

**TOWN OF PARADISE
RESOLUTION NO. 16-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
DECLARING THE PROPERTY AT 6066 LUCKY JOHN ROAD, PARADISE, CALIFORNIA
A PUBLIC NUISANCE AND AUTHORIZING THE FILING OF A
LAWSUIT, INCLUDING A RECEIVERSHIP RELATING THERETO**

WHEREAS, for approximately fifteen (15) years, the property at 6066 Lucky John Road, Paradise, California (Property) has been in a condition of disrepair, such that the property constitutes substandard housing in violation of Health and Safety Code section 17920.3; and

WHEREAS, during such time period the Town has inspected the Property on numerous occasions resulting in notices to the Property Owners, including Dixianne Hawks, the paramount Property Owner, informing them of the substandard housing conditions that exist at the Property; and

WHEREAS, the Property Owners have failed to correct a substantial number of the substandard conditions within the requirements of such notices; and

WHEREAS, after inspecting the Property, Town Building Official Anthony Lindsey notified the Property Owners that there were 26 substandard housing violations, six public nuisances under Paradise Municipal Code Chapter 8.04 and 16 abandoned or inoperable vehicles at the Property; and

WHEREAS, on April 4, 2016, the Town Building Official re-inspected the Property and determined that none of the violations had been corrected by the Property Owners; and

WHEREAS, on May 24, 2016, pursuant to Health and Safety Code section 17980.6, Town Building Official Anthony Lindsey delivered the notice attached as **Exhibit A** by posting the notice at 6066 Lucky John Road, Paradise, CA; and

WHEREAS, on May 24, 2016, the notice and order attached as **Exhibit A** was mailed to the Property Owners informing them that the Town Council would hold a public hearing concerning the violations; and

WHEREAS, on June 27, 2016, the Town Council held a duly noticed, due process hearing concerning the substandard housing conditions and public nuisances at the Property based on the notice dated May 24, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE as follows:

SECTION 1. After considering and weighing all of the evidence in the Hearing Report, the testimony and other evidence presented at the public hearing on June 27, 2016, the Town Council makes the following findings:

- a. The above statements are true and correct.
- b. The Town provided all of the process that was due under law by giving the notice on May 24, 2016 to the Property Owners, and by affording the Property Owners and all other interested parties and members of the public an opportunity to be heard at the public hearing before the Town Council on June 27, 2016.
- c. The conditions described in the May 24, 2016 notice exist, and permits are required to repair the conditions. The violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered. (Health & Safety Code § 17980.6)
- d. No building permits have been applied for or issued to correct any of the conditions described in the written notice provided by the Town, and the Property Owners refuse to comply with building permit laws.
- e. For approximately 15 years, the Property has been in substandard condition in violation of the State Housing Law (Health & Safety Code § 17910, et seq., including § 17920.3) and therefore constitutes a public nuisance.
- f. The substandard housing conditions at the Property are so extensive, and are of such a nature, that they pose a substantial danger to the health and safety of human occupants, including, but not limited to, fire hazards, carbon monoxide poisoning, improper water heater installation, electrocution, open sewage area, exposure to disease, and exposure to personal injury from structural and material failures. Unless such conditions are abated, they will likely cause injury or death from fire and fire related hazards, and other similar and related health and safety hazards to human occupants caused as a result of any one or a combination of the substandard housing conditions set forth in the May 24, 2016 notice.
- g. For approximately 15 years, the Property Owners have failed to correct substandard conditions and public nuisances at the Property. The public interest demands that all substandard housing conditions be prevented and abated.

SECTION 2. The Town Council hereby orders the Property Owners to abate within thirty (30 days) from the date of posting notice of this resolution all substandard housing conditions at the Property that are described in **Exhibit A** of this resolution.

SECTION 3. If the Property Owners fails to abate all of the substandard housing conditions after this resolution is posted at the Property within the thirty day period hereinabove described, then the Town Attorney is authorized to file lawsuits against the Property Owners and any persons and entities

having a legal or equitable interest in the Property seeking whatever court orders the Town Attorney deems necessary or advisable under the circumstances, including, but not limited to, the following court orders pursuant to Health and Safety Code section 17980.7:

- Declaring that substandard housing conditions at the Property constitute a public nuisance.
- Enjoining the Property Owners from maintaining and operating the Property as a public nuisance in violation of Health and Safety Code section 17920.3.
- Declaring that the Property Owners have engaged in unfair and unlawful business acts and practices in violation of Business and Professions code section 17200 et seq., and to seek a civil penalty of \$2,500 for each act of unfair competition and disgorgement of the profits obtaining through unfair competition.
- Requiring the Property Owners to pay the Town's investigative and Council hearing costs, attorneys' fees and court costs relating to the enforcement actions against the Property in accordance with Health and Safety Code section 17980.7(d).
- Requiring the Property Owners to pay relocation costs to the tenants.
- Disallowing of state tax deductions relating to the Property in accordance with Revenue and Taxation Code sections 17274 and 24436.5.
- Furthermore, the Town Attorney is authorized to file a legal petition naming Gresham Savage Nolan & Tilden, or its equivalent, as the receiver in accordance with Health and Safety Code section 17980.7(c).

SECTION 4. A copy of this resolution shall be delivered to the District Attorney of the County of Butte with a request to consider prosecuting the Property Owners for maintaining the substandard housing conditions delineated in **Exhibit A** attached to this resolution.

SECTION 5. This resolution shall be posted at the main entrance to the Property and on each unit thereon and delivered by U.S. First Class Mail to the Property Owners, the beneficiaries of any deeds of trust on the Property, and tenants of the Property, if any.

SECTION 6. The Town Clerk shall attest to the adoption of this resolution.

PASSED AND ADOPTED by the Paradise Town Council of the Town of Paradise, County of Butte, State of California, on this 27th day of June, 2016, by the following vote:

AYES: Scott Lotter, John J. Rawlings and Jody Jones, Mayor

NOES: None

ABSENT: Greg Bolin and Steve "Woody" Culleton

NOT VOTING: None



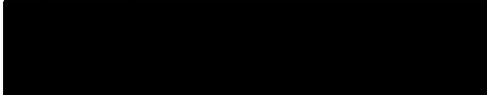
JODY JONES, Mayor

ATTEST: *June 28, 2016*



JOANNA GUERRERREZ, Town Clerk

APPROVED AS TO FORM:



MARK HABIB, Special Counsel

EXHIBIT A

Substandard Building Conditions

April 4, 2016

6066 LUCKY JOHN SUBSTANDARD CONDITIONS

Date Inspected	Location	Violation	Code Section	Correction
2/16/16 4/4/16	Exterior Front, Side and Rear area of house	Excessive and disorderly storage of combustible and waste material pose a significant "FIRE HAZARD" to the structures, neighboring properties and occupants.	H&S 17920.3 (j,l,n) 2013 CFC 315 Title 19 § 3.14	Abate
2/16/16 4/4/16	Site Maintenance Yard area	Piles of combustible and vegetative debris pose a significant "FIRE HAZARD" to the structures, neighboring properties and occupants.	H&S 17920.3 (h) Title 19 § 3.14	Abate
2/16/16 4/4/16	Building Front Porch area	Excessive and disorderly storage of combustible material have impeded the access to exits and pose a significant "FIRE HAZARD" to the occupants.	H&S 17920.3 (h,j,l,n) 2013 CFC 315 Title 19 §3.14	Abate
2/16/16 4/4/16	Building Exterior Front porch area	Exposed wiring, surface mounted on wall, exposed wire connections. Place in conduit and properly terminated in junction box with cover.	H&S 17920.3 (d)	Repair
2/16/16 4/4/16	Building Exterior Front porch area	Overall general dilapidation or improper maintenance, faulty weather protection damaged ceiling is falling hazard.	H&S 17920.3 (a13,h,g2,k,m)	Repair
2/16/16 4/4/16	Building exterior	Overall general dilapidation or improper maintenance. Peeling paint dry routed siding allowing moisture to enter structure.	H&S 17920.3 (a13)	Repair
2/16/16 4/4/16	Building exterior windows	Faulty weather protection allowing moisture to enter structure.	H&S 17920.3 (g2)	Repair
2/16/16 4/4/16	Building Electrical Service Panel	Exposed wiring, surface mounted on wall, exposed wire connections.	H&S 17920.3 (d)	Repair

6066 LUCKY JOHN SUBSTANDARD CONDITIONS

2/16/16 4/4/16	Building Interior	Excessive and disorderly storage of combustible material have impeded the access to exits, create rodent harborages and pose a significant "FIRE HAZARD" to the structures, neighboring properties and occupants.	H&S 17920.3 (h,j,l,n) 2013 CFC 315 Title 19 § 3.14	Abate
2/16/16 4/4/16	Building Interior	Inoperable/Missing Smoke and CO detectors.	2013 CFC 907.2.11 Title 19 §3.24	Repair
2/16/16 4/4/16	Building Interior	Lack of hot running water to plumbing fixtures.	H&S 17920.3 (a,5)	Repair
2/16/16 4/4/16	Building Interior	Exposed wiring, surface mounted on wall, exposed wire connections and open electrical sockets. Throughout building.	H&S 17920.3 (d)	Repair
2/16/16 4/4/16	Building Interior	Deteriorated flooring throughout.	H&S 17920.3 (b2)	Repair
2/16/16 4/4/16	Building Interior	Lack of mechanical ventilation.	H&S 17920.3 (f)	Repair
2/16/16 4/4/16	Building Interior	Dampness of habitable rooms.	H&S 17920.3 (a,11)	Repair
2/16/16 4/4/16	Building Interior	Lack of Adequate heating. Improper woodstove installations.	H&S 17920.3 (a6,f)	Repair
2/16/16 4/4/16	Building Interior	Water heater improper installation. Lacks adequate venting, strapping and insulation.	H&S 17920.3 (e)	Repair
2/16/16 4/4/16	Building Under floor area	Leaking Waste piping.	H&S 17920.3 (e)	Repair

6066 LUCKY JOHN SUBSTANDARD CONDITIONS

2/16/16 4/4/16	Building Under floor area	Open sewage accessible to rodents and humans.	H&S 17920.3 (e,j)	Abate
2/16/16 4/4/16	Building Under floor area	Exposed wiring, open electrical sockets.	H&S 17920.3 (d)	Repair
2/16/16 4/4/16	Building Under floor area	Structural Damage to support girder and support columns. Due to saturation. Perform structural repair with aid of architect and licensed professional.	H&S 17920.3 (b5)	Repair
2/16/16 4/4/16	Shed	Exterior. General dilapidation or improper maintenance. Structure is compromised.	H&S 17920.3 (a13)	Repair
2/16/16 4/4/16	Shed	Interior. Excessive and disorderly storage of combustible material have impeded the access to exits and pose a significant "FIRE HAZARD" to the occupants.	H&S 17920.3 (h,l,n) 2013 CFC 315 Title 19 §3.14	Abate
2/16/16 4/4/16	Motor homes 1, 2	General dilapidation or improper maintenance. Interior. Excessive and disorderly storage of combustible material have impeded the access to exits, create rodent harborages and pose a significant "FIRE HAZARD" to the structures, neighboring properties and occupants.	H&S 17920.3 (a13,h,l,n) CFC 315 Title 19 3.14	Abate
2/16/16 4/4/16	RV trailers 1,2,3,4,5,6	General dilapidation or improper maintenance. Interior. Excessive and disorderly storage of combustible material have impeded the access to exits, create rodent harborages and pose a significant "FIRE HAZARD" to the structures, neighboring properties and occupants.	H&S 17920.3 (a13,h,l,n) CFC 315 Title 19 3.14	Abate

6066 LUCKY JOHN SUBSTANDARD CONDITIONS

2/16/16 4/4/16	Abandoned vehicles 1,2,3, 4,5,6,7,8,9,10, 11,12,13,14	Accumulation of junk, rodent harborages, health and safety hazards.	H&S 17920.3 (c,j)	Abate
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Abbreviations used

California Health and Safety Code	H&S
California Fire Code	CFC
California Building Code	CBC
California Plumbing Code	CPC
California Electrical Code	CEC
California Mechanical Code	CMC
American Society for Testing and Materials	ASTM

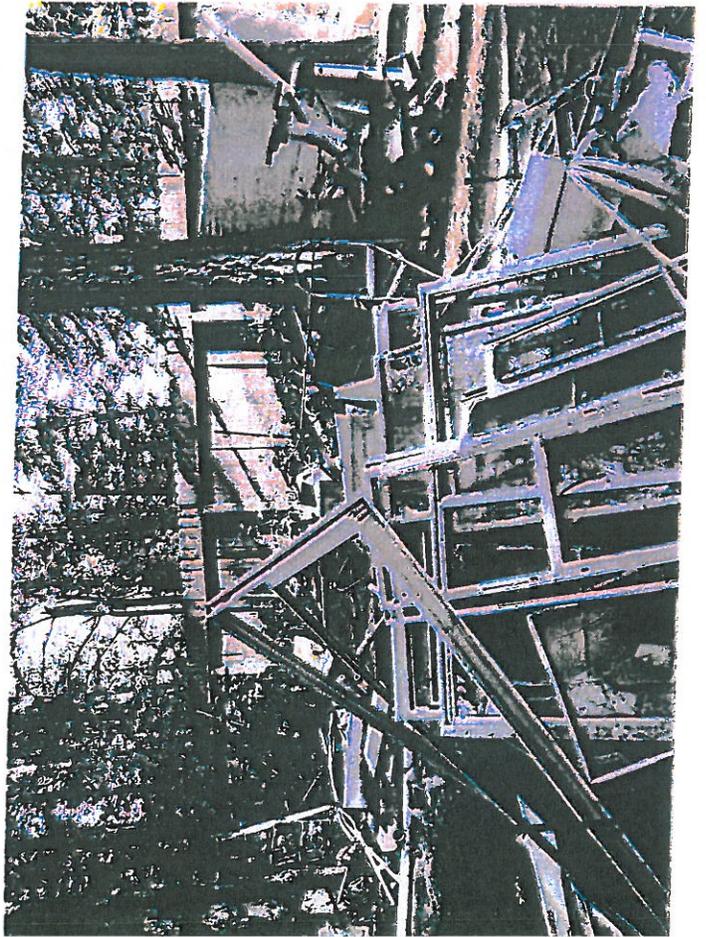
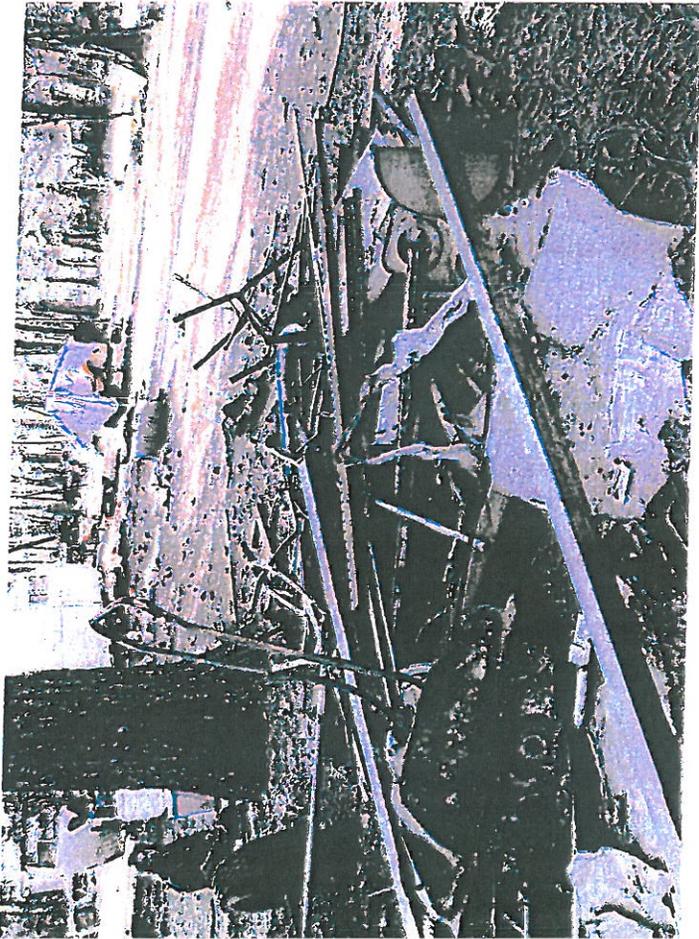
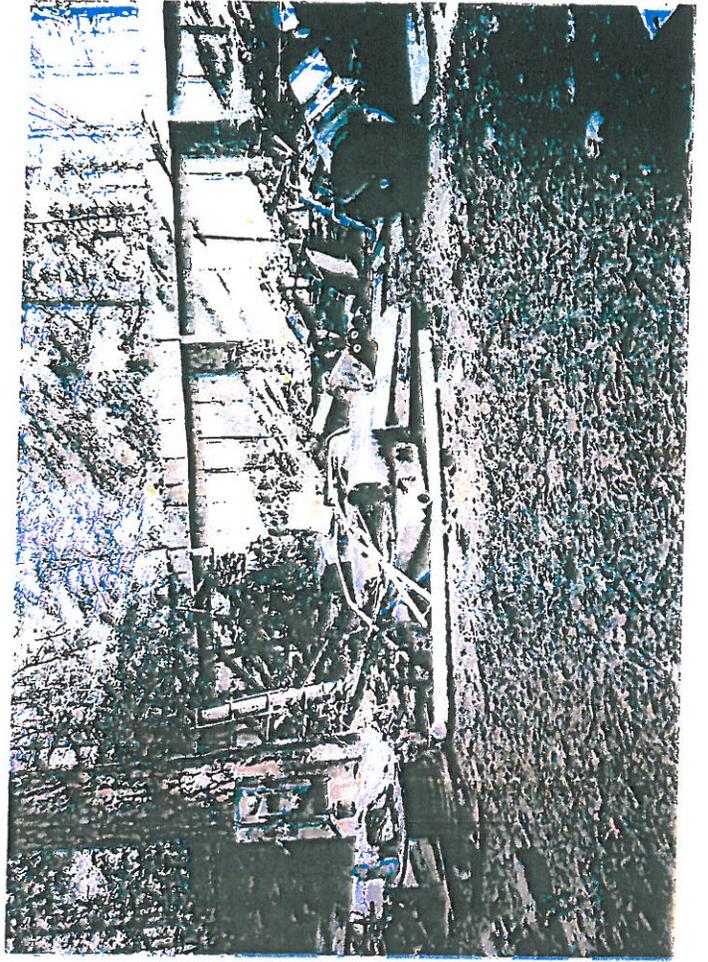
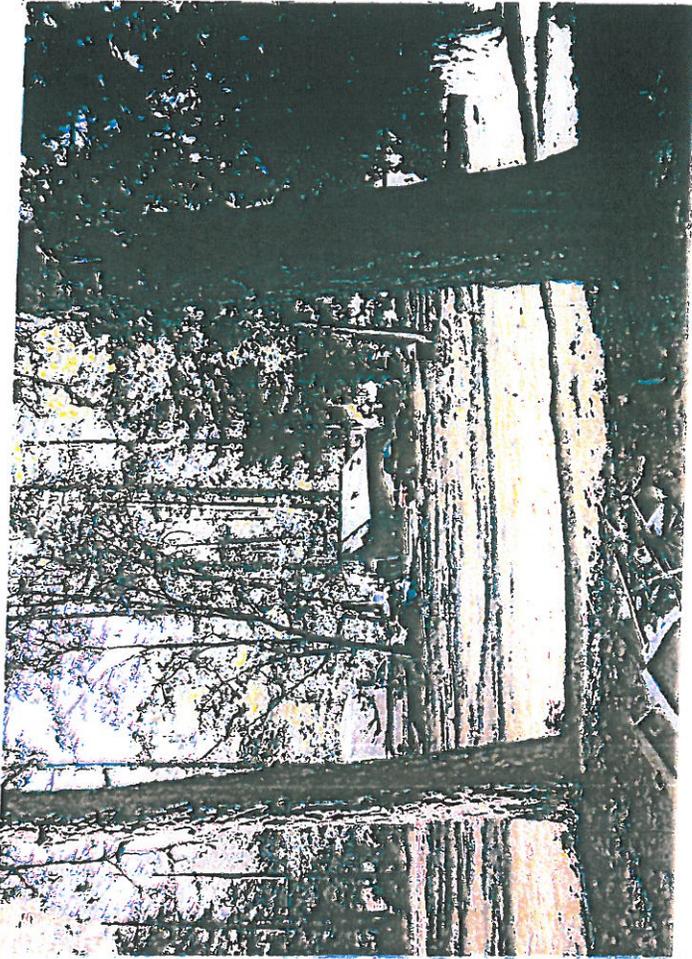
Definitions

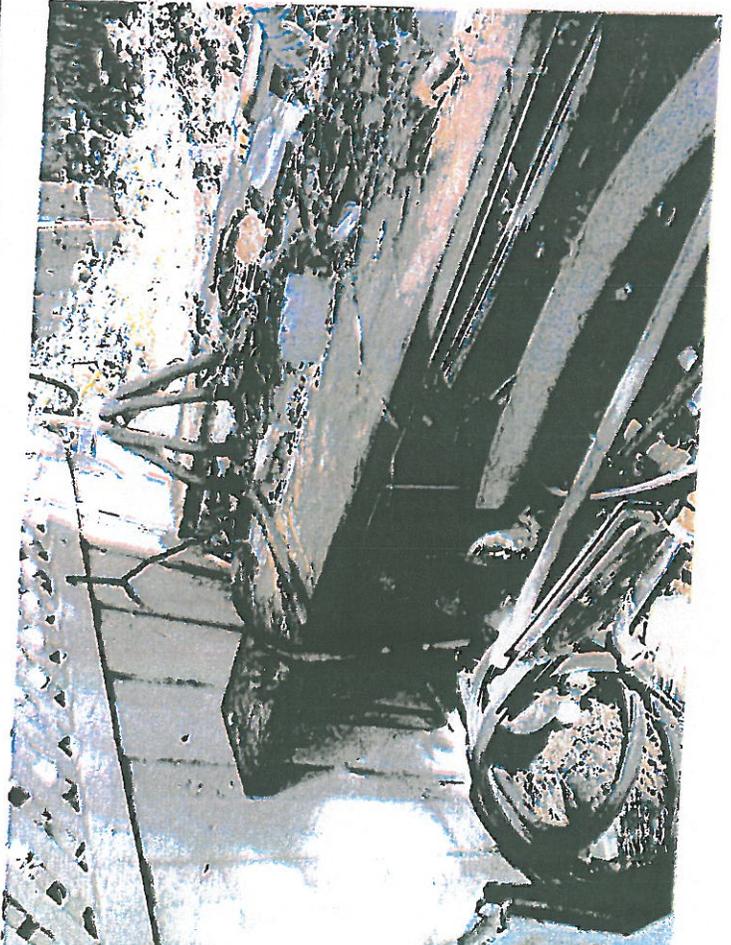
Abate, means to eliminate violation and to make code compliant, if applicable.

