

*Special Meeting Agenda
Fortuna City Council
Monday, February 3, 2020 – 5:00 P.M.
621 11th Street at Fortuna City Hall*

*We May Disagree, but We Will Be Respectful of One Another
All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council
Personal Attacks are Unacceptable*

I. CALL TO ORDER / FLAG SALUTE / ROLL CALL

Council	Staff
Council Member Dean Glaser	City Manager Merritt Perry
Council Member Mike Johnson	City Clerk Siana L. Emmons
Council Member Jeremy Stanfield	Interim City Attorney Ryan Plotz
Mayor Pro Tem Tami Trent	Deputy Director of Community Development Liz Shorey
Mayor Sue Long	Code Compliance Officer Wayne Hanson

II. ORAL COMMENTS FROM THE PUBLIC

Members of the Public may be heard on any item on the Special Meeting Agenda. Speakers addressing the Council will be limited to 3 minutes per speaker. Be advised, by law the City Council cannot deliberate or take action on issues presented during Oral Comments that are not shown on the Agenda.

III. BUSINESS ITEM

- A. PUBLIC HEARING:** Consideration of an Appeal of the City Manager’s Declaration of Public Nuisance, Findings, and Order for Property Located at 1319 Rohnerville Road (APN 202-261-004). *Resolution 2020-05*

IV. ADJOURN

Pursuant to Government Code Section 54957.5, any non-confidential documents or writings that the City distributes, less than 72 hours before a regular meeting, to all or a majority of the legislative body's members must be made available to members of the public at the same time as the distribution. Documents and information related to the agenda topics are available for review at City Hall, 621 11th Street, between the hours of 8:00 AM to 5:00 PM. Members of the public are invited to come to the meeting and comment. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 725-7600. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Siana L. Emmons
City Clerk

STAFF REPORT

City Council Business Agenda Item

DATE: February 3, 2020

TO: Honorable Mayor and City Council Members

FROM: Wayne Hanson, Code Compliance Officer

THROUGH: Merritt Perry, City Manager

SUBJECT: **Consideration of an Appeal of the City Manager’s Declaration of Public Nuisance, Findings, and Order for Property Located at 1319 Rohnerville Road (APN 202-261-004) and Consideration of Declaring a Public Nuisance and Adopting Findings and an Order. *Resolution 2020-05***

STAFF RECOMMENDATION:

Staff recommends that the City Council conduct a public nuisance appeal hearing, deny the appeal by declaring a public nuisance, and adopt findings and an order of abatement for 1319 Rohnerville Road, pursuant to Chapter 8.16 of the Fortuna Municipal Code.

BACKGROUND:

As a result of numerous complaints from the public, the City has conducted property nuisance proceedings, in accordance with the process outlined in Chapter 8.16 of the Fortuna Municipal Code, against Floyd Hoisington, owner of 1319 Rohnerville Road. To date, the City Code Enforcement Officer and other building and health officers have visited the site, notices to abate have been sent, an administrative hearing held, and violation findings and order to abate have been issued by the City Manager acting as the hearing officer. The owner has not abated the property within the established time frame, and has appealed the findings and order.

TIMELINE OF EVENTS

Following site inspections, verbal communication with the property owner, and photographic documentation, the following abatement actions were taken:

- | | |
|------------------|---|
| February 6, 2019 | First Notice to Abate (Attachment 1) issued. |
| March 12, 2019 | Final Notice to Abate (Attachment 2) issued. |
| May 8, 2019 | Inspection Warrant served. |
| August 13, 2019 | Notice of Administrative Hearing (Attachment 3) issued. |

- August 28, 2019 Administrative Hearing held at Fortuna City Hall. Testimony was provided by Code Compliance Officer Wayne Hanson detailing the history of law enforcement calls for service at the subject property, a timeline of abatement efforts, and site conditions including referenced Code sections, unpermitted and unsafe wiring throughout the property, an illegal gravity-fed water system that discharges to the City sewer without a City utility account, an unsafe “tree fort” structure, extensive debris throughout the property, and dilapidated condition of residential structures.
- Lon Winburn, Fortuna Fire Protection District Fire Chief, spoke regarding Fire Code Violations and fire hazards including combustible materials, litter and debris, unsafe external wiring running to a generator, evidence of a prior electrical fire in an outbuilding, flammable materials stored inside vehicles, and evidence of the burning of illegal materials near the residence.
- Jeff Baldwin, Building Inspector, spoke regarding dilapidated structures, the hazardous wiring to the residence and throughout the property, the unsafe nature of the elevated “tree fort” structure due to the building’s height and lack of water tightness causing a hazard due to the existence of electrical equipment, and confirmed the discharge of the toilet into the City sewer and the presence of a gravity-fed pipe to the toilet.
- A written report from the Humboldt County Department of Environmental Health was presented, describing evidence of the illegal storage of flammable and hazardous materials within enclosed vehicles violations.
- A written report from the California Department of Fish and Wildlife was presented, describing evidence of illegal water diversion and theft of water from an adjoining neighbor’s property.
- Officer Hanson presented photographs documenting the reported violations. The photographs confirm the existence of the violations described in the Notices. Evidence showed the property to be in violation of the referenced Code sections.
- November 20, 2019 Findings and Order issued by the hearing officer (Attachment 4) including findings that the public nuisance conditions and code violations described in the Notice to Abate, Notice of Administrative Hearing, and presented at the Hearing, continued to exist on the property, with an order to abate by January 19, 2020.
- November 27, 2019 Request by Property Owner Floyd Hoisington to extend 7-day appeal period to January 10, 2020 (Attachment 5).
- December 11, 2019 Letter from City Manager granting an extension of the appeal period to January 10, 2020 (Attachment 6).
- January 10, 2020 Appeal letter submitted by Floyd Hoisington (Attachment 7).

NUISANCE CONDITIONS AND VIOLATIONS

Title 8, Chapter 8.16 of the Fortuna Municipal Code (Attachment 8) establishes procedures for designation and abatement of a variety of property nuisances, including those pertaining to 1319 Rohnerville Road:

- D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;
- O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

In addition, violations were identified under Title 17 which prohibits occupancy of mobile homes and R.V.s, except in permitted R.V. parks, as well as violations of the California Residential Code, Electrical Code, and Uniform Housing Code.

During repeated visits to the site, the following conditions were found, and identified in the Notice to Abate and the Findings: Extensive trash, debris, and dilapidated vehicles and equipment visible throughout the site, residence in unpermitted mobile homes and R.V.s, poor maintenance of structures comprising unsafe conditions, unsafe wiring throughout the property, numerous violations of the California Residential Code, Electrical Code, and Uniform Housing Code, an illegal gravity-fed water system discharging to the City sewer, occupancy of an unsafe elevated “tree fort” structure due to the structure’s method of construction, height, and unsafe wiring, dilapidated condition of residential structures, storage of flammable and hazardous materials within enclosed vehicles, fire hazards including combustible materials, litter and debris, unsafe external wiring running to a generator, and evidence of a prior electrical fire in an outbuilding. The violations can be seen in photographs of the property (Attachment 9).

The Order and Findings includes a statement of findings determining that a public nuisance continues to exist and an order with a list of conditions that must be met to remedy the violation. A deadline to abate by January 19 was established. Following inspection by the Code Officer, it was noted that the site has not been cleaned up and the violations have not been remedied. In accordance with Section 8.16.130 and as noted in the Findings, the City may abate the violations and the cost billed to the owner, and an assessment lien recorded if payment is not made within 30 days after billing.

APPEAL TO THE COUNCIL

Section 18.16.090 of the Fortuna Municipal Code allows the owner to appeal the City Manager’s findings and order to the City Council by filing a written appeal. The property owner has submitted

an appeal request (attached). Section 8.16.100 states the considerations by the Council at the hearing:

Upon the conclusion of the hearing, the Council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the Council so finds, the Council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event more than 15 days unless additional time is granted by the Council due to weather. The decision and order of the Council shall be final.

HEARING NOTICE

Notice of the appeal hearing was provided in accordance with Section 8.16.090.B of the Fortuna Municipal Code:

B. As soon as practicable after receiving the appeal, the City Clerk shall set a date for the Council to hear the appeal which date shall be no less than seven days nor more than 30 days from the date the appeal was filed. The City Clerk shall give each appellant written notice of the time and place of the hearing at least five days prior to the date of the hearing, 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 his address shown on the appeal.

C. Continuances of the hearing may be granted by the Council on request of the owner for good cause shown, or on the Council's own motion. (Ord. 90-557 § 7).

The property owner submitted a letter on January 30, 2020 (Attachment 10) regarding what he describes as a hearing notice due process violation. His code references do not exist in the Fortuna Municipal Code, and do not apply to this abatement process. The hearing notification is in compliance with the Code section referenced above. The Notice of Hearing prepared by the City Clerk (Attachment 11) was delivered by the Code Compliance Officer personally to Mr. Hoisington on January 29, 2020.

CONDUCTING THE HEARING

Pursuant to Section 8.16.120 of the Fortuna Municipal Code, the hearing procedure is as follows:

A. There shall be a record made of all hearings.

B. Hearings need not be conducted according to the technical rules of evidence.

C. 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. Any relevant evidence shall be admitted if it is the type of evidence on

which reasonable 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 admission of any such evidence over objection in civil actions in courts of competent jurisdiction in this state.

D. Oral evidence shall be taken on oath or affirmation.

E. Irrelevant and unduly repetitious evidence shall be excluded.

Staff recommends the Council procedure as follows:

1. As the appellant, appealing the City Manager's findings and order, Mr. Hoisington shall present the basis for his appeal first. The presentation should be limited to those specific grounds stated in his notice of appeal.
2. Upon the conclusion of Mr. Hoisington's presentation, City Staff may present arguments in support of the City Manager's findings and order.
3. Council deliberations.

RECOMMENDED ORDER OF ABATEMENT

The City Council should consider the testimony provided at the hearing, evidence in the staff report, the attachments, and any other information provided during the appeal hearing and determine whether a public nuisance exists, and if so, adopt the resolution (Attachment 12) with the findings and order included therein. Staff recommends that the City Council deny the property owner's appeal for the property at 1319 Rohnerville Road by finding that a public nuisance exists, and adopt *Resolution 2020-05*.

RECOMMENDED COUNCIL ACTION:

1. Conduct the hearing in the manner described above;
2. Open Public Comment;
3. Close Public Comment;
4. Motion denying the property owner's appeal for the property at 1319 Rohnerville Road by upholding the findings and order in the City Manager's November 20, 2019 Findings and Letter. Roll call vote.
5. Motion to adopt *Resolution 2020-05* (Attachment 12) and read by title only. Roll call vote.

ATTACHMENTS:

1. First Notice to Abate
2. Final Notice to Abate
3. Notice of Administrative Hearing
4. Findings and Order
5. Request by Property Owner Floyd Hoisington to Extend the 7-day Appeal Period
6. Letter from City Manager granting an extension of the appeal period
7. Appeal Letter from Floyd Hoisington, January 10, 2020

8. Fortuna Municipal Code Chapter 8.16 Property Maintenance
9. Site Photographs
10. Letter from Floyd Hoisington, January 30, 2020
11. Notice of Appeal Hearing, January 29, 2020
12. *Resolution 2020-05. A Resolution of the City Council of the City of Fortuna Declaring a Public Nuisance at 1319 Rohnerville Road and Adopting Findings and an Abatement Order*

Attachment 1
First Notice to Abate

Case #19-118

First Notice to Abate: 2-6-2019



CITY OF FORTUNA, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
821 11TH STREET
FORTUNA, CALIFORNIA 95540
PHONE 707-7257600 - FAX 707-7257610

CODE ENFORCEMENT – FIRST NOTICE TO ABATE

February 08, 2019

Floyd A. Holsington
1319 Rohnerville Road
Fortuna CA. 95540

Delivered via:

- 1) Hand delivery by City of Fortuna staff to Floyd A. Holsington.

