

**TABLE OF CONTENTS**  
**BOARD OF SUPERVISORS' MEETING**  
**December 11, 2018**

FILE NUMBER: CDEF 2015-031  
PROPERTY OWNER: Jon Ortega / Sylvia Bristow  
TYPE OF PROJECT: Order to Abate

Board Letter .....	1
Draft Resolution.....	4
Legal Description (Exhibit A of Draft Resolution) .....	6
Vicinity Map .....	7
April 1, 2015, Notice and Order of Posting.....	8
April 1, 2015, Notice of Intent to Terminate Service .....	12
November 3, 2017, field inspection report with photographs.....	14
November 13, 2017, Notice and Order to Correct Violations .....	18
November 28, 2017, Report: status phone contact from Jon Ortega .....	27
December 1, 2017, Demolition permit secured .....	28
February 2, 2018, Supplemental Notice and Order to Correct Violations.....	30
February 23, 2018, Report: phone contact from Bob Courtmier .....	35
February 28, 2018, Report: phone contact with Jon Ortega .....	36
June 14, 2018, Report: email documentation of phone contact w/ Ortega .....	37
November 16, 2018, Notice of Hearing .....	38
November 20, 2018, Notice published in Lassen County Times.....	41
November 30, 2018, Email contact with Ms. Bristow.....	42
Lassen County Code Chapter 12.25.....	44
Uniform Code for the Abatement of Dangerous Buildings.....	46
California Health and Safety Code section 17920.3.....	60





## County of Lassen

### Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

**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](mailto:landuse@co.lassen.ca.us)

website: [www.co.lassen.ca.us](http://www.co.lassen.ca.us)

November 30, 2018

TO: Board of Supervisors  
Agenda Date: December 11, 2018

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice L. Anderson Director

SUBJECT: Determine if the substandard structure at 445-310 Herlong Access 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 30, 2018. Assessor Parcel Number 139-040-08 (CDEF2015-031 Ortega/ Bristow).

#### ACTION REQUESTED:

- 1) Receive report from staff;
- 2) Conduct Public Hearing; and
- 3) Adopt a Resolution upholding the Building Official's determination.

#### **Summary:**

The purpose of this hearing is to determine if the above referenced structure will be abated through demolition as ordered by the Building Official, and 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 Section 302 of the UCADB attached for reference.

On April 1, 2015, the structure 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. Multiple notices (attached) were provided with deadlines to commence work to demolish the structure or obtain a permit and commence repair of the building. Photographs are included with the pertinent Inspection Reports (see chronology below) which further illustrate why the structure is considered dangerous and substandard. No appeal was filed for the above Notice and Order or subsequent notices (a 30-day appeal period is provided in accordance with section 501 of the UCADB). The structure has not been demolished.

On December 1, 2017, a demolition permit (DM2017-042) was issued to the property owner for demolition of the substandard structure on this parcel. Despite issuance of said permit, the co-owner Jon Ortega continued to request extensions. 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.

Board of Supervisors

Agenda Date: December 11, 2018

Page 2

On February 2, 2018, a Supplemental Notice and Order to Correct Violation was mailed. The owners were given (90) ninety days to complete the demolition and the associated clean-up of debris. The above notice generated phone contact from the co-owners.

On February 23, 2018, phone contact from an adult male named Bob Courtmier who identified himself as Ms. Bristow's husband stated he would discuss the matter with Ms. Bristow and contact us again.

On June 14, 2018, Jon Ortega contacted Code Enforcement and stated he received a bid for the demolition and could not afford those cost and would demolish the structure a little at a time himself. Staff advised Mr. Ortega the Planning and Building Department intended to move forward with the abatement. On November 29, 2018, Mr. Ortega requested an extension of said Demolition Permit.

On November 30, 2018, staff received an email from Ms. Bristow requesting an extension of the Demolition Permit and stated efforts to comply. A 60 day extension was granted but she was advised of the departments intention to move forward with the December 11, 2018, hearing and was encouraged to attend.

#### **County's Authority to Abate:**

In accordance with section 701.3(3) of the UCADB, the Building Official has authorization to abate the structure if the owners failed to complete the demolition, (and provided the Board does concur 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 owners an opportunity to present any evidence or information as to why Lassen County should not proceed with the demolition if the owner's fail to properly demolish the residence and remove all debris by November 30, 2018.

If, after this hearing, the Board concurs that the Building Official's order is appropriate (and if the property owners fail 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.

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:

- March 24, 2015, Field Inspection photographs.



- March 26, 2015, posted: "DO NOT ENTER/ UNSAFE TO OCCUPY"
- April 1, 2015, 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 (10) ten days.
- April 1, 2015, Notice of Intent to Terminate Service from the Department ordering electrical service be terminated in accordance with §112 of the California Building Code, and §201 of the UCADB.
- April 7, 2015, email from Sierra Rural Electric Co-Operative confirming electrical service terminated.
- November 3, 2017, Field Inspection Report, with photographs.
- November 13, 2017, Notice and Order to Correct Violations. It was determined that no progress toward compliance had been made and because of the time lapse a new order issued with (30) thirty days to submit a request for an appeal.
- November 28, 2017, phone contact with Jon Ortega stating he would remove junk and debris and non-op vehicle and asked for a seven-day extension to discuss options with his sister Sylvia Bristow (co-owner).
- December 1, 2017, Violation Status Sheet, documenting a visit to the Department by the property owner Jon Ortega. Mr. Ortega secured a demolition permit (DM2017-042), and expressed his desire to comply with the county.
- February 2, 2018, Supplemental Notice and Order to Correct Violations, requiring completion of demolition and removal within (90) ninety days of notice. Said notice also included an additional opportunity to appeal said order within (30) thirty days.
- February 23, 2018, Violation Status Report, documenting the only phone contact with Bob Courtner who identified himself as Ms. Bristow's husband stating they wanted to resolve the issue and would contact us.
- June 14, 2018, Email documenting a phone conversation with Jon Ortega stating his inability to pay the high cost of the projected \$65,000 not including the asbestos removal. Staff advised Mr. Ortega of the Departments intention to move forward with the demolition of the structure as he failed to file for an appeal and his failure to comply by the May 2, 2018, deadline. Mr. Ortega stated he did not want any future contact from the county.
- November 16, 2018, notice of the December 11, 2018, hearing mailed to the owners.
- November 20, 2018, Legal NOTICE OF PUBLIC HEARING printed in Lassen County Times.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION UPHOLDING THE BUILDING OFFICIAL'S  
DETERMINATION THAT THE RESIDENCE AT 445-310 HERLONG ACCESS  
ROAD BE ABATED**