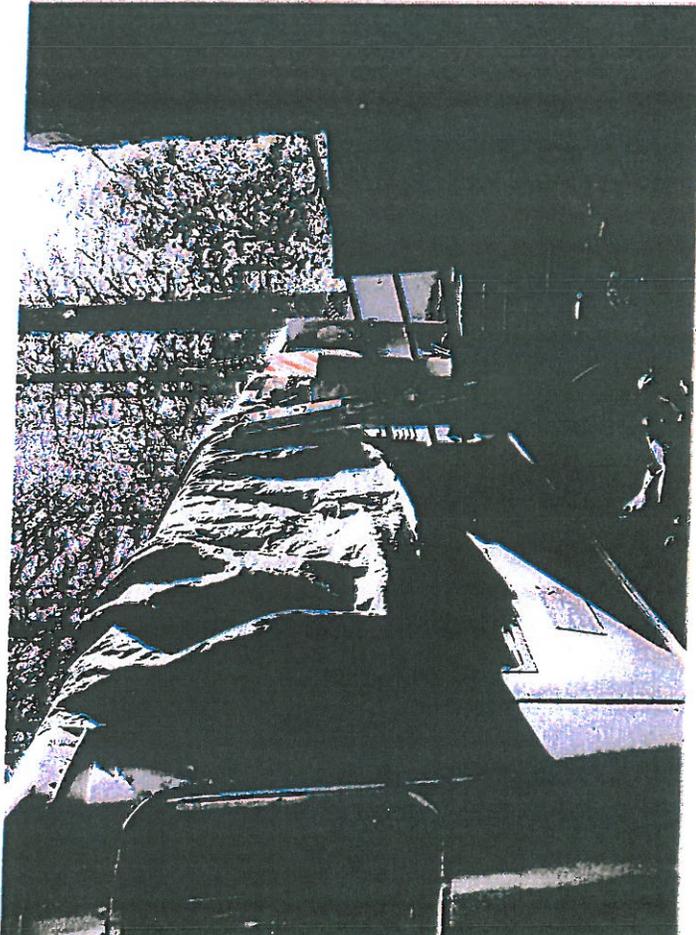
Repair, means to correct to code compliant condition.

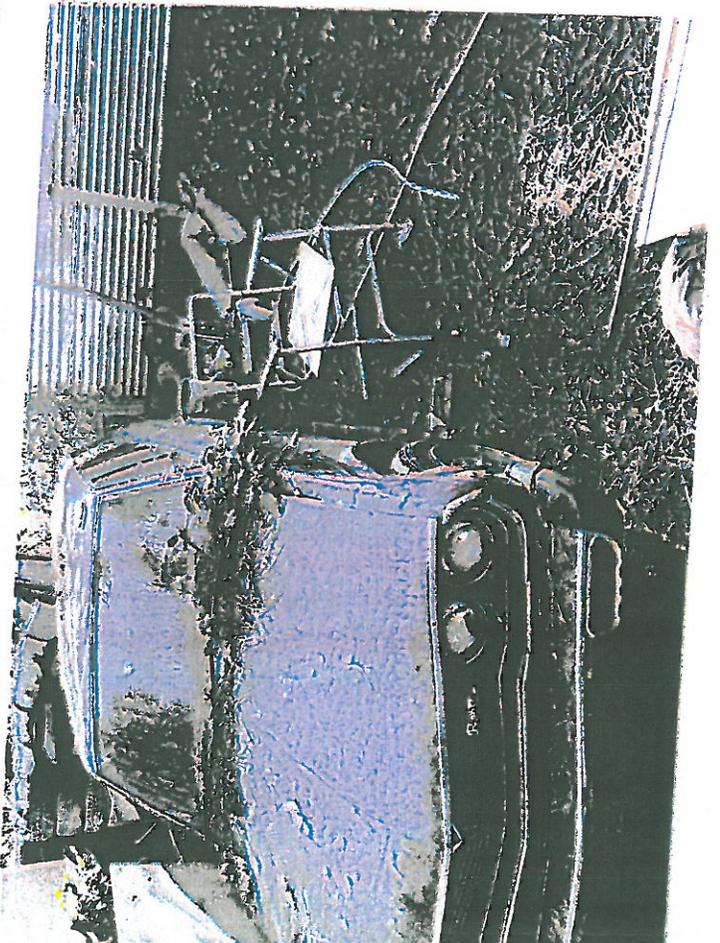
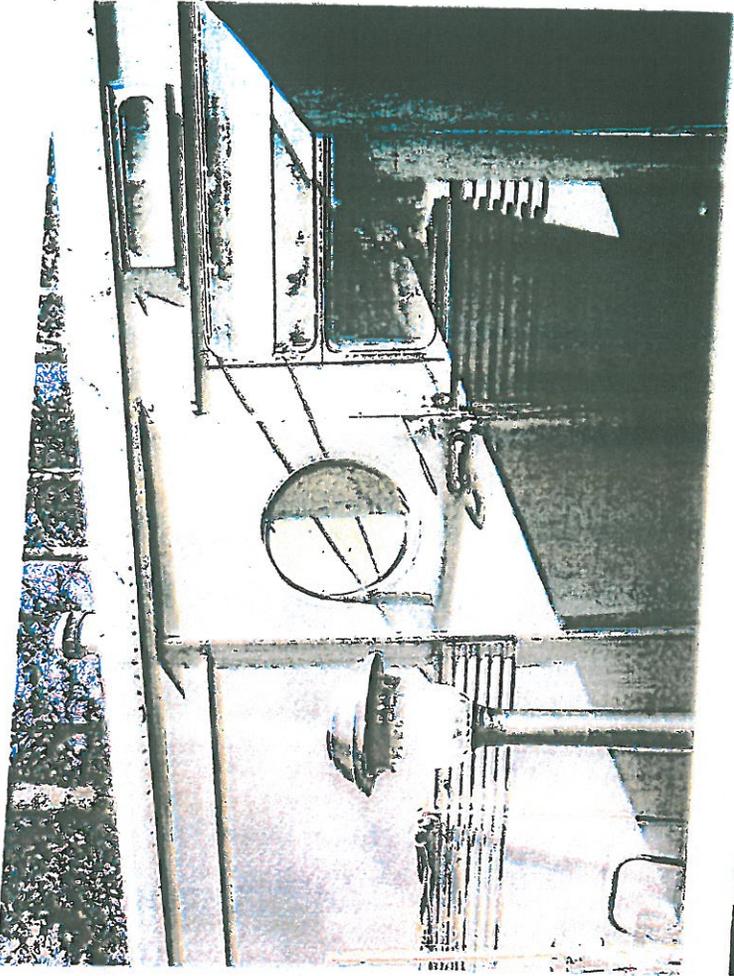
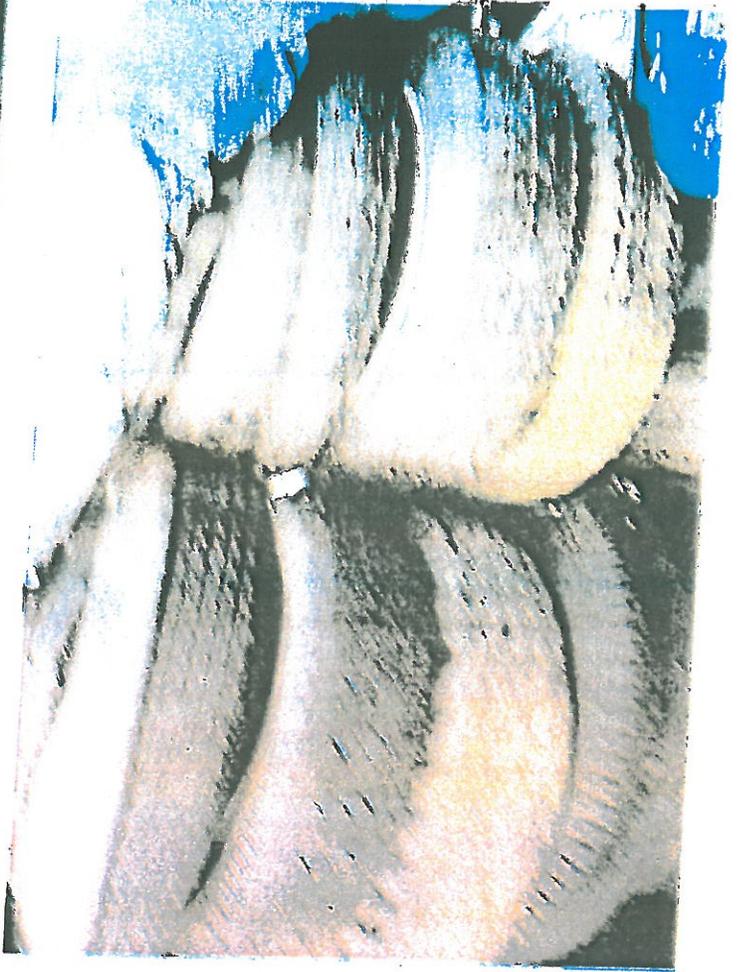


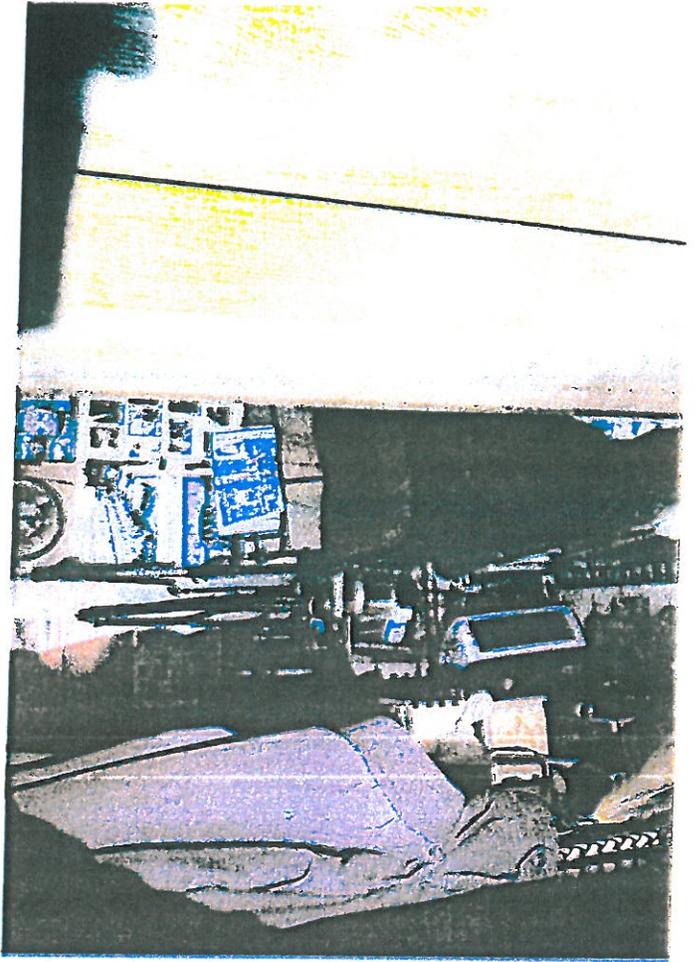
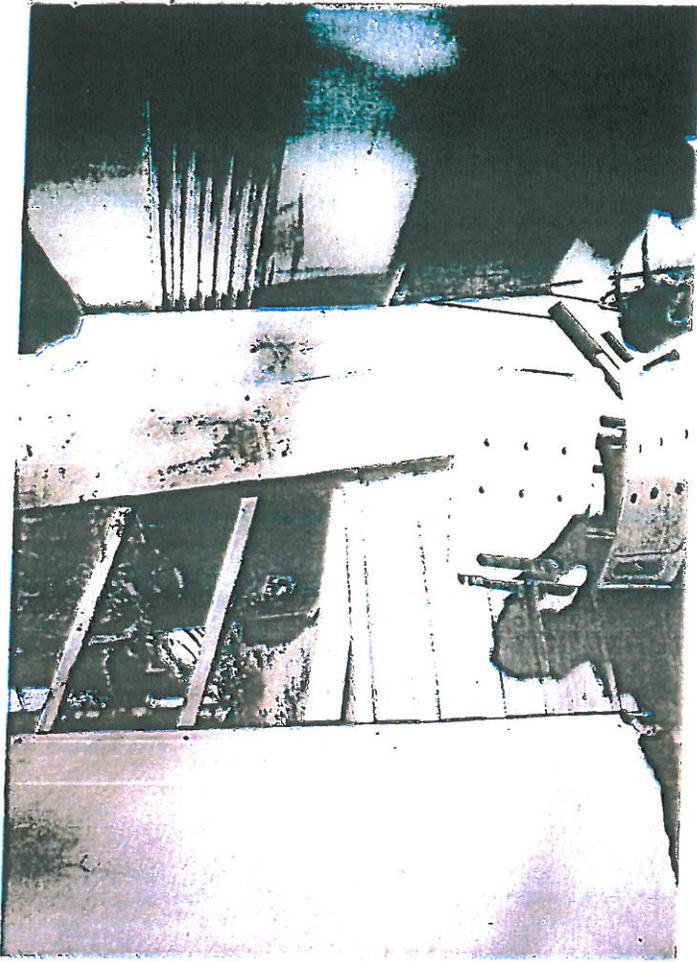


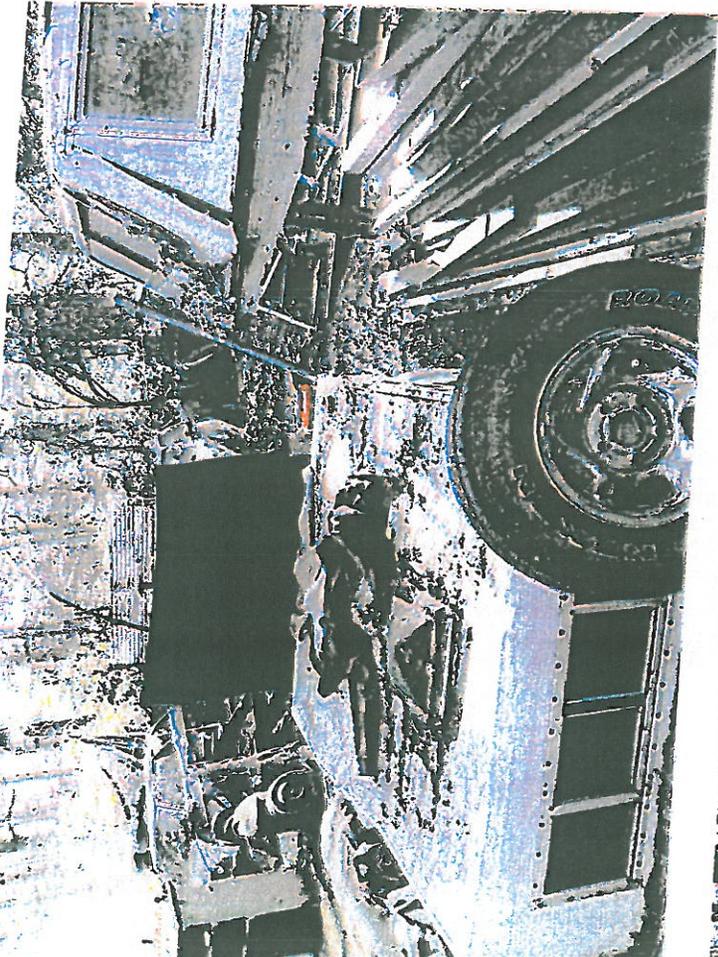
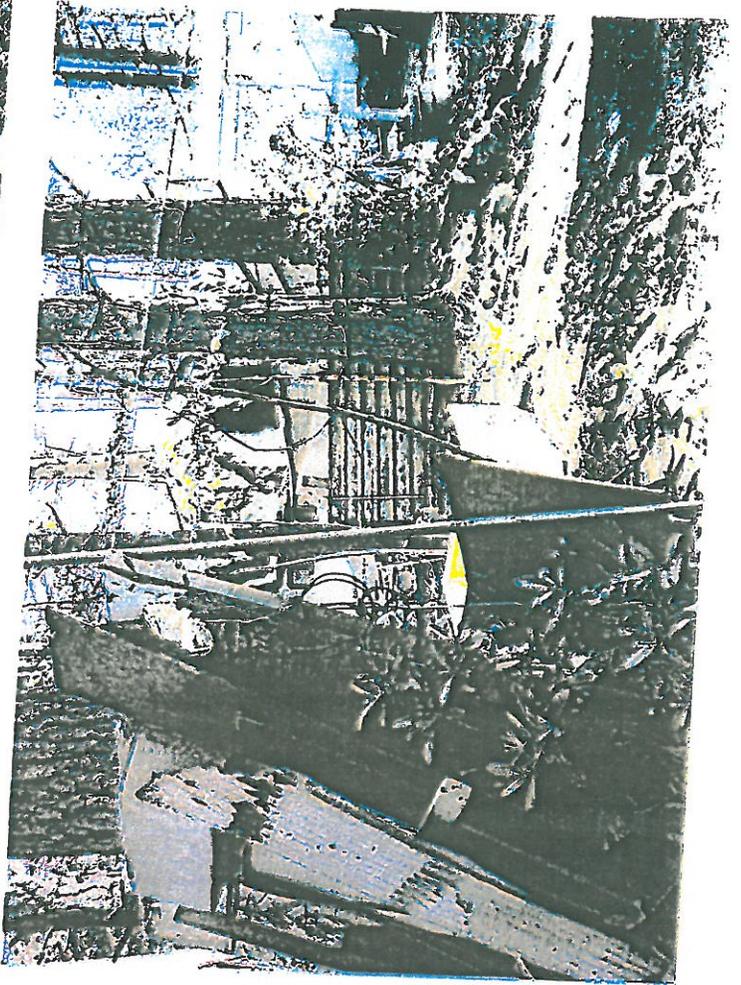


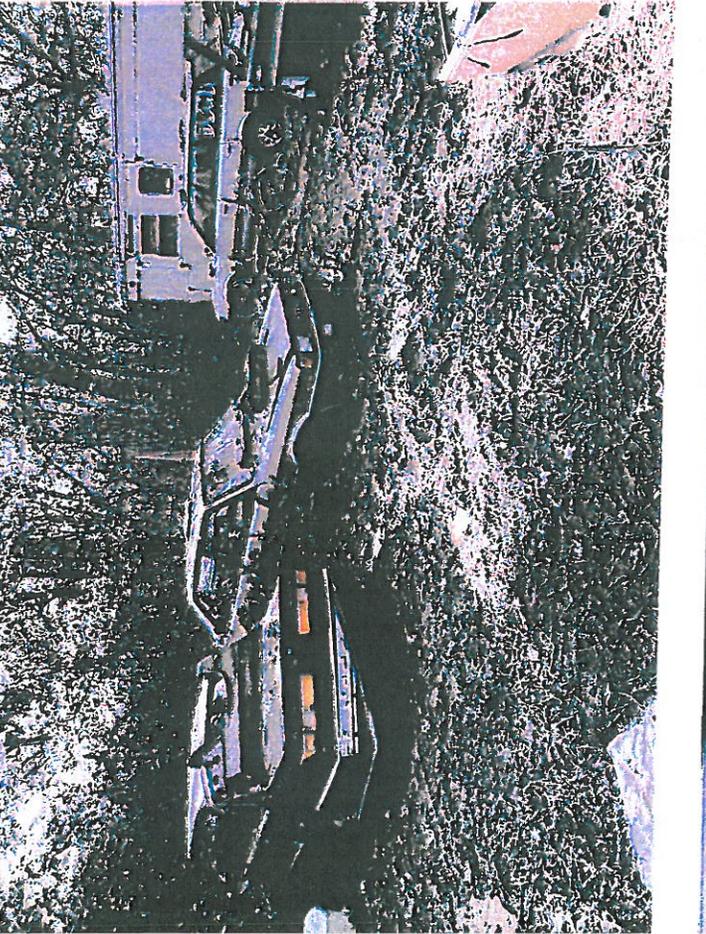
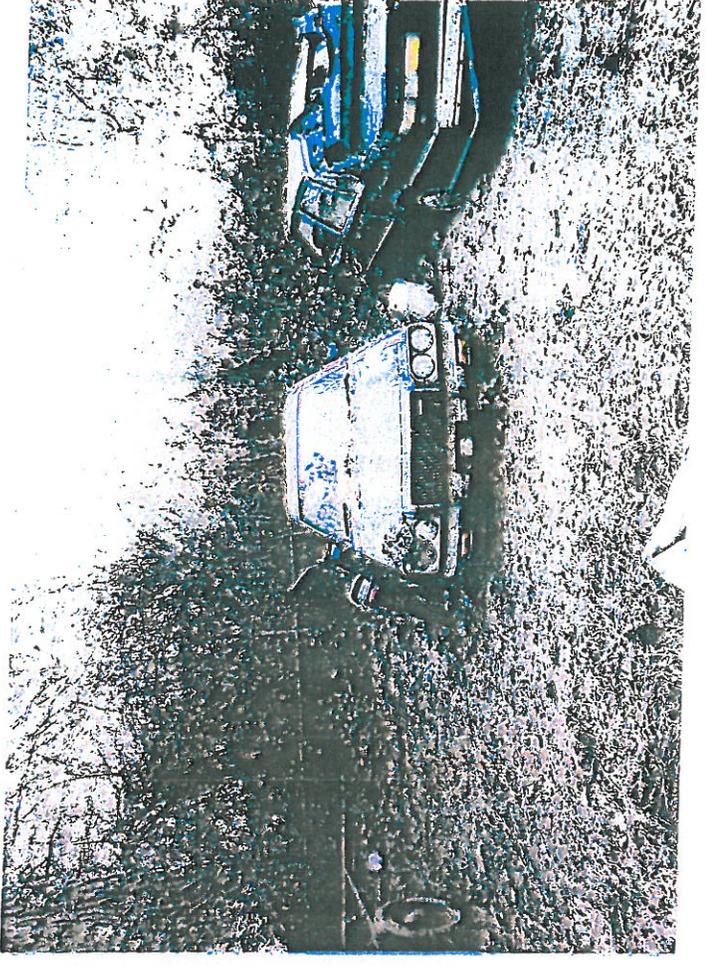
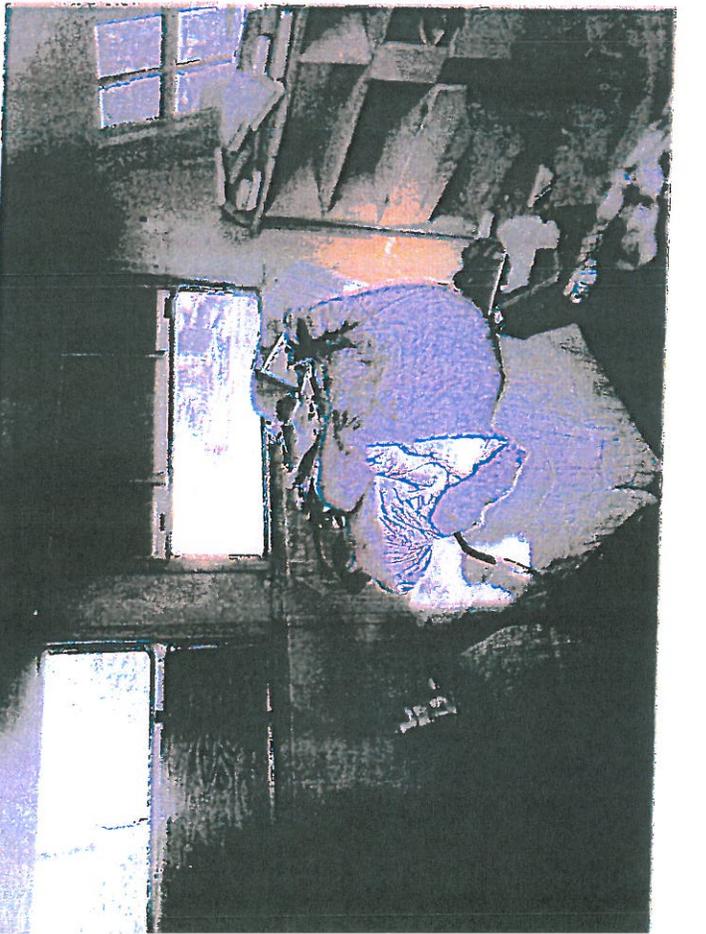