RE: First Notice: Violation of Fortuna Municipal Code (FMC) Section 8.16.020
Property Location: 1319 Rohnerville Road, Fortuna, California 95540. APN: 202-261-004-000

Dear Mr. Holsington:

The City is aware of potential violations of Fortuna Municipal Code (FMC) Section 8.16.020.

Upon investigation of the subject property, I call your attention to Fortuna Municipal Code Section 8.16.020, A, B, C, D, E, F, G, H, I, M, O, and 17.54.220 which include the following violations:

FMC. Section 8.16.020 Health & Safety

It is unlawful for any person owning, leasing, renting or occupying or having charge of possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code.

- Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property;
- Overgrown vegetation likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;
- Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance and dangerous to public safety and welfare;
- Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations.

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19-0018

- Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- Vehicles parked or stored in residential zoning districts on property, other than on oneways or other impervious surfaces, and visible from a public street;
- Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction, or have been declared substandard or dangerous by the building official;
- Buildings having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive cracking, peeling, pitting, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair.
- Building exteriors, walls, fences, driveways, sidewalks, or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;
- Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust.
- Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

FMC. Section 17.04.425 Recreational Vehicle

"Recreational Vehicle": means a trailer of passenger vehicle 32 feet or less in length and eight feet or less width, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (Ord. 78-391 Sec. 2.01 C).

FMC. Section 17.54.220 Recreational vehicle parks

- Required. Every occupied recreational vehicle shall be located in a recreational vehicles vehicle park in accordance with the provisions of this title.
- Establishment. A recreational vehicle park may be established subject to the securing of a use permit only in the C-T zone.

By this Notice you are requested to voluntarily abate the existing condition within thirty (30) days of your receipt of this Notice. Failure to comply voluntarily with this request by March 8, 2019 will result in the commencement of legal action and formal abatement procedures. Code enforcement action may include civil and/or criminal penalties, liability for the cost of enforcement, administrative citations, and the filing of a Notice of Violation with the Humboldt County Recorder which will cloud the title to the property. The

- 2 -

Notice will also prevent title transfer, sale, or refinancing until all violations are cleared and code enforcement fees are paid.

Sincerely,

Wayne Hanson
Code Compliance Officer – City of Fortuna

cc:

Merrill Perry – City Manager
Liz Gregory – Deputy Director of Community Development
Gary Gooden-Baldwin, Director
Dix Dassenstein – Chief of Police

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Attachment 2
Final Notice to Abate

Case #19-118

Final Notice to Abate: 3-12-2019



CITY OF FORTUNA, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
621 11th STREET
FORTUNA, CALIFORNIA 95540
Phone: 707.725.7600 • Fax: 707.725.7610

CODE ENFORCEMENT – FINAL NOTICE TO ABATE

March 12, 2019

Floyd A. Hoisington,
1319 Rohnerville Road
Fortuna CA, 95540

Delivered via: 1) Hand delivery by City of Fortuna staff to Floyd A. Hoisington.

RE: Final Notice: Violation of Fortuna Municipal Code (FMC) Section 8.16.020
Property Location: 1319 Rohnerville Road, Fortuna, California 95540; APN: 202-281-004-000

Dear Mr. Hoisington:

The City is aware of potential violations of Fortuna Municipal Code (FMC) Section 8.16.020.

Upon investigation of the subject property, I call your attention to Fortuna Municipal Code Section 8.16.020, A, B, C, D, E, F, G, H, I, M, O, and 17.54.220 which includes the following violations:

FMC, Section 8.16.020 Health & Safety

It is unlawful for any person owning, leasing, renting or occupying or having charge of possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code.

- A. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property;
- B. Overgrown vegetation likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;
- C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance and dangerous to public safety and welfare;
- D. Piling boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- E. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;

- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;
- H. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction, or have been declared substandard or dangerous by the building official;
- I. Buildings having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair.
- K. Building exteriors, walls, fences, driveways, sidewalks, or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;
- M. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust.
- O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

FMC, Section 17.04.425 Recreational Vehicle

"Recreational Vehicle": means a trailer of passenger vehicle 32 feet or less in length and eight feet or less width, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (Ord. 78-391 Sec. 2.01 ©).

FMC, Section 17.54.220 Recreational vehicle parks

- A. Required. Every occupied recreational vehicle shall be located in a recreational vehicles vehicle park in accordance with the provisions of this title.
- B. Establishment. A recreational vehicle park may be established subject to the securing of a use permit only in the C-T zone.

By this Notice you are requested to voluntarily abate the existing condition within thirty (30) days of your receipt of this Notice. Failure to comply voluntarily with this request by April 12, 2019 will result in the commencement of legal action and formal abatement procedures. Code enforcement action may include civil and/or criminal penalties, liability for the cost of enforcement, administrative citations, and the filing of a Notice of Violation with the Humboldt County Recorder which will cloud the title to the property. The

Notice will also prevent title transfer, sale, or refinancing until all violations are cleared and code enforcement fees are paid.

Sincerely,

Wayne Hanson
Code Compliance Officer – City of Fortuna

cc: Merritt Perry – City Manager
Liz Shroyer – Deputy Director of Community Development
Clay Goscoe – Building Dept.
Bill Doccowstein – Chief of Police

Attachment 3
Notice of Administrative Hearing



CITY OF FORTUNA, CALIFORNIA

Community Development Department

Building and Safety Division

621 11th Street

Fortuna, California 95540

Phone: 707-725-7600 - Fax: 707-725-7610

CODE ENFORCEMENT –NOTICE OF HEARING

August 13, 2019

Mr. Floyd Hoisington
1319 Rohnerville Road
Fortuna, CA 95540

Delivered in person by Wayne Hanson.

RE: Notice of Hearing: Violation of Section 17.54.220, 8.16.020 - Unlawful Property Nuisances

Property Location: 1319 Rohnerville, Fortuna, California 95540.

Assessor's Parcel Number: 202-261-004-000

Dear Mr. Hoisington:

This is a notice of hearing before the City Manager (or his designees) to ascertain whether certain property situated in the City of Fortuna, State of California, known and designated as 1319 Rohnerville Road, in said City, and more particularly described as APN# 202-261-004-000 constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part is found to constitute a public nuisance as defined in this Code and if the same is not promptly abated by the owner, such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such property, and such costs, together with interest thereon, will constitute a lien upon such property until paid, in addition, you may be cited for violation of the provisions of the Municipal Code and subject to a fine.

Said alleged conditions consist of the following:

8.16.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property

in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

- A. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property;
- B. Overgrown vegetation likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;
- C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance and dangerous to public safety and welfare;
- D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- E. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;
- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;
- H. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction, or have been declared substandard or dangerous by the building official;
- I. Buildings having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair;
- K. Building exteriors, walls, fences, driveways, sidewalks, or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;
- M. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust;
- O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

FMC. Section 17.04.425 Recreational Vehicle

“Recreational Vehicle”: means a trailer or passenger vehicle 32 feet or less in length and eight feet or less width, primarily designed as temporary living quarters for

recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle (Ord. 78-391 Sec. 2.01 ©).

FMC. Section 17.54.220 Recreational vehicle parks

- A. Required. Every *occupied recreational vehicle shall be located in a recreational vehicles vehicle park* in accordance with the provisions of this title.
- B. Establishment. A recreational vehicle park may be established subject to the securing of a use permit only in the C-T zone.

The method(s) of abatement are:

Voluntarily abate the existing condition that is in violation of Fortuna Municipal Code Section 8.16.020, 17.04.425 and 17.54.220

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this 13 day of August, 2019

City Manager

Time and Date of Hearing: Wednesday, August 28 , 2019 @ 2:30pm

Location of Hearing: City Hall Conference Room

(Fortuna Municipal Code Ch. 8.16; Ord. 90-557 section 7)

Attachment 4
Findings and Order



CITY OF FORTUNA FINDINGS AND LETTER

November 20, 2019

In the Matter of:
1319 Rohnerville Road
APN: 202-261-004
Fortuna, CA. 95540

Mr. Floyd Hoisington
1319 Rohnerville Road
Fortuna, California 95540

As the owner of the property located on 1319 Rohnerville Road in the City of Fortuna and more specifically described as APN 202-261-004, you were notified that you were in violation of City Ordinance Section 8.16.020, 17.04.425, 17.54.220. Methods of abatement were given in notices sent from February 6, 2019 to August 13, 2019. A Hearing was scheduled for August 28, 2019, to discuss the Fortuna Municipal Code violations and hear testimony at Fortuna City Hall 621 Eleventh Street.

Code Compliance Officer Wayne Hanson gave his report regarding the history of law enforcement calls for service at the subject property, a timeline of abatement efforts, and site conditions including unsafe wiring throughout the property, an illegal gravity fed-water system that discharges to the City sewer, an unsafe "tree fort" structure, extensive debris throughout the property, and dilapidated condition of residential structures.

Officer Hanson presented reports from the Humboldt County Department of Environmental Health and the California Department of Fish and Wildlife.

The Department of Environmental Health report showed evidence of the illegal storage of flammable and hazardous materials within enclosed vehicles.

The Department of Fish and Wildlife report showed evidence of illegal water diversion and theft of water from an adjoining neighbor's property.

Lon Winburn, Fortuna Fire Protection District Fire Chief, spoke regarding Fire Code Violations and fire hazards including combustible materials, litter and debris, unsafe external wiring running to a generator, evidence of a prior electrical fire in an outbuilding, flammable materials stored inside vehicles, as well as evidence of the burning of illegal materials near the residence.

Jeff Baldwin, Building Inspector, spoke regarding the hazardous wiring to the residence, and throughout the property. Inspector Baldwin detailed the unsafe nature of the elevated "tree fort" structure due to the building's height and lack of water tightness causing a hazard due to the existence of electrical equipment and stated that the structure would need to come down. Inspector Baldwin

confirmed the discharge of the toilet into City sewer and the presence of a gravity fed pipe to the toilet.

Officer Hanson presented photographs documenting the reported violations. The photographs confirm the existence of the violations described in the Notices. Evidence showed the property to be in violation of Codes 8.16.020, 17.06.122, 17.04.425, 17.54.220, and additional violations of FMC sections 17.05.070, 15.10.010, 8.12.050,.

Property owner Floyd Hoisington reported that some of the violations shown in the photos have been remedied. Mr. Hoisington requested that the record reflect his status as an ordained minister, the charter held by his church, as well as the status of his home as a registered private home school.

The Hearing was adjourned at 3:42 P.M.

BASED UPON THE FOREGOING, I FIND THAT:

The conditions described in the Notice to Abate and in the subsequent Notice of Administrative Hearing did exist and continue to exist; and

Photographs submitted provide visual evidence of the existence of these and other Municipal Code violations; and

The conditions of the property continue to result in violations of Fortuna Municipal Code Sections 8.16.020, 17.06.122, 17.04.425 and 17.54.220 described as follows; and

Additional evidence discovered during service of the inspection warrant and presented at the hearing show violations of Fortuna Municipal Codes Sections 17.05.070, 15.10.010 and 8.12.050 described as follows:

FMC. Section 8.16.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

- D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;
- O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

FMC. 8.12.050 Receptacles – Specifications.

No person shall deposit, keep or accumulate any garbage in or upon any lot or parcel of land, or upon any public or private drive, alley or street, or in any house, store or restaurant or other place unless such garbage is enclosed in a fly-proof, watertight receptacle with close-fitting cover and provided with handles.

Garbage cans shall have a capacity of not less than two gallons. Such receptacles shall be provided by and at the expense of the person producing and accumulating such garbage and shall be stored in the rear of the premises or out of sight and the contents thereof disposed of at least once each week.

FMC. Section 17.06.122 Mobile homes used as single-family dwellings.

Mobile homes allowed for use as single-family dwellings shall be subject to the following requirements:

A. Definition. Said mobile homes:

1. Must be certified under the National Mobile Homes Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.); and
2. Shall not be altered in violation of the applicable codes.

B. Development Standards. Mobile homes, allowed under this section, shall:

1. Meet all development standards applied to single-family dwellings for the zone in which they are located; and
2. Use of a mobile home as a single-family dwelling shall not be reason for a variance from any required development standard.