**WHEREAS**, Assessor's Parcel Number: 139-040-08 (as described in Exhibit A) is a parcel owned by Jon Ortega and Sylvia Bristow, located at 445-310 Herlong Access Road, Herlong, California; and

**WHEREAS**, a hearing was conducted by the Board of Supervisors on December 11, 2018, to determine if the Building Official's Order that the structure 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 February 2, 2018, ordering that repair or demolition commence within 90 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 April 1, 2015, November 13, 2017, and February 2, 2018, notices to the property owners that the structure 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 owners have not secured any permits for repair of the residence. On December 1, 2017, the property owners secured a demolition permit (DM 2017-042), but as of the date of this resolution demolition has not occurred.
  - c. The information provided in the Board packet for this hearing is true and correct and is hereby adopted by reference.
  - d. Notice of the December 11, 2018, Board hearing was provided to the property owners on November 16, 2018.
3. The Building Official is hereby directed to complete the abatement if the property owners fail to complete the demolition by November 30, 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 11<sup>th</sup> day of December 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 situate, lying and being in the County of Lassen, State of California, more particularly described as follows:

Parcel No. 1:

Commencing at the section corner common to Sections 1, 2, 11 and 12, in Township 26 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof; thence South 3° 14' West 1840.0 feet to the point of intersection of the Northerly right-of-way line of U.S. Highway 395 with the Northerly right-of-way line of the County Road; thence North 72° 10' East 101.50 feet to the True Point of Beginning; thence North 72° 10' East 110.36 feet along the Northerly right-of-way line of said County Road; thence North 54° 01' West 332.88 feet; thence South 35° 59' West 171.0 feet to the Northerly right-of-way line of U.S. Highway 395; thence along said right-of-way line South 54° 01' East 106.30 feet to the beginning of a curve concave to the left having a radius of 200 feet, a central angle of 53° 49' and an arc distance of 187.86 feet, and thence along said curve a distance of 187.86 feet to the True Point of Beginning.

Being a portion of the SE1/4 of the NE1/4 of Section 11 and a portion of the SW1/4 of the NW1/4 of Section 12, in Township 26 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Parcel No. 2:

Commencing at Engineer's Station 1+70.47 on the center line of the Herlong Access Road, said station being North 72° 10' East 170.49 feet from Engineer's Station 994+74.52 on State Highway Route 29-D, and running thence North 17° 50' West 55.00 feet to the True Point of Beginning of the tract of land hereunder described:

Running thence North 17° 50' West 20.00 feet; thence 187.86 feet along a curve concave to the right, said curve having a radius of 200 feet and a central angle of 53° 49'; thence South 54° 01' East 75.53 feet; thence 93.93 feet on a curve concave to the left, said curve having a radius of 100 feet and a central angle of 53° 49'; thence North 72° 10' East 36.12 feet to the aforementioned True Point of Beginning.

Current A.P.N.: 139-040-08



*Don E. Willis*









*County of Lassen*  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Housing Rehab • Grants and Loans • Surface Mining

**NOTICE AND ORDER OF POSTING**

**CERTIFIED MAIL/RETURN RECEIPT**

7013 1710 0000 0253 7757

April 1, 2015

**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

Estate of Max Ortega  
8721 Cabra Ct.  
Elk Grove, CA 95624

RE: CDEF 2015-031  
Herlong Junction Bar Café & Laundry  
445-310 Herlong Access Road  
Herlong, CA 96113  
APN: 139-040-11

This letter is in regard to the above-referenced property, which is currently in violation of the Uniform Code for the Abatement of Dangerous Buildings, Lassen County Code, and the California Health and Safety Code.

As the result of an inspection on March 26, 2015, it was observed that the structure is not secured against unauthorized entry, is no longer weather tight, is in disrepair, dilapidated, unsafe, and unsanitary, rendering the structure as no longer fit for human habitation.

**CODE VIOLATIONS**

The above conditions are to an extent that they endanger the life, limb, health, property, safety or welfare of the public and/or the occupant thereof and shall be deemed and are 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 and 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, on March 26, 2015, 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 Building Official.

**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 structure and remove all related trash and debris (receipts will be required to verify proper disposal of waste material).

If permits have not been obtained and work has not commenced as detailed above, this office will be obligated to pursue repairs or demolition of the structure in accordance with the procedure detailed in Chapter 8 of the Uniform Code for the Abatement of Dangerous Buildings, and any other pertinent sections of state or local code or regulation. Recovery of said demolition costs will be pursued in accordance with the protocol detailed at Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings and any other pertinent sections of state or local code or regulation.

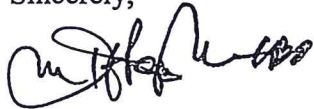
#### NOTICE OF RIGHT TO APPEAL

In accordance with §501 of the Uniform Code for the Abatement of Dangerous Buildings (enclosed), you have ten (10) days from the date of this letter to submit to this office a written request for an appeal of the posting. Within said ten (10) days you must also submit the \$159 appeal filing fee (pursuant to Lassen County Code Section 3.18.020). Again, the appeal letter and filing fee must both be received within ten (10) days of the date of this letter. To be valid, an appeal and the requisite fee must be received by April 13, 2015.

The form of the appeal shall be as described at §501 of the Uniform Code for the Abatement of Dangerous Buildings (enclosed). In accordance with Lassen County Code §12.25.040, the Lassen County Planning Commission is the formal body for appeals involving the abatement of dangerous and/or substandard buildings.

If you have any questions please contact Chief Building Official James H. Papen at (530) 251-8269.