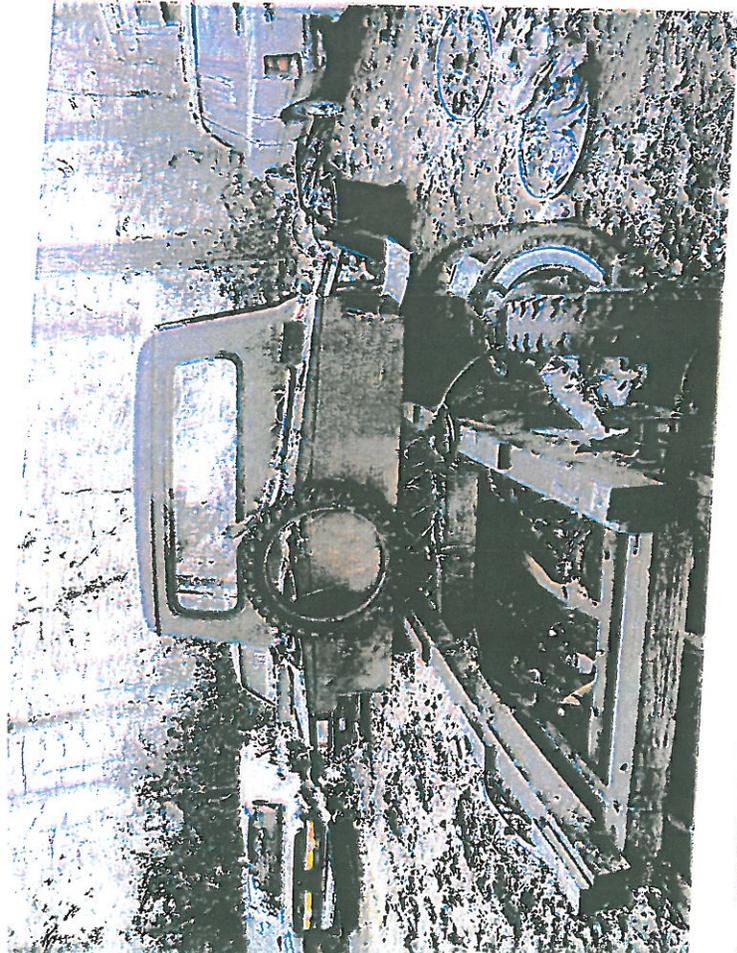
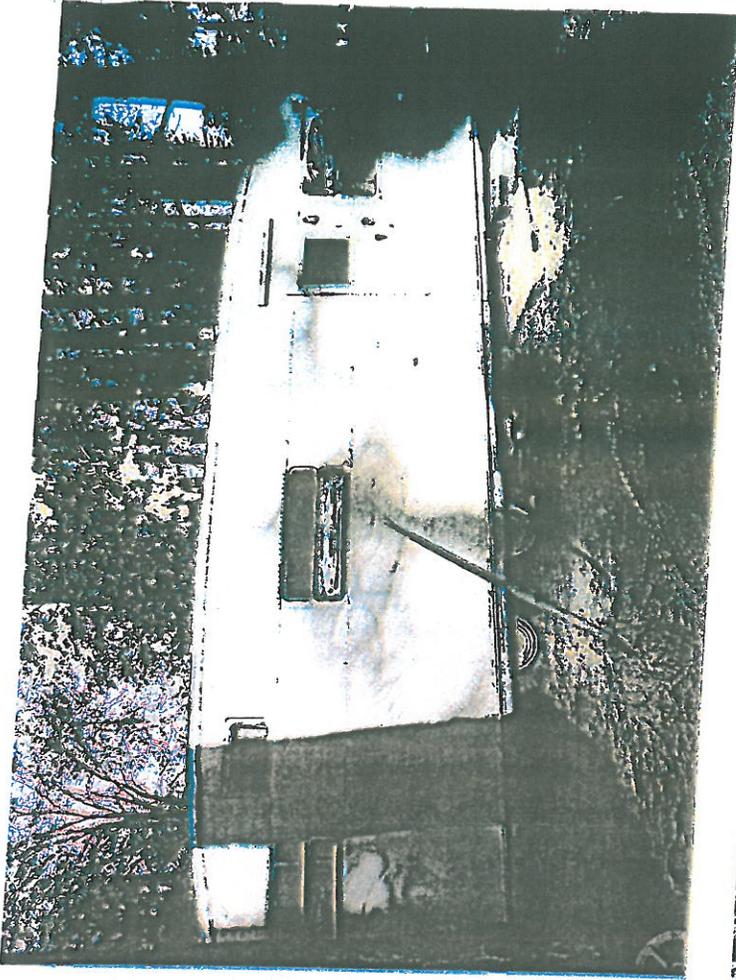


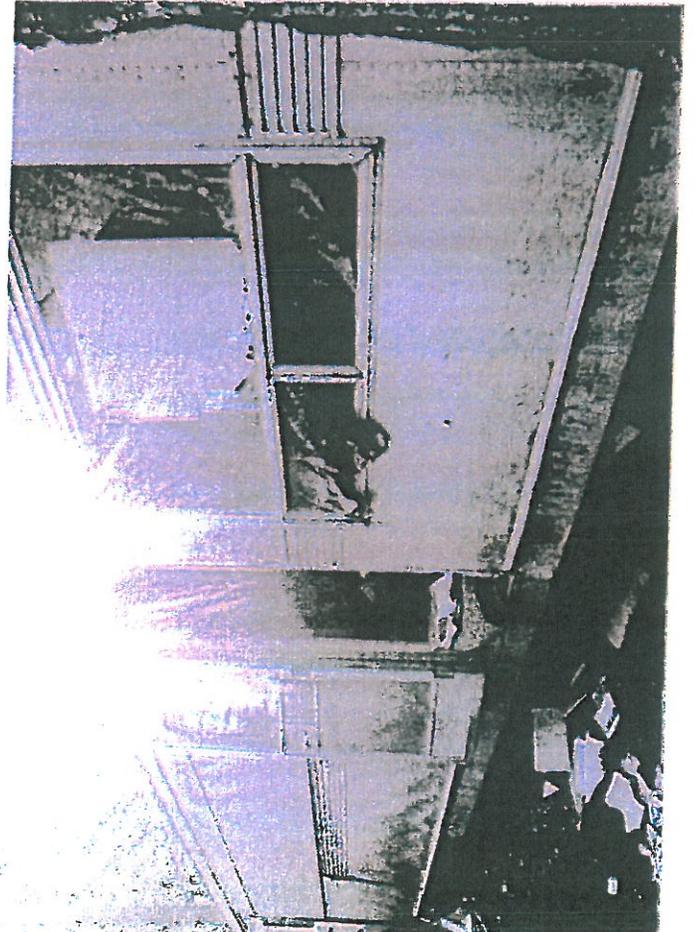
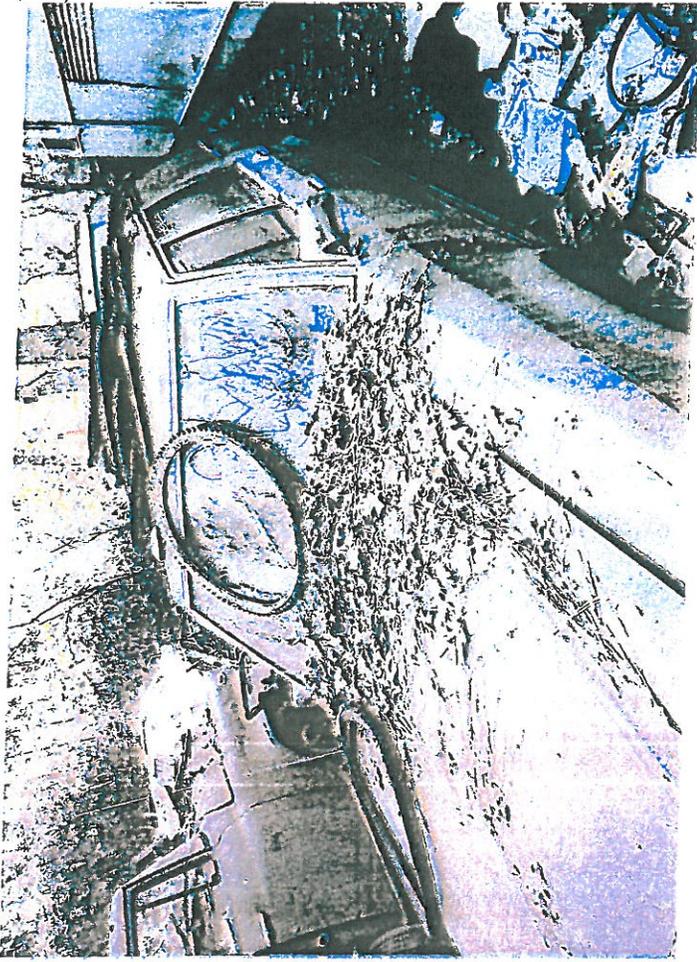




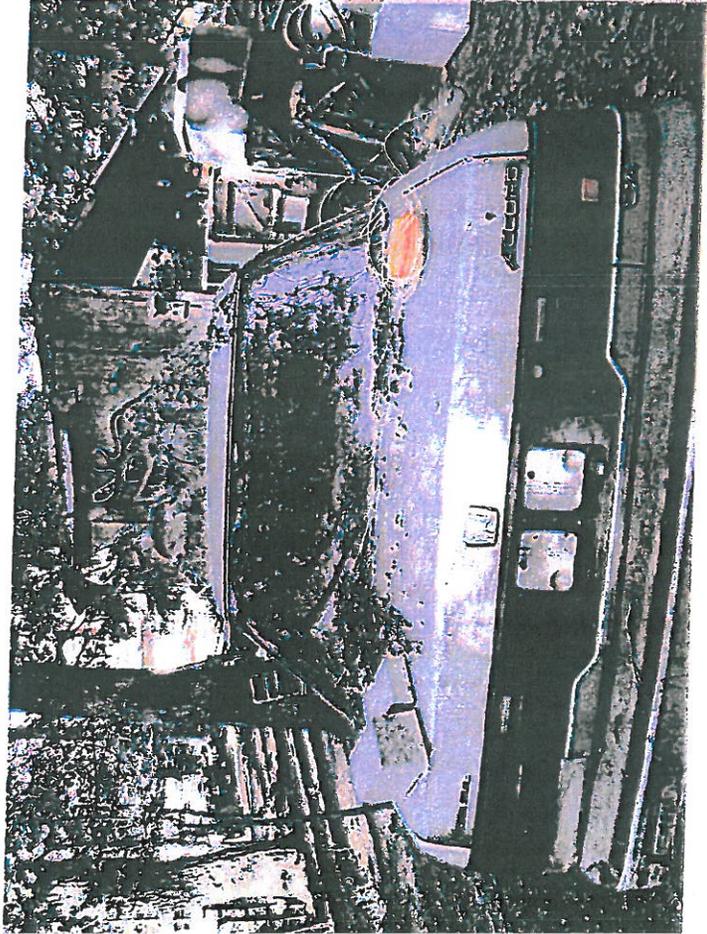
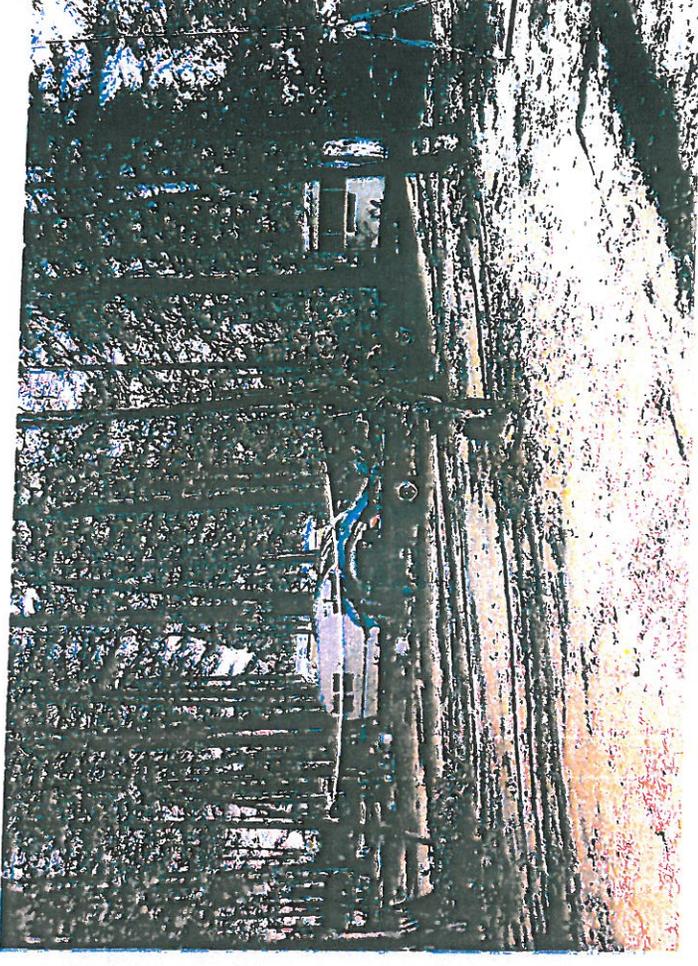
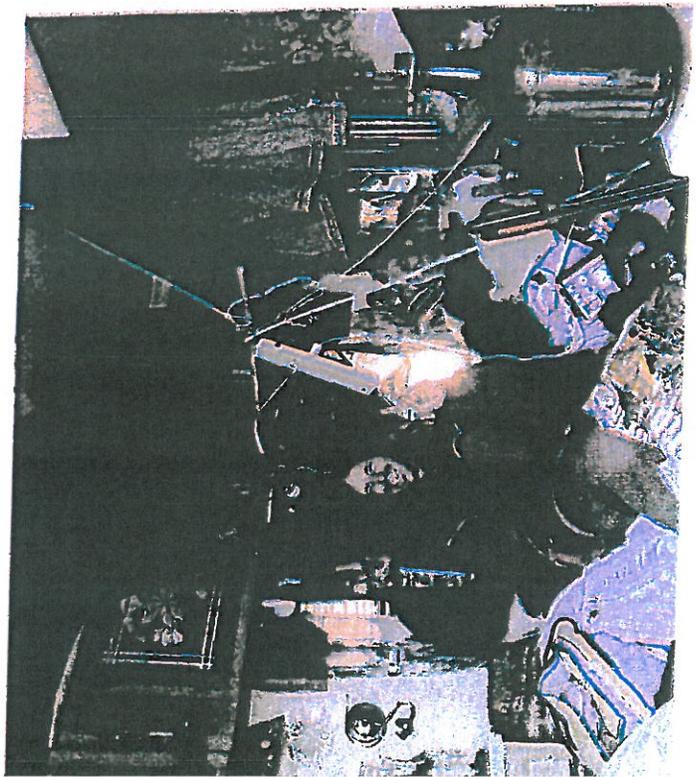
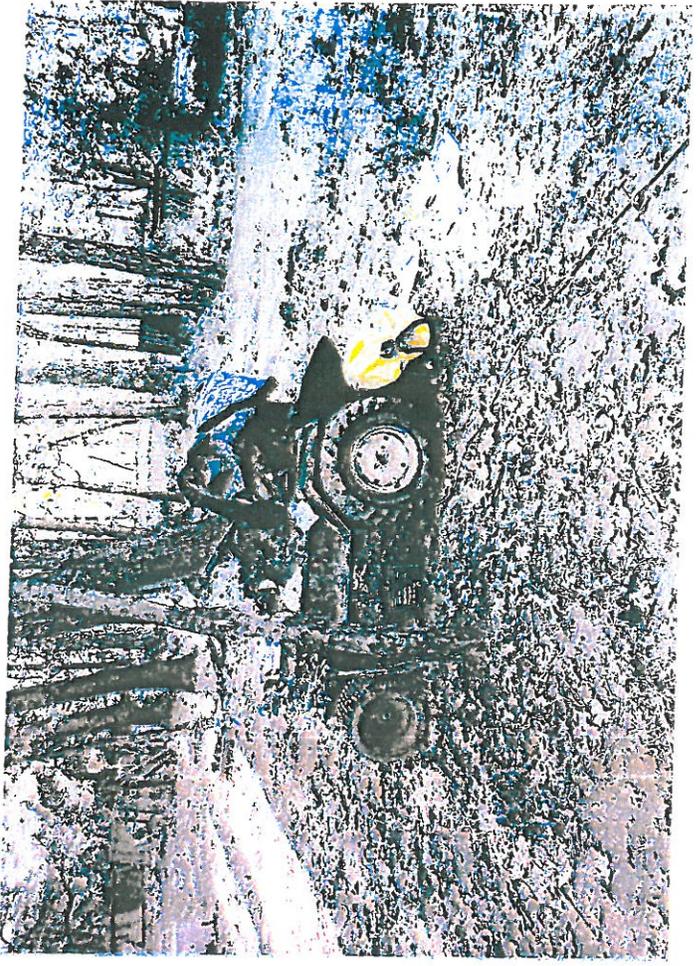