C. Architectural Standards.

1. Roof overhangs shall be a minimum of 12 inches on all sides.
2. Exterior siding shall be used, consisting of a material customarily used by conventional homes, and shall extend to the ground; except that when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation.
3. Roofing material shall be used consisting of material customarily used by conventional homes.

FMC. Section 17.08.425 Recreational vehicle.

"Recreational vehicle" means a trailer or passenger vehicle 32 feet or less in length and eight feet or less in width, primarily designed as *temporary* living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. (Ord. 2011-692 § 2 (Exh. A)).

FMC. Section 17.54.220 Recreational Vehicle Parks

- A. Required. Every *occupied recreational vehicle shall be located in a recreational vehicles vehicle park* in accordance with the provisions of this title.

FMC. Section 15.10.010

**Section C. California Residential Code. 2016
California Residential Code (Part 2.5 of Title 24)**

Chapter 4 Section R402 Materials

R402.1 Wood foundations

Wood foundation systems shall be designed and installed in accordance with the provisions of this code.

R402.1.1 Fasteners

Fasteners used below grade to attach plywood to the exterior side of exterior basement or crawl-space wall studs, or fasteners used in knee wall construction, shall be of Type 304 or 316 stainless steel. Fasteners used above grade to attach plywood and all lumber-to-lumber fasteners except those used in knee wall construction shall be of Type 304 or 316 stainless steel, silicon bronze, copper, hot-dipped galvanized (zinc coated) steel nails, or hot-tumbled galvanized (zinc coated) steel nails. Electro-galvanized steel nails and galvanized (zinc coated) steel staples shall not be permitted.

R402.1.2 Wood treatment

All lumber and plywood shall be pressure-preservative treated and dried after treatment in accordance with AWWA U1 (Commodity Specification A, Use Category 4B and Section 5.2), and shall bear the label of an accredited agency. Where lumber and/or plywood is cut or drilled after treatment, the treated surface shall be field treated with copper naphthenate, the concentration of which shall contain a minimum of 2-percent copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

Section 403 Footings

R403.1 General

All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

Section R703 Exterior Covering

R703.1 General

Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

R703.1.1 Water resistance

The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2 and a means of draining to the exterior water that enters the assembly. Protection against condensation in the exterior wall assembly shall be provided in accordance with the California Energy Code.

R703.1.2 Wind resistance

Wall coverings, backing materials and their attachments shall be capable of resisting wind loads in accordance with Tables R301.2(2) and R301.2(3). Wind-pressure resistance of the siding and backing materials shall be determined by ASTM E330 or other applicable standard test methods. Where wind-pressure resistance is determined by design analysis, data from approved design standards and analysis conforming to generally accepted engineering practice shall be used to evaluate the siding and backing material and its fastening. All applicable failure modes including bending rupture of siding, fastener withdrawal and fastener head pull-through shall be considered in the testing or design analysis. Where the wall covering and the backing material resist wind load as an assembly, use of the design capacity of the assembly shall be permitted.

R703.5 Wood, hardboard and wood structural panel siding

Wood, hardboard, and wood structural panel siding shall be installed in accordance with this section and Table R703.3(1). Hardboard siding shall comply with CPA/ANSI A135.6. Hardboard siding used as architectural trim shall comply with CPA/ANSI A 135.7.

R703.5.2 Panel siding

3/8-inch (9.5 mm) wood structural panel siding shall not be applied directly to studs spaced more than 16 inches (406 mm) on center where long dimension is parallel to studs. Wood structural panel siding 7/16 inch (11.1 mm) or thinner shall not be applied directly to studs spaced more than 24 inches (610 mm) on center. The stud spacing shall not exceed the panel span rating provided by the manufacturer unless the panels are installed with the face grain perpendicular to the studs or over sheathing approved for that stud spacing.

Joints in wood, hardboard or wood structural panel siding shall be made as follows unless otherwise approved. Vertical joints in panel siding shall occur over framing members, unless wood or wood structural panel sheathing is used, and shall be shiplapped or covered with a batten. Horizontal joints in panel siding shall be lapped not less than 1 inch (25 mm) or shall be shiplapped or flashed with Z-flashing and occur over solid blocking, wood or wood structural panel sheathing.

FMC 15.10.010

D. California Electrical Code.

2016 California Electrical Code (Part 3 of Title 24)

Article 400.11 Uses Not Permitted

Unless specifically permitted in 400.7, flexible cords and cables shall not be used for the following

- (1) As a substitute for the fixed wiring of a structure
- (2) Where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, or floors
- (3) Where run through doorways, windows, or similar openings
- (4) Where attached to building surfaces
- (5) Where concealed by walls, floors, or ceilings or located above suspended or dropped ceilings
- (6) Where installed in raceways, except as otherwise permitted in this Code
- (7) Where subject to physical damage

FMC 15.10.010

Section M. 1997 Uniform Housing Code.

Chapter 10 Substandard Buildings

Section 1001.2 Sanitation

Buildings or portions thereof shall be deemed substandard when they are insanitary. 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.
3. Lack of, or improper kitchen sink in a dwelling unit.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating facilities.
7. Lack of required electrical lighting.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

Section 1001

1001.5 Hazardous Electrical Wiring

Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

Section 1001.5

1001.8 Faulty Weather Protection

Buildings or portions thereof shall be considered substandard when they have 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, roof, 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.

Section 1001.9

1001.11 Hazardous or Insanitary Premises

The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards.

Chapter 5 Space and Occupancy Standards

Section 505-Sanitation

505.4 Fixtures

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

505.7 Installation and Maintenance

All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

Chapter 6 Structural Requirements

Section 601- General

601.2 Shelter

Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

601.3 Protection of Materials

All wood shall be protected against termite damage and decay as provided in the Building Code.

Chapter 7 Mechanical Requirements

Section 701 Heating and Ventilation

701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

701.2 Electrical Equipment

All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. *Where there is electrical power available within 300 feet (91 440 mm) of any building, such building shall be connected to such electrical power.* Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

FMC 17.05.070 Height restrictions, limitations, and modifications.

No building or part thereof or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this title, except as provided herein.

E. Height Regulations.

No principal building shall exceed 30 feet in height and no accessory building shall exceed 15 feet in height.

California Code of Regulations

Title 19 Division 1

Chapter 1 - General Fire and Panic Safety Standards

3.14 Fire Hazard

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire Hazard" as used in these regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.

NOW, THEREFORE, IT IS ORDERED THAT:

The property owner, Floyd Hoisington, must abate the recreational vehicles, solid waste, debris, and building and housing code violations. He may do so in the following ways:

1. In order for any trailer to meet the standard for mobile home or single-family residence, they would need to comply with Municipal Code 17.06.122, including certification under the National Mobile Homes Construction and Safety Standards Act of 1974, development standards including paved driveways and covered parking, as well as architectural standards such as proper siding and roofing materials, and roof overhangs. If all of these standards cannot be met, the trailers will be classified as "recreational vehicles" and may not be occupied unless parked in a recreational vehicle park.
2. If the trailers cannot meet the standards listed above, the property owner must remove the recreational vehicles from the location and store them in an approved recreational vehicle park or store the recreational vehicles on an acceptable impervious surface (asphalt, concrete) as approved by the building official, or
3. In any other way which resolves the violation of FMC 17.04.425, 17.54.220.

4. *In all cases, the recreational vehicles shall not be used as living quarters*, unless parked in a designated recreational park.
5. Remove and properly dispose of all packing boxes, cardboard boxes, lumber, junk, trash, solid waste, barrels, drums, salvage, broken, damaged or otherwise unusable materials and any and all debris from all parts of the property.
6. Remove any and all abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from the property or store in compliance with FMC 8.24.030 and 8.16.020.
7. Properly and safely dispose of combustible and hazardous materials at an approved disposal facility. Combustible and hazardous materials shall be stored on the property in accordance with the California Fire Code.
8. Establish and maintain residential garbage service or establish regular private disposal schedule of not less than once a week. On-site trash storage shall be limited to no more than four (4) 55 gallon covered trash cans at any time and all trash shall be stored and disposed of in compliance with FMC sections 8.12.010 through 8.12.090.
9. Establish residential water and sewer service account and maintain connection to municipal water source and sanitary sewer.
10. Establish residential public utility power service account and maintain connection to public utility power service.
11. Dwelling and accessory structures including treehouse:
 - a. Repair damage and remediate exterior rot, mold, and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - b. Repair any interior structural damage and remediate rot, mold and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - c. Repair leaks to roof, walls, and windows and any other areas of the building envelope that are required by code to be sealed. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - d. Replace or repair any missing or damaged windows and doors. Replacement and repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - e. Repair any structural and electrical damage caused by fire. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - f. All structures over 120 square feet require a building permit and must conform to the California Building Code. Owner shall obtain a building permit for any structure over 120 square feet. Unpermitted structures shall be demolished.
 - g. Obtain a conditional use permit for any accessory building over 120 square feet and more than 15 feet in height from ground contact to the highest point of the roof.
12. Portable generators shall only be used for temporary or standby power in the case of a power outage. Owner shall obtain a building permit for the connection of any generator to the utility service box, including installation of a transfer switch and other safety measures as required by the Building Code.
13. All electrical connections in the dwelling and accessory buildings shall be installed in accordance with the Building Code, including required inspections and building permits.
14. Remove any and all exterior extension cords and flexible wiring not installed to code.

All necessary abatement methods must be completed by **January 19, 2020**.

8.16.130 Abatement by city.

If such nuisance is not abated as ordered within said abatement period, the city manager shall cause the same to be abated by city employees or private contractor. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the presentation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required hereunder.

Certain appeal rights exist pursuant to Fortuna Municipal Code Section 8.16.090 including an appeal to the City Council.

8.16.090 Appeal procedure, hearing by city council.

A. The owner may appeal the city manager's findings and order to the city council by filing a written appeal with the city clerk within seven days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signature of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

8.16.080 Procedure, no appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered, the city manager shall cause the same to be abated by city employees or by private contract. The costs shall be billed to the owner, as specified in FMC 8.16.130. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes.

Dated: November 20, 2019


Merritt Perry
City Manager
Hearing Officer of the City of Fortuna

Attachment 5
Request by Property Owner Floyd Hoisington
to Extend the 7-day Appeal Period

REQUEST FOR EXTENSION OF APPEALS FILING

A LETTER TO

TO MR MERIT PERRY THIS IS A FORMAL REQUEST FOR AN EXTENSION OF TIME TO SUBMIT PAPERS FOR AN APPEAL AS I WILL BE APPEALING THE HEARING DECISION OF ADMINISTRATION HEARING ON SEVERAL GROUNDS. AND BEING GIVEN ONLY 7 DAYS THAT FALL OVER THE HOLIDAYS AND THE APPEALS PROCEDURE REQUIRES THAT ALL EVIDENCE AND REASONS FOR APPEAL BE LISTED AND PROVIDED IN APPEALS REQUEST 7 DAYS IS NOT NEAR ENOUGH TIME DUE TO HOLIDAYS AND OTHER HARDSHIPS THAT ARE HAPPENING, 1 DAY AFTER SERVICE OF DECISION MY 11 YEAR OLD SON'S BIRTHDAY WAS. AND WE HAD ^{Scheduled} plans for the weekend that could not be changed NOV 22-23-24, ALSO HE WAS RECOVERING FROM EMERGENCY APPENDICITIS SURGERY, ON THE 22 OF NOVEMBER MY MOTHER DIED AND NOW I AM DEALING WITH THAT, AND AT THE SAME TIME DEALING WITH PRE SURGERY APPOINTMENTS FOR SURGERY FOR HERNIA REPAIR ON MYSELF WHICH IS SCHEDULED FOR DEC 5TH 2019 SO I HAVE A VALID REASON TO REQUEST AN EXTENSION AND OR CONTINUANCE AND YOU ALSO MENTIONED THAT YOU WOULD RATHER NOT DO THIS OVER THE HOLIDAYS EITHER.

RECEIVED

From the Reverend FLOYD A HOISINGTON DD.
Rev. *[Signature]* of *[Signature]* DD.

