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BOARD OF SUPERVISORS' MEETING November 27, 2018

FILE NUMBER: CDEF 2016-011
PROPERTY OWNER: Bertram Cebrian
TYPE OF APPLICATION: Recovery of Administrative Abatement
Costs

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County of Lassen
Department of Planning and Building Services


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

November 16, 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: November 27, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice Anderson, Director 

SUBJECT: Public hearing to consider the recovery of administrative abatement costs for the abatement of a public nuisance located at 716 Delwood Street Westwood, CA (APN: 125-060-04); and with the recovery of abatement and administrative costs as provided in chapter 1.18 of the Lassen County Code. This property is owned by Bertram Cebrian. The associated code enforcement file number CDEF 2016-011. The abatement was executed due to the owner's failure to abate the public nuisance, in accordance with the Decision of the Hearing Officer.

Action Requested

1. Conduct Public Hearing; and
2. Receive report from staff; and
3. Adopt a resolution directing staff to execute and record the amendment to the lien on said property, with the Lassen County Recorder.

Summary

On December 4, 2017, Administrative Hearing Officer Jacob Zamora determined that a public nuisance did exist on the above referenced parcel. Hearing Officer Zamora ordered that said public nuisance be abated by the property owner no later than October 11, 2017 (see attached "Decision of Administrative Hearing Officer"). Said decision directed the Director of Planning and Building Services to record an abatement lien to recover the costs incurred by Lassen County to that point. Said lien was recorded on January 18, 2018, as Instrument Number 2018-00233 (attached) in the amount of \$3,779.50. Said decision also directed the Director of Planning and Building Services to abate the public nuisance at the earliest date possible on or after December 19, 2017.

The abatement was not completed by the property owner. As a result execution of the Hearing Officer's abatement order was started by Kirack Construction on August 20, 2018. The abatement was completed by Kirack Construction in full on August 30, 2018. Photos of the completed abatement are enclosed. This packet also contains photographs taken prior to the abatement.

As stated above, the abatement has now been completed in full, and a resolution directing recordation of an amendment to the lien is enclosed for consideration by the Board. This hearing is to determine if said amendment to the lien will be recorded to recover the full cost of abatement incurred by Lassen County, in accordance with the procedure detailed at Lassen County Code Chapter 1.18 (Abatement of Civil Nuisances; attached).

Financial Impact

Lassen County Code Section 1.18.080 allows the County to recover the costs of abatement, including, but not limited to, the cost of prior time and expenses associated with preparing the matter for a hearing, attorneys' fees and the cost of workers and material necessary to physically abate the violation. As authorized by the Government Code Section 25845 and Lassen County Code Chapter 1.18, Lassen County is empowered to recover the costs through recordation of a lien.

As stated above, a proposed resolution is attached which orders the recordation of a lien to recover the full costs to Lassen County to execute the ordered abatement. The proposed resolution orders the recordation of a lien for \$20,138.36. In summary, this cost is broken down as follows:

- \$7345.00 paid to Kirack Construction for execution of the abatement (see Exhibit "B" of the resolution, which is an invoice from Kirack Construction).
- \$500.00 paid to Kirack Construction for additional execution of the abatement (see Exhibit "B" of the resolution, which is an additional invoice from Kirack Construction).
- Administrative costs totaling \$8,513.86 (see Exhibit ("C")).
- \$3,779.50 would be included in the lien to reflect the costs detailed in the original lien (recorded prior to the abatement, as ordered by the Hearing Officer). The original lien will be released.

MLA:jsc









RESOLUTION NO. _____

**RESOLUTION
DECLARING ASSESSMENT OF COST**

WHEREAS, Assessor's Parcel Number: 125-060-04 (as described in Exhibit A) is a parcel owned by Bertram Cebrian located at 716 Delwood Street, Westwood, California; and

WHEREAS, on December 4, 2017, the Administrative Hearing Officer for Lassen County conducted a noticed administrative hearing whereat evidence was presented regarding a public nuisance at said property; and

WHEREAS, on December 4, 2017, the Administrative Hearing Officer ordered the execution of abatement of a "Public Nuisance" at the above referenced property; and

WHEREAS, Administrative Hearing Officer's decision also directed that an abatement lien be recorded to recover the costs incurred by Lassen County to that point (\$3,779.50); and

WHEREAS, Administrative Hearing Officer's decision further directed staff to present an amendment of the lien to the Board for consideration at a future public hearing, once the abatement had been fully completed.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the forgoing recitals are true and correct.
2. That notice of the Hearing Officer's Decision has been given as required by Lassen County Code Chapter 1.18 et seq (Abatement of Civil Nuisances).
3. That the information provided in the Board packet for this hearing is true and correct.
4. That the sum of \$3,779.50 as administrative costs of abatement has been assessed against Assessor's Parcel Number: 125-060-04 as Instrument Number 2018-00233. No part of said lien has been satisfied.
5. That the Public Works Department, through contract with Kirack Construction completed the abatement on August 30, 2018, and invoices (Exhibit B-1) for the physical costs of the abatement in the amount of \$7,345.00, additional abatement cost of \$500.00 (Exhibit B-2) for a total of \$7,845.00 is attached.
6. That the sum of \$8,513.86 shall be assessed for additional administrative costs of abatement (Exhibit C).