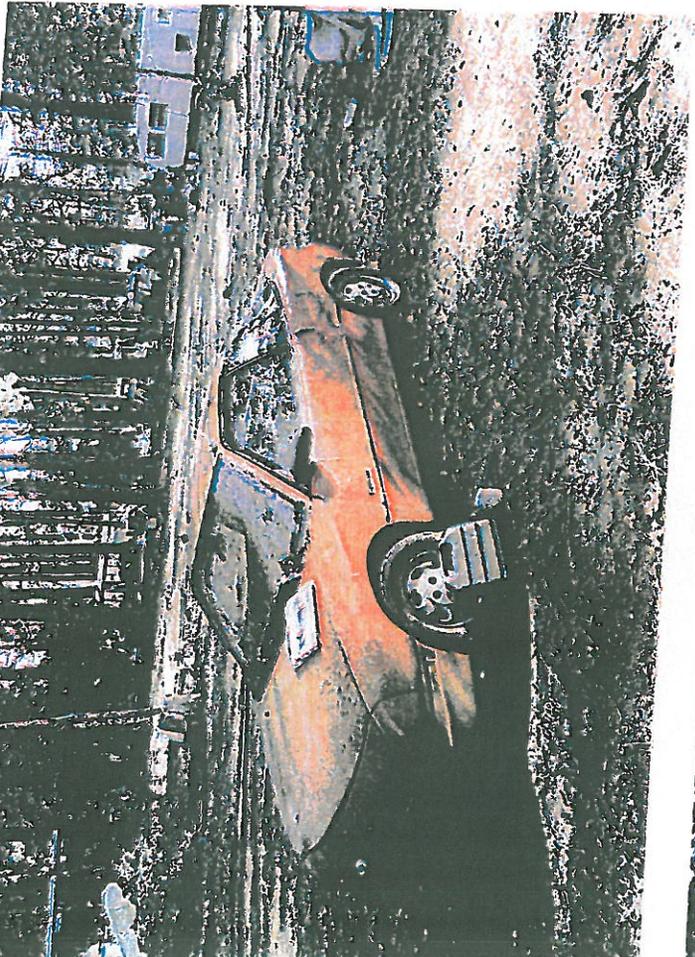
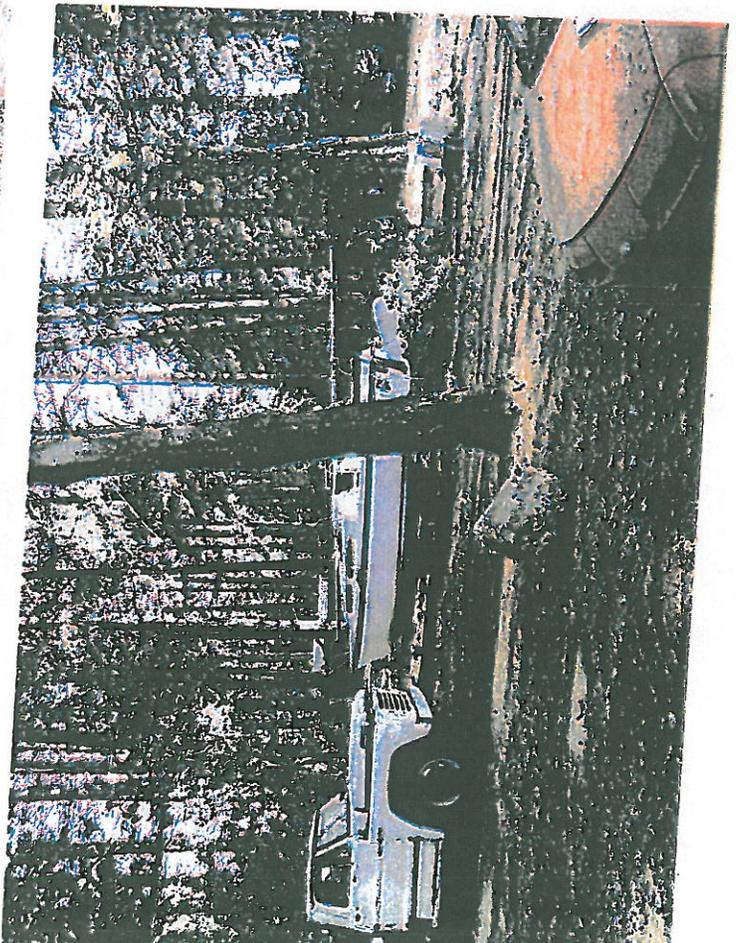
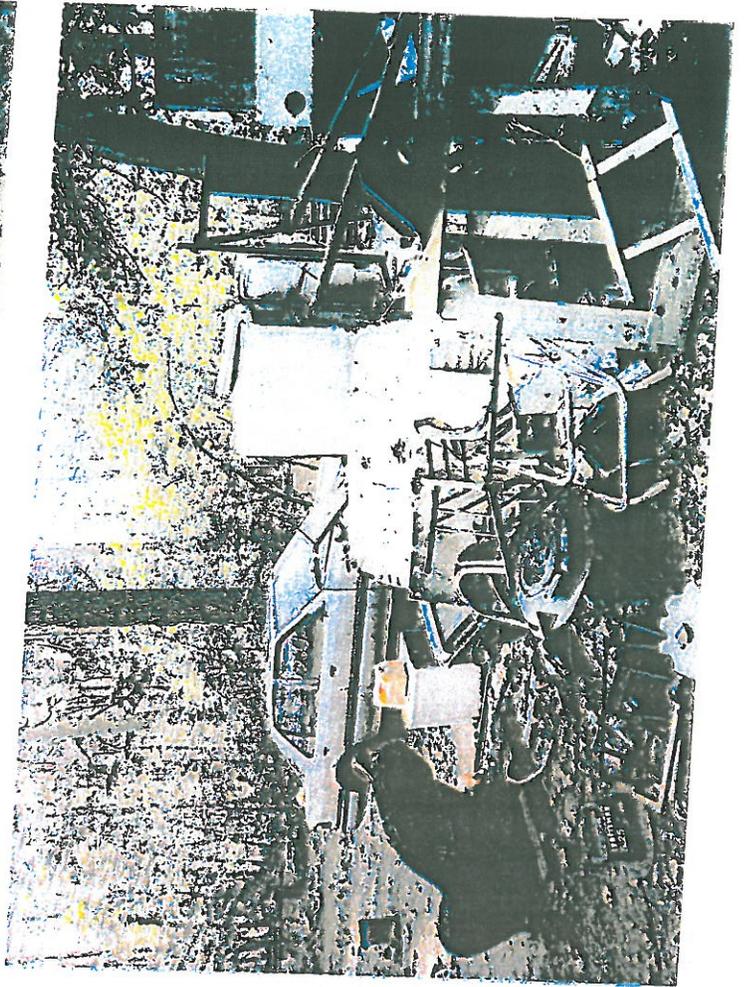
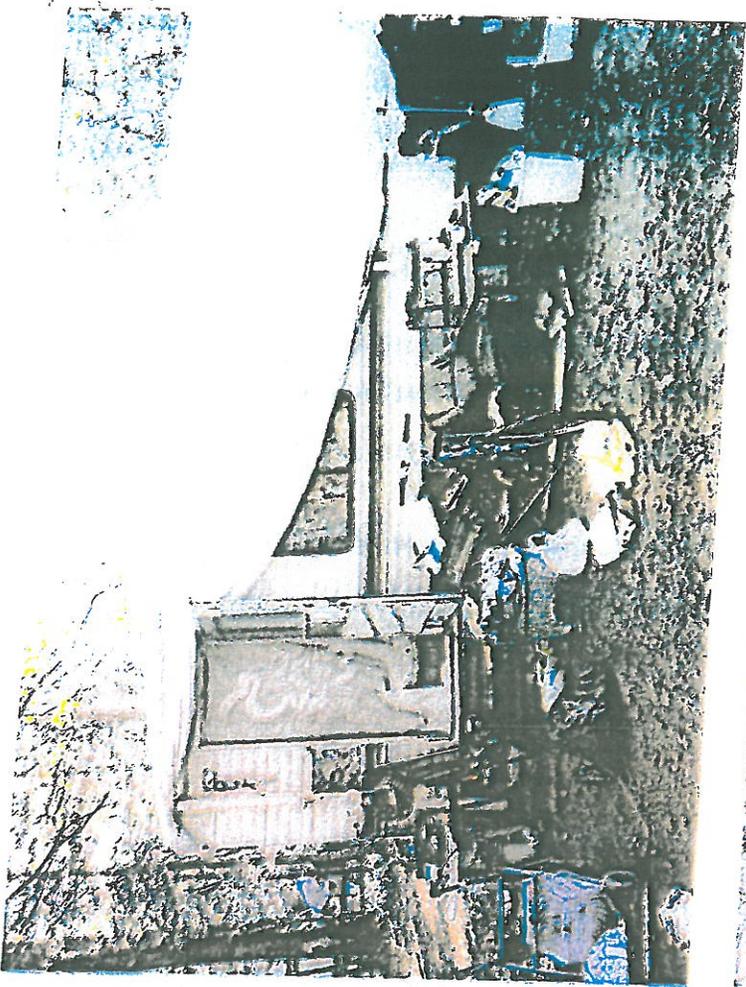


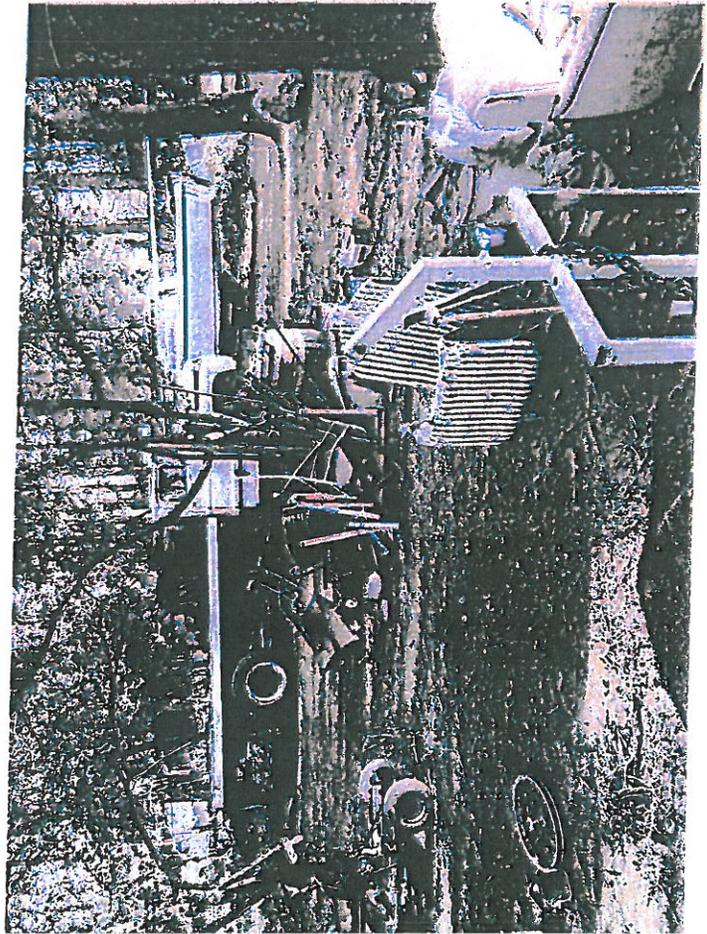
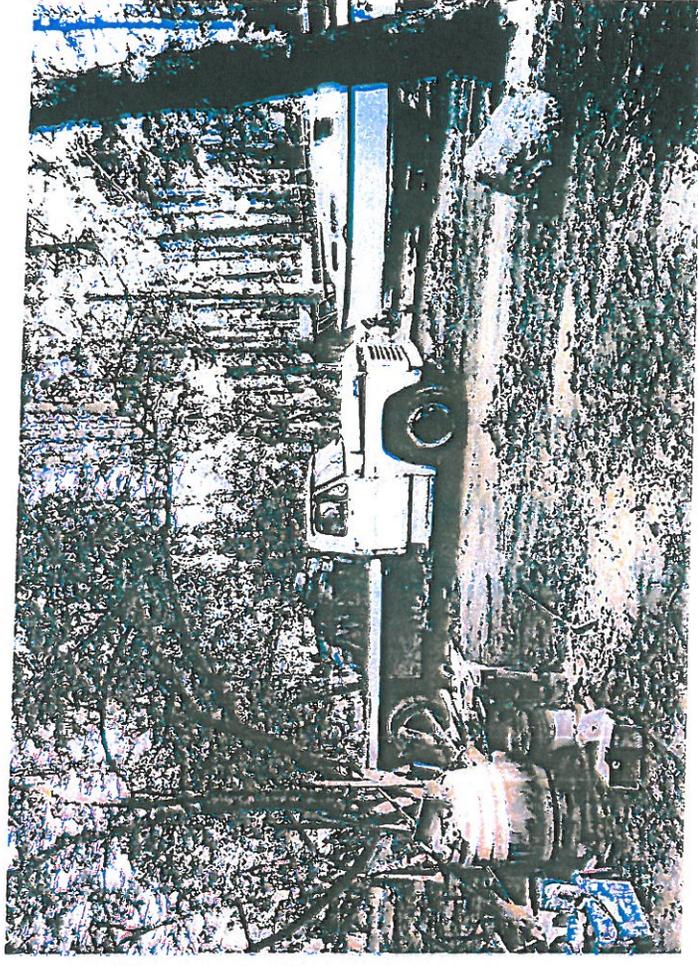
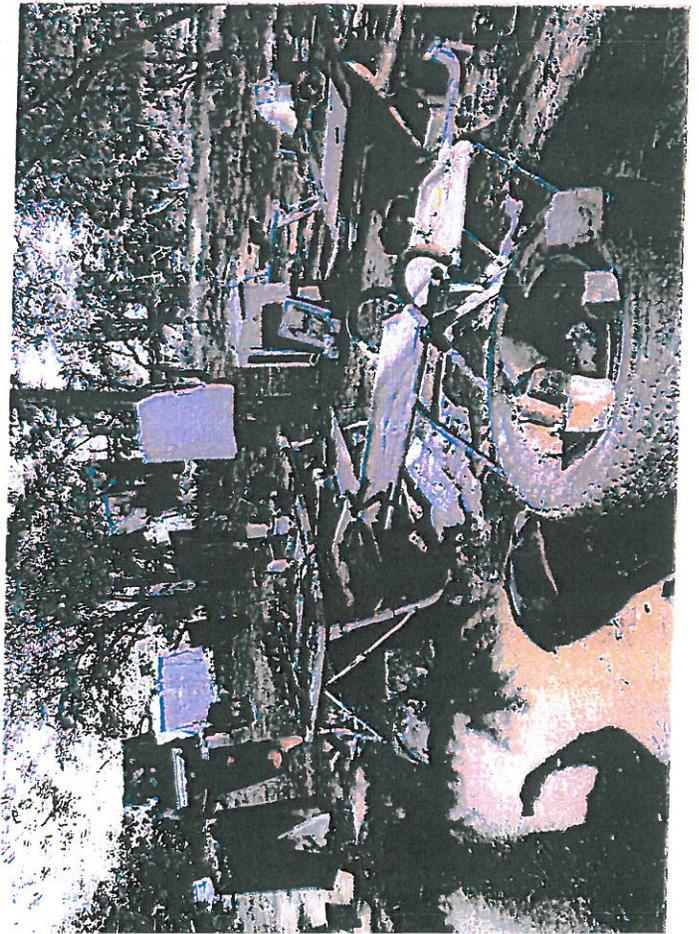


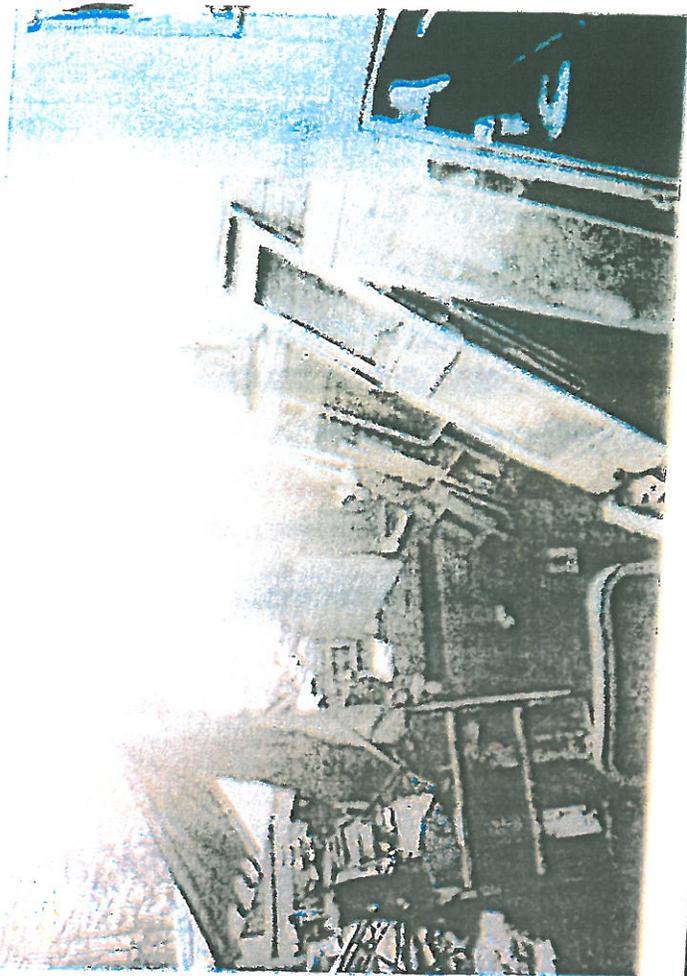


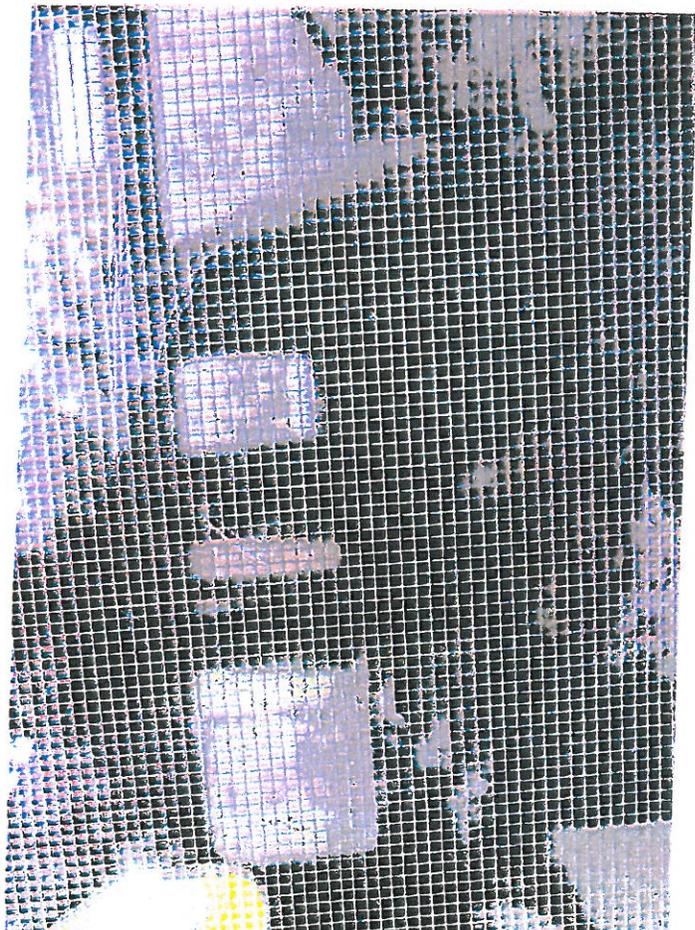
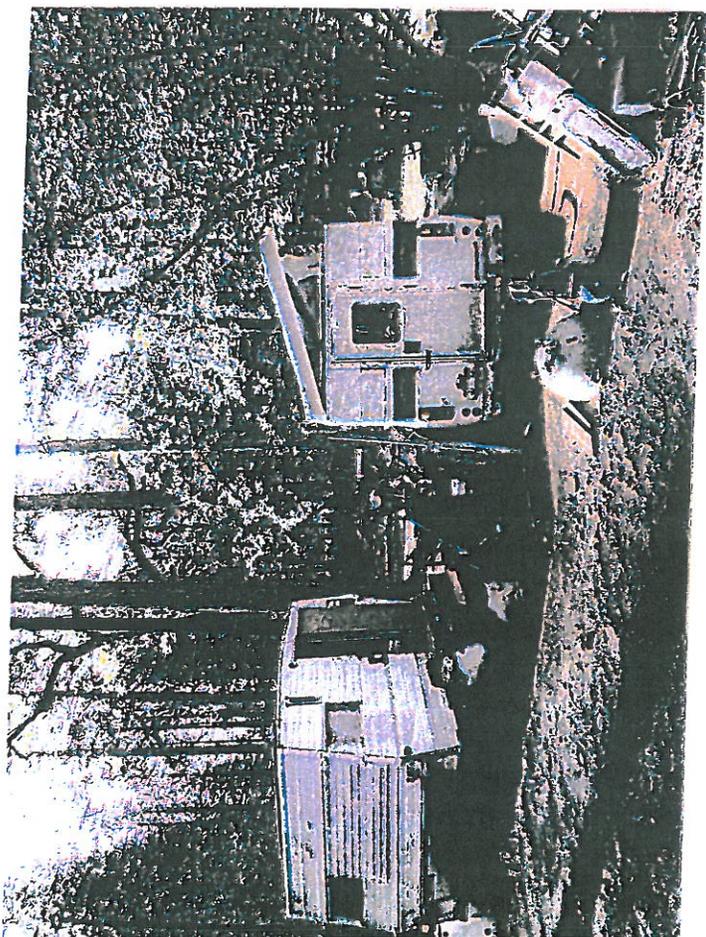
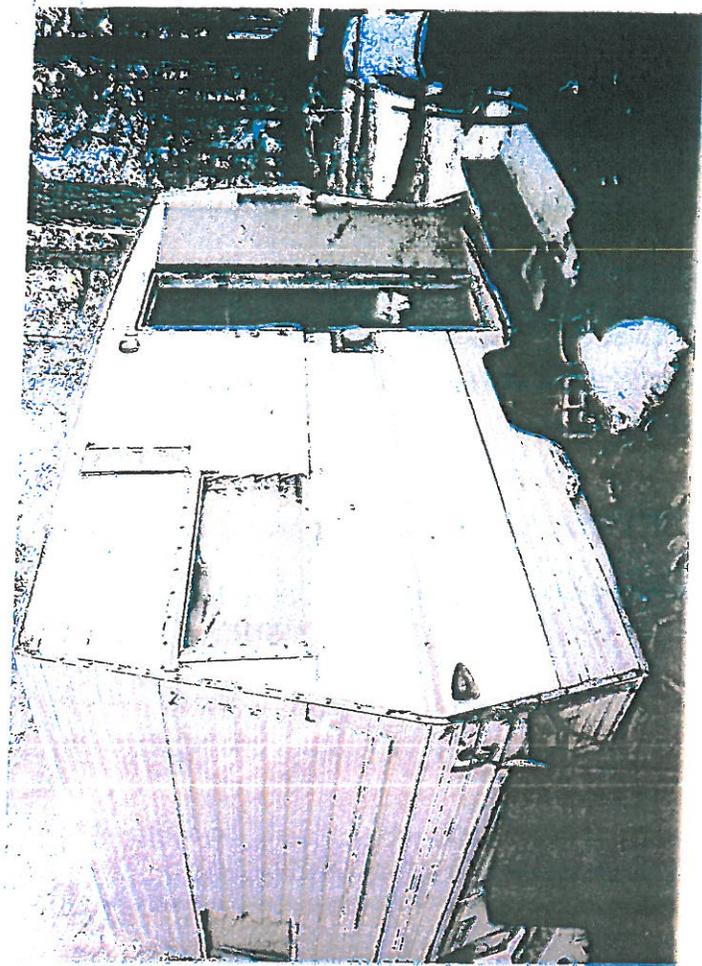