NOV 27 2019

10/26/2019

IF AN EXTENSION IS NOT GRANTED MY ONLY OTHER COURSE OF ACTION WOULD BE TO FILE FOR AN ENJUNCTION TO STOP CITY ABATEMENT ACTIONS IN THE SUPREME COURTS OF CALIFORNIA.

Attachment 6
Letter from City Manager Granting an Extension of the
Appeal Period



December 11, 2019

Floyd Hoisington
1319 Rohnerville Road
Fortuna, CA 95540

RE: Request for extension of the time limit to appeal the Order of Abatement

Dear Mr. Hoisington:

The City has received your request for an extension of the 7 day time limit to appeal the order to abate as outlined in FMC 8.16.090. We are granting your request and will extend the deadline until January 10th, 2020.

As a reminder, the procedure for appeal is outlined below.

8.16.090 Appeal procedure, hearing by city council.

A. The owner may appeal the city manager's findings and order to the city council by filing a written appeal with the city clerk within seven days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signature of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be no less than seven days nor more than 30 days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least five days prior to the date of the hearing, 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 his address shown on the appeal.

C. Continuances of the hearing may be granted by the council on request of the owner for good cause shown, or on the council's own motion. (Ord. 90-557 § 7).

Sincerely,

A handwritten signature in black ink, appearing to read 'Merritt Perry', with a long horizontal flourish extending to the right.

Merritt Perry
City Manager

Attachment 7
Appeal Letter from Floyd Hoisington, January 10, 2020

①

CASE # 19-118

THIS IS AN APPEAL OF CITY MANAGERS DECISION CONCERNING THE ABATEMENT ACTION OF THE REAL PROPERTY LOCATED AT 1319 ROHNERVILLE ROAD APN # 202-261-004 OWNED BY THE REVEREND FLOYD A HOISINGTON D.D. ALSO KNOWN AS THE TREE HOUSE CHRISTAIN PRIVATE SCHOOL AND REGISTERED WITH THE STATE OF CALIFORNIA AS SO # ALSO HOLDING AN OFFICIAL CHURCH CHARTER # ~~307~~ 15 AND A LETTER OF IN GOOD STANDING WITH THE CHRISTIAN CHURCH, ALSO LICENCED TO DUE ALL ~~CHR~~ RELIGIOUS CERIMONIES.

COMMONLY KNOWN AS THE CHURCH OF THE CHILDREN, THE CHURCH OF THE SOLDIER AND THE CHURCH OF THE LOST WORD OF JESUS, CHRIST, AND THE WORD OF GOD. AND THE PRIMARY LONG TIME RESIDENCE OF THE REVEREND FLOYD A HOISINGTON D.D. AND HIS FAMILY. ALSO HOME SCHOOL, CHURCH, PLACE OF WORSHIP, AND WHERE HE DOES RELIGIOUS COUNCELLING FROM.

THE REVEREND IS VERY WELL KNOWN THROUGHOUT THE HUMBOLDT COUNTY AREA AND WELL LIKED HE IS A DISABLED EX LOGGER, FIRE FIGHTER, HEAVY EQUIPMENT OPPERATOR, COMMERCIAL FISHERMAN, RANCHER, TOW TRUCK DRIVER, TRACKER, HUNTING GUIDE, TRAPPER, EMT. COASTAL DIVER, GOLD MINER, TREASUR HUNTER. ANTIQUE COLECTOR, GUN COLECTOR, AND WORLD CLASS COMPEDITIVE LONG RANGE MARKSMAN.

THE REVEREND IS KNOWN FOR BEING A KIND MAN WHO WILL GO OUT OF HIS WAY TO HELP SOMEONE AND AS A GOOD AND LOVING FATHER AND IF YOU NEED SOMETHING HE CAN PROBABLY FIND IT FOR YOU. AND LIKED BY HIS NEIGHBORS.

Att A

Date/Time	Note Progress of Case, Complications, Consultations, Change in Diagnosis, Condition on Discharge, Instructions to Patient, Plan of Treatment
12-5-2019	Surgery Dept:
	To whom it may concern:
	Floyd had surgery today and will not be able to lift anything heavier than 10 pounds, for 6 weeks.
	C. Kennedy M.D.
	<i>[Signature]</i>

RECEIVED
Office of the City Clerk
JAN 10 2020
CITY OF FORTUNA

Redwood Memorial Hospital 
3300 Renner Drive
Fortuna, CA 95540
ST. JOSEPH
HEALTH SYSTEM

PROGRESS RECORD

CR-04 (07/03)

Patient Identification

kenney7cassanura n



NAF PRE SDC RAB3886463
HOISINGTON, FLOYD A
RU04014564 03/25/1964 55 N
12/05/19 NRMSDC

2

HE IS ALSO A VERRY WELL KNOWN AND POWERFUL VOICE ON SOCIAL MEDIA AS A CONSERVATIVE REPUBLICAN AND ADVOCATE OF THE UNITED STATES CONSTITUTION AND ALL OF THE RITES AND PROTECTIONS IT AFFORDS THE PEOPLE OF THIS COUNTRY. AND IS DEDICATED ABOUT EDUCATING PEOPLE ABOUT THE TRUE AGENDA AND THE EVILS OF SOCIALISM AND EXPOSING THE DANGERS OF SOCIALISM AND THE LIES THEY SPREAD.

#2

NAMES AND ADDRESSES OF APPELLANTS

① THE REVEREND FLOYD A HOISINGTON D.D. I.S.E.
1314 ROHNERVILLE RD. SDK

Rohnerville CA 95540

#3

THE REVEREND FLOYD A HOISINGTON D.D. IS THE LEGAL OWNER OF THE REAL PROPERTY AT 1314 ROHNERVILLE RD. APN # 202-261-004, AND IS AND HAS BEEN HIS PRIMARY RESIDENCE AND HOME FOR MORE THAN 20 YEARS AND HAS BEEN OWNED BY HIS IMMEDIATE FAMILY ~~FOR~~ ^{LEGALLY} SINCE THE EARLY 1970'S MR HOISINGTON IS DISABLED AND ON SSA WITH A FIXED INCOME OF \$948⁰⁰ HIS 11 year old SON IS AUTISTIC AND DISABLED LEGALLY AND LIVES WITH HIM ALSO.

MR HOISINGTONS DISABILITY IS DUE TO SEVERAL WORK RELATED INJURIES DUE TO THE VERY DANGEROUS ~~PHYSICAL~~ AND PHYSICAL JOBS THAT HE WORKED OVER THE YEARS AND SEVERAL SERIOUS MEDICAL PROBLEMS IN HIS HISTORY SUCH AS PARATIBITIS, CANCER, KNEE AND SHOULDER SURGERIES AND INJURIES, TRAMATIC BRAIN INJURY OR T.B.I DUE TO AN ASSAULT AND BATTERY. HERNIA OPERATIONS

(3)

. CAPD High BLOOD PRESSURE. AND WAS RECENTLY
DIAGNOSED WITH TYPE 2 DIABETES. AND BACK PROBL-
-EMS.

4

STATEMENT OF ORDER'S AND ACTIONS PROTESTED AND GROUNDS FOR APPEAL

I WILL BE PROTESTING THE ABATEMENT ACTIONS
ON THE GROUNDS OF DUE PROCESS VIOLATIONS ON
MULTIPLE OCCASIONS RESULTING IN SEVERAL CRIMES
BEING COMMITTED BY WAYNE HANSON AND SEVERAL
OF THE FPD OFFICERS THAT ACCOMPANIED HIM TO
1319 Rohnerville RD. VIOLATING TITLE 18-SS 1983 UNDER
THE COLOR OF LAW AND OF THE CODE OF LAW COMING ONTO
PROPERTY THAT IS POSTED NO TRESPASSING ENTERING
THROUGH A CLOSED AND OR LOCKED GATE WITHOUT A WARRANT
AND TAKING PICTURES TO USE AS EVIDENCE AT LEAST
6 DIFFERENT TIMES BEFORE THEY GOT THE ABATEMENT WARRANT
THE PICTURES AND LIST OF POLICE RESPONSES PROVE
THIS IS TRUE

HANSON AND OFFICER TAYLOR TOLD ME THAT
THEY CAN GO WHERE THEY WANT AND DO WHAT THEY
WANT THEY DIDNT NEED A WARRANT WHICH IS
A LIE I CHECKED DUE PROCESS IS IN FULL FORCE
IN ABATEMENT ISSUES BECAUSE OF CONSTITUTIONAL
PRIVACY RIGHTS THIS IS A CRIME UNDER TITLE 18-
-1983 FOR A CITY OFFICIAL TO USE HIS AUTHORITY
TO TRY AND CONVINCE YOU THAT YOUR RIGHTS DONT
APPLY WHEN THEY DO. AND IS PUNISHABLE OF UP TO
1 YEAR IN JAIL AND OR A \$10,000 FINE.

HANSON ALSO OBTAINED THE ABATEMENT WARRANT
FRAUDULENTLY AND IMPROPERLY USED IT

(4)

AND SERVED IT WITHOUT PAPERS TO SUPPORT IT SO I WAS NOT TOLD WHAT I WAS ACCUSED OF OR WHY IT WAS ISSUED. AND THEY DID NOT FOLLOW CALIFORNIA LAW IN CONDUCTING THE SEARCH AND AMOUNT OF FORCE AND NUMBER OF POLICE INVOLVED AND CONDUCTED IT MORE LIKE A SWAT RAID ON A MURDER SCENE IN FACT THERE WERE SO MANY POLICE CARS AT THE SCENE LEFT IN THE STREET WITH LIGHTS FLASHING THAT THEY BROUGHT A CITY FLAGER IN TO DIRECT TRAFFIC THROUGH ALL THE POLICE CARS' WHILE MYSELF AND 2 OTHER PEOPLE WERE HELD AT THE BOTTOM OF MY DRIVEWAY NEXT TO THE STREET FOR ALL TO SEE FOR HOURS AND NOT ALLOWED TO GO ON THE PROPERTY TO SEE WHAT THEY WERE DOING WHICH IS AGAINST CALIFORNIA LAW CONCERNING ABATEMENT WARRANTS

THE LAW STATES THAT WE ARE ALLOWED TO FOLLOW THE INSPECTORS AROUND SO WE CAN ASK QUESTIONS AND HAVE VIOLATIONS EXPLAINED TO ME SO I KNOW WHERE THEY ARE AND WHAT IT WILL TAKE TO REMEDY THEM THIS WAS NOT DONE THEN THE CHIEF OF POLICE LIED ABOUT DOING THIS AT THE HEARING. STATING NO WE DIDN'T

I CAN PROVE THAT THE INSPECTION WARRANT WAS FRAUDULENTLY OBTAINED BY WAYNE HANSON AND IMPROPERLY CONDUCTED AGAINST STATE LAW AND RULES OF ABATEMENT WARRANT APPLICATION. IN VIOLATION OF STATE AND FEDERAL LAW SO THEY COULD FABRICATE FALS EVIDENCE INSPECTION REPORTS WERE NOT GIVEN TO ME IN A TIMELY MANNER OR SHARED WITH ME UNTIL THE ADMINISTRATIVE

5

HEARING ALL OF THE REPORTS SUBMITTED WERE FRAUDULENT AND I WAS NOT ALLOWED TO REBUT THEM. SO THEY COULD PAINT A FALSE NARRATIVE OF ABATEMENT ISSUES AND I HAVE PROOF AND CAN PROVE IT USING THOSE REPORTS AS EVIDENCE

WITH THAT SAID I WILL WRITE THIS FORMAL COMPLAINT AND LEGAL DEMAND WHICH I ~~FEDERAL~~ ^{SS} STATED AT THE HEARING BUT IT WAS NOT MENTIONED IN THE FORMAL DECISION