Sincerely,



James H. Papen, C.B.O.  
Chief Building Official

JHP/jbh 

Enclosure: (§501 UCADB)

cc: Lassen County Environmental Health Department  
Lassen County Sheriff's Office  
Lassen County Office of Emergency Services  
Herlong Volunteer Fire Department  
Lassen County Code Enforcement Division

**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;

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 1<sup>st</sup> Class, in Susanville, California, on the

1st day of April, 2015, addressed as follows:

**Estate of Max Ortega  
8721 Cabra Ct.  
Elk Grove, CA 95624**

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

Executed this 1<sup>st</sup> day of April, 2015, at Susanville, California 96130.



Nancy Summers



7013 1710 0000 0253 7757

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

ESTATE OF MAX ORTEGA  
 8721 CABRA COURT  
 ELK GROVE CA 95624

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

CDEF 2015-031

PS Form 3800, August 2006

See reverse for instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

ESTATE OF MAX ORTEGA  
 8721 CABRA COURT  
 ELK GROVE CA 95624

CDEF 2015-031

2. Article Number  
(Transfer from service label)

7013 1710 0000 0253 7757

PS Form 3811, July 2010

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Kathie P. Horton*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*Kathie P. Horton*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes



*County of Lassen*  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Housing Rehab • Grants and Loans • Surface Mining

**NOTICE OF INTENT TO TERMINATE SERVICE**

April 1, 2015

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

Plumas Sierra Rural Electric  
73233 Hwy. 70  
Portola, CA 96122

RE: Service Termination  
Herlong Junction Bar Café & Laundry  
Estate of Max Ortega  
445-310 Herlong Access Road  
Herlong, CA 96113  
APN: 139-040-11

**FILE COPY**

This letter is in regard to the above referenced property and shall serve as notification that Lassen County Planning and Building Services Department has deemed the structure located on said property to be a "Dangerous Building" as defined in §302 of the Uniform Code for the Abatement of Dangerous Buildings. As such, this Department has vacated and posted said structures in accordance with the Uniform Code for the Abatement of Dangerous Buildings, as "Do Not Enter, Unsafe to Occupy." Said notice posted due to violations of the Uniform Code for the Abatement of Dangerous Buildings, California Building Code, and the California Electrical Code that currently exist at this location.

Be advised that, consistent with the authority afforded to this Department through §112 of the California Building Code, and §201 of the Uniform Code for the Abatement of Dangerous Buildings, this Department is directing all services at this structure be immediately terminated ("Down and Out") until such a time that proper notification is received from this office.

If you have any questions, contact Code Enforcement Officer Hetherton at (530) 251-8269.

Sincerely,

James H. Papen  
Chief Building Official

JHP/jbh

cc: Lassen County Sheriff's Office  
Lassen County Environmental Health  
Herlong Volunteer Fire Department  
Lassen County Office of Emergency Services

## James Papen

---

**From:** Scott Welch <swelch@psrec.coop>  
**Sent:** Tuesday, April 07, 2015 3:40 PM  
**To:** James Papen  
**Cc:** Joseph Hetherton; 'Pam Hunt'; 'Linda O'Neill'  
**Subject:** Herlong Junction

Mr. Papen,

Per your request PSREC has terminated service and de-energized 4 service/meter locations at,

Herlong Junction Bar Café & Laundry  
445-310 Herlong Access Road  
Herlong CA 96113  
A.P.N. 139-040-11

We have de-energized transformers and pulled meters to avoid risk of tampering.

Regards,

Scott Welch



Scott Welch | North District Manager  
800.555.2207 X6027 | 530.251.7448 | [swelch@psrec.coop](mailto:swelch@psrec.coop) | [www.psrec.coop](http://www.psrec.coop)

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## VIOLATION FIELD INSPECTION REPORT

File #	2015-031	Inspection #	Date: 11-3-17	Time: 0945
Owner:	Bristow / Ortega TC			
Property Address	445-310			
A.P.N.:	139-040-08	Zoning:		
Person Contacted:	N/A			
Relation to Property:				

Conditions Observed:

Photos

YES

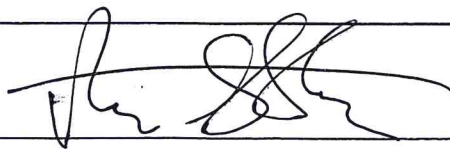


NO



Roof structure sagging, holes in roof, fascia  
beam supports failed, split, broken, sagging.  
~~house~~ structure boarded, (no egress)  
crawl space open in numerous areas,  
faulty weather protection. Junk, debris, tires,  
junked non-op vehicle vin # 1LNBP98M76Y654601  
Ford.

Code Enforcement Officer: \_\_\_\_\_



















County of Lassen  
Department of Planning and Building Services

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

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

**NOTICE AND ORDER TO CORRECT VIOLATIONS**

CERTIFIED MAIL/RETURN RECEIPT

7017 0660 0000 6270 7904

November 13, 2017

Jon Steven Ortega & Sylvia Kathryn Bristow  
8721 Cabra Court  
Elk Grove, Ca. 95624

RE: CDEF2015-031  
445-310 Herlong Access Road  
A.P.N. 139-040-08

Dear Mr. Ortega & Ms. Bristow:

This letter is in regards to the above referenced property, which is in violation of *Lassen County Code*, the *Uniform code for the Abatement of Dangerous Buildings*, the *California Penal Code* and the *California Health and Safety Code*. This property is one acres in size and is currently zoned C-H (Commercial Highway District).

On November 3, 2017, a recent site inspection was conducted on the above listed parcel. As a result of the conditions observed it was determined that the building is substandard as defined by *California Health and Safety Code §17920.3* (attached). Specific conditions observed were a dilapidated roof, dilapidated siding, fascia beam supports are failing and broken and open crawl space in numerous locations creating an attractive nuisance. Also noted was a significant amount of junk, garbage, debris and a nonoperative vehicle.

**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.*



Non-Op vehicles

There is one nonoperative vehicle on the subject parcel. Said vehicle is an older four door sedan and is maroon in color. The driver side and passenger side windows are broken out. There are no plates on the vehicle, Vehicle Identification Number (VIN): 1LNBP98M7GY654601. As authorized by Lassen County Code Section 1.19.050, you are allowed no more than two (2) nonoperative vehicles on parcels of one acre or less and only if the parcel has been improved with a permitted dwelling or business.