RESOLUTION NO. _____

7. That it is found and ordered that recorded lien (Instrument Number 2018-00233) assessed against Parcel Number: 125-060-04 as more particularly described in Exhibit "A", shall be amended to the sum of \$20,138.36, which incorporates the total physical and administrative costs incurred by the abatement.
8. Notice of this resolution shall be given to Bertram Cebrian as follows:
 1. First class mail.
 2. Certified mail
 3. Posting this resolution on the property.

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 27th day of November 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

All that certain real property situated in a portion of Section 5, Township 28 North, Range 9 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Lot 716 in Block 37, as shown on that certain map entitled "Westwood Subdivision Unit No. 1", filed June 24, 1957 in the Office of the Lassen County Recorder in Book 3 of Maps at Page 71.



Don E. Willis

EXHIBIT B-1



Kirack Construction, Inc.
550 Ash Street
Susanville, CA 96130
530.257.7875
kirack@kirackinc.com
www.kirackinc.com

Invoice 5546

DATE	PLEASE PAY	DUE DATE
08/23/2018	\$7,345.00	08/23/2018

BILL TO
Lassen County Public Works
707 Nevada St, Suite 4
Susanville, CA 96130

SHIP TO
Lassen County Public Works
716 Delwood
Westwood, CA 96137

Please detach top portion and return with your payment.

DATE	ACTIVITY	DESCRIPTION	QTY	AMOUNT
08/23/2018	Remodel	Per 7/18/18 Signed Contract: Abatement at 716 Delwood Westwood, CA	1	7,345.00

TOTAL DUE \$7,345.00

THANK YOU.

OK to pay

Pete

MW
8-29-18

EXHIBIT B-2



Kirack Construction, Inc.
550 Ash Street
Susanville, CA 96130
530.257.7875
kirack@kirackinc.com
www.kirackinc.com

Invoice 5547

DATE	PLEASE PAY	DUE DATE
08/23/2018	\$500.00	08/23/2018

BILL TO
Lassen County Public Works
707 Nevada St, Suite 4
Susanville, CA 96130

SHIP TO
Lassen County Public Works
716 Delwood
Westwood, CA 96137

Please detach top portion and return with your payment.

DATE	ACTIVITY	DESCRIPTION	QTY	AMOUNT
08/23/2018	Remodel	Per 8/23/18 Signed Change Order	1	500.00

TOTAL DUE \$500.00

THANK YOU.

Ok to pay
Pete

MLA
2-29-18

EXHIBIT C

Administrative and Physical Costs of Abatement

Owner: CEBRIAN, BERTRAM

Property Address: 716 Delwood Street

Print Date: 11/13/2018

APN: 125-060-04-11

Case Number: CDEF2016-011

Labor Date	Employee Name	Work Performed	Time/mileage	Rate	Total
8/20/2018-8/30/2018	Pete Heimbigner	ABATEMENT	8.00	51.77	414.16
08/20/2018	Mileage	ABATEMENT	43.60	0.545	23.76
08/30/2018	Mileage	ABATEMENT	43.60	0.545	23.76
08/23/2018	Kirack Invoice 5546	ABATEMENT	1.00	7,345.00	7,345.00
08/23/2018	Kirack Invoice 5547	ABATEMENT	1.00	500.00	500.00
11/13/2018	Jeanette Childress	ADMINISTRATIVE HEARING PREPARATION	2.50	28.55	71.38
11/14/2018	Maurice Anderson	ADMINISTRATIVE HEARING PREPARATION	0.50	65.16	32.58
11/14/2018	Matthew May	ADMINISTRATIVE HEARING PREPARATION	0.50	40.23	20.12
11/27/2018	Maurice Anderson	ADMINISTRATIVE HEARING	0.50	65.16	32.58
11/27/2018	Jeanette Childress	ADMINISTRATIVE HEARING	0.50	28.55	14.28
11/27/2018	Matthew May	ADMINISTRATIVE HEARING	0.50	40.23	20.12
11/27/2018	Brooke Suarez	COST RECOVERY	0.50	32.27	16.14
				Total	8,513.86



County of Lassen
Department of Planning and Building Services

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

November 8, 2018

LEGAL

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

Lassen County Times
100 Grand Avenue
Susanville, California 96130

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Please print the following Notice of Public Hearing one time only on Tuesday, November 27, 2018.

NOTICE OF PUBLIC HEARING
LASSEN COUNTY BOARD OF SUPERVISORS

The Lassen County Board of Supervisors solicits the aid of public agencies and the general public in consideration of the following item:

Property Owner: Bertram Cebrian

File: CDEF 2016-011

Project: Public hearing to consider the correctness and reasonableness of an amendment to the lien recorded on January 18, 2018, as an instrument number 2018-00233, to recover the costs incurred in the execution of abatement of a "Public Nuisance". Recordation of said lien ordered by the Lassen County Administrative Hearing Officer on December 4, 2017. Amendment of said lien being necessary to recover total costs of abatement.