I DEMAND AN OBSERVANCE OF LAW UNDER TITLE ^{SS} 18-1483 UNDER THE COLOR OF LAW AND OR CODE OF LAW AS I BELIEVE THAT MY CONSTITUTIONAL RIGHTS HAVE OR WILL BE VIOLATED DURING THESE ABATEMENT ACTIONS. THIS IS A LEGAL FORMAL COMPLAINT AND REQUEST FOR INTERVENTION AND AN INVESTIGATION INTO THESE UNLAWFUL ABATEMENT ACTIONS BEING BROUGHT BY THE CITY OF FORTUNA IN AN ATTEMPT TO STEAL MY PROPERTY BY COMMITTING FRAUD TO DO

So. Rev of Paul A. Jeffrey D.D. 1/9/2020

I AM ALSO PROTESTING ALL OF THE ORDERS OF MERRIT PERRY'S DECISION AS THEY ARE NOT LEGAL UNDER ABATEMENT LAWS OF THE STATE OF CALIFORNIA AND AN ABUSE OF POWER AND ARE A CLEAR AND BLATANT CASE OF FRAUD AND CONSPIRACY TO DEFRAUD AND A TEXTBOOK CASE OF ILLEGAL AND PROSECUTABLE GOVERNMENT CORRUPTION UNDER THE LEGAL HEADINGS OF BUT NOT LIMITED TO GRAFT CORRUPTION ALSO THESE ORDERS ARE OUT OF THE JURISDICTIONS OF ABATEMENT AND NOT LEGAL
→ INFLUENCE CORRUPTION, EXTORTION, CRONYISM, BRIBERY,

(6)

I AM ALSO APPEALING THE ORDERS OF MERRIT PERRY ON THE GROUNDS THAT THE CITY OF FORTUNA HAS VIOLATED THE FREEDOM OF INFORMATION ACT AS I REQUESTED ALL DOCUMENTS AND INFORMATION THAT THEY HAVE CONCERNING MY PROPERTY BUT MR HANSON DID NOT INCLUDE MOST OF THE PERTINENT POLICE REPORTS BUT DID INCLUDE A NARRATIVE OF THIS CASE WHICH CLEARLY SHOWS THAT REPORTS ARE BEING FALSEFIED AND MANIPULATED TO SUPPORT THEIR FALSE STORYLINE. AND THIS NEW REPORT PROVES IT AND SHOWS THE MALICIOUS INTENT OF THIS ENTIRE FRAUDULENT ACTION.

THERE IS ALSO A LOT OF NEW INFORMATION CONCERNING THE FRAUDULENT NATURE OF OF THIS ACTION THIS EVIDENCE WILL BE SHARED AS WE GET IT AND PRESENTED AT THE HEARING IN COMPLIANCE ~~WITH~~ WITH CALIFORNIA AND FEDERAL LAW.

IT WILL ALSO LIST THE OTHER PLAYERS INVOLVED IN THIS CORRUPTION, SHOW CRIMINAL INTENT, AND HAVE THE FBI CASE # NUMBERS. AS THIS IS AN ONGOING INVESTIGATION WITH A LOT OF EVIDENCE TO SUBMIT. AND GO THROUGH

MR HANSON AND MR PERRY TOLD ME AT OUR LAST MEETING THAT I DID NOT HAVE THE RIGHTS TO FILE AN APPEAL WITH THE SUPERIOR COURTS OF CALIFORNIA THIS WAS A LIE ACCORDING TO CALIFORNIA LAW AND I WILL BE SEEKING

(7)

AN INJUNCTION AGAINST THE CITY OF FORTUNA
TO STOP ABATEMENT ACTIONS ON MANY GROUNDS
INCLUDING CONSPIRACY AND CRIMINAL FRAUD.
BUT NOT LIMITED TO, ALONG WITH ALL OTHER
CHARGES THAT MAY APPLY.

INJURY AND SERIOUS MEDICAL ISSUES HAS
SLOWED THIS PROCESS JUSTIFIABLE AND PROOF
IS ATTACHED TO THIS REQUEST.

THIS ABATEMENT CASE IS PROOF OF FRAUD
AND WIDESPREAD GOVERNMENT CORRUPTION
AND CONSPIRACY IN AN ATTEMPT TO STEAL
A MUCH NEEDED PIECE OF LAND FOR A FUTURE
DEVELOPMENT PROJECT. AND THIS CAN BE EASILY PROVEN

TO THE BEST OF MY KNOWLEDGE EVERY THING
IN THIS APPEAL REQUEST AND ATTACHMENTS IS TRUE.
The Reverend Floyd A. Holington D.D.

Floyd A. Holington D.D.

DATE 1-9-2020

MORE WILL BE SUBMITTED BEFORE THE HEARING.

THE CITY IS ALSO IN VIOLATION OF THE FOLLOWING ACTS BUT NOT LIMITED TO
THE RELIGIOUS LAND USE ACT
THE DISABILITIES ACT
THE HOMEOWNERS ACT

Attachment 8
Fortuna Municipal Code Chapter 8.16 Property
Maintenance

Chapter 8.16 PROPERTY MAINTENANCE*

Sections:

- 8.16.010 Definitions.
- 8.16.020 Unlawful property nuisances.
- 8.16.030 Declaration of public nuisance.
- 8.16.040 Notification of nuisance.
- 8.16.050 Hearing to abate nuisance.
- 8.16.060 Notice of hearing.
- 8.16.070 Hearing by city manager.
- 8.16.080 Procedure, no appeal.
- 8.16.090 Appeal procedure, hearing by city council.
- 8.16.100 Decision by council.
- 8.16.110 Service of order to abate.
- 8.16.120 Hearing procedure before city manager and council.
- 8.16.130 Abatement by city.
- 8.16.140 Limitation of filing judicial action.
- 8.16.150 Demolition.
- 8.16.160 Notice of intent to demolish.
- 8.16.170 Record of cost of abatement.
- 8.16.180 Revolving fund.
- 8.16.190 Sale of materials.
- 8.16.200 Assessment lien.
- 8.16.210 Alternative actions available.
- 8.16.220 Violations.

* Prior legislation: Ord. 328.

8.16.010 Definitions.

As used in this chapter:

A. "Building" means any structure used or intended for supporting or sheltering any use or occupancy and includes any house, garage, duplex, apartment, condominium, stock cooperative, or other residential structure, and includes all retail commercial and industrial structures.

B. "City manager" means the city manager or the city manager's designee.

C. "Owner" means any person owning property, as shown on the equalized assessment roll for the city taxes, or the lessee, tenant, or other person having control or possession of the property.

D. "Person" means any individual, partnership, corporation, association or other organization, however formed.

E. "Property" means all personal and real property within the city and shall include any building located on such real property.

F. "Unreasonable state of partial construction" means any unfinished building or structure which has been in the course of construction two years or more, and where the appearance or the conditions of said unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the property value in the immediate neighborhood. (Ord. 90-557 § 7).

8.16.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

A. Broken or discarded furniture, household equipment and furnishings or shopping carts stored on the property;

B. Overgrown vegetation likely to harbor rats, vermin or other nuisances or which obstructs the view of drivers on public streets or private driveways, or which impedes, obstructs or denies pedestrian or other lawful travel on sidewalks, walkways, or other public rights-of-way;

C. Dead, decayed, diseased or hazardous trees, weeds, or other vegetation constituting unsightly appearance and dangerous to public safety and welfare;

D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;

E. Attractive nuisances dangerous to children and other persons, including abandoned, broken or neglected equipment, machinery, appliances, refrigerators and freezers, hazardous pools, ponds and excavations;

F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;

G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;

H. Buildings which are abandoned, partially destroyed, left in an unreasonable state of partial construction, or have been declared substandard or dangerous by the building official;

I. Buildings having dry rot, warping or termite infestation. Any building on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation as to render the building unsightly and in a state of disrepair;

J. Buildings with windows containing broken glass or no glass at all, where the window is of a type which normally contains glass, which constitutes a hazard. Plywood or other material used to cover such window space, if permitted under this code, shall be painted in a color or colors compatible with the remainder of the building;

K. Building exteriors, walls, fences, driveways, sidewalks, or walkways which are maintained in such condition as to become defective or unsightly or are materially detrimental to nearby properties and improvements;

L. Construction equipment, farm machinery, or machinery of any type or description parked or stored on the owner's property when it is visible from a public street, except (1) during excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property; (2) during active farming operations; or (3) when such machinery in an agricultural or industrial zoning district is appropriately stored;

M. Property which lacks appropriate landscaping, turf or plant material so as to cause excessive dust;

N. The keeping, storing, depositing or accumulation for an unreasonable period of time of dirt, gravel, concrete, and other similar materials, which manner of keeping, storing, depositing or accumulation constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses;

O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

8.16.030 Declaration of public nuisance.

Any property found to be maintained in violation of the foregoing section is declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition, or repair pursuant to the procedures for abatement set forth herein. However, the city shall take into consideration the overall character of the neighborhood in declaring a public nuisance. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 90-557 § 7).

8.16.040 Notification of nuisance.

Whenever the city manager determines that any property within the city is being maintained contrary to one of the provisions of FMC 8.16.020, the city manager shall give written notice to the owner of said property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event more than 15 days unless granted a longer period of time by the city manager, for correcting the violation(s) and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner in accordance with provisions of FMC 8.16.060 covering service in person or by mail. (Ord. 90-557 § 7).

8.16.050 Hearing to abate nuisance.

In the event said owner shall fail, neglect, or refuse to comply with the "Notice to Abate," the city manager shall conduct an administrative hearing to ascertain whether said violation constitutes a public nuisance. (Ord. 90-557 § 7).

8.16.060 Notice of hearing.

Notice of said hearing shall be served upon the owner not less than 15 days before the time fixed for hearing. Notice of hearing shall be served in person or by certified mail to the owner's last known address. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. Notice shall be substantially in the format set forth below:

NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE

This is a notice of hearing before the City Manager (or his designees) to ascertain whether certain property situated in the City of Fortuna, State of California, known and designated as (street address) _____, in said City, and more particularly described as (assessor's parcel number) _____ constitutes a public nuisance subject to abatement by the rehabilitation of such property or by the repair or demolition of buildings situated thereon. If said property, in whole or part, is found to constitute a public nuisance as defined in this Code and if the same is not promptly abated by the owner, such nuisance may be abated by municipal authorities, in which case the cost of such rehabilitation, repair or demolition will be assessed upon such property, and such costs, together with interest thereon, will constitute a lien upon such property until paid, in addition, you may be cited for violation of the provisions of the Municipal Code and subject to a fine.

Said alleged conditions consist of the following:

The method(s) of abatement are:

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 20_____

City Manager

Time and Date of Hearing:

Location of Hearing:

(Ord. 90-557 § 7).

8.16.070 Hearing by city manager.

A. At the time stated in the notice, the city manager shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to such alleged public nuisance and to proposed rehabilitation, repair, removal or demolition of such property. Said hearing may be continued from time to time.

B. If the city manager finds that such public nuisance does exist and that there is sufficient cause to rehabilitate, demolish, remove or repair the same, the city manager shall prepare findings and an order, which shall specify the nature of the nuisance, the method(s) of abatement, and the time within which the work shall be commenced and completed. The order shall include reference to the right to appeal set forth in FMC 8.16.090. A copy of the findings and order shall be served on all owners of the subject property in accordance with the provisions of FMC 8.16.060. In addition, a copy of the findings and order shall be forthwith conspicuously posted on the property. (Ord. 90-557 § 7).

8.16.080 Procedure, no appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the

nuisance as ordered, the city manager shall cause the same to be abated by city employees or by private contract. The costs shall be billed to the owner, as specified in FMC 8.16.130. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes. (Ord. 90-557 § 7).

8.16.090 Appeal procedure, hearing by city council.

A. The owner may appeal the city manager's findings and order to the city council by filing a written appeal with the city clerk within seven days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signature of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

B. As soon as practicable after receiving the appeal, the city clerk shall set a date for the council to hear the appeal which date shall be no less than seven days nor more than 30 days from the date the appeal was filed. The city clerk shall give each appellant written notice of the time and place of the hearing at least five days prior to the date of the hearing, 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 his address shown on the appeal.

C. Continuances of the hearing may be granted by the council on request of the owner for good cause shown, or on the council's own motion. (Ord. 90-557 § 7).