Additionally, said section requires that any vehicles stored on this parcel be “screened from ordinary view.”

Screened from ordinary view is defined at Lassen County Code Section 1.19.030 (g) as:

“(g) ‘Screened from ordinary view’ means enclosed entirely behind a fence of at least six feet minimum height, constructed of opaque, uniform nonreflective material, maintained plumb and level in structurally sound condition, which shall completely prevent any inoperative vehicle from being seen from any location off of the parcel upon which the vehicle is located”

The nonoperative vehicles on the subject property are not screened from ordinary view and there is not a permitted dwelling or operating business on the property.

Garbage and Debris

During the inspection of the property conducted on November 3, 2017, it was observed that junk, garbage, debris, piles of scrap wood, scrap metal and junk appliances are scattered throughout the property.

This accumulation is to the extent of creating unsafe and unsanitary conditions. Be advised that Lassen County Code §1.18.020 states:

*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.*

Furthermore, California Penal Code §370, declares a property in such condition to be a “Public Nuisance”. California Penal Code §373a further states:

*Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a health officer or district attorney or city attorney or prosecuting attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney, or the city attorney of any city the charter of which imposes the duty upon the city attorney to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.*

## **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 structure. 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 and Lassen County 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, Lassen County Code Chapter 1.18 et seq* and any other pertinent sections of state and local code or regulation. Recovery of said abatement costs will be pursued in accordance with the protocol detailed in *Chapter 9 of the Uniform Code for the Abatement of Dangerous Buildings* and any other pertinent sections of state and local code or regulation.

### **Non-op Vehicles**

You are hereby notified that you have 30 days from the date of mailing of this letter to remove any non-operable and/or unlicensed vehicles.

### **Garbage and debris**

You have 30 days from the date of this letter to remove all junk, garbage, debris, piles of scrap wood, scrap metal, junk appliances and trash (receipts will be required to verify proper disposal of trash and/or debris).

### **ADDITIONAL ENFORCEMENT**

Failure to correct this violation by the date specified above may result in the issuance of an administrative citation, penalties to accrue each day the violation continues to exist. The first citation is \$100, the second citation is \$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.

### **APPEAL**

As stated in Lassen County Code §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.*

In accordance with §501 of the *uniform Code for the Abatement of Dangerous Buildings*, you have thirty (30) days from the date of this letter to submit a request for an appeal.

In accordance with Section §401.4 of the *Uniform Code for the Abatement of Dangerous Buildings*, service of this letter is effective on the day of mailing.

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

Sincerely,



for Maurice L. Anderson, Director  
Acting Building Official  
MLA:jsc





## 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 harborage, 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. Effective January 1, 2016.)*

## 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 TO CORRECT VIOLATIONS** 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 1<sup>st</sup> Class, in Susanville, California on Monday, November 13, 2017, addressed as follows:

JON ORTEGA & SYLVIA BRISTOW  
8721 CABRA COURT  
ELK GROVE, CA 95624

I declare under penalty of perjury that the foregoing is true and correct. Executed on Monday, November 13, 2017, at Susanville, California, 96130.

  
Brooke Suarez

7017 0660 0000 6270 7904

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
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	\$ 1.67
Total Postage and Fees	\$ 6.77
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Street and Apt. No., or PO	
City, State, ZIP+4®	
PS Form 3800, April 2011	

Postmark Here  
NOV 13 2017  
96130

Jon Ortega & Sylvia Bristow  
8721 Cabra Court  
Elk Grove, CA 95624



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Jon Ortega &amp; Sylvia Bristow              8721 Cabra Court              Elk Grove, CA 95624</p> </div>		<p>B. Received by (Printed Name)              Sylvia K Bristow</p>	
		<p>C. Date of Delivery              11/17/2017</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes              If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p> <p>017 0660 0000 6270 7904</p>		<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)                             </div> <div> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery                             </div> </div>	

RECEIVED

NOV 20 2017

Lassen County Department of Planning

## VIOLATION FIELD INSPECTION REPORT

File # 2015-031 | Inspection # \_\_\_\_\_ | Date: 11-28-17 | Time: 0915  
Owner: John Ortega / Sylvia Bristow  
Property Address 445-310 Herlong Access Rd  
A.P.N.: 139-040-08 Zoning: \_\_\_\_\_  
Person Contacted: ~~John Ortega~~ Jon Ortega  
Relation to Property: \_\_\_\_\_

Conditions Observed:

Photos

YES

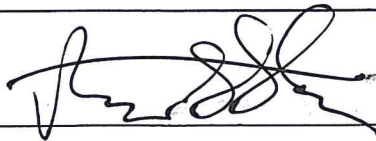


NO



Talked to Jon Ortega on phone. stated the probate has just recently been resolved. It is in his and his sister's name. He said he is removing non-op vehicle. He asked for 1 week extension to discuss options w/ his sister.

Code Enforcement Officer: \_\_\_\_\_



## VIOLATION FIELD INSPECTION REPORT

File # 2015-031 | Inspection # | Date: 12.1.17 | Time: 0930  
Owner: Ortega, Son  
Property Address 445-310 Herlong Access Rd  
A.P.N.: 139-040-08 Zoning:  
Person Contacted: Son  
Relation to Property:

Conditions Observed:

Photos

YES

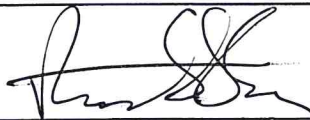


NO



Talked to Son @ the front counter, ~~see~~  
He applied for a demo permit and expressed  
his plan to demo the building & clean  
up the property.

Code Enforcement Officer:







## Lassen County

Brooke Suarez ([Sign Out](#) | [Preferences](#))

Workspace

Favorites

Permitting

Create Permit

Search Permits

Create Estimate

Search Estimates

Search Historical Permits

Permit Reports

Common

Receipts

Administration

Recent

## Permit Detail

[Main](#) [Notes](#) [Submittals](#) [Details](#) [Valuations](#) [Fees](#) [Contacts](#) [Contractors](#) [Parcels](#) [Workflow](#) [Conditions](#) [Inspections](#) [Other Requir](#)

Current processing time is 1 day (In review 1 day)  
Application is 3 days past the expiration date.