Location: 716 Delwood Street, Westwood, CA 96137

A.P.N.: 125-060-04

The Board of Supervisors will hold a public hearing at 10:15 a.m. on Tuesday, November 27, 2018, in the Board Chambers, 707 Nevada Street, Susanville. All interested persons are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130.

For the County of Lassen,

Julie Bustamante
Julie Bustamante,
Lassen County Clerk

MLA:jsc

CDEF2016-011\lctpcph



County of Lassen
Department of Planning and Building Services

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

NOTICE OF PUBLIC HEARING
CERTIFIED MAIL/RETURN RECEIPT
7017 0660 0000 6271 1062

November 9, 2018

Bertram Cebrian
PO Box 822
Westwood, CA 96137

RE: CDEF 2016-011
716 Delwood Street
Westwood, CA 96137

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 Request
Phone: 530 257-5263

NOTICE OF PUBLIC HEARING
LASSEN COUNTY BOARD OF SUPERVISORS

The Lassen County Board of Supervisors solicits the aid of public agencies and the general public in consideration of the following item:

Property Owner: Bertram Cebrian
File Number: CDEF 2016-011
Project: Public hearing to consider the correctness and reasonableness of an amendment to the lien recorded on January 18, 2018, as an instrument number 2017-00233, to recover the costs incurred in the execution of abatement of a "Public Nuisance". Recordation of said lien ordered by the Lassen County Administrative Hearing Officer on December 4, 2017. Amendment of said lien being necessary to recover total costs of abatement.

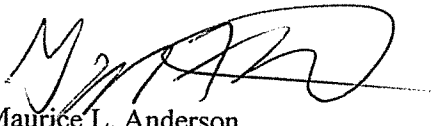
Location: 716 Delwood Street, Westwood, California

A.P.N.: 125-060-04

The Board of Supervisors will hold a public hearing on this item at 10:15 AM, on Tuesday November 27, 2018, in the Board Chambers, 707 Nevada Street, Susanville, California. All interested persons and agencies are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130.

Bertram Cebrian
November 9, 2018
Page 2 of 2

Sincerely,



Maurice L. Anderson,
Director, Acting Building Official

MLA:jsc

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 public hearing described in this notice or in written correspondence delivered at, or prior to, said public hearing.

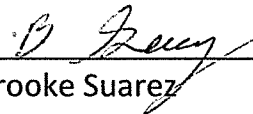
DECLARATION OF SERVICE BY CERTIFIED/RETURN RECEIPT AND FIRST CLASS MAIL

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 **NOTICE OF PUBLIC 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 Friday, November 09, 2018, addressed as follows:

BERTRAM CEBRIAN
P O BOX 822
WESTWOOD, CA 96137-0822

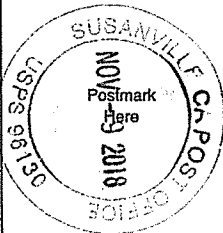
I declare under penalty of perjury that the foregoing is true and correct. Executed on Friday, November 09, 2018, at Susanville, California, 96130.



Brooke Suarez

2901 1229 0000 0990 2102

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	\$ 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 Box	
Bertram Cebrian	
P.O. Box 822	
City, State, ZIP+4®	
Westwood, CA 96137	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



DECLARATION OF SERVICE BY POSTING

I, THE UNDERSIGNED, SAY:

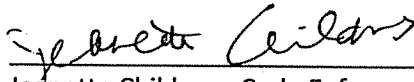
1. I am an employee of Lassen County, California, over the age of eighteen year;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and

I posted the foregoing **NOTICE OF PUBLIC HEARING** on the property depicted in said notice attached thereto and incorporated therein, at 716 Delwood Street, Westwood, CA (APN 125-060-04-11) on Friday, November 09, 2018, and address as follows:

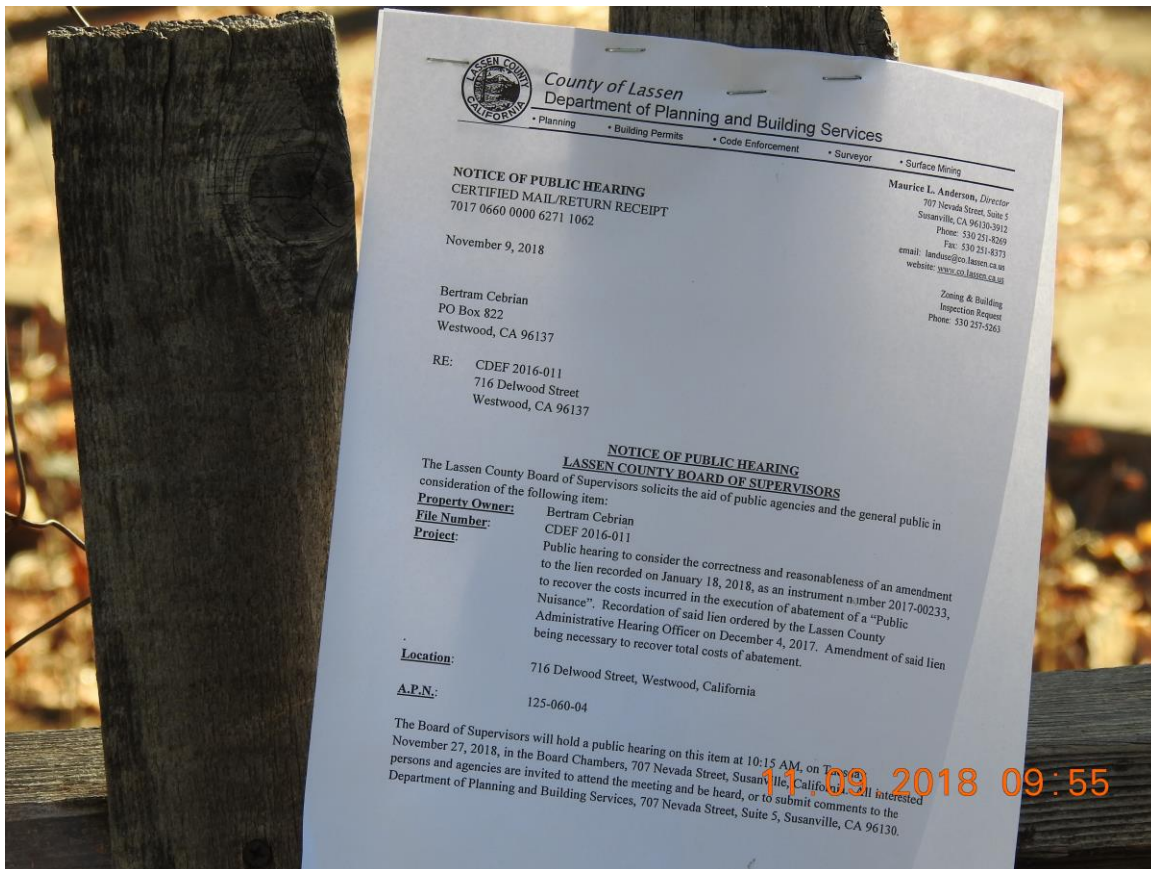
CEBRIAN, BERTRAM
P O BOX 822
WESTWOOD, CA 96137-0822

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

Executed on this Friday, November 09, 2018, at Susanville, California 96130



Jeanette Childress, Code Enforcement Officer



CDEF2016-011, CEBRIAN





County of Lassen
Department of Planning and Building Services

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

Decision of Administrative Hearing Officer
ABATEMENT OF CIVIL NUISANCE ORDINANCE
(Lassen County Code Chapter 1.18)
CDEF 2016-011 Cebrian
DATE OF DECISION 12-4-17
(Must be within 30 days of administrative hearing)

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

Property Owner Name and last known address: Occupant:
Bertram Cebrian
P.O. Box 822
Westwood, Ca. 96137

Site Address:
716 Delwood Street
Westwood, Ca. 96137

Assessor's Parcel Number:
125-060-04

RECEIVED

DEC 04 2017

*Lassen County Department of
 Planning and Building Services*

Hearing Officer:
Jacob Zamora

Date of Administrative Hearing
December 4, 2017

This matter was called for administrative hearing on the above date at 0830 a.m. at 221 Roop St., Susanville, Ca. 96130 in the administrative conference room.
 Present for the County was:

- ☐ Robert Burns, County Counsel.
- ☐ Maury Anderson, Director of Planning and Building Services.
- ☒ Rob Steen, Code Enforcement Officer.
- ☒ Jeanette Childress, Code Enforcement Officer.
- ☒ Gaylon Norwood, Assistant Director of Planning and Building Services.
- ☐ Other _____

Whereas, the enforcing officer scheduled an Administrative hearing on December 4, 2017, giving the owner(s) and/or occupant(s) of the Premises an opportunity to present evidence and elicit testimony to contest an abatement order and cost imposed. The owner(s) and/or occupant(s):

- ☒ Failed to appear at the Administrative hearing and exhaust administrative remedies.
- ☐ The following person(s) appeared on his/her/their behalf before this Hearing Officer:
- ☐ _____
- ☐ _____

The county presented its case through Code Enforcement Officer Steen and Officer Childress who offered a staff report with numerous exhibits attached thereto. Mr. Steen and Ms. Childress

provided the necessary foundation for the admissibility of the staff report, including exhibits, and both the staff reports and exhibits were admitted into evidence.