8.16.100 Decision by council.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event more than 15 days unless additional time is granted by the council due to weather. The decision and order of the council shall be final. (Ord. 90-557 § 7).

8.16.110 Service of order to abate.

A copy of the resolution of the council ordering the abatement of said nuisance shall be served upon the owner(s) of said property in accordance with the provisions of FMC 8.16.060. Upon abatement in full by the owner, the proceedings hereunder shall terminate. (Ord. 90-557 § 7).

8.16.120 Hearing procedure before city manager and council.

A. There shall be a record made of all hearings.

B. Hearings need not be conducted according to the technical rules of evidence.

C. 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. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable 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 admission of any such evidence over objection in civil actions in courts of competent jurisdiction in this state.

D. Oral evidence shall be taken only on oath or affirmation.

E. Irrelevant and unduly repetitious evidence shall be excluded. (Ord. 90-557 § 7).

8.16.130 Abatement by city.

If such nuisance is not abated as ordered within said abatement period, the city manager shall cause the same to be abated by city employees or private contractor. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the presentation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required hereunder. (Ord. 90-557 § 7).

8.16.140 Limitation of filing judicial action.

Any action appealing the council's decision and order shall be commenced within 30 days of the date of service of the decision. (Ord. 90-557 § 7).

8.16.150 Demolition.

No property shall be found to be a public nuisance under FMC 8.16.020 and ordered demolished unless the order is based on competent sworn testimony and it is found that in fairness and in justice there is no way other than demolition reasonably to correct such nuisance. (Ord. 90-557 § 7).

8.16.160 Notice of intent to demolish.

A copy of any order or resolution requiring abatement by demolition under FMC 8.16.070 or under FMC 8.16.100 shall be forthwith recorded with the Humboldt County recorder. (Ord. 90-557 § 7).

8.16.170 Record of cost of abatement.

The city manager shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done by the city and shall render an itemized report in writing to the city council showing the cost of abatement, including the rehabilitation, demolition, or repair of said property, including any salvage value relating thereto; provided, that before said report is submitted to the city council, a copy of the same shall be posted for at least five days upon such property, together with a notice for the time when said report shall be heard by the city council for confirmation. A copy of said report and notice shall be served upon the owners of said property in accordance with provisions of FMC 8.16.060 at least five days prior to submitting the same to the city council. Proof of said posting and service shall be made by affidavit filed with the city clerk. (Ord. 90-557 § 7).

8.16.180 Revolving fund.

The council may create a revolving fund or funds from which may be paid the costs of enforcing the provisions of this chapter and into which shall be paid the receipts from the collection of costs as set forth in this chapter. (Ord. 90-557 § 7).

8.16.190 Sale of materials.

The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus city personal property is sold, and the proceeds from such sale shall be paid into the revolving fund. (Ord. 90-557 § 7).

8.16.200 Assessment lien.

The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

After such confirmation and recordation, a certified copy of the council's decision shall be filed with the Humboldt County auditor-controller on or before August 1st of each year, whereupon it shall be the duty of said auditor-controller to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

In the alternative, after such recordation, such lien may be foreclosed by judicial, or other sale in the manner and means provided by law.

Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Fortuna)

Pursuant to the authority vested by the provisions of Section _____ of the Fortuna Municipal Code, the City Manager of the City of Fortuna did on or about the _____ day of _____, 20_____, cause the property hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Fortuna did on the _____ day of _____, 20_____, assess the cost of such rehabilitation, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Fortuna does hereby claim a lien on such rehabilitation, repair, or demolition in the amount \$_____; and the same, shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Fortuna, County of Humboldt, State of California, and particularly described as follows:

(description)

Dated this _____ day of _____, 20_____.

City Manager

City of Fortuna

(Ord. 90-557 § 7).

8.16.210 Alternative actions available.

Nothing in this chapter shall be deemed to prevent the council or the city manager from ordering the commencement of a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to them under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings herein set forth. (Ord. 90-557 § 7).

8.16.220 Violations.

A. The owner or other person having charge or control of any such building, structure or property who maintains any public nuisance defined in this chapter or who violates any chapter is guilty of an infraction.

B. Any person who removes or defaces any notice or order posted as required by this chapter is guilty of an infraction.

C. No person shall obstruct, impede or interfere with any representative of the city department or any private contractor engaged by the city, or with any person who owns or holds any estate or interest in the building or structure which has been ordered to be vacated, repaired, rehabilitated, or demolished and removed or with any person to whom such building has been lawfully sold pursuant to the provisions of this code whenever any such representative of the city, purchaser, or person having interest or estate in such building is engaged vacating, repairing, rehabilitating or demolishing and removing any such building pursuant to the provisions of this chapter or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto. (Ord. 90-557 § 7).

Attachment 9
Site Photographs



















Attachment 10
Letter from Floyd Hoisington, January 30, 2020

JAN 30 2020

HEARING

MOTION TO VACATE THE ~~HEARING~~ DATE OF
MONDAY FEBRUARY 3, 2020 AT 5:00 PM AT CITY HALL
11th STREET IN FORTUNA TO CONSIDER THE APPEAL
OF THE CITY MANAGERS ORDER

ON THE GROUNDS THAT THIS DATE IS A PROCEDURAL
DUE PROCESS VIOLATION UNDER 5.28.105 PROCEDURES OF
CONDUCT OF APPEALS SECTION B STATES NOTICE OF HEARING,
WRITTEN NOTICE OF DATE, TIME, AND PLACE OF HEARING SHALL
BE GIVEN AT LEAST 10 DAYS PRIOR TO THE DATE OF
THE HEARING TO THE APPELLANT EITHER BY CAUSING
A COPY OF SUCH NOTICE PERSONALLY OR BY MAILING
A COPY THERE OF

THE NOTICE IS DATED JANUARY 29-2020
AND WAS DELIVERED TO ME IN PERSON BY WAYNE
HANSON ON JANUARY 29 OF 2020 WITH SCHEDULED
HEARING ON FEBRUARY 3, 2020, AT 5:00 PM.
IN VIOLATION OF CODES 5.28.105 - B OF PROCEDURES
OF CONDUCT OF ~~HEAR~~ APPEALS AS IT IS ONLY
5 DAYS PRIOR TO HEARING NOT 10 DAYS AS REQUIRED
BY THE AFORMENTIONED CODE AND ALSO IN CODE
8.24.100 - B OF ABATEMENT - HEARINGS - ABATEMENT BY
CITY WHICH STATES NOTICE OF HEARING SHALL BE MAILED
BY REGISTERED BY MAIL OR CERTIFIED MAIL AT LEAST
10 DAYS BEFORE THE HEARING

5.28.105 - G

CONTINUANCE OF HEARING THE HEARING OFFICER OR
BOARD OF APPEALS MAY PROVIDE FOR REASONABLE
CONTINUANCES OF THE HEARING ON ITS OWN INITIATIVE OR
AT THE REQUEST OF A PARTY AS NECESSARY TO PROPERLY
CONDUCT THE APPEAL

5.28.105 - I

MOTION TO VACATE HEARING DATE

CASE #
19-00118

5.28-105-I

THE HEARING OFFICER OR BOARD OF APPEALS SHALL NOT HAVE THE AUTHORITY TO WAIVE ANY REQUIREMENTS OF THIS SECTION AND OR OF THE CODE OF LAW

5.28-105-II

NOTHING IN THESE PROCEDURES SHALL BE DEEMED TO AUTHORISE THE HEARING OFFICER OR BOARD OF APPEALS TO DEVIATE FROM UNAMBIGUOUS PROVISIONS OF THIS GOVERNING CODE OR STATUTE OR WELL ESTABLISHED INTERPRETATION OF THE SAME.

5.28-105-J IF THE APPELLANT SEEKS FURTHER RELIEF THE APPELLANT SHALL FILE A PETITION FOR WRIT OF MANDATE IN SUPERIOR COURT PURSUANT TO CODE CIVIL PROCEDURE SECTIONS 1094.5 AND 1094.6 WITHIN 90 DAYS OF DATE OF ~~THE~~ THE DECISION
SS 2 ORD 14-02 EFF MARCH 5 2014.

ON THESE GROUNDS THE HEARING ^{TIME} ~~MUST BE~~ MUST BE RESET AT LEAST 10 AFTER NOTICE OF HEARING DATE TO ENSURE THAT APPELLANT HAS TIME TO PREPARE FOR HEARING.

I ALSO REQUEST THAT HEARING BE SCHEDULED FOR AT LEAST 2 FULL DAYS TO ENSURE ALL EVIDENCE CAN BE PRESENTED, ALL COMPLAINTS PROPERLY ADDRESSED AND WITNESSES CROSS EXAMINED, PAPERWORK AND REPORTS EXPLAINED AND CHALLENGED AND INSPECTORS AND OFFICERS QUESTIONED ALONG WITH THE CITY MANAGER

AS IT WILL TAKE AT LEAST THIS MUCH TIME
POSSIBLE MORE TO FAIRLY CONDUCT THIS HEARING
AND PRESENT ALL RELATIVE ASPECTS OF CASE.

Sincerely THE REVEREND FLOYD A HOISINGTON D.D. I.S.E. S.O.K.
Rev. Floyd A. Hoisington DATE
DD 1.30.2020

NOTE ATTACHMENT A IS ATTACHED ON BACK.
LETTER OF CITY CLERK

COMPLAINT TO BE NOTED

AS I HAVE GREAT CONCERNE ABOUT HOW THE FIRST
HEARING WAS CONDUCTED NOT ACCORDING TO
LAWFULL PROCEDURES SERIOUSLY Limiting My ABILITY
TO FAIRLY REBUT THE ALLEGATIONS ALONG WITH
NOT BEING ABLE TO PREVIEW SUCH SAID REPORTS OF THE
INSPECTION WARRANT OR BEING ABLE TO VIEW THE INSPECTION'S
AS REQUIRED BY 5.28.105 - F OF PROCEDURES OF CONDUCT
WICH STATES WHEN INSPECTION WARRANT IS OBTAINED AND
THE PARTIES ARE GIVEN AN OPPORTUNITY TO BE PRESENT
DURING THE INSPECTION AND WE WERE REFUSED WHEN ASKED
TO DO SO, ON SEVERAL OCCASIONS THEREFOR THE FIRST
HEARING BEING A BLATANT RAILROAD JOB DUE TO THE
FALSE NATURE OF ALL THE REPORTS AND TESTIMONY
I HAVE GREAT INTEREST IN MAKING SURE THAT THIS
HEARING IS CONDUCTED IN A FAIR AND LAWFULL MANNER
SO THAT I MAY PROPERLY PRESENT MY CASE AS TO
THE TRUE NATURE OF THIS ACTION! AND IS NOT ANOTHER
RAILROAD JOB. F.H.

Attachment 11
Notice of Appeal Hearing, January 29, 2020

City of Fortuna

P.O. Box 545 – Fortuna, CA 95540

www.friendlyfortuna.com – (707)725-7600

January 29, 2020
Floyd Hoisington
1319 Rohnerville Road
Fortuna, CA 95540

Dear Mr. Hoisington:

Notice is hereby given that the Fortuna City Council will hold a public hearing Monday, February 3, 2020, at 5:00 P.M. at City Hall, 621 - 11th Street in Fortuna, to consider the appeal of the City Manager's order to abate the Fortuna Municipal Code violations on the property located at 1319 Rohnerville Road.

8.16.100 Decision by council.

Upon the conclusion of the hearing, the council shall determine whether the property or any part thereof, as maintained, constitutes a public nuisance. If the council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution. The resolution shall set forth the time within which such work shall be completed by the owner, in no event more than 15 days unless additional time is granted by the council due to weather. The decision and order of the council shall be final. (Ord. 90-557 § 7).