Project Name:	<input type="text" value="Ortega"/>	<a href="#">Add Note</a>	
Project Description:	<input type="text" value="Demo Old Bar"/>		
Permit Number:	DM2017-042 <a href="#">Alerts</a>	Applicant: Jon Steven Ortega	
Permit Type:	DEMOLITION	Primary Contact: Jon Steven Ortega	
Status:*	<input type="text" value="ISSUED"/>	Primary Contractor: OWNER / BUILDER	
Process State:	Issued	Last Activity: 12/01/2017 09:37	
Parent Permit:	<input type="text"/>	Last Inspection:	
Assigned To:	User <input type="text"/>	Submitted:*	<input type="text" value="12/01/2017"/> Application is 369 days old
Fast Track:	<input type="checkbox"/>	Completed:	<input type="text" value="12/01/2017"/> 1 of 1 submittals received.
		Approved:	<input type="text" value="12/01/2017"/> 2 of 2 (100%) steps approved.
		Ready:	<input type="text" value="12/01/2017"/> \$81.00 paid (100%), \$0.00 due.
		Issued:	<input type="text" value="12/01/2017"/>
		Finalized:	<input type="text"/> 0 of 2 inspections completed.
		Closed:	<input type="text"/> \$0.00 deferred fees due.
		Expires:	<input type="text" value="12/01/2018"/> Exp Override: <input type="checkbox"/>

## Site Address

Site Address:	<input type="text" value="445-310 HERLONG ACCESS RD"/>	<a href="#">Verify Address and Coordinates</a>
Site City:	<input type="text" value="Herlong"/>	Latitude: <input type="text"/>
State:	<input type="text" value="CA"/>	Longitude: <input type="text"/>

[Save](#) [Reset](#) [Back](#) [Reports](#) [Audit](#) [Change Permit Number](#) [Copy](#) [Change Permit Type](#) [Cancel Permit](#)



County of Lassen  
Department of Planning and Building Services

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

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](mailto:landuse@co.lassen.ca.us)

website: [www.co.lassen.ca.us](http://www.co.lassen.ca.us)

SUPPLEMENTAL NOTICE AND ORDER TO CORRECT VIOLATIONS

CERTIFIED MAIL/RETURN RECEIPT

7017 0660 0000 6270 6754

February 2, 2018

Zoning & Building

Inspection Request

Phone: 530 257-5263

Jon Steven Ortega & Sylvia Kathryn Bristow

8721 Cabra Court

Elk Grove, Ca. 95624

RE: CDEF2015-031

445-310 Herlong Access Road

A.P.N. 139-040-08

Dear Mr. Ortega & Ms. Bristow:

This letter is in regards to the above referenced property, which is in violation of *Lassen County Code*, the *Uniform code for the Abatement of Dangerous Buildings*, the *California Penal Code* and the *California Health and Safety Code*. This property is one acres in size and is currently zoned C-H (Commercial Highway District).

The Department notes that on December 1, 2017, a demolition permit was secured; thank you for your effort to bring the property into compliance. As stated in the November 13, 2017 Notice and Order to Correct Violations the structures at the above referenced property have been determined to be dangerous & substandard as defined by *California Health and Safety Code §17920.3* and Chapter 3 of the *Uniform Code for the Abatement of Dangerous Buildings*.

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 90 days from the date of this letter to complete the demolition of the structure. You are also directed to maintain the security of the structure(s) from unauthorized entry while in the process of demolition.

If 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*.



## **ADDITIONAL ENFORCEMENT**

Failure to correct this violation by the date specified above may result in the issuance of an administrative citation, penalties to accrue each day the violation continues to exist. The first citation is \$100, the second citation is \$500, the third and subsequent citations are \$1000.

Additional enforcement actions such as administrative abatement, criminal prosecution, and/or civil injunction may also be utilized to correct these violations. A “Notice of Dangerous/ Substandard Building” may also be filed with the County Recorder as a cloud against the title of the property.

## **NOTICE OF RIGHT TO APPEAL**

Pursuant to Section 501 of the Uniform Code for the Abatement of Dangerous Buildings, a Notice and Order of the Building Official carried out under Section 401, may be appealed 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.

In accordance with section 501, any appeal must be filed within 30 days of the date of service (the date of mailing). Additionally, be advised that Section 12.25.040 of the Lassen County Code has amended the Uniform Code for the Abatement of Dangerous Buildings to establish a Hearing Officer as the Board of Appeals.

Jon Steven Ortega & Sylvia Kathryn Bristow  
February 2, 2018  
Page 3 of 3

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

Sincerely,



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 **SUPPLEMENTAL NOTICE AND ORDER TO CORRECT VIOLATIONS** 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 1<sup>st</sup> Class, in Susanville, California on Tuesday, February 13, 2018, addressed as follows:

JON STEVEN ORTEGA & SYLVIA KATHRYN BRISTOW  
8721 CABRA COURT  
ELK GROVE, CA 95624

I declare under penalty of perjury that the foregoing is true and correct. Executed on Tuesday, February 13, 2018, at Susanville, California, 96130.