NOW THEREFORE, as the Hearing Officer for the County of Lassen and based upon the testimony of the witnesses and exhibits received in evidence, I make the following findings:

1. The Director of Planning and Building Services (synonymous with Community Development Department Director per Lassen County Code section 2.14.010) determined that a public nuisance within the meaning of Lassen County Code section 1.18.020 existed at 716 Delwood St. Westwood CA, Assessor's Parcel No 125-060-04 on June 13, 2017 and on July 18, 2017.
2. Notice of the determination of a public nuisance was mailed certified mail November 2, 2017, to the owner of record, according to the equalized tax role, Bertram Cebrian P.O. Box 822 Westwood Ca. 96137. There was no person known to be in possession of the property such that they could be served other than the owner of record. Notice that a public hearing would be held December 4, 2017, and its location, was published in the Lassen County Times on November 7, 2017.
3. The aforementioned notice to abate public nuisance substantially conformed to Lassen County Code section 1.18.060(a).
4. A public nuisance, as defined in Lassen County Code section 1.18.020, did exist on June 13, 2017, and continued to exist until the time of this hearing.
5. County has incurred \$3,779.50 in expenses to date in administrative cost in furtherance of its duty to abate this nuisance pursuant to Lassen County Code section 1.18.050.

NOW THEREFORE, as the Hearing Officer for the County of Lassen and based upon the above findings, I make the following orders:

1. The Planning and Building Services Director is ordered to abate the public nuisance at 716 Delwood St. Westwood CA. at the earliest date possible the process can be executed on or after December 19, 2017.
2. The residence is to remain secured against unauthorized entry until the corrections identified in the June 13, 2017, Notice and Order of Posting and the July 18, 2017, Supplemental Notice and Order of Posting have been made.
3. The cost incurred by the County in abating the violation to date is \$3,779.50 and the Planning and Building Services Department Director shall demand that the property owner pay the administrative cost of abatement incurred by the County to date within twelve days (see Lassen County Code section 1.18.060(b))


4. The Planning and Building Services Department Director is directed to notify the Clerk of the Board of Supervisors of the Hearing Officer's decision and the last day to file an appeal (see Lassen County Code Subsection 1.18.060(c)).
5. The Planning and Building Services Department Director is directed to mail a copy of the Decision to the property owner and post the Decision at the property site (see Lassen County Code Subsection 1.18.060(b)).
6. The Planning and Building Services Department Director is directed to inform the property owner that they may, within twelve days of notice to the Clerk of this decision, file an appeal with the Board of Supervisors.
7. The Planning and Building Services Department Director is directed to record a partial abatement lien in the amount of administrative cost as stated above, in substantially the same form as Lassen County Code section 1.18.080 and upon completion of abatement, all physical and administrative cost thereof shall be added to said lien.
8. The Planning and Building Services Department Director is directed to forward a copy of the recorded partial abatement lien to the Auditor Controller of Lassen county where such cost shall be added to the next tax roll pursuant to Lassen County Code section 1.18.080(6).

Notice of this resolution shall be given to Bertram Cebrian as follows:

1. First class mail.
2. Certified mail
3. Posting this resolution on the property.

12-4-17

Date of Decision



Jacob Zamora

Lassen County Administrative Hearing Officer

2018-00233

Recorded at the request of:
LASSEN COU DEPT COMM DEV
01/19/2018 02:22 PM
Fee: \$0 Pgs: 1 of 2 NLN
OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA



When recorded return to:

Lassen County Department of
Community Development NO Recording Fee
707 Nevada Street, Suite 5 PURSUANT TO
Susanville, CA 96130 Government Code Sec. 27383

NOTICE OF NUISANCE ABATEMENT LIEN
(Claim of County of Lassen)

Pursuant to the authority vested by the provisions of Chapter 1.18 of the Lassen County Code, a Code Enforcement Officer of the County of Lassen (or his designated agents) did, starting on or about the 27th day of April, 2016 through to the 4th of January 2018, administratively work on bringing the premises into compliance with the provisions of the Lassen County Code in order to abate a public nuisance on said real property; and the Hearing Officer for the County of Lassen did, on the 4th day of December, 2017, assess the administrative costs of said real property hereinafter described; and the same has not been paid nor any part thereof; and that said County of Lassen does hereby claim a lien to such administrative costs in the amount of said assessment, to wit: The sum of \$3,779.50; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land being in the County of Lassen, State of California, Assessor's Parcel Number 125-060-04 with a physical address of 716 Delwood Street, Westwood, CA and more particularly described as follows:

LOT 716 IN BLOCK 37, AS SHOWN ON THAT CERTAIN MAP ENTITLED
"WESTWOOD SUBDIVISION UNIT NO. 1", FILED JUNE 24, ~~2957~~* IN THE OFFICE OF
THE LASSEN COUNTY RECORDER IN BOOK 3 OF MAPS AT PAGE 71.

* 1957

Accessor's Parcel Number: 125-060-04-11
Owner: Bertram Cebrian
Physical Address: 716 Delwood Street
Westwood, California, 96137

Dated: This 18th day of January, 2018.

Maurice L. Anderson
Director, Planning and Building Services

County of Lassen California
(Ord. 467-T § 5, 1995).