Sincerely,



Siana Emmons
City Clerk

Attachment 12
Resolution of the City Council of the City of Fortuna
Declaring a Public Nuisance at 1319 Rohnerville Road and
Adopting Findings and an Abatement Order

RESOLUTION 2020-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA
DECLARING A PUBLIC NUISANCE AT 1319 ROHNERVILLE ROAD AND
ADOPTING FINDINGS AND AN ABATEMENT ORDER**

WHEREAS, Title 8, Chapter 8.16 of the Fortuna Municipal Code establishes procedures for declaration and abatement of a variety of property nuisances; and

WHEREAS, the Municipal Code standards are intended to maintain public health and safety and quality of life for Fortuna's residents; and

WHEREAS, violations of the Municipal Code are enforced through notices, hearings, findings, orders to abate, fees issued and assessed by the City's Code Enforcement Division; and

WHEREAS, the City has undertaken the proceedings concerning a public nuisance located on the property described as 1319 Rohnerville Road (APN 202-261-004); and

WHEREAS, following site inspections by the Fortuna Code Compliance Officer and the Fortuna Building Inspector, as well as the County Health Department, Department of Fish and Wildlife, the Fortuna Fire District Chief, as well as verbal communication with the property owner, and photographic documentation, a Notice to Abate was issued to Floyd Hoisington, the property owner of 1319 Rohnerville Road, on February 6, 2019; and

WHEREAS, the property owner failed to abate the public nuisance violations stipulated in the Notice to Abate, so a Notice of Administrative Hearing was issued on August 13, 2019; and

WHEREAS, on August 28, 2019, an administrative hearing was held at Fortuna City Hall at which the property owner was present, the City Manager acted as the hearing officer, and testimony and documentation were presented; and

WHEREAS, on November 20, 2019, findings of a public nuisance and an order to abate were issued by the City Manager; and

WHEREAS, on January 10, 2020, an appeal letter was submitted by property owner Floyd Hoisington; and

WHEREAS, pursuant to the provisions of FMC Chapter 8.16, a request for appeal of the City Manager's Findings and Order is a matter that may be considered by the City Council, wherein at a hearing the Council shall consider all relevant evidence, information and testimonies; and

WHEREAS, upon conclusion of the hearing, if the Council so finds, the council shall adopt a resolution declaring such property to be a public nuisance, setting forth its findings and ordering the abatement of the same by having such property rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in said resolution; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fortuna hereby ordains as follows:

SECTION 1. Declaration of a property nuisance. The conditions described in the City Manager's November 20, 2019 Notice of Findings and Letter (including the Order), a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, did exist and continue to exist, and therefore it is hereby declared that a property nuisance exists at the property identified as 1319 Rohnerville Road (APN 202-261-004);

SECTION 2. Adoption of findings. The following findings of public nuisance are hereby confirmed and adopted.

FMC. Section 8.16.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

- D. Packing boxes, cardboard boxes, lumber, junk, trash, barrels, drums, salvage materials, or other debris kept on the property for an unreasonable period;
- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
- G. Vehicles parked or stored in residential zoning districts on property, other than on driveways or other impervious surfaces, and visible from a public street;
- O. Maintenance of property so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment or use of such adjacent properties. (Ord. 90-557 § 7).

FMC. 8.12.050 Receptacles – Specifications.

No person shall deposit, keep or accumulate any garbage in or upon any lot or parcel of land, or upon any public or private drive, alley or street, or in any house, store or restaurant or other place unless such garbage is enclosed in a fly-proof, watertight receptacle with close-fitting cover and provided with handles. Garbage cans shall have a capacity of not less than two gallons. Such receptacles shall be provided by and at the expense of the person producing and accumulating such garbage and shall be stored in the rear of the premises or out of sight and the contents thereof disposed of at least once each week.

FMC. Section 17.06.122 Mobile homes used as single-family dwellings.

Mobile homes allowed for use as single-family dwellings shall be subject to the following requirements:

- A. Definition. Said mobile homes:
 - 1. Must be certified under the National Mobile Homes Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.); and
 - 2. Shall not be altered in violation of the applicable codes.

B. Development Standards. Mobile homes, allowed under this section, shall:

1. Meet all development standards applied to single-family dwellings for the zone in which they are located; and
2. Use of a mobile home as a single-family dwelling shall not be reason for a variance from any required development standard.

C. Architectural Standards.

1. Roof overhangs shall be a minimum of 12 inches on all sides.
2. Exterior siding shall be used, consisting of a material customarily used by conventional homes, and shall extend to the ground; except that when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation.
3. Roofing material shall be used consisting of material customarily used by conventional homes.

FMC. Section 17.08.425 Recreational vehicle.

“Recreational vehicle” means a trailer or passenger vehicle 32 feet or less in length and eight feet or less in width, primarily designed as *temporary* living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. (Ord. 2011-692 § 2 (Exh. A)).

FMC. Section 17.54.220 Recreational Vehicle Parks

- A. Required. Every *occupied recreational vehicle shall be located in a recreational vehicles vehicle park* in accordance with the provisions of this title.

FMC. Section 15.10.010

Section C. California Residential Code. 2016

California Residential Code (Part 2.5 of Title 24)

Chapter 4 Section R402 Materials

R402.1 Wood foundations

Wood foundation systems shall be designed and installed in accordance with the provisions of this code.

R402.1.1 Fasteners

Fasteners used below grade to attach plywood to the exterior side of exterior basement or crawl-space wall studs, or fasteners used in knee wall construction, shall be of Type 304 or 316 stainless steel. Fasteners used above grade to attach plywood and all lumber-to-lumber fasteners except those used in knee wall construction shall be of Type 304 or 316 stainless steel, silicon bronze, copper, hot-dipped galvanized (zinc coated) steel nails, or hot-tumbled galvanized (zinc coated) steel nails. Electro-galvanized steel nails and galvanized (zinc coated) steel staples shall not be permitted.

R402.1.2 Wood treatment

All lumber and plywood shall be pressure-preservative treated and dried after treatment in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2), and shall bear the label of an accredited agency. Where lumber and/or plywood is cut or drilled after treatment, the treated surface shall be field treated with copper naphthenate, the concentration of which shall contain a minimum of 2-percent copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

Section 403 Footings

R403.1 General

All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other approved structural systems, which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

Section R703 Exterior Covering

R703.1 General

Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

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The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2 and a means of draining to the exterior water that enters the assembly. Protection against condensation in the exterior wall assembly shall be provided in accordance with the California Energy Code.

R703.1.2 Wind resistance

Wall coverings, backing materials and their attachments shall be capable of resisting wind loads in accordance with Tables R301.2(2) and R301.2(3). Wind-pressure resistance of the siding and backing materials shall be determined by ASTM E330 or other applicable standard test methods. Where wind-pressure resistance is determined by design analysis, data from approved design standards and analysis conforming to generally accepted engineering practice shall be used to evaluate the siding and backing material and its fastening. All applicable failure modes including bending rupture of siding, fastener withdrawal and fastener head pull-through shall be considered in the testing or design analysis. Where the wall covering and the backing material resist wind load as an assembly, use of the design capacity of the assembly shall be permitted.

R703.5 Wood, hardboard and wood structural panel siding

Wood, hardboard, and wood structural panel siding shall be installed in accordance with this section and Table R703.3(1). Hardboard siding shall comply with CPA/ANSI A135.6. Hardboard siding used as architectural trim shall comply with CPA/ANSI A 135.7.

R703.5.2 Panel siding

3/8-inch (9.5 mm) wood structural panel siding shall not be applied directly to studs spaced more than 16 inches (406 mm) on center where long dimension is parallel to studs. Wood structural panel siding 7/16 inch (11.1 mm) or thinner shall not be applied directly to studs spaced more than 24 inches (610 mm) on center. The stud spacing shall not exceed the panel span rating provided by the manufacturer unless the panels are installed with the face grain perpendicular to the studs or over sheathing approved for that stud spacing.

Joints in wood, hardboard or wood structural panel siding shall be made as follows unless otherwise approved. Vertical joints in panel siding shall occur over framing members, unless wood or wood structural panel sheathing is used, and shall be shiplapped or covered with a batten. Horizontal joints in panel siding shall be lapped not less than 1 inch (25 mm) or shall be shiplapped or flashed with Z-flashing and occur over solid blocking, wood or wood structural panel sheathing.

FMC 15.10.010

D. California Electrical Code.

2016 California Electrical Code (Part 3 of Title 24)

Article 400.11 Uses Not Permitted

Unless specifically permitted in 400.7, flexible cords and cables shall not be used for the following

- (1) As a substitute for the fixed wiring of a structure
- (2) Where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, or floors
- (3) Where run through doorways, windows, or similar openings
- (4) Where attached to building surfaces
- (5) Where concealed by walls, floors, or ceilings or located above suspended or dropped ceilings
- (6) Where installed in raceways, except as otherwise permitted in this Code
- (7) Where subject to physical damage

FMC 15.10.010

Section M. 1997 Uniform Housing Code.

Chapter 10 Substandard Buildings

Section 1001.2 Sanitation

Buildings or portions thereof shall be deemed substandard when they are insanitary. 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.
3. Lack of, or improper kitchen sink in a dwelling unit.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.

6. Lack of adequate heating facilities.
7. Lack of required electrical lighting.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

Section 1001

1001.5 Hazardous Electrical Wiring

Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

Section 1001.5

1001.8 Faulty Weather Protection

Buildings or portions thereof shall be considered substandard when they have 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, roof, 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.

Section 1001.9

1001.11 Hazardous or Insanitary Premises

The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards.

Chapter 5 Space and Occupancy Standards

Section 505-Sanitation

505.4 Fixtures

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

505.7 Installation and Maintenance

All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

Chapter 6 Structural Requirements

Section 601- General

601.2 Shelter

Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

601.3 Protection of Materials

All wood shall be protected against termite damage and decay as provided in the Building Code.

Chapter 7 Mechanical Requirements

Section 701 Heating and Ventilation

701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

701.2 Electrical Equipment

All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. *Where there is electrical power available within 300 feet (91 440 mm) of any building, such building shall be connected to such electrical power.* Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

FMC 17.05.070 Height restrictions, limitations, and modifications.

No building or part thereof or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this title, except as provided herein.

E. Height Regulations.

No principal building shall exceed 30 feet in height and no accessory building shall exceed 15 feet in height.

California Code of Regulations

Title 19 Division 1

Chapter 1 - General Fire and Panic Safety Standards

3.14 Fire Hazard

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire Hazard" as used in these regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.

SECTION 3. ABATEMENT ORDER.

NOW, THEREFORE, IT IS ORDERED THAT, the property owner, Floyd Hoisington, must abate the solid waste, debris, recreational vehicles, and building and housing code violations referenced in Section 2. Findings, in the following ways:

1. In order for any trailer to meet the standard for mobile home or single-family residence, they would need to comply with Municipal Code 17.06.122, including certification under the National Mobile Homes Construction and Safety Standards Act of 1974, development standards including paved driveways and covered parking, as well as architectural standards such as proper siding and roofing materials, and roof overhangs. If all of these standards cannot be met, the trailers will be classified as "recreational vehicles" and may not be occupied unless parked in a recreational vehicle park.
2. If the trailers cannot meet the standards listed above, the property owner must remove the recreational vehicles from the location and store them in an approved recreational vehicle park or store the recreational vehicles on an acceptable impervious surface (asphalt, concrete) as approved by the building official.
3. In any other way which resolves the violation of FMC 17.04.425, 17.54.220.
4. *In all cases, the recreational vehicles shall not be used as living quarters*, unless parked in a designated recreational park.
5. Remove and properly dispose of all packing boxes, cardboard boxes, lumber, junk, trash, solid waste, barrels, drums, salvage, broken, damaged or otherwise unusable materials and any and all debris from all parts of the property.
6. Remove any and all abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from the property or store in compliance with FMC 8.24.030 and 8.16.020.
7. Properly and safely dispose of combustible and hazardous materials at an approved disposal facility. Combustible and hazardous materials shall be stored on the property in accordance with the California Fire Code.
8. Establish and maintain residential garbage service or establish regular private disposal schedule of not less than once a week. On-site trash storage shall be limited to no more than four (4) 55 gallon covered trash cans at any time and all trash shall be stored and disposed of in compliance with FMC sections 8.12.010 through 8.12.090.
9. Establish residential water and sewer service account and maintain connection to municipal water source and sanitary sewer.
10. Establish residential public utility power service account and maintain connection to public utility power service.
11. Dwelling and accessory structures including treehouse:
 - a. Repair damage and remediate exterior rot, mold, and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.