7017 0660 0000 6270 6754

U.S. Postal Service <sup>TM</sup> CERTIFIED MAIL <sup>®</sup> RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
<b>OFFICIAL USE</b>	
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	\$ .46
Total Postage and Fees	\$ 6.67
Sent To	
Street and Apt. No., or PO Box No.	Jon Steven Ortega & Sylvia Kathryn Bristow
City, State, ZIP+4 <sup>®</sup>	8721 Cabra Court Elk Grove, CA 95624

PS Form 3800, April 2015 PSN 7530-02

  
Brooke Suarez



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY			
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> Jon Steven Ortega &amp;  Sylvia Kathryn Bristow  3721 Cabra Court  Elk Grove, CA 95624 </div>  <p>9590 9402 2665 6336 7617 93</p> <p>2. Article Number (Transfer from service label)</p> <p>117 0660 0000 6270 6754</p>		<p>A. Signature  <i>Sylvia Kathryn Bristow</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Sylvia Bristow</i></p> <p>C. Date of Delivery  <i>2/24/18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No  If YES, enter delivery address below:</p> <p style="text-align: center; color: red; font-weight: bold;">RECEIVED</p> <p style="text-align: center; color: red; font-weight: bold;">FEB 28 2018</p> <p style="text-align: center; color: red;">Lassen County Planning and E.</p> <p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>		<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery				

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

COEF 2015-31

Domestic Return Receipt

## VIOLATION FIELD INSPECTION REPORT

File # 2015-031 | Inspection # | Date: 2-23-18 | Time: 1030  
Owner: Ortega, Jon / Sylvia Bristow  
Property Address: 445-310 Herlong Access Rd (A-25)  
A.P.N.: 139-040-08 Zoning:  
Person Contacted: Bob Courtner  
Relation to Property:

Conditions Observed:

Photos

YES

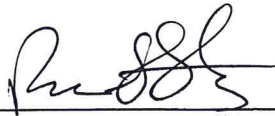


NO



Bob Courtner called from Sacramento and stated that he is Sylvia Bristow's husband. Bob stated that he wants to resolve the issue. I told him that the building needs to be knocked down and property cleaned up. He said he will talk to his wife about it and let us know what they decide. ~~He~~ He said Jon Ortega is not dependable and might not follow thru.

Code Enforcement Officer:



## VIOLATION FIELD INSPECTION REPORT

File # 2015-031 | Inspection # \_\_\_\_\_ | Date: 2-28-18 | Time: 1025 HRS  
Owner: Bristow / Ortega  
Property Address Hwy 295 & Herlong Access  
A.P.N.: \_\_\_\_\_ Zoning: \_\_\_\_\_  
Person Contacted: John Ortega  
Relation to Property: \_\_\_\_\_

Conditions Observed:

Photos

YES

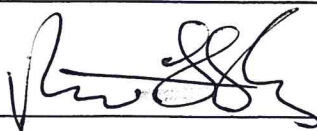


NO



John called & stated he is getting  
bids for demo of building. I instructed  
him to provide us a copy of a signed  
contract when secured. He said he  
would.

Code Enforcement Officer: \_\_\_\_\_





## Robert Steen

---

**From:** Robert Steen  
**Sent:** Thursday, June 14, 2018 9:53 AM  
**To:** Matthew May  
**Subject:** Ortega/ Herlong Access 2015-031

Jon returned my call and said that he cannot afford to have a contractor demo and remove the building. He said he had a bid for \$65,000 not including the asbestos removal. I told Jon we recently mailed and posted a Hearing Notice letter but we would send him a letter retracting the Notice as it only pertained to trash and debris. I advised we intend to move forward with demo and removal as his 90 days to act had expired. He said his demo permit is good for 1 year. I reminded him of our previous conversation that it is at the discretion of the Building Official as to a timeline also stated in the last letter he was instructed to act by May 2, 2018.

Jon said he intended to start demo and removal small sections at a time. I told Jon that was never an option stated in the letter and our previous conversation and at this point we are moving forward with the process to demo and remove. Jon said he wanted to contest the decision. I told him as stated in the letter, he had 30 days to contest the decision in writing to this department and he failed to do so.

Jon complained and said we are picking on him because other properties are worse than his. I told him we have many active cases across the county, we are not picking on him. Jon said we are not willing to work with him. I told him we cannot delay any longer, it's time to move forward. Jon said he will not contact us again.

### **-Rob Steen**

Code Enforcement Officer  
Lassen County Department of  
Planning & Building Services  
707 Nevada Street Suite 5  
Susanville Ca. 96130  
(530) 251-8269  
(530) 251-8373 fax



County of Lassen  
Department of Planning and Building Services

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

CERTIFIED MAIL/RETURN RECEIPT  
7017 0660 0000 6271 1574

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

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

NOTICE OF HEARING  
LASSEN COUNTY BOARD OF SUPERVISORS

Property Owner: Sylvia Bristow and Jon Ortega

File No.: Code Enforcement File No. 2015-031

Project: Public hearing to consider the administrative abatement of a commercial structure that has been deemed substandard and dangerous. Said structure has been posted "Do Not Enter, Unsafe to Occupy" in accordance with Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings. The property owners failed to abate the structure as ordered by the Building Official on February 2, 2018.

Location: 445-310 Herlong Access Road, Herlong, CA 96113

Zoning: C-H (Commercial Highway District)

A.P.N.: 139-040-08

Staff Contact: Robert Steen, Code Enforcement Officer

The Board of Supervisors will hold a public hearing on this item at 10:00 a.m. on Tuesday, December 11, 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, California 96130.

Sincerely,

Maurice Anderson,  
Director, Acting Building Official

MLA:rls

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.

## 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 1<sup>st</sup> Class, in Susanville, California on Friday, November 16, 2018, addressed as follows:

SYLVIA BRISTOW & JON ORTEGA  
8721 CABRA COURT  
ELK GROVE, CA 95624

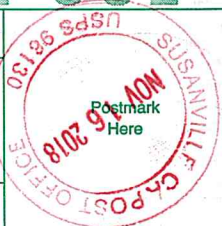
I declare under penalty of perjury that the foregoing is true and correct. Executed on Friday, November 16, 2018, at Susanville, California, 96130.

  
Brooke Suarez

7017 0660 0000 6271 1574

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
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	\$ 1.77
<b>Total Postage and Fees</b>	<b>\$ 6.67</b>
Sent To	
Street and Apt. No., or	Sylvia Bristow & Jon Ortega
City, State, ZIP+4®	8721 Cabra Court Elk Grove, CA 95624

PS Form 3800, April 2013 PSN 7530-02-000-9000





**DECLARATION OF SERVICE BY POSTING**

**I, THE UNDERSIGNED, SAY:**

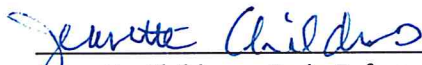
1. I am an employee of Lassen County, California, over the age of eighteen year;
2. My business address is 707 Nevada Street, Suite 5, Susanville, California 96130; and

I posted the foregoing **NOTICE OF HEARING ON PUBLIC NUISANCE AND ADMINISTRATIVE ABATEMENT OF A PULBIC NUISANCE** on the property depicted in said notice attached thereto and incorporated therein, at 445-310 Herlong Access Road, Herlong, CA (APN 139-040-08-11) on Monday, November 19, 2018, and address as follows:

BRISTOW, SYLVIA KATHRYN  
8721 CABRA COURT  
ELK GROVE, CA 95624

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

Executed on this Monday, November 19, 2018, at Susanville, California 96130



Jeanette Childress, Code Enforcement Officer



would happen to the two positions after the December expiration date.