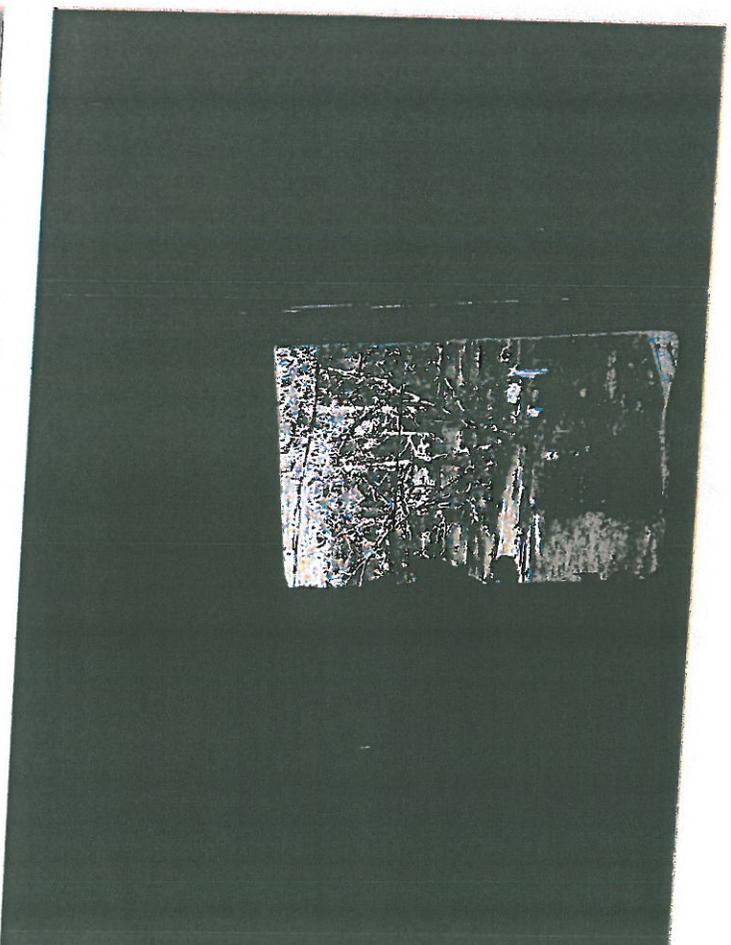
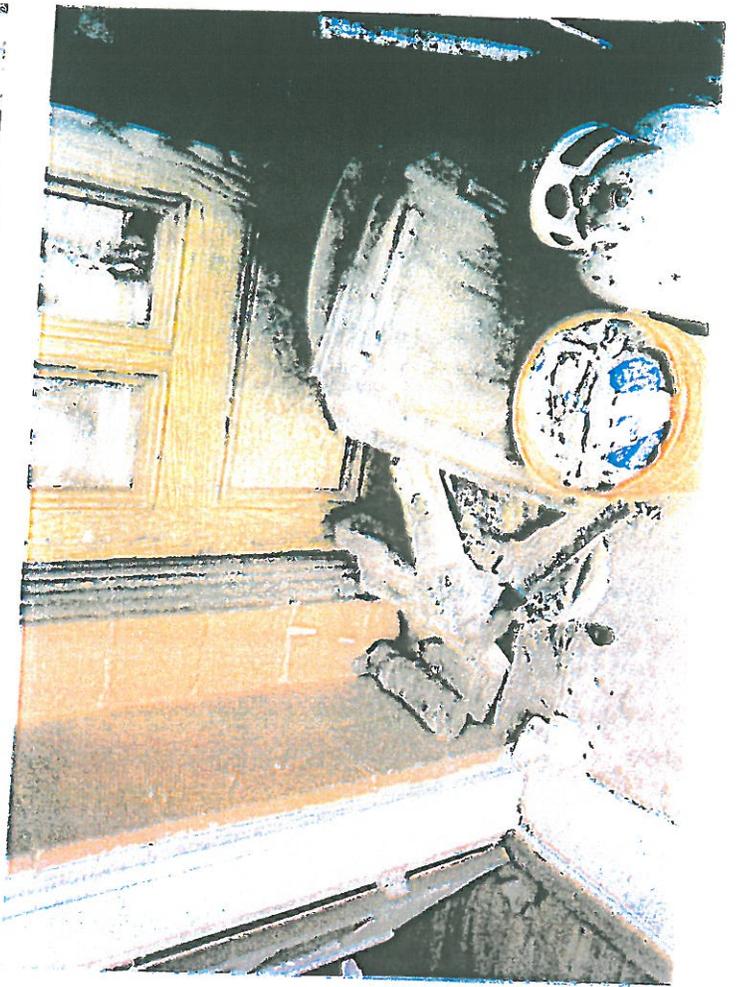


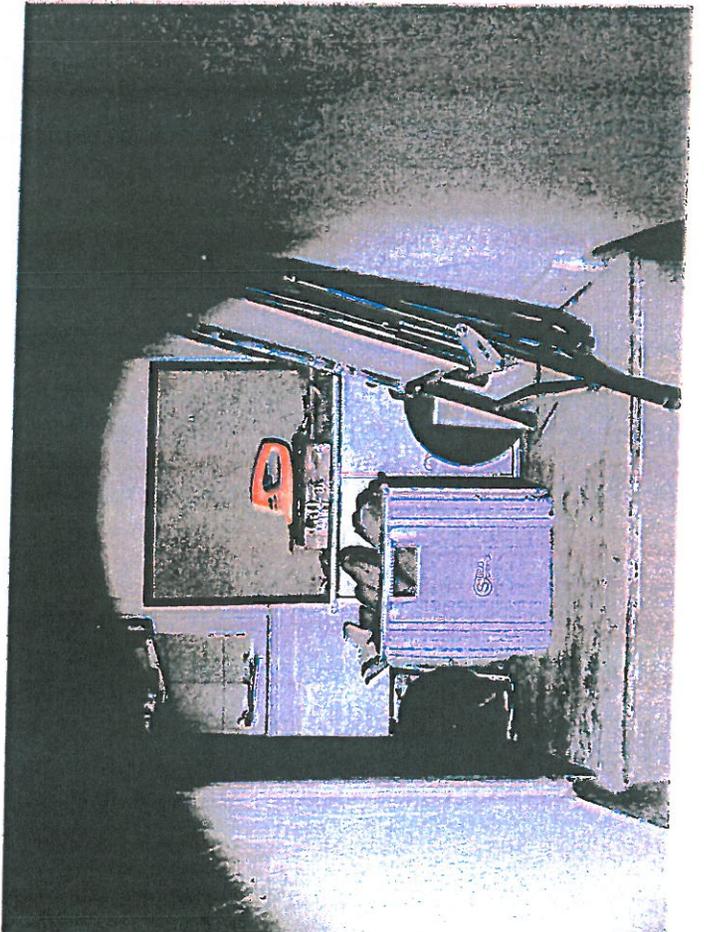
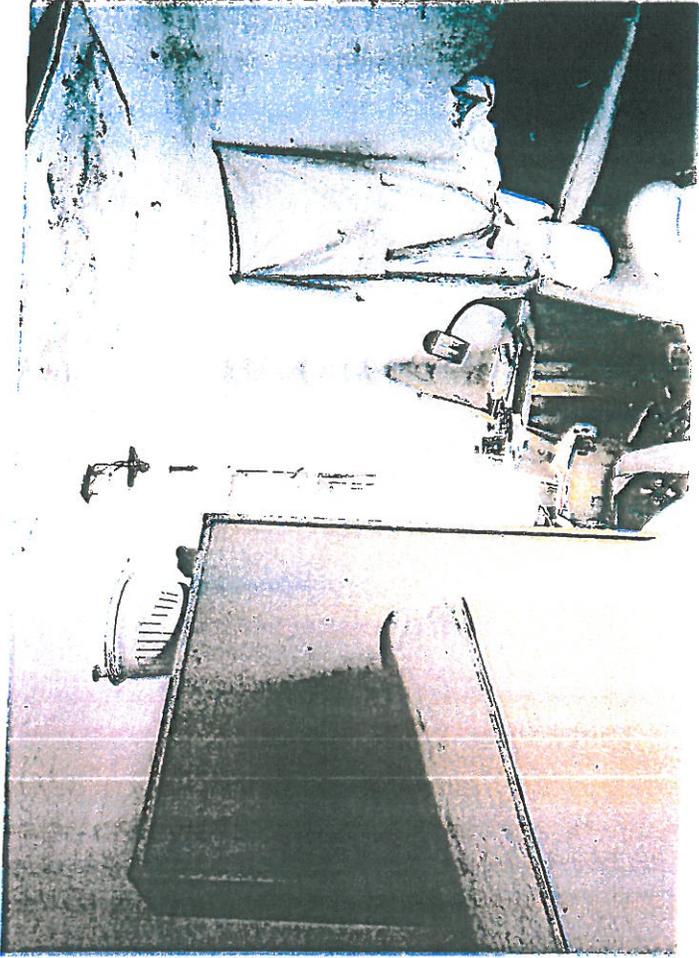


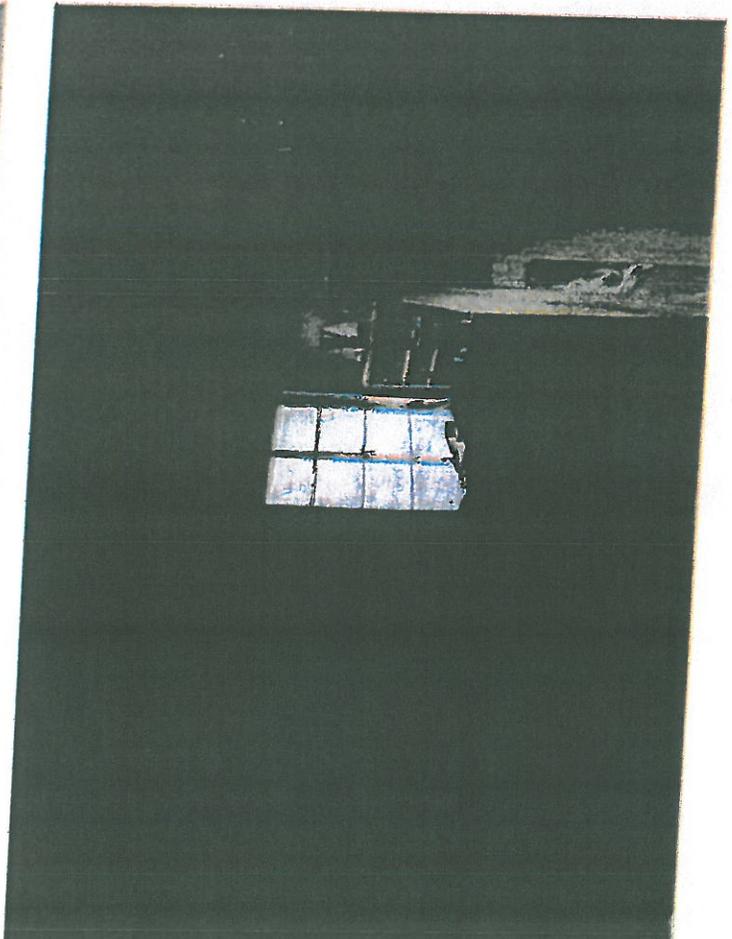


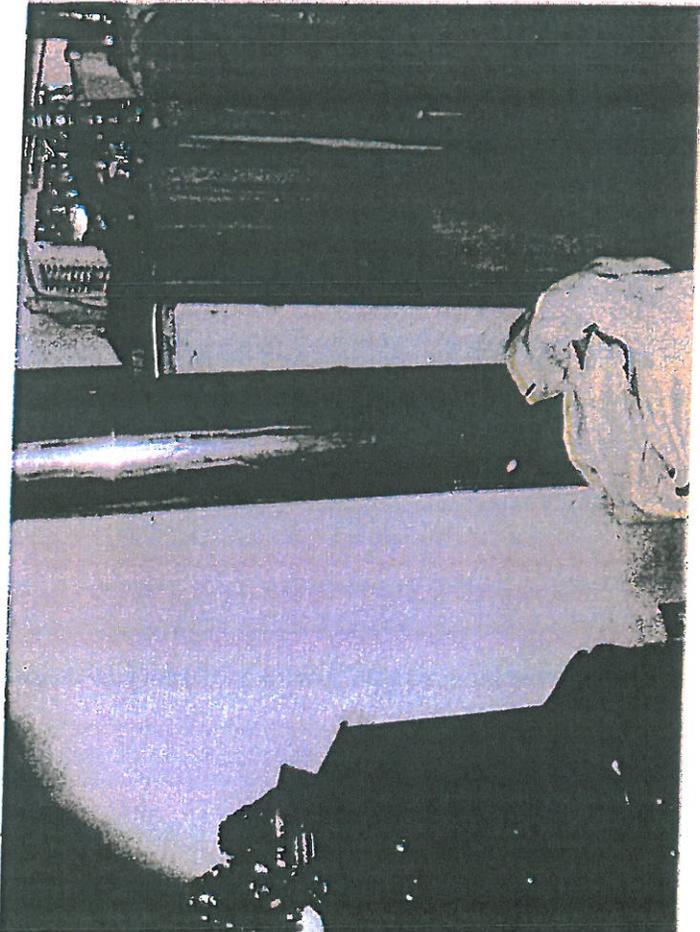
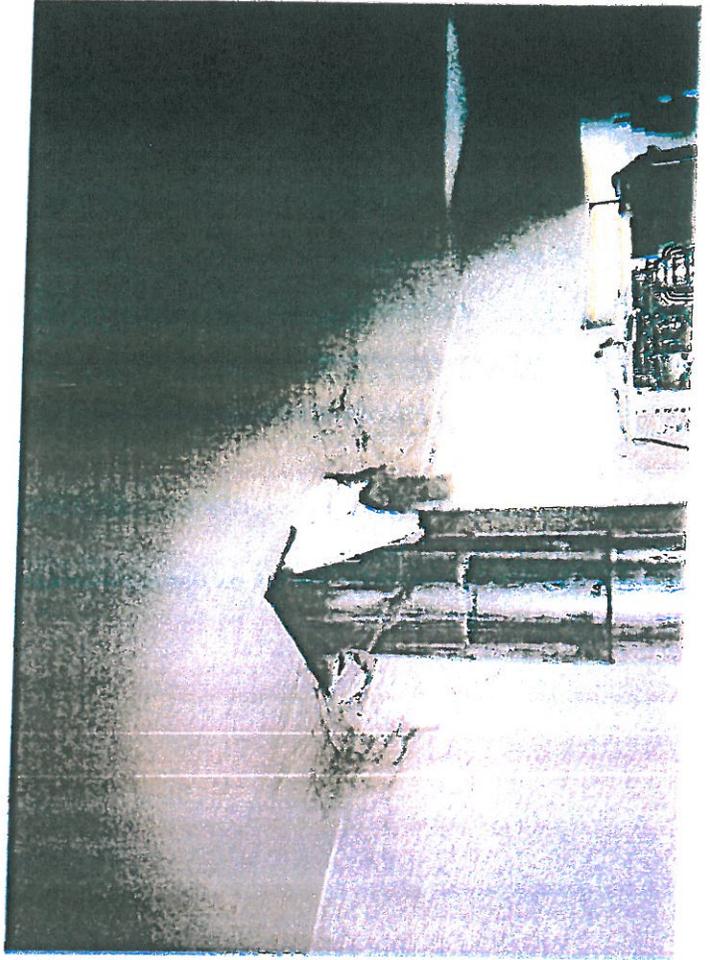
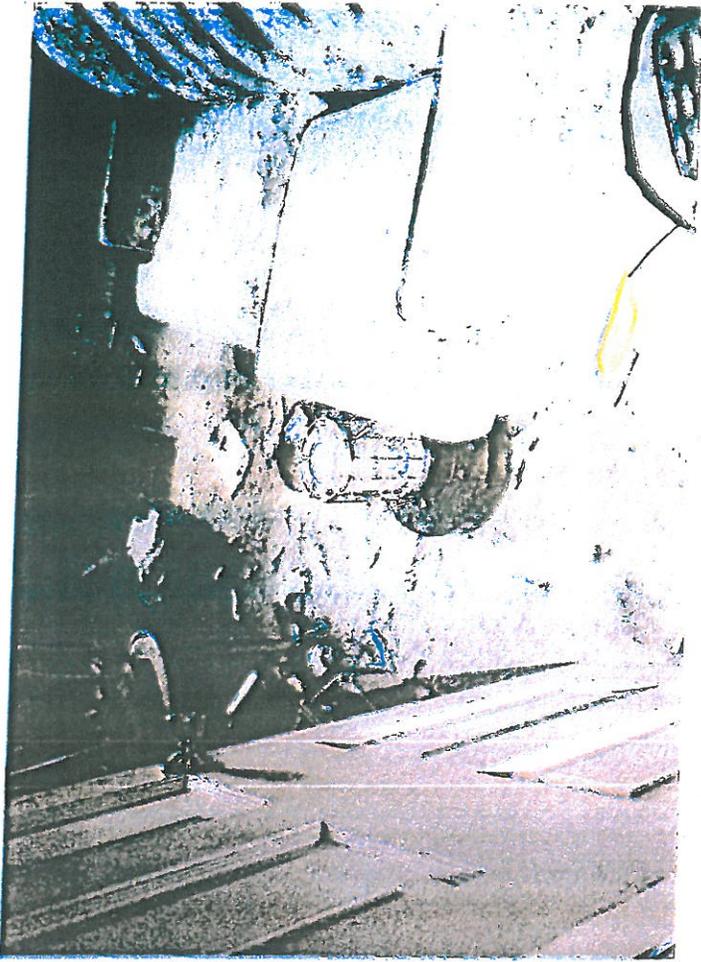


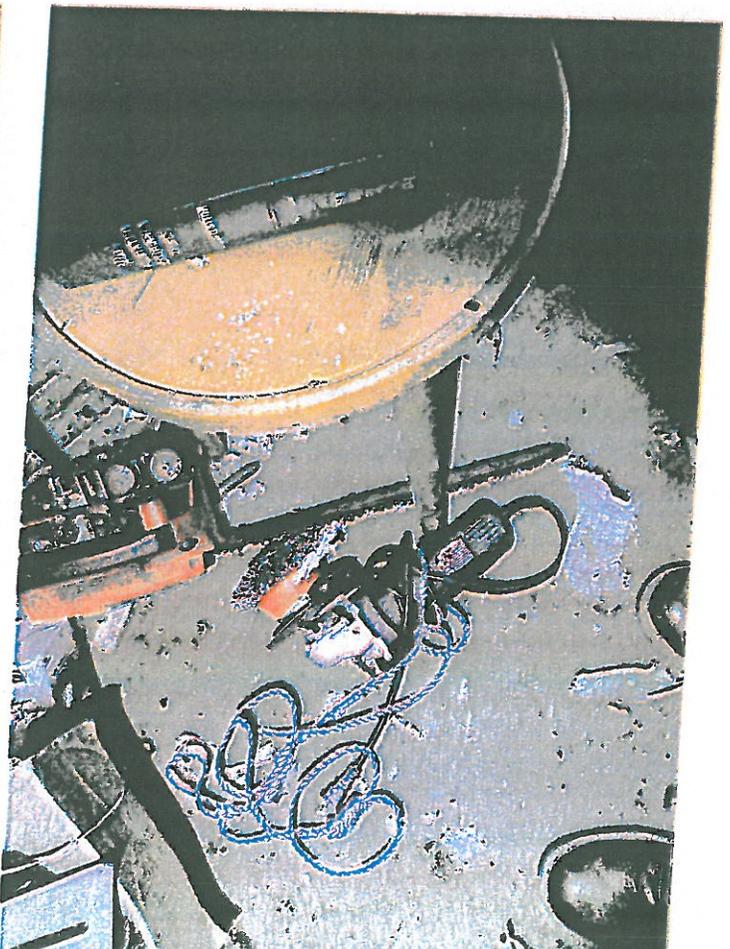
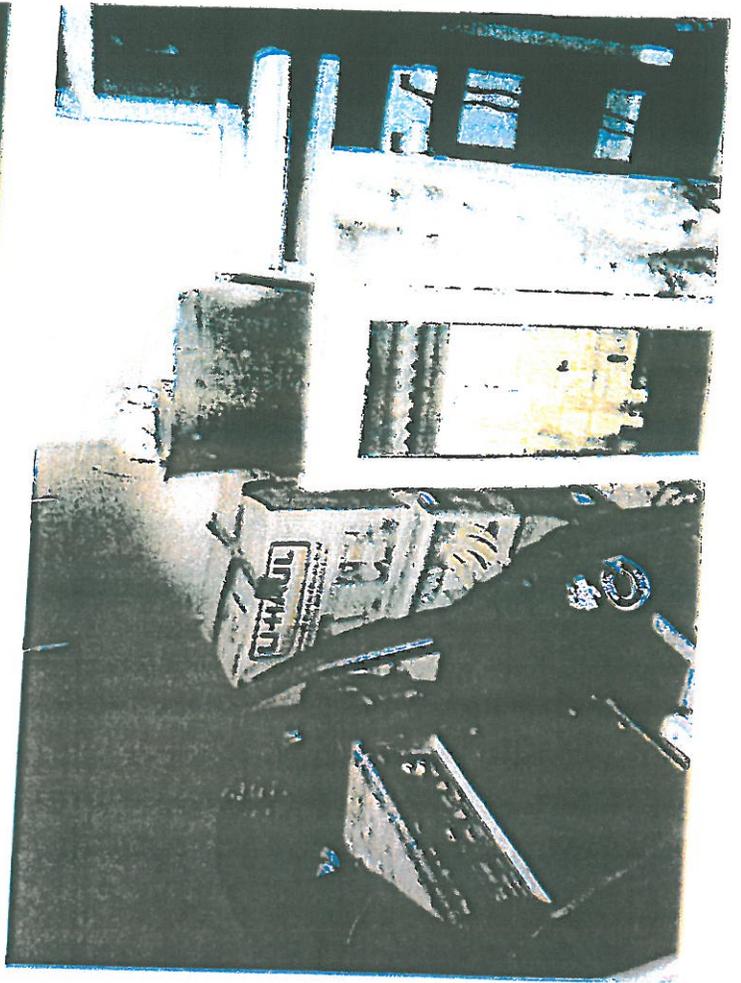
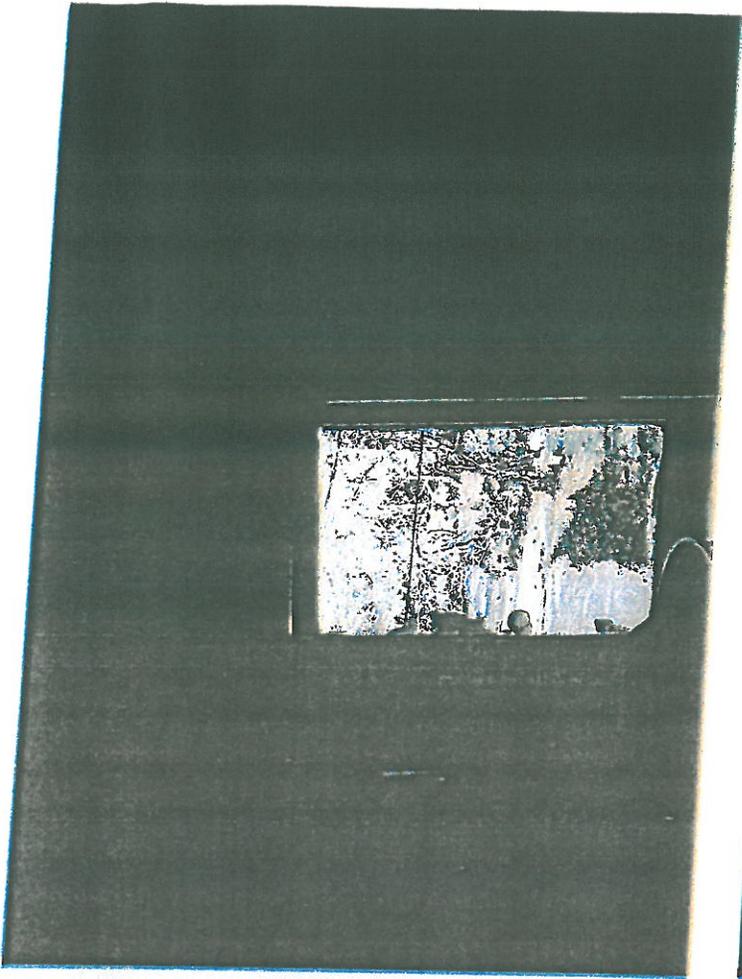