- b. Repair any interior structural damage and remediate rot, mold and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - c. Repair leaks to roof, walls, and windows and any other areas of the building envelope that are required by code to be sealed. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - d. Replace or repair any missing or damaged windows and doors. Replacement and repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - e. Repair any structural and electrical damage caused by fire. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - f. All structures over 120 square feet require a building permit and must conform to the California Building Code. Owner shall obtain a building permit for any structure over 120 square feet. Unpermitted structures shall be demolished.
 - g. Obtain a conditional use permit for any accessory building over 120 square feet and more than 15 feet in height from ground contact to the highest point of the roof.
12. Portable generators shall only be used for temporary or standby power in the case of a power outage. Owner shall obtain a building permit for the connection of any generator to the utility service box, including installation of a transfer switch and other safety measures as required by the Building Code.
13. All electrical connections in the dwelling and accessory buildings shall be installed in accordance with the Building Code, including required inspections and building permits.
14. Remove any and all exterior extension cords and flexible wiring not installed to code.

SECTION 4. Abatement Deadline. All necessary abatement methods must be completed by June 30, 2020.

SECTION 5. Abatement by City. Pursuant to FMC 8.16.130, if such nuisance is not abated as ordered within said abatement period, the city manager shall cause the same to be abated by city employees or private contractor. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. The term “incidental expenses” shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the presentation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required hereunder. All other sections of the FMC Chapter 8.16 shall apply.

SECTION 6. Assessment Lien. Pursuant to FMC 8.16.200, notice is hereby given that, in the event of abatement by the City, the total cost for abating such nuisance, as so confirmed by the city council, may constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

PASSED AND ADOPTED on this 3rd day of February 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Sue Long, Mayor, City Council

ATTEST:

Siana L. Emmons, City Clerk

**Exhibit A to Resolution 2020-05
Notice of Findings and Letter (including the Order)**



CITY OF FORTUNA FINDINGS AND LETTER

November 20, 2019

In the Matter of:
1319 Rohnerville Road
APN: 202-261-004
Fortuna, CA. 95540

Mr. Floyd Hoisington
1319 Rohnerville Road
Fortuna, California 95540

As the owner of the property located on 1319 Rohnerville Road in the City of Fortuna and more specifically described as APN 202-261-004, you were notified that you were in violation of City Ordinance Section 8.16.020, 17.04.425, 17.54.220. Methods of abatement were given in notices sent from February 6, 2019 to August 13, 2019. A Hearing was scheduled for August 28, 2019, to discuss the Fortuna Municipal Code violations and hear testimony at Fortuna City Hall 621 Eleventh Street.

Code Compliance Officer Wayne Hanson gave his report regarding the history of law enforcement calls for service at the subject property, a timeline of abatement efforts, and site conditions including unsafe wiring throughout the property, an illegal gravity fed-water system that discharges to the City sewer, an unsafe "tree fort" structure, extensive debris throughout the property, and dilapidated condition of residential structures.

Officer Hanson presented reports from the Humboldt County Department of Environmental Health and the California Department of Fish and Wildlife.

The Department of Environmental Health report showed evidence of the illegal storage of flammable and hazardous materials within enclosed vehicles.

The Department of Fish and Wildlife report showed evidence of illegal water diversion and theft of water from an adjoining neighbor's property.

Lon Winburn, Fortuna Fire Protection District Fire Chief, spoke regarding Fire Code Violations and fire hazards including combustible materials, litter and debris, unsafe external wiring running to a generator, evidence of a prior electrical fire in an outbuilding, flammable materials stored inside vehicles, as well as evidence of the burning of illegal materials near the residence.

Jeff Baldwin, Building Inspector, spoke regarding the hazardous wiring to the residence, and throughout the property. Inspector Baldwin detailed the unsafe nature of the elevated "tree fort" structure due to the building's height and lack of water tightness causing a hazard due to the existence of electrical equipment and stated that the structure would need to come down. Inspector Baldwin

confirmed the discharge of the toilet into City sewer and the presence of a gravity fed pipe to the toilet.

Officer Hanson presented photographs documenting the reported violations. The photographs confirm the existence of the violations described in the Notices. Evidence showed the property to be in violation of Codes 8.16.020, 17.06.122, 17.04.425, 17.54.220, and additional violations of FMC sections 17.05.070, 15.10.010, 8.12.050,.

Property owner Floyd Hoisington reported that some of the violations shown in the photos have been remedied. Mr. Hoisington requested that the record reflect his status as an ordained minister, the charter held by his church, as well as the status of his home as a registered private home school.

The Hearing was adjourned at 3:42 P.M.

BASED UPON THE FOREGOING, I FIND THAT:

The conditions described in the Notice to Abate and in the subsequent Notice of Administrative Hearing did exist and continue to exist; and

Photographs submitted provide visual evidence of the existence of these and other Municipal Code violations; and

The conditions of the property continue to result in violations of Fortuna Municipal Code Sections 8.16.020, 17.06.122, 17.04.425 and 17.54.220 described as follows; and

Additional evidence discovered during service of the inspection warrant and presented at the hearing show violations of Fortuna Municipal Codes Sections 17.05.070, 15.10.010 and 8.12.050 described as follows:

FMC. Section 8.16.020 Unlawful property nuisances.

It is unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the city to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by this code:

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- F. Personal property, such as vehicles, boats, trailers, or vehicle parts which are abandoned or left in a state of partial repair for an unreasonable period of time in front yards, side yards, driveways, sidewalks or walkways and visible from a public street;
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- A. Required. Every *occupied recreational vehicle shall be located in a recreational vehicles vehicle park* in accordance with the provisions of this title.

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FMC 15.10.010

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- (6) Where installed in raceways, except as otherwise permitted in this Code
- (7) Where subject to physical damage

FMC 15.10.010

Section M. 1997 Uniform Housing Code.

Chapter 10 Substandard Buildings

Section 1001.2 Sanitation

Buildings or portions thereof shall be deemed substandard when they are insanitary. 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.
3. Lack of, or improper kitchen sink in a dwelling unit.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
6. Lack of adequate heating facilities.
7. Lack of required electrical lighting.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

Section 1001

1001.5 Hazardous Electrical Wiring

Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

Section 1001.5

1001.8 Faulty Weather Protection

Buildings or portions thereof shall be considered substandard when they have 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, roof, 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.

Section 1001.9

1001.11 Hazardous or Insanitary Premises

The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards.

Chapter 5 Space and Occupancy Standards

Section 505-Sanitation

505.4 Fixtures

All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

505.7 Installation and Maintenance

All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

Chapter 6 Structural Requirements

Section 601- General

601.2 Shelter

Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

601.3 Protection of Materials

All wood shall be protected against termite damage and decay as provided in the Building Code.

Chapter 7 Mechanical Requirements

Section 701 Heating and Ventilation

701.1 Heating

Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Section 3102 of the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

701.2 Electrical Equipment

All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. *Where there is electrical power available within 300 feet (91 440 mm) of any building, such building shall be connected to such electrical power.* Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

FMC 17.05.070 Height restrictions, limitations, and modifications.

No building or part thereof or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this title, except as provided herein.

E. Height Regulations.

No principal building shall exceed 30 feet in height and no accessory building shall exceed 15 feet in height.

California Code of Regulations

Title 19 Division 1

Chapter 1 - General Fire and Panic Safety Standards

3.14 Fire Hazard

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire Hazard" as used in these regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.

NOW, THEREFORE, IT IS ORDERED THAT:

The property owner, Floyd Hoisington, must abate the recreational vehicles, solid waste, debris, and building and housing code violations. He may do so in the following ways:

1. In order for any trailer to meet the standard for mobile home or single-family residence, they would need to comply with Municipal Code 17.06.122, including certification under the National Mobile Homes Construction and Safety Standards Act of 1974, development standards including paved driveways and covered parking, as well as architectural standards such as proper siding and roofing materials, and roof overhangs. If all of these standards cannot be met, the trailers will be classified as "recreational vehicles" and may not be occupied unless parked in a recreational vehicle park.
2. If the trailers cannot meet the standards listed above, the property owner must remove the recreational vehicles from the location and store them in an approved recreational vehicle park or store the recreational vehicles on an acceptable impervious surface (asphalt, concrete) as approved by the building official, or
3. In any other way which resolves the violation of FMC 17.04.425, 17.54.220.

4. *In all cases, the recreational vehicles shall not be used as living quarters*, unless parked in a designated recreational park.
5. Remove and properly dispose of all packing boxes, cardboard boxes, lumber, junk, trash, solid waste, barrels, drums, salvage, broken, damaged or otherwise unusable materials and any and all debris from all parts of the property.
6. Remove any and all abandoned, wrecked, dismantled or inoperative vehicles or parts thereof from the property or store in compliance with FMC 8.24.030 and 8.16.020.
7. Properly and safely dispose of combustible and hazardous materials at an approved disposal facility. Combustible and hazardous materials shall be stored on the property in accordance with the California Fire Code.
8. Establish and maintain residential garbage service or establish regular private disposal schedule of not less than once a week. On-site trash storage shall be limited to no more than four (4) 55 gallon covered trash cans at any time and all trash shall be stored and disposed of in compliance with FMC sections 8.12.010 through 8.12.090.
9. Establish residential water and sewer service account and maintain connection to municipal water source and sanitary sewer.
10. Establish residential public utility power service account and maintain connection to public utility power service.
11. Dwelling and accessory structures including treehouse:
 - a. Repair damage and remediate exterior rot, mold, and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - b. Repair any interior structural damage and remediate rot, mold and mildew. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - c. Repair leaks to roof, walls, and windows and any other areas of the building envelope that are required by code to be sealed. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - d. Replace or repair any missing or damaged windows and doors. Replacement and repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - e. Repair any structural and electrical damage caused by fire. Repairs shall be in accordance with the California Building Code and required building permits shall be obtained.
 - f. All structures over 120 square feet require a building permit and must conform to the California Building Code. Owner shall obtain a building permit for any structure over 120 square feet. Unpermitted structures shall be demolished.
 - g. Obtain a conditional use permit for any accessory building over 120 square feet and more than 15 feet in height from ground contact to the highest point of the roof.
12. Portable generators shall only be used for temporary or standby power in the case of a power outage. Owner shall obtain a building permit for the connection of any generator to the utility service box, including installation of a transfer switch and other safety measures as required by the Building Code.
13. All electrical connections in the dwelling and accessory buildings shall be installed in accordance with the Building Code, including required inspections and building permits.
14. Remove any and all exterior extension cords and flexible wiring not installed to code.

All necessary abatement methods must be completed by **January 19, 2020**.

8.16.130 Abatement by city.

If such nuisance is not abated as ordered within said abatement period, the city manager shall cause the same to be abated by city employees or private contractor. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes. The cost, including incidental expenses, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect; costs incurred in documenting the nuisance; the actual expenses and costs of the city in the presentation of notices, specifications and contracts, and in inspecting the work; and the costs of printing and mailing required hereunder.

Certain appeal rights exist pursuant to Fortuna Municipal Code Section 8.16.090 including an appeal to the City Council.

8.16.090 Appeal procedure, hearing by city council.

A. The owner may appeal the city manager's findings and order to the city council by filing a written appeal with the city clerk within seven days of the date of service of the city manager's decision. The appeal shall contain:

1. A specific identification of the subject property;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the subject property;
4. A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
5. The date and signature of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

8.16.080 Procedure, no appeal.

In the absence of any appeal, the property shall be rehabilitated, repaired, removed or demolished in the manner and means specifically set forth in the findings and order. In the event the owner fails to abate the nuisance as ordered, the city manager shall cause the same to be abated by city employees or by private contract. The costs shall be billed to the owner, as specified in FMC 8.16.130. The city manager, city employees, or private contractors are expressly authorized to enter upon said property for such purposes.

Dated: November 20, 2019



Merritt Perry
City Manager

Hearing Officer of the City of Fortuna