"County counsel has answered that in the past on a couple of other boards and special districts," said Bustamante.

The answer to the question was that if no one were appointed to the positions, those currently holding the seats would stay on the board until the position is filled.

The board also inquired as to whether there would be supplemental information provided to voters as to why a special election was called. Bustamante responded to the board saying there would be clarification accompanying the voter guides.



in a challenge and ready to  
5. Our QUINCY DIVISION is  
positions:

**MILLWRIGHT**

**AW FILER**

**OG TRUCK DRIVER**

ork environment. Excellent  
ent contributions, and low  
**OUR TEAM!**

**fic Industries**

**ee Road**

**CA 95971**

**lay, 9AM-4PM**

CIARY MAY ELECT TO BID LESS THAN THE TOTAL AMOUNT DUE. Trustor(s): DAVID THEIS AND DEBRA A THEIS, HUSBAND AND WIFE, AS JOINT TENANTS Recorded: 7/12/2011 as Instrument No. 2011-03526 of Official Records in the office of the Recorder of LASSEN County, California; Date of Sale: 12/21/2018 at 2:00pm Place of Sale: AT THE MAIN ENTRANCE TO THE LASSEN COUNTY COURTHOUSE 200 BLOCK OF SOUTH LASSEN STREET, SUSANVILLE, CA 96130 Amount of unpaid balance and other charges: \$137,388.05 The purported property address is: 464-000 COUNTY RD A-3, JANESVILLE, CA 96114 Assessor's Parcel No.: 129-510-09-11 NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call 877-518-5700 for information regarding the trustee's sale or visit this Internet Web site <http://www.qualityloan.com>, using the file number assigned to this foreclosure by the Trustee: CA-17-796478-JB. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. The undersigned Trustee disclaims any liability for any incorrectness of the property address or other common designation, if any, shown herein. If no street address or other common designation is shown, directions to the location of the property may be obtained by sending a written request to the beneficiary within 10 days of the date of first publication of this Notice of Sale. If the sale is set aside for any reason, including if the Trustee is unable to convey title, the Purchaser at the sale shall be entitled only to a return of the monies paid to the Trustee. This shall be the Purchaser's sole and exclusive remedy. The purchaser shall have no further recourse against the Trustor, the Trustee, the Beneficiary, the Beneficiary's Agent, or the Beneficiary's Attorney. If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holders right's against the real property only. Date: Quality Loan Service Corporation 2763 Camino Del Rio South San Diego, CA 92108 619-645-7711 For NON SALE information only Sale Line: 877-518-5700 Or Login to: <http://www.qualityloan.com> Reinstatement Line: (866) 645-7711 Ext 5318 Quality Loan Service Corp. TS No.: CA-17-796478-JB IDSPub #0147205 11/20/2018 11/27/2018

Environmental Sensitivities by the Lassen County General Plan, 2000.

**A.P.N.:** 079-010-14

**Staff Contact:** Nancy McAllister, Natural Resources Technician

The Planning Commission will hold a public hearing on this item at 1:55 p.m. on Tuesday, December 4, 2018, in the Board Chambers, 707 Nevada St., Susanville. All interested persons and agencies are invited to attend the meeting and be heard, or to submit comments to the Commission prior to the hearing, c/o Department of Planning and Building Services, 707 Nevada St., Suite 5, Susanville, California 96130. For the County of Lassen, Maurice L. Anderson, Secretary Lassen County Planning Commission Published LCT Nov. 20, 2018]

#### **NOTICE OF PUBLIC HEARING LASSEN COUNTY PLANNING COMMISSION**

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

**Applicant:** Frank Turner

**File No.:** Minor Amendment #2018-001

**Project:** Proposal for a minor amendment to approved Reclamation Plan #1997-14, to increase the permitted final pit depth from the currently permitted maximum depth of 10 feet to a maximum depth of 27.34 feet (existing depth), with pit slopes remaining as they are at present. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the CEQA Guidelines.

**Location:** The project site is located on Turtle Mountain Road, approximately 40 miles east of Susanville via Highway 395 and Wendel Road.

**Zoning:** The project site is zoned U-C-P-S (Upland Conservation/Public Safety Combining District) and designated Extensive Agriculture/Public Safety by the Lassen County General Plan, 2000.

**A.P.N.:** 133-130-06

**Staff Contact:** Nancy McAllister, Natural Resources Technician

The Planning Commission will hold a public hearing on this item at 1:50 p.m. on Tuesday, December 4, 2018, in the Board Chambers, 707 Nevada St., Susanville. All interested persons and agencies are invited to attend the meeting and be heard, or to submit comments to the Commission prior to the hearing, c/o Department of Planning and Building Services, 707 Nevada St., Suite 5, Susanville, California 96130. For the County of Lassen, Maurice L. Anderson, Secretary Lassen County Planning Commission Published LCT Nov. 20, 2018]

#### **NOTICE OF PUBLIC HEARING LASSEN COUNTY PLANNING COMMISSION**

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

**Applicant:** Ramsey and Trisha Wood

**File No.:** Rezoning #2018-005

**Project:** The Planning Commission will consider an application by Ramsey and Trisha Wood to rezone lands within Lassen County into an A-P (Agricultural Preserve Combining District) zoning district in order to allow for a new Land Conservation (Williamson) Act contract. The Planning Commission will then forward its recommendation to the Board of Supervisors, pursuant to Section 1(e) of Exhibit A of Board Resolution #12-050. If approved, the rezoning would affect five assessor's parcel numbers (APNs) that contain approximately 220 acres of contiguous, irrigated land. Assessor's Parcel Numbers: 119-450-09, 10, 11, 17, and 32. The project is exempt from CEQA pursuant to Section 15317 of the Guidelines.