1-25-18

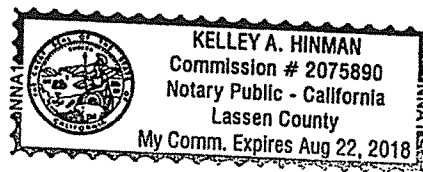
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Lassen

On January 18, 2018, 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)

(Ord. 467-T § 5, 1995).

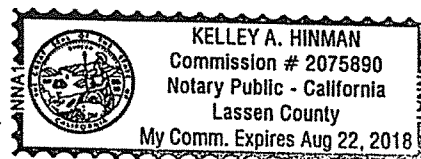
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Lassen

On January 25, 2018, 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)







Lassen County Code

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Note

* Prior ordinance history: Ord. 497.

1.18.010 Purpose.

The purpose of this chapter is to remove conditions of property hereinafter described and declared to be public nuisances which have a blighting influence on properties in the vicinity and/or are detrimental to the health, safety and welfare of the residents of the county. (Ord. 467-T § 5, 1995).

1.18.020 Condition creating public nuisance.

The following condition is declared to be a public nuisance:

Any nuisance heretofore or hereafter defined as a nuisance by any ordinance of the county, section of the Lassen County Code, resolution of the board of supervisors, or statutes of the state of California. A public nuisance is further described as any accumulation of trash, refuse, waste, junk (except as otherwise permitted), debris, garbage, rubbish and related matter, which by reason of its character and location is unsightly and interferes with the reasonable enjoyment of property by neighbors, or which detrimentally affects property value in the surrounding neighborhood or community, or which would materially hamper and interfere with the prevention or suppression of fire upon the premises or which may be detrimental to the health, safety and welfare of persons in the vicinity. (Ord. 467-T § 5, 1995).

1.18.030 Exception.

No agricultural activity, operation or facility, or appurtenances thereof, as such are defined in California Civil Code Section 3482.5, is subject to this chapter. (Ord. 467-T § 5, 1995).

1.18.040 Director of community development.

The director of community development is designated to enforce this chapter. Whenever a public nuisance as defined herein exists anywhere within the unincorporated limits of the county of Lassen, the director of community development may declare such condition to be a public nuisance. The director of community development may exercise such powers that may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. The director of community development may appoint and delegate the duties of such officers, agents and employees as the director deems necessary. (Ord. 467-T § 5, 1995).

1.18.050 Duty to abate.

No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this chapter to exist within the unincorporated limits of the county of Lassen. It shall be the duty of every owner, occupant and person that controls any land or interest thereon within this jurisdiction to remove, abate and prevent the reoccurrence of the public nuisance upon such land. (Ord. 467-T § 5, 1995).

1.18.060 Procedure for abating public nuisances generally.

(a) Whenever the community development director determines that a public nuisance exists, the community development director or his or her designee may order the public nuisance to be abated. If the condition(s) continue, the community development director may set the matter for hearing. If the matter is set for hearing, the community

development director or his or her designee shall post the property upon which the public nuisance exists and shall mail notices to those persons known to be in possession of the property and to persons shown on the last equalized county tax roll to be the owners of the property at least ten days prior to the hearing. Both the mailed and posted notice shall be in substantially the following form:

NOTICE TO ABATE NUISANCE

The owner(s) and occupants of real property described on the latest equalized Lassen County tax roll as A. P. No. _____ and having a street address of _____ is (are) hereby notified to appear before a hearing officer of the County of Lassen at (insert place) _____ on _____ 20____, at the hour of _____ o'clock _____.m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Lassen County Ordinance Code. After hearing, if a violation is found to exist, the cost of abating such violation, including, but not limited to, the cost of the hearing officer, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the hearing officer, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses will become a lien against the subject property and also assessed against the property in the same manner as taxes. The abatement lien to be recorded shall have the same force and effect as an abstract of judgment which is recorded pursuant to a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that after an initial showing by the Code Enforcement Officer you will have the opportunity to prove that no public nuisance exists on your property. In this connection, you should be prepared to introduce all evidence to demonstrate that the use of the property is not public nuisance as defined in the Lassen County Ordinance Code. A copy of the ordinance relating to abatement hearings is enclosed to assist you in the preparation of your presentation.

Your failure to show that no public nuisance exists subsequent to an initial showing by the Code Enforcement Officer may result in an administrative decision ordering the abatement of uses on your property which are found to be a public nuisance and may also result in a later judicial order to the same effect. If the hearing officer finds that your property is in violation of the Lassen County Ordinance Code, the County will contend that you are bound by such finding at any subsequent judicial action to enforce any abatement order.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE ABATEMENT AND TERMINATION OF USES OF YOUR PROPERTY WHICH THE DIRECTOR OF COMMUNITY DEVELOPMENT CONTENDS ARE IN VIOLATION OF THE LASSEN COUNTY ORDINANCE CODE.

