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SECTION 910 – FILING COPY OF REPORT WITH COUNTY AUDITOR

If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SECTION 911 – COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

SECTION 912 – REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.



HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION **[17910 - 17998.3]** (*Part 1.5 added by Stats. 1961, Ch. 1844.*)

CHAPTER 2. Rules and Regulations [17920 - 17928] (*Chapter 2 added by Stats. 1961, Ch. 1844.*)

17920.3. 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:

(a) Inadequate sanitation shall include, but not be limited to, the following:

- (1) Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit.
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
- (3) Lack of, or improper kitchen sink.
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel.
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
- (6) Lack of adequate heating.
- (7) Lack of, or improper operation of required ventilating equipment.
- (8) Lack of minimum amounts of natural light and ventilation required by this code.
- (9) Room and space dimensions less than required by this code.
- (10) Lack of required electrical lighting.
- (11) Dampness of habitable rooms.
- (12) Infestation of insects, vermin, or rodents as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the infestation can be determined by a code enforcement officer, as defined in Section 829.5 of the Penal Code, upon successful completion of a course of study in the appropriate subject matter as determined by the local jurisdiction.
- (13) Visible mold growth, as determined by a health officer or a code enforcement officer, as defined in Section 829.5 of the Penal Code, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their properly functioning and intended use.
- (14) General dilapidation or improper maintenance.
- (15) Lack of connection to required sewage disposal system.
- (16) Lack of adequate garbage and rubbish storage and removal facilities, as determined by a health officer or, if an agreement does not exist with an agency that has a health officer, the lack of adequate garbage and rubbish removal

facilities can be determined by a code enforcement officer as defined in Section 829.5 of the Penal Code.

(b) Structural hazards shall include, but not be limited to, the following:

- (1) Deteriorated or inadequate foundations.
- (2) Defective or deteriorated flooring or floor supports.
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(c) Any nuisance.

(d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.

(e) All plumbing, except plumbing that conformed with all applicable laws in effect at the time of installation and has been maintained in good condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly, and that is free of cross connections and siphonage between fixtures.

(f) All mechanical equipment, including vents, except equipment that conformed with all applicable laws in effect at the time of installation and that has been maintained in good and safe condition, or that may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.

(g) Faulty weather protection, which shall include, but not be limited to, the following:

- (1) Deteriorated, crumbling, or loose plaster.
- (2) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
- (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

(h) Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department or his deputy, 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 from any cause.

(i) All materials of construction, except those that are specifically allowed or approved by this code, and that have been adequately maintained in good and safe condition.

(j) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal,

rodent harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) Any building or portion thereof that is determined to be an unsafe building due to inadequate maintenance, in accordance with the latest edition of the Uniform Building Code.

(l) All buildings or portions thereof not provided with adequate exit facilities as required by this code, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and that have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of, or improper location of, exits, additional exits may be required to be installed.

(m) All buildings or portions thereof that are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

(n) All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes that were not designed or intended to be used for those occupancies.

(o) Inadequate structural resistance to horizontal forces.

“Substandard building” includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

(Amended by Stats. 2015, Ch. 720, Sec. 3. (SB 655) Effective January 1, 2016.)