Susanville, California 96130.  
For the County of Lassen,  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission  
Published LCT  
Nov. 20, 2018]

#### **NOTICE OF PUBLIC HEARING LASSEN COUNTY BOARD OF SUPERVISORS**

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

**Property Owner:** Sylvia Kathryn Bristow & Jon Steven Ortega TC  
**File Number:** CDEF2015-031

**Project:** Public hearing to consider the administrative abatement of a commercial structure that has been deemed substandard and dangerous. Said structure has been posted "Do Not Enter, Unsafe to Occupy" in accordance with Chapter 4 of the Uniform Code for the Abatement of Dangerous Buildings. The property owners failed to abate the structure as ordered by the Building Official on February 2, 2018.

**Location:** 445-310 Herlong Access Road, Herlong, CA 96113

**APN:** 139-040-08

The Board of Supervisors will hold a public hearing on this item at 10:00 a.m. on Tuesday, December 11, 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, California 96130.

For the County of Lassen,  
Julie Bustamante  
Lassen County Clerk  
Published LCT  
Nov. 20, 2018]

#### **NOTICE AND REQUEST FOR APPLICANTS FOR ONE PROVI- SIONAL APPOINTMENT TO THE LASSEN COUNTY BOARD OF EDU- CATION**

Due to the upcoming term expiration of one member of the Lassen County Board of Education, as well as the insufficiency of candidates for the November 6, 2018, governing board election, the Board voted at its October 10, 2018, regular meeting to call for a provisional appointment to fill the vacated seat. The vacancy exists in the following Trustee Area:

**Trustee Area 2**

• Westwood Unified School District  
Community members wishing to be considered for a provisional appointment must:

1. Be a resident of the school district listed above.

2. Complete a questionnaire, which may be obtained by contacting Stacy Russell at the Lassen County Office of Education, 472-013 Johnstonville Road, N., Susanville, California, 96130, (530) 257-2197, [srusell@lcoe.org](mailto:srusell@lcoe.org). Completed questionnaires must be submitted to the Lassen County Office of Education no later than 4:30 p.m. on Thursday, December 6, 2018.

Applicants are requested to be in attendance at the regular meeting of the Lassen County Board of Education scheduled for Wednesday, December 12, 4:30 p.m., at the Lassen County Office of Education.

Applications from candidates meeting the above qualifications will be reviewed by the Lassen County Board of Education, and the Board may fill the vacancy at the December 12, 2018, meeting of the Board. Unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the Lassen County Office of Education within 30 days following a provisional appointment, the appointment shall become effective. The appointee shall hold office until the next regularly-scheduled board member election, which will be in November 2020.

Published LCT

Nov. 20, 27, Dec. 4, 2018] 1



## Robert Steen

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**To:** Kathy Bristow  
**Subject:** RE: Permit DM2017-042 Request for extension

Your request has been granted, #DM2017-042 has been extended 60 days from the date of expiration.

-Rob Steen  
Code Enforcement Officer  
Lassen County Department of  
Planning & Building Services  
707 Nevada Street Suite 5  
Susanville Ca. 96130  
(530) 251-8269  
(530) 251-8373 fax

-----Original Message-----

From: Kathy Bristow <kbristow2000@yahoo.com>  
Sent: Friday, November 30, 2018 7:04 AM  
To: Robert Steen <RSteen@co.lassen.ca.us>  
Subject: Permit DM2017-042 Request for extension

Dear Mr. Steen,

We are requesting an extension on subject permit.

I would like to update you on the efforts we have made to abate our property.

We have removed cars and containers from property. Windows and openings have been boarded up- this is ongoing given the strong winds in area. We have met with three contractors to demolish the building. Their Bids were between \$73,000 and \$68,000 (not including removal). Jon (Ortega) is meeting with another contractor today for an additional bid. This spring I reached out to Caltrans in Reading to see if they were interested in the property. Their process took three months to get me a negative answer because they have nothing scheduled for Highway 395 through year 2027. In addition, as of November 15, 2018, we have been in conversations with an interested buyer.

Please understand that we are diligently working on this issue. Thank you for your consideration in extending the permit to allow us to continue our efforts.

Sylvia Kathryn Bristow  
8721 Cabra Ct.  
Elk Grove, CA 95624  
916 690-0457

Sent from my iPad



## Robert Steen

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**To:** Kathy Bristow  
**Subject:** RE: Permit DM2017-042 Request for extension

Dear Ms. Bristow,  
Even with the extension of the Demolition permit, This department is moving forward with the Hearing on December 11, 2018. I encourage you to attend the meeting.

-Rob Steen  
Code Enforcement Officer  
Lassen County Department of  
Planning & Building Services  
707 Nevada Street Suite 5  
Susanville Ca. 96130  
(530) 251-8269  
(530) 251-8373 fax

-----Original Message-----

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To: Robert Steen <RSteen@co.lassen.ca.us>  
Subject: Permit DM2017-042 Request for extension

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We have removed cars and containers from property. Windows and openings have been boarded up- this is ongoing given the strong winds in area. We have met with three contractors to demolish the building. Their Bids were between \$73,000 and \$68,000 (not including removal). Jon (Ortega) is meeting with another contractor today for an additional bid. This spring I reached out to Caltrans in Reading to see if they were interested in the property. Their process took three months to get me a negative answer because they have nothing scheduled for Highway 395 through year 2027. In addition, as of November 15, 2018, we have been in conversations with an interested buyer.

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Sylvia Kathryn Bristow  
8721 Cabra Ct.  
Elk Grove, CA 95624  
916 690-0457

<b>Lassen County Code</b>							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>	<a href="#">Collapse</a>	<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 12 BUILDINGS AND CONSTRUCTION</a>							
<a href="#">Article I. Building Code</a>							

## **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.**

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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.**

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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).

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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.

#### SECTION 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.

## Chapter 3

## 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 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 10<sup>th</sup>. 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.


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## 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.)*