Dated: _____

LASSEN COUNTY COMMUNITY DEVELOPMENT DIRECTOR

By: _____

Enclosure: Property Maintenance Ordinance

(b) At the time and place set for the hearing, the hearing officer shall review the community development director's decision ordering cessation of the alleged public nuisance to determine whether such decision conforms to law and is

supported by substantial evidence. The hearing officer shall hear testimony and receive written or documentary evidence relating to the alleged violation. The hearing officer shall tape record the hearing and shall preserve all photographs and other documentary evidence introduced at the time of the hearing. Within thirty days after the hearing is closed, the hearing officer shall render his or her decision relating to the existence or nonexistence of the alleged public nuisance. The decision shall include a statement of the costs incurred by the county in abating the violation, if a violation is found to exist, and shall also include a demand that administrative costs of abatement incurred to date be paid to the county within twelve days. The decision shall contain findings of fact and conclusions of law. A copy of the decision shall be mailed by certified mail to the owner of the parcel which is subject to the hearing, the occupant of such parcel and the appellant.

(c) The decision of the hearing officer shall be final. The hearing officer shall notify the clerk of the board of supervisors of his or her decision, the date upon which the decision became final and the last date upon which an appeal may be made. If the board of supervisors does not receive an appeal within twelve days of receipt of the hearing officer's decision, it shall be deemed to have ratified and adopted the hearing officer's decision. If it is the decision of the hearing officer that a public nuisance exists, the owner of the property shall be responsible for paying all of the county's administrative abatement costs, including but not limited to, those cost items set forth in the notice required by subsection (a) of this section.

(d) Within the twelve-day period referred to in subsection (c) of this section, the owner or occupant of the property, the director of community development or any other interested person may appeal the decision of the hearing officer to the Lassen County board of supervisors if such individual or entity does all of the following:

(1) Delivers a written appeal specifically setting forth the grounds for appeal to the clerk of the board of supervisors within the twelve-day appeal period; and

(2) Within fifteen days of being notified by the clerk of the board of supervisors, the appellant shall deposit with the clerk of the board an amount of money equal to the estimated cost of transcribing the oral proceedings before the hearing officer and the cost of duplicating seven copies of the administrative record, including all exhibits introduced at the hearing. The appellant shall be responsible for the cost of the appeal and record; provided, however, that: (i) if the appellant is not the owner of the property, and the board upholds the appeal and finds that a zoning violation exists, the costs of the appeal shall be paid by the property owner; and (ii) if the appellant is the owner of the property and the board upholds the appeal and finds that no violation exists, then the costs of the appeal shall be borne by the county.

(e) In the event of an appeal to the board of supervisors, the board shall decide the appeal based solely on the administrative record prepared by the hearing officer. The board shall review the record and then adopt, reject or modify the decision of the hearing officer.

(f) In the event of an appeal to the board of supervisors, the board shall decide the appeal within ninety days after receipt of the administrative record. Notice of the board's decision shall be mailed to the property owner and those persons receiving notice pursuant to subsection (a) of this section.

(g) If a final decision of the hearing officer or the board of supervisors finds that a violation exists, the owner of the property shall be responsible for paying all of the county's administrative abatement costs, including, but not limited to, those cost items set forth in the notice required by subsection (a) of this section. Costs of abatement shall become a lien against the property as is authorized by the government code and the following paragraph:

The board's final decision shall also order that abatement costs that have been incurred to date shall be assessed against the property as provided by Government Code Section 25845(b) and that an abatement lien will be recorded as is authorized by Government Code Section 25845(c). The notice of abatement lien shall be substantially in the form set forth in Section 1.18.080. If the abatement has not yet been completed, the notice shall so state and shall also indicate that the lien is a partial lien and that additional abatement costs will be incurred in the future. It is the intent of the board of supervisors that abatement costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all abatement costs have been incurred and the abatement is complete, the community development department shall cause a supplemental notice of abatement lien to be recorded. The supplemental notice shall contain all of the information required for the original notice and shall also refer to the recordation date and the recorder's document number of the original notice.

(h) Decisions of the hearing officer or board of supervisors shall order abatement within a time certain. The order may be recorded by the community development director. In the event of such recordation and in the further event that the violation is corrected, a notice as such correction shall be recorded. The community development director is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for

costs incurred during the administrative abatement process. The county may, in its discretion commence a judicial action to enjoin a violation of this chapter without the necessity of first going through the administrative procedures set forth herein. (Ord. 467-T § 5, 1995).

1.18.070 Alternative to hearing officer.

If hearing officers are unavailable, for any reason, the director of community development shall schedule the abatement hearing before the board of supervisors. Should the board of supervisors conduct the initial abatement hearing all provisions contained in this chapter shall apply. The decision of the board shall be final. (Ord. 467-T § 5, 1995).

1.18.080 Abatement costs.

Record of Cost for Abatement.

(1) The code enforcement officer shall keep an account of the cost of abating or remedying each violation and shall render an itemized report in writing to the board of supervisors showing the costs of abatement.

(2) The director of community development shall cause the matter to be set for hearing before the board of supervisors to determine the correctness and reasonableness of such costs and any administrative costs.

(3) Notice of the hearing shall be given in the same manner as set forth in Section 1.18.060.