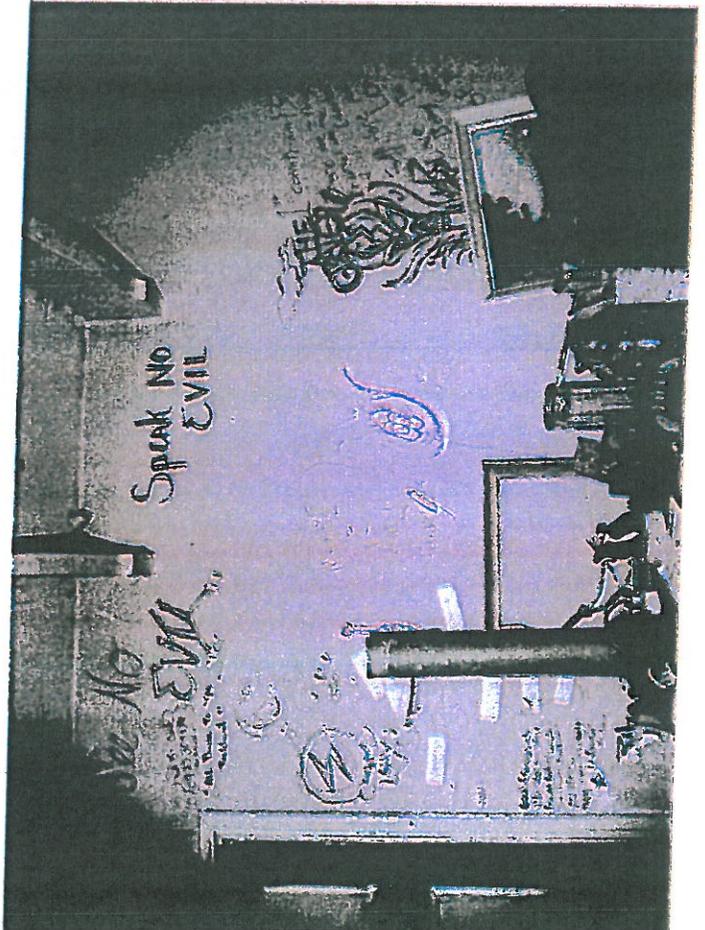
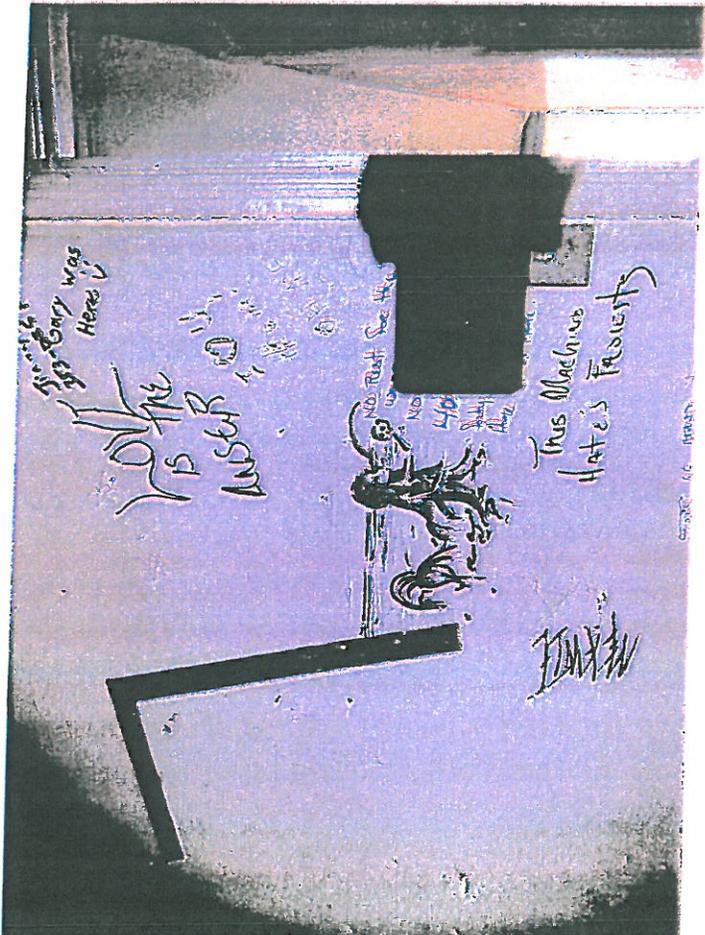


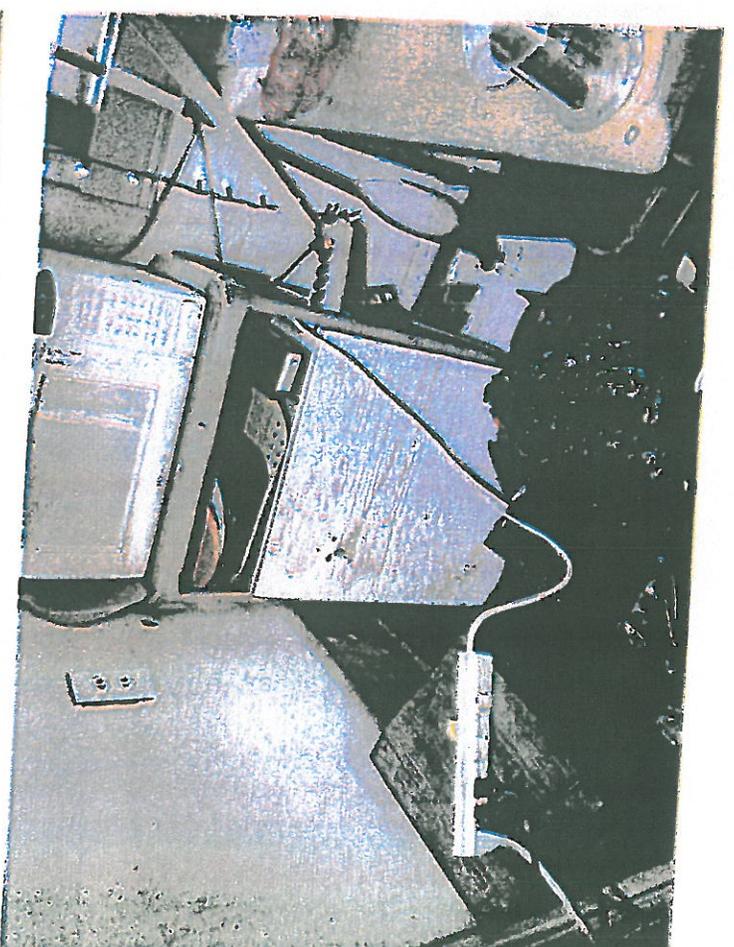
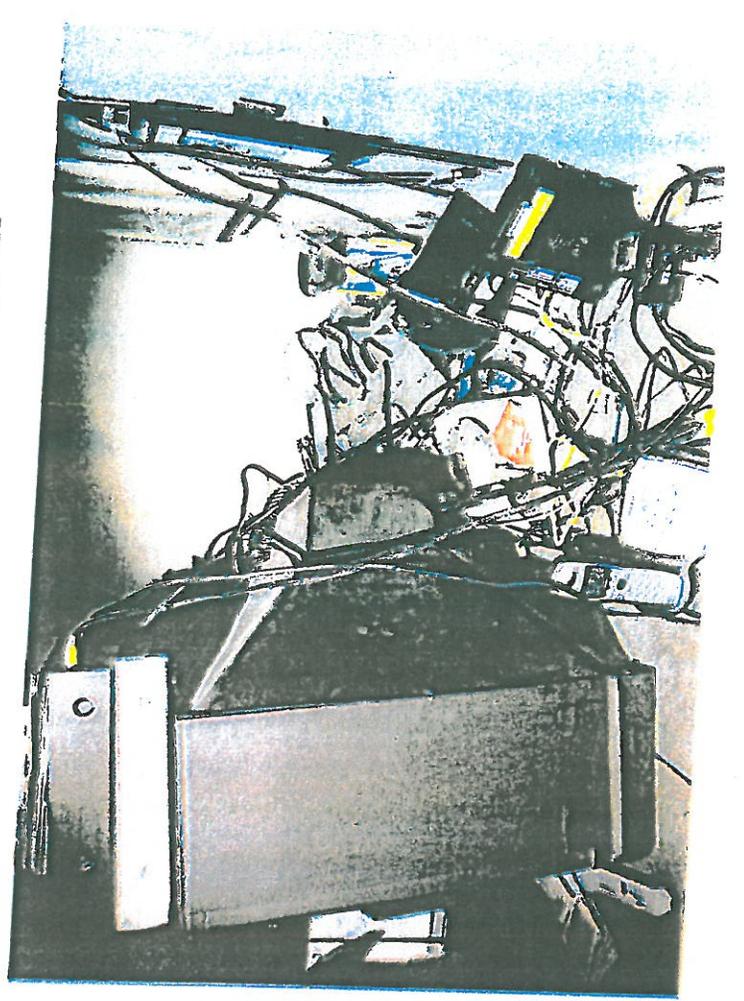
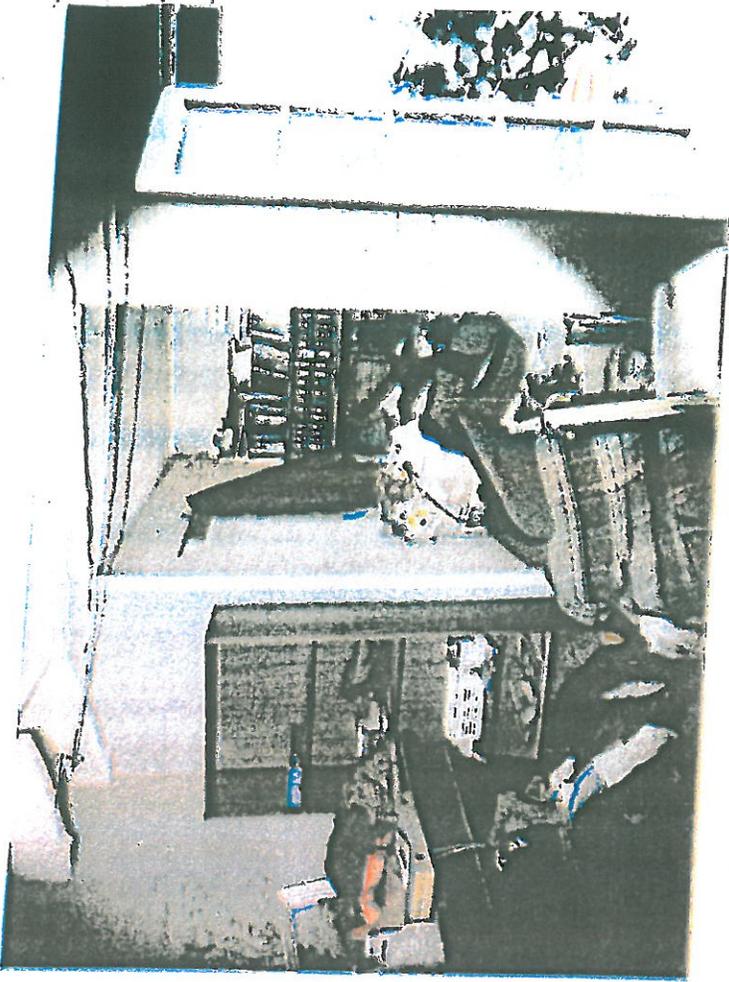


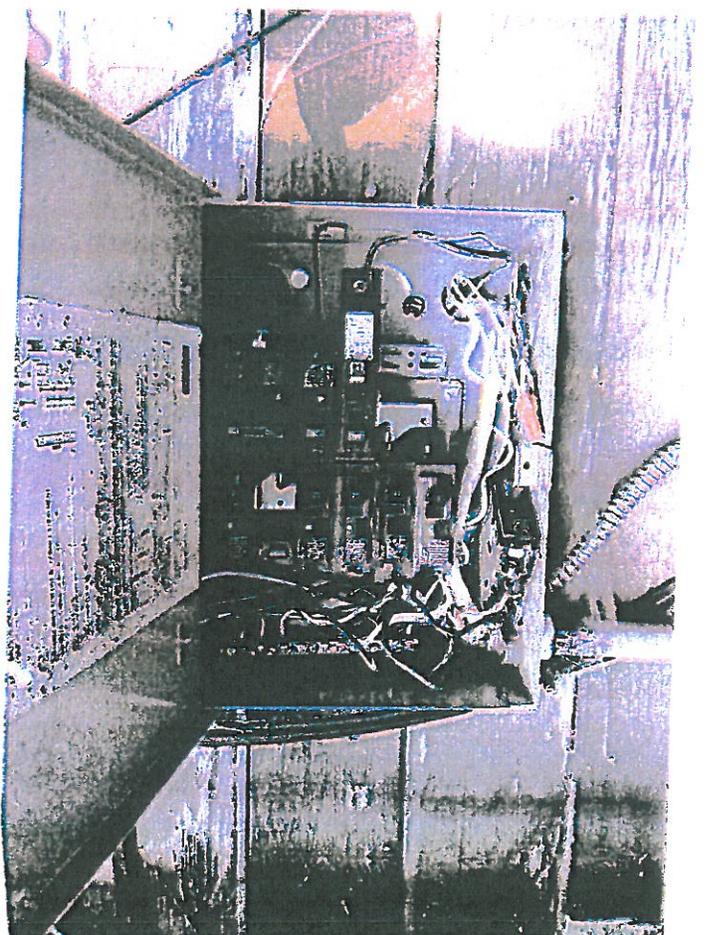
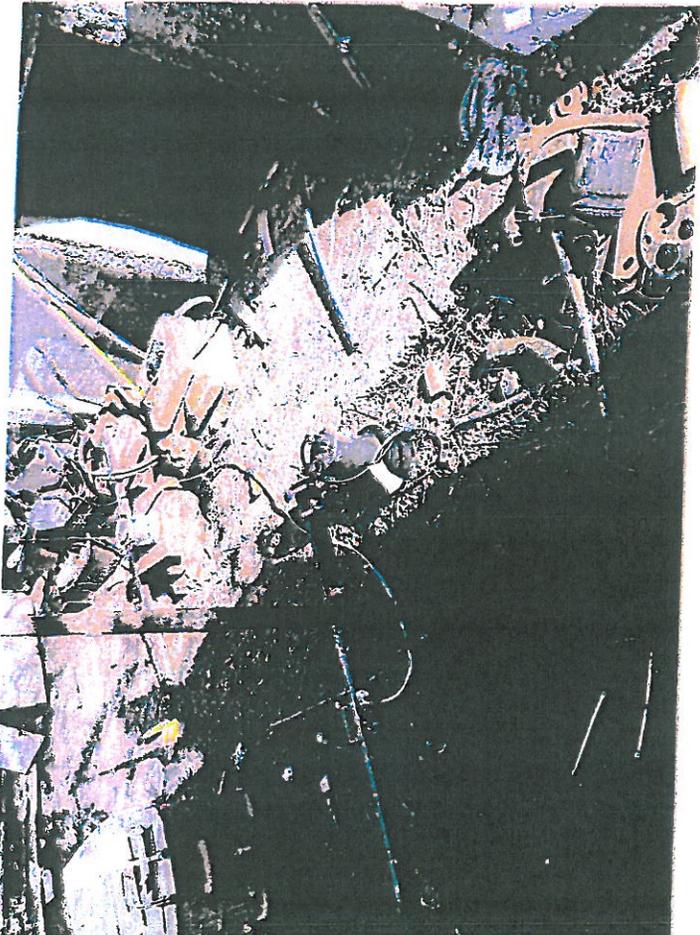
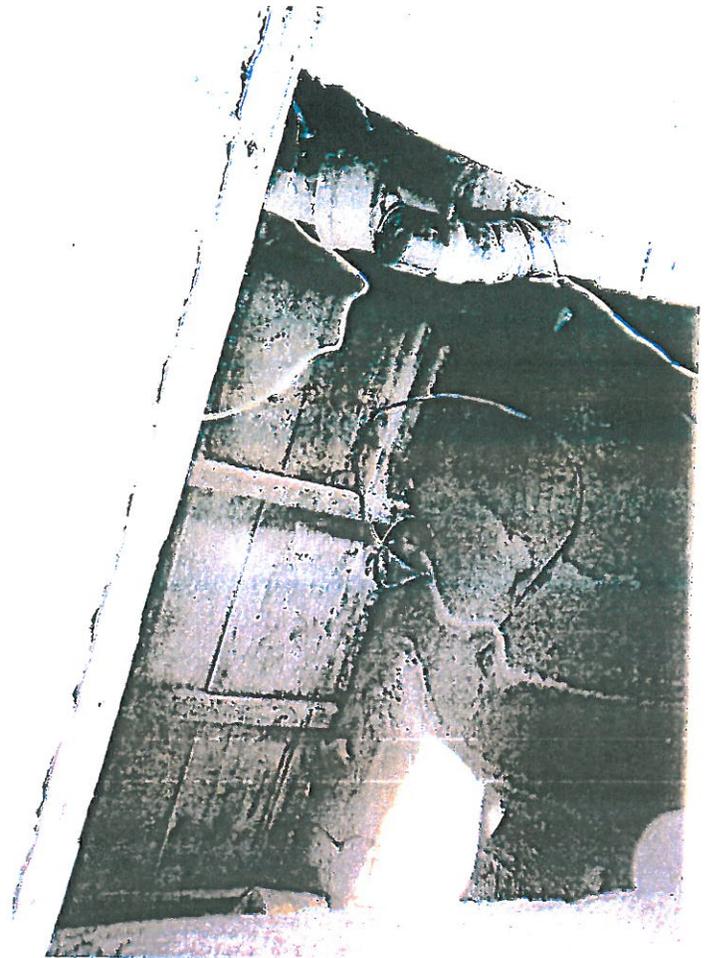