(4) **Report—Hearing Proceedings.** At the time and place fixed for receiving and considering the report, the board of supervisors shall hear and pass upon the report of such costs of abatement, together with any objections or protests. Thereupon, the board may make such revision, correction or modification in the report as it may deem just, after corrected or modified, shall be confirmed. The decision of the board on all protests and objections which may be made shall be final and conclusive.

(5) **Assessment of Costs Against Property—Lien.** The total cost for abatement as so confirmed by the board of supervisors, shall constitute a special assessment against the respective lot or parcel of land to which it relates and, upon recordation in the office of the county recorder of a notice of lien, shall constitute a lien on the property for the amount of such assessment.

(6) After such confirmation and recordation, a certified copy of such decision shall be sent to the county auditor-controller's office, whereupon it shall be the duty of the auditor-controller to add the amount of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land for county purposes, and thereafter the amounts shall be collected at the same time and in the same manner as ordinary property assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary property assessments; or

(7) After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(8) Such notice of lien for recordation shall be in a form substantially as follows:

NOTICE OF LIEN (Claim of County of Lassen)

Pursuant to the authority vested by the provisions of Chapter 1.18 of the Lassen County Code, A Code Enforcement Officer of the County of Lassen (or his designated agents) did, on or about the _____ day of _____, 20__, cause of the use of the premises hereinafter described to be brought into compliance with the provisions of the Lassen County Code in order to abate a public nuisance on said real property; and the Board of Supervisors of the County of Lassen did, on the _____ day of _____, 20__, assess the cost of such rehabilitation, repair or demolition upon said real property hereinafter described; and the same has not been paid nor any part thereof; and that said County of Lassen does hereby claim a lien to such rehabilitation, repair, or demolition and administrative costs in the amount of said assessment, to wit: The sum of \$ _____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mention, and upon which a lien is claimed, is that certain parcel of land being in the County of Lassen, State of California, and more particularly described as follows:

Dated: This _____ day of _____, 20__.

Code Enforcement Officer
County of Lassen California

(Ord. 467-T § 5, 1995).

1.18.090 Hearing procedures.

(a) Fairness of Hearings. Hearings required in this chapter shall be conducted in a manner suitable to ensure fundamental fairness to all parties concerned, limited by the need to secure relevant information necessary to render a decision without unnecessary delay.

(b) Evidentiary Rules. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

(c) Speaker's Presentation.

(1) Each speaker shall approach the microphone and give his or her full name and address for the record.

(2) Each speaker's presentation shall be to the point and shall be as brief as possible; visual and other materials may be used as appropriate, but, if used, shall become part of the public record and the property of the county. The board of supervisors may establish a time limit for presentations; provided, however, that at least five minutes shall be allowed for each speaker. Speakers shall, at the discretion of the hearing officer, be allowed to speak for longer than five minutes if that speaker represents a group of individuals, the remainder of which choose not to speak. Speakers with lengthy presentations are encouraged to submit them in writing. There shall be no limitations upon the length of written statement.

(3) Subject to the hearing officer's right to accept a motion to conclude the taking of all testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed, any person wishing to speak shall be heard. Except for rebuttal allowed, each speaker shall speak only once.

(4) Witnesses shall be sworn and subject to cross-examination through the hearing officer.

(d) Submission of Additional Written Evidence and Argument. At any time before or after the hearing up to the point the hearing is closed any interested party may submit written evidence or argument. Except for the receipt of written argument, no ex parte communications, either direct or indirect, shall be received by the board of supervisors during the period of a continuance or after the public hearing has been closed.

(e) Order of Proceeding at Hearing. The hearing shall ordinarily proceed in the following order:

(1) Department of community development staff's presentation shall proceed first. It should include identification of the file and property, a summary of the history and matters at issue, a staff analysis of the legal and factual issues involved, permitted uses to which the property was and is subject, an accounting of enforcement costs relating to the property, and a recommended decision.

(2) A presentation by or on behalf of the property owner shall next proceed.

(3) Tenants or other occupants of the subject property shall speak third.

(4) Individuals owning property immediately contiguous to the subject property shall speak fourth.

(5) Other interested parties shall speak fifth.

(6) The property owner shall be entitled to rebuttal.

After all of the testimony is taken, the hearing officer shall close the public hearing unless it is necessary to continue the hearing for the receipt of additional evidence. During the course of the hearing, the hearing officer may question any witness and may allow cross examination of any witness. (Ord. 467-T § 5, 1995).

1.18.100 Remedies cumulative.

Nothing in this chapter shall prevent the appropriate authorities of the county of Lassen from pursuing any civil, criminal or administrative remedy deemed necessary or appropriate to gain compliance with the applicable provisions of this code. The provisions of the chapter are to be supplementary and complementary to all of the provisions of this code, state law, and any law cognizable at common law in equity, and nothing herein shall be read, interpreted or construed in any manner so as to bar or limit the county from seeking any remedy to which it may otherwise be entitled. (Ord. 467-T § 5, 1995).

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