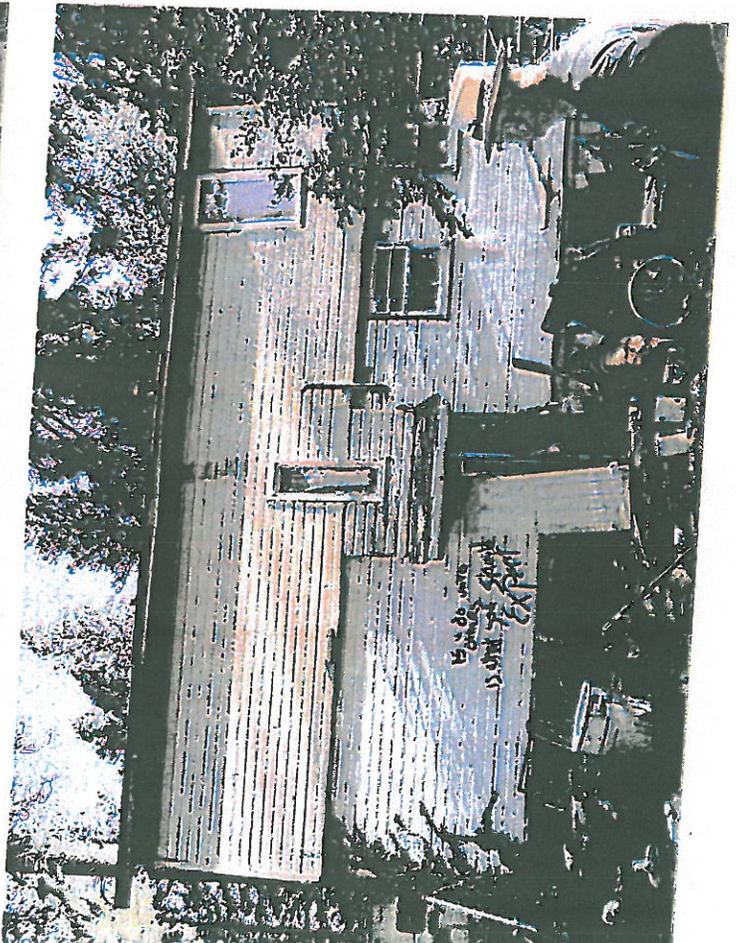
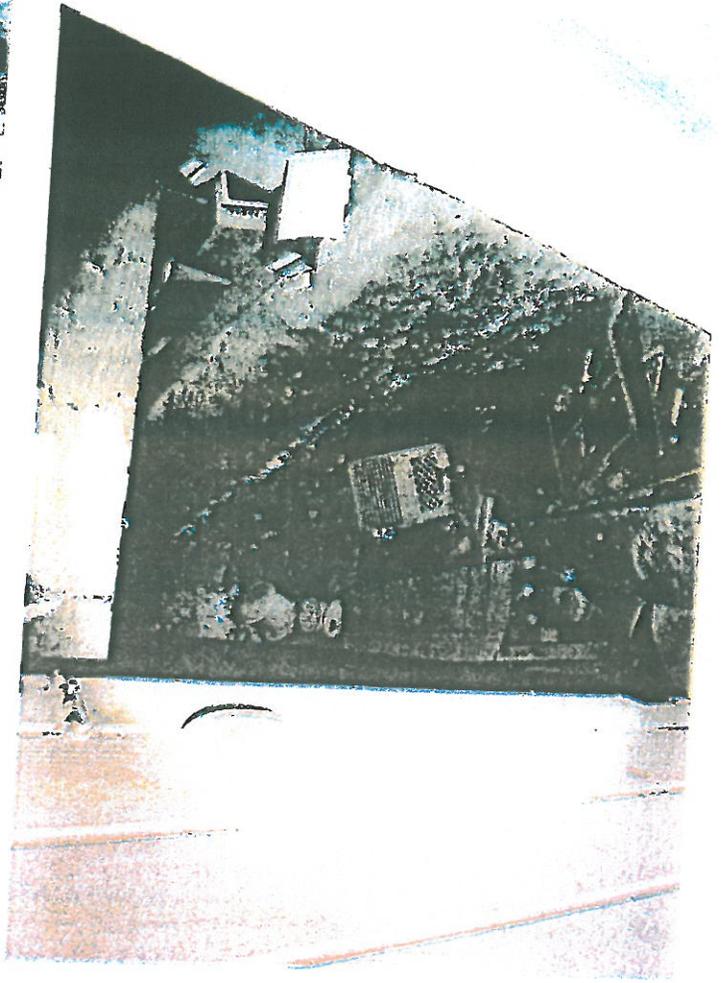


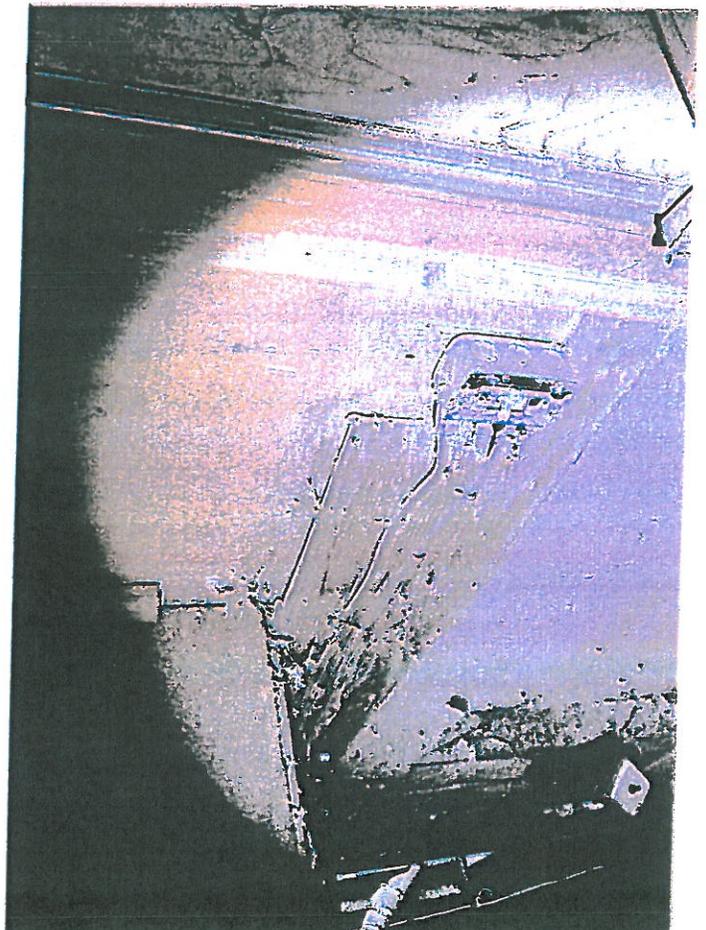
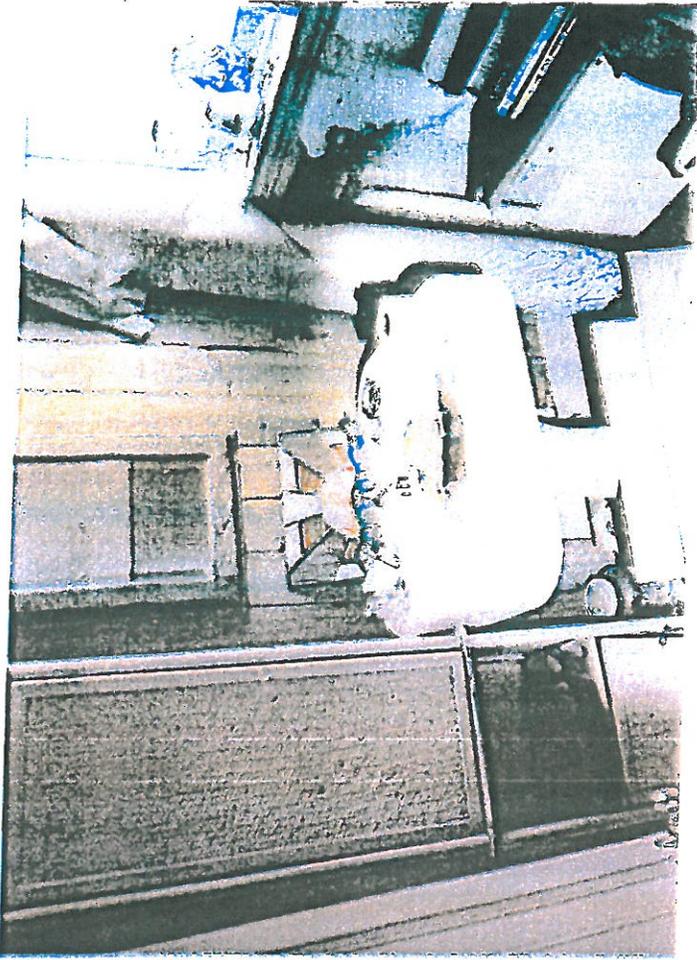


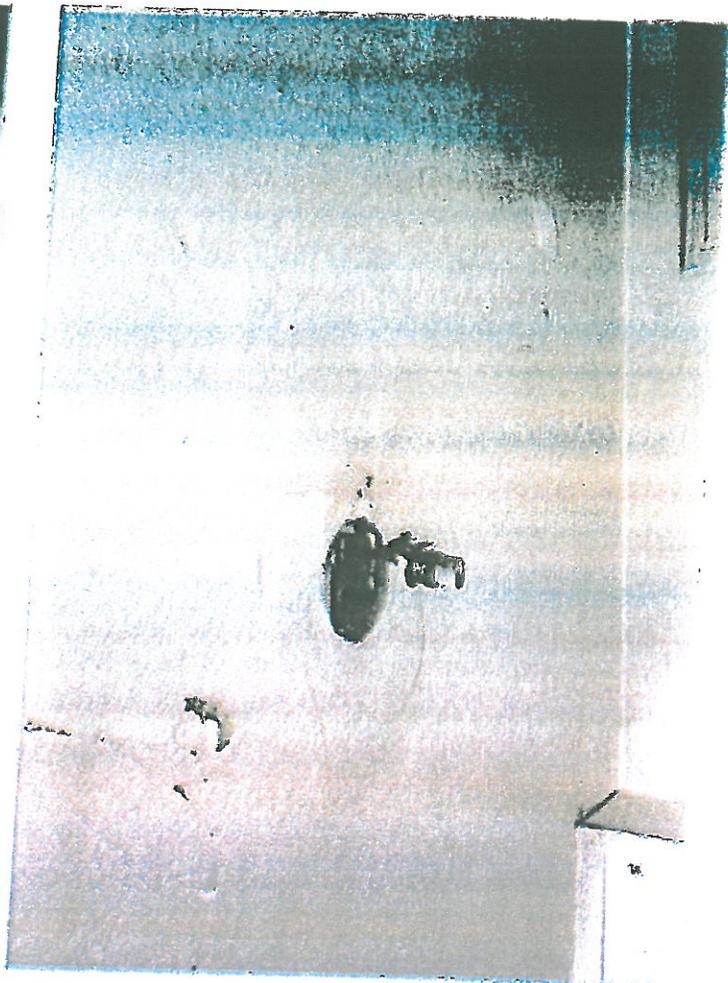
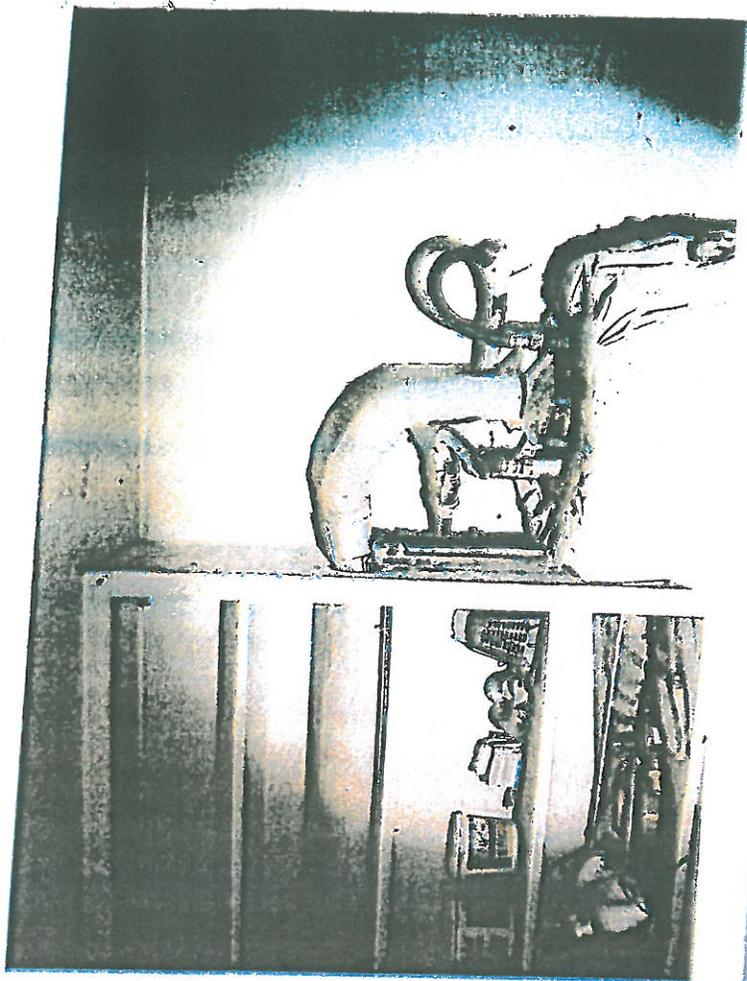


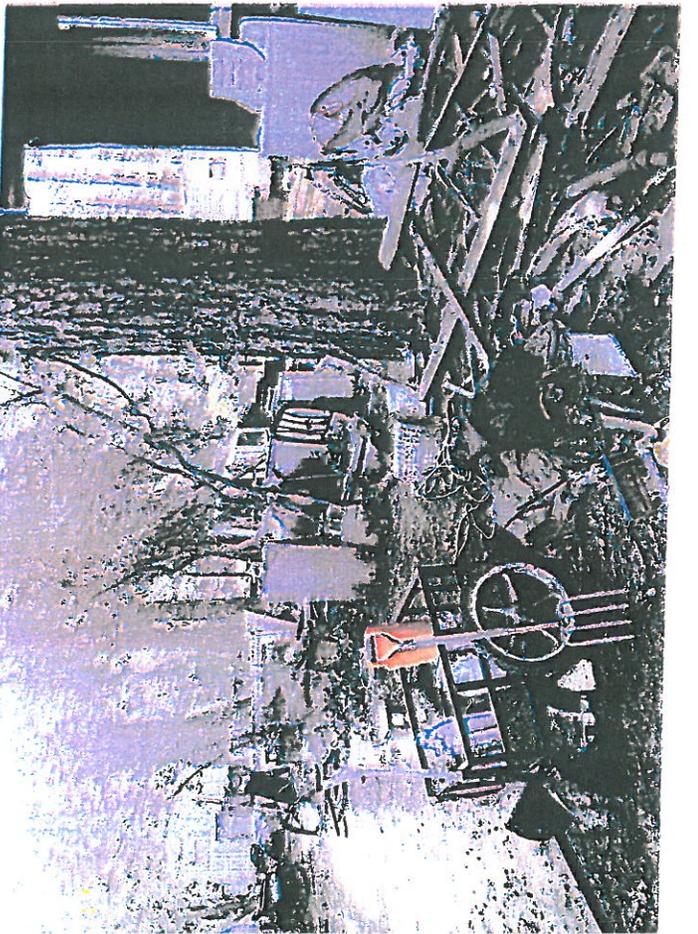
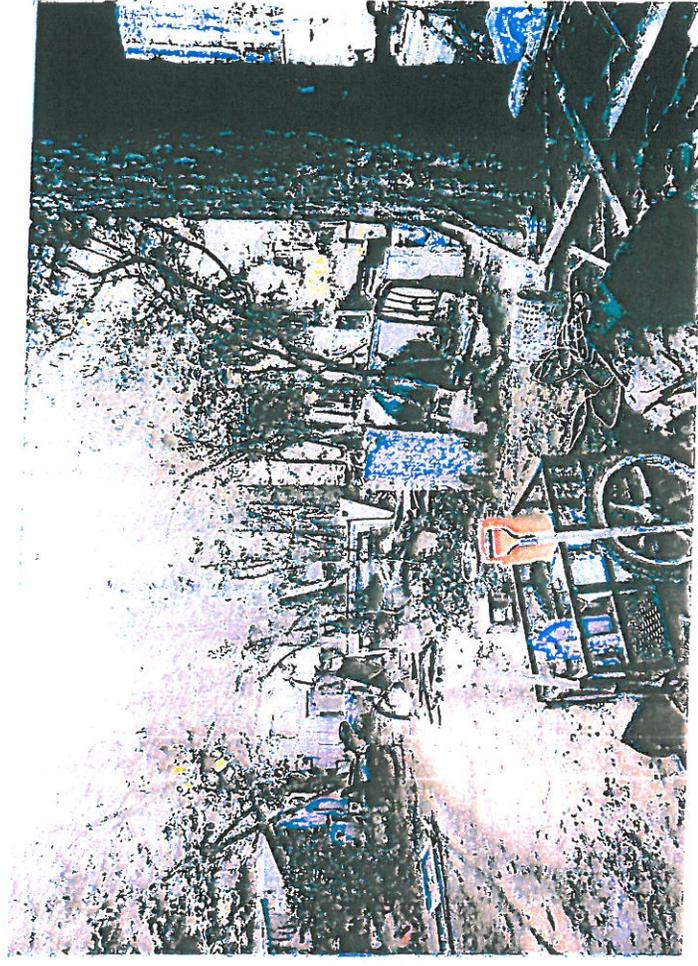
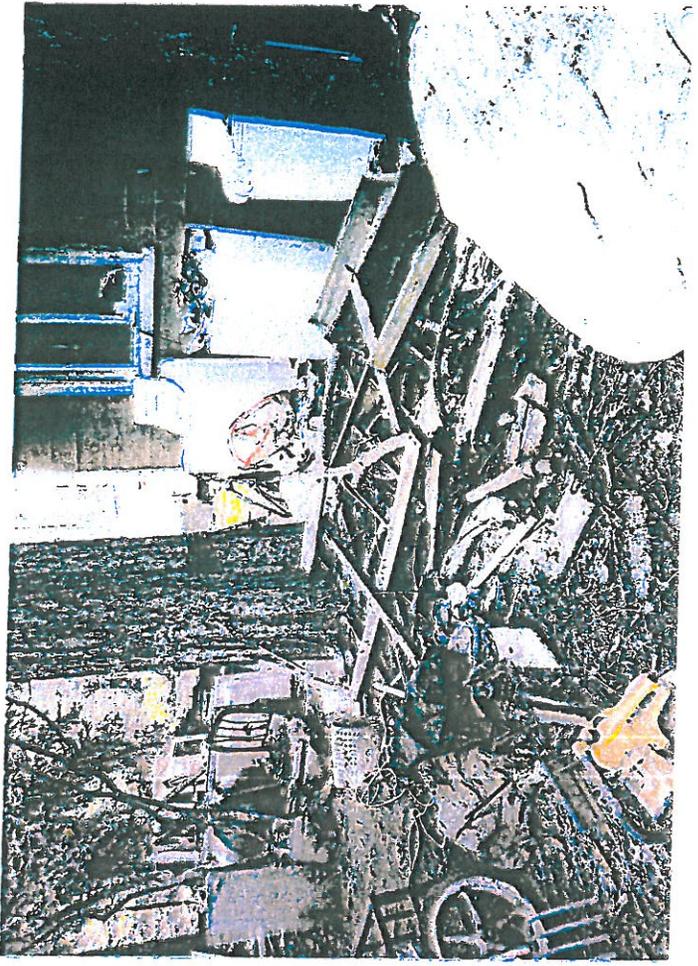


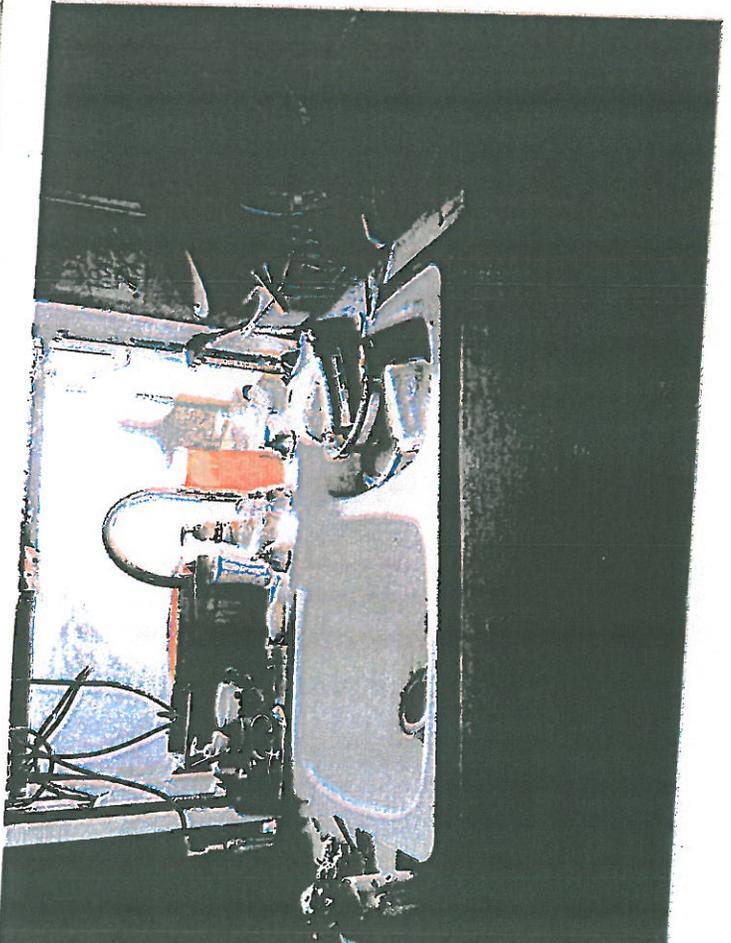
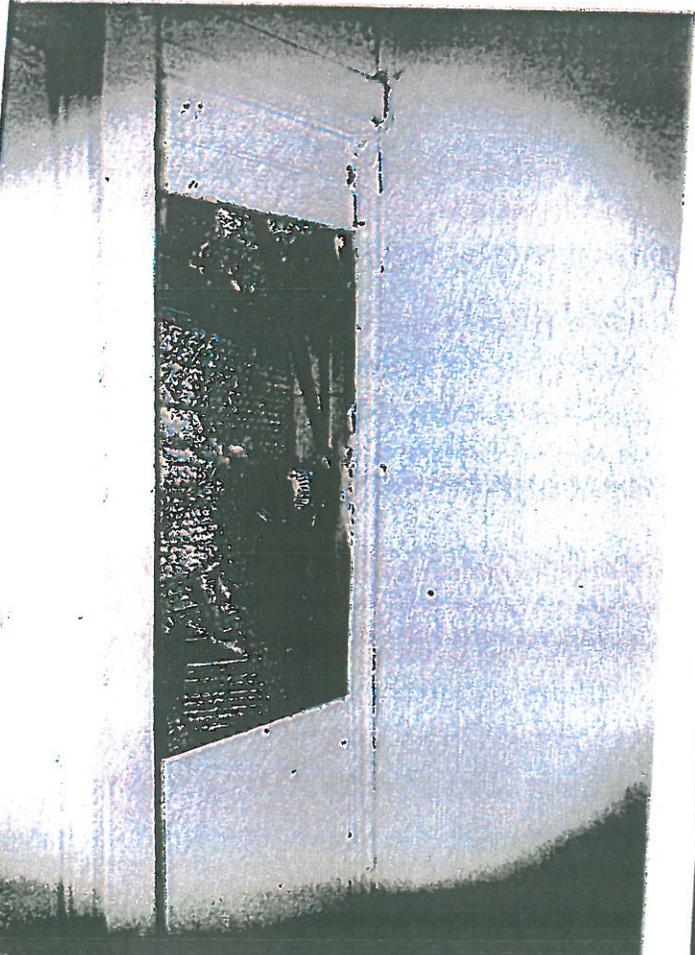
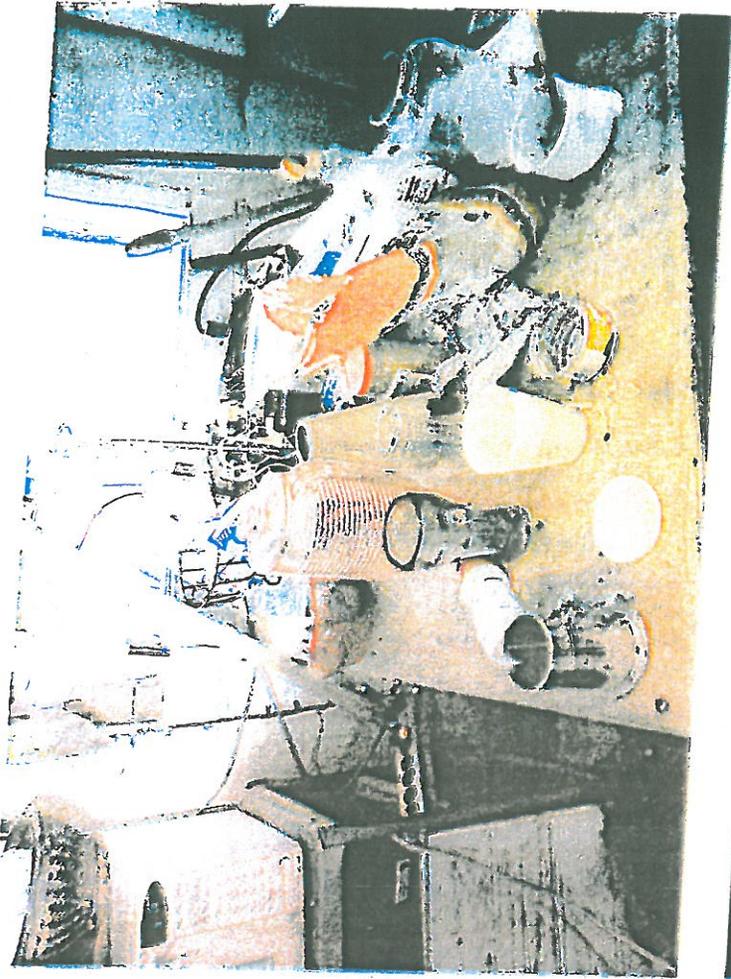


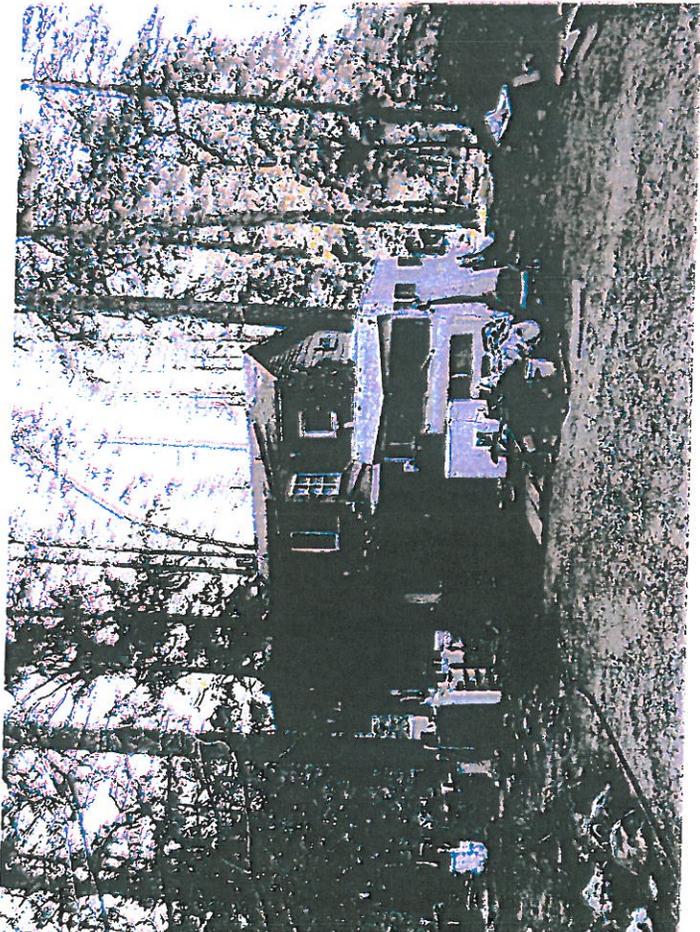
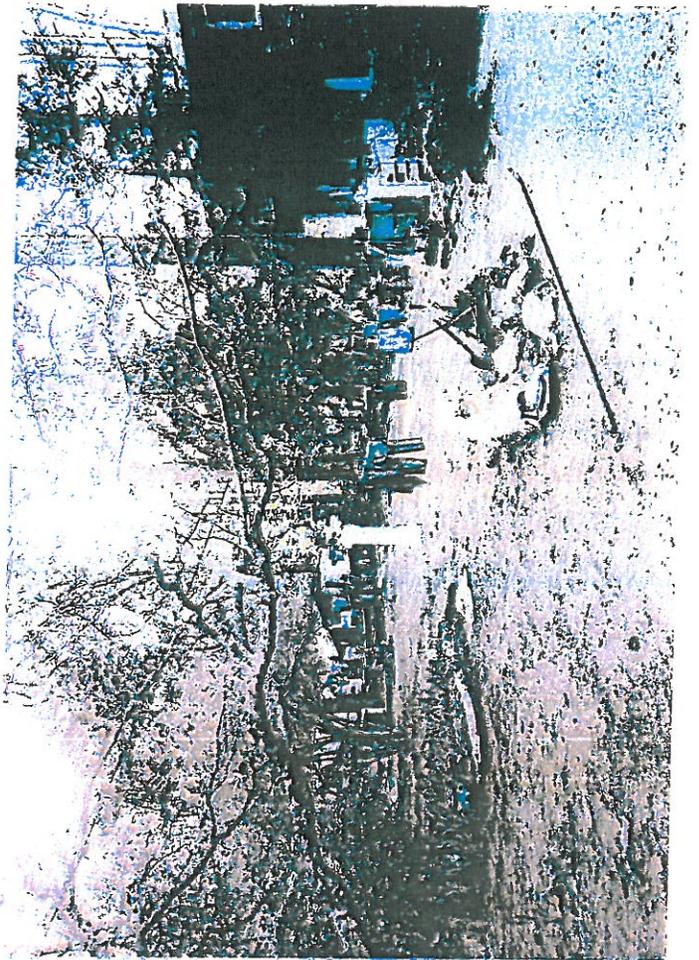


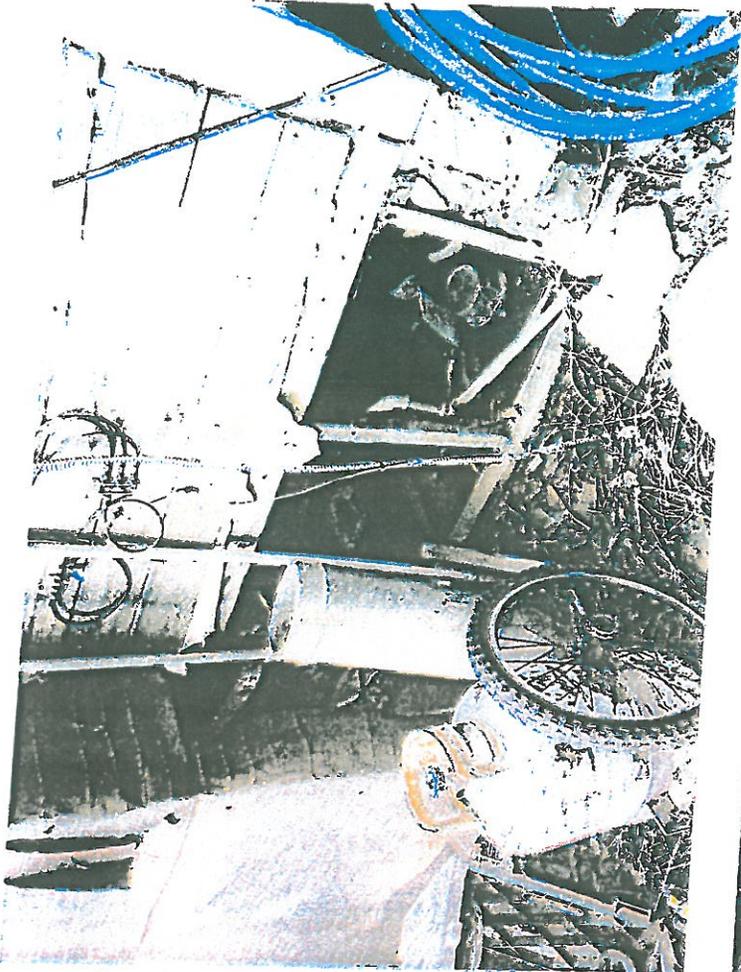




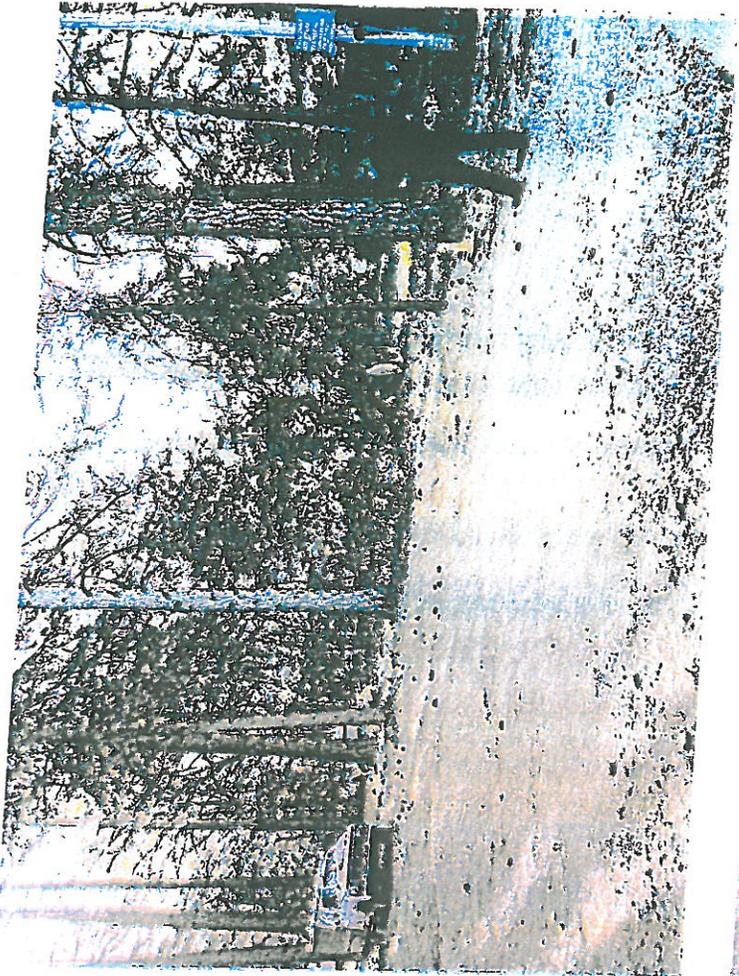
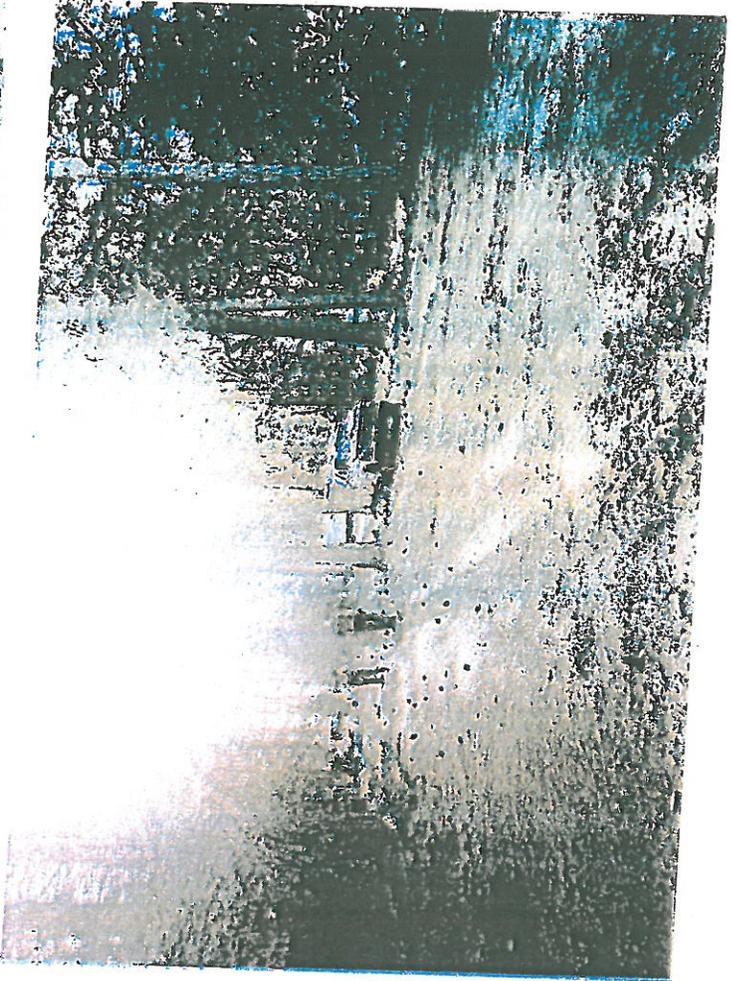


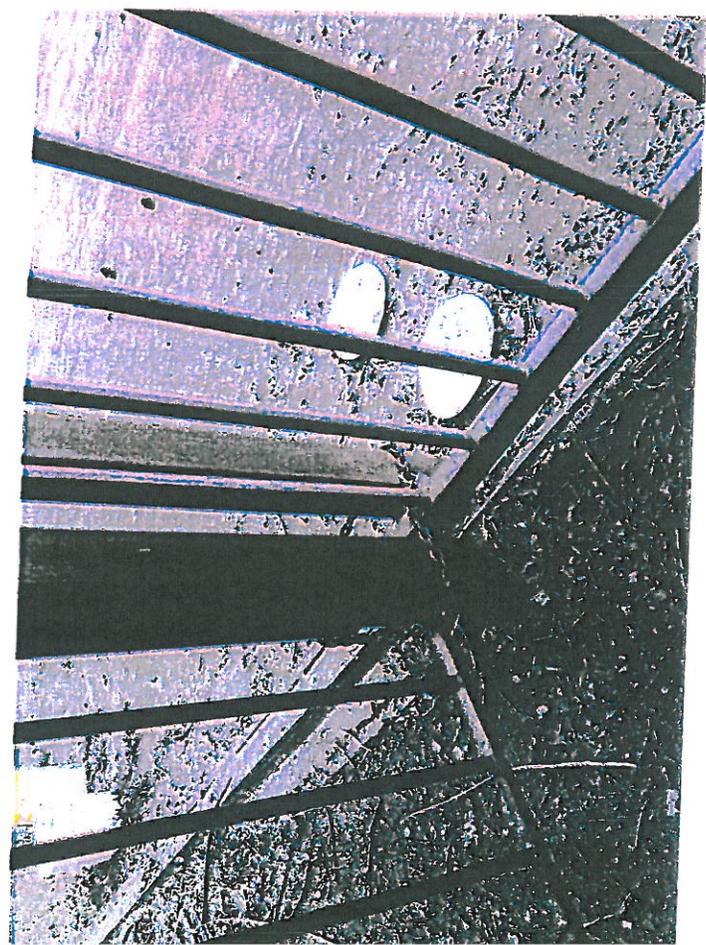














Town of Paradise

Development Services

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April 6, 2016

Health and Safety Substandard Building and Paradise Municipal Code Violations

Location: 6066 LUCKY JOHN ROAD

APN: 053-030-049-000

Owner: HAWKS, ANNA EVERDINA ETAL
DEARYAN, NORMA LOUISE

HAWKS, DIXIANNE

WAASDORP, CORNELIA

BAKER, HEATHER JANE

BAKER, WENDY JANE

GOLD, CORNELIA

SOLOMAN, DAVID VENUS

975 EAST AVENUE PMB112

CHICO CA 95926

The Town of Paradise performed an inspection of the property located at 6066 Lucky John Road, Paradise CA 95969 on April 4, 2016. The purpose of the inspection was to identify any of the items from the February 23, 2016 Health and Safety (H&S) Substandard Building and Paradise Municipal Code (PMC) Violations had been corrected. The inspection discovered all of the February 23, 2016 violations remain uncorrected

Reference Paradise Municipal Code:

PMC 8.04.010 Declaration of what constitutes an unlawful public nuisance.

Each of the following conditions or acts is declared by the town council to be an unlawful public nuisance; and the violation of which shall be an infraction.

(Each of the following public nuisance conditions were discovered at time of inspection)

- A. Fire hazards: dry or dead shrub, dead tree, combustible refuse and waste, or any material growing on a street, sidewalk or upon private property within the town, which by reason of its size, manner of growth and location is determined by the town fire chief to constitute a fire hazard to a building,



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- improvement, crop or other property, or when dry, will in reasonable probability constitute a fire hazard;
- C. Polluted water: A swimming pool, pond or other body of water large enough in size to constitute a hazard to human health and safety, and which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water contained as a body of water, which includes, but is not limited to, bacterial growth, including algae, remains of insects, remains of deceased animals, rubbish, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy or unsafe condition;
- D. Refuse and waste: Refuse and waste matter, which by reason of its outdoor location and substantive character is unsightly and interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community or which would materially hamper or interfere with the prevention or suppression of fire or the obstruction of other public safety or emergency services upon real properties in the town. "Refuse and waste" means unused or discarded matter and material which consists of rubbish, refuse, debris and matter of any kind, including, but not limited to, rubble, asphalt, concrete, plaster, tile, rocks, bricks, building materials, crates, cartons, mattresses, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous or nonferrous, furniture, inoperative vehicles and parts, cans, bottles and barrels;
- E. Zoning ordinance: the violation of a provision of the land use regulations of the town as set forth in Title 17 of this code;

PMC 17.06.1000 - Junk. More than one hundred (100) square feet of junk may not be stored in any zoning district if the planning director or the planning commission determines that such junk is a nuisance or provides a health or safety hazard to persons or property. The storage of junk within a front yard or general setback zone shall be prohibited, except as permitted by this title. (Ord. 313, § 3(part), 1998; Ord. 264, § 2(part), 1995; Ord. 214, § 2(part), 1992)

PMC 17.35.200 – General requirements. The long-term keeping of livestock animals upon properties within the AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, and TR-1/3 zoning districts is potentially permitted subject to the specific land use regulations within each zone;



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- Chickens are not permitted in the Community Commercial CC zone.

F. Septic systems: The violation of a provision of the septic system regulations of the town as set forth in Chapter 13.04 of this code or the provisions of the on-site manual;

PMC 13.04.040- Sewage disposal system required. Unlawful to occupy a building with a sewage disposal system that does not comply with the on-site manual or the municipal code.

- The two septic tanks serving the house are leaking and deteriorated and have been reported in failure since 2004.

PMC 13.04.400 A – Unlawful systems It is unlawful for any person to construct, maintain or use any sewage disposal system which results in any of the following:

1. Sewage overflowing any lands whatever;
 2. Sewage emptying, flowing, seeping or draining into any stream, spring, river, lake or other waters within the town;
 3. Sewage being accessible to rodents, insects or humans.
- A makeshift outhouse on the lot has a non-enclosed room with an open- bucket toilet in use.
 - An occupied RV/trailer has dripping wastewater onto the ground from the open wastewater drain.
 - There is a large pool of stagnant water in the open sub-basement area of the house with human wastewater apparently in it as evidenced by broken sewer plumbing.

H. Maintenance of residential: Any person owning, leasing, occupying or having charge or possession of any residential property and maintaining such property in a manner such that any of the following conditions, but not limited thereto, are visible from public or other private property and exist thereon:

1. Buildings that are abandoned, boarded up, partially destroyed, substantially deteriorated or left unreasonably in a state of partial construction without an active building permit.
2. Buildings with broken or missing windows or doors that are unsecured in such a manner that allows unauthorized entry.
3. Graffiti that is not removed within five (5) calendar days after town's code enforcement officer has given property owner written notice to



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remove it. Graffiti shall include the writing, defacing, marring, marking, inscribing, scratching, painting, or affixing of markings on buildings or structures, including, but not limited to, walls, fences, signs retaining walls, driveways, walkways, sidewalks, curbs, traffic control devices, signs and utility boxes.

4. (16) Abandoned and inoperative vehicles not in compliance with the provisions of Chapter 10.16.
5. Outdoor attractive nuisances, including but not limited to junk, wrecked and/or dismantled vehicles, vehicles precariously raised off the ground on a jack, jack stand, or similar device, or on wood, rocks, or blocks; open containers of oil, gasoline, other petroleum products, antifreeze, or other hazardous or flammable chemicals; power machinery; broken or discarded furniture, household appliances and equipment including refrigerators, freezers, washers and dryers; and hazardous pools, ponds, or excavations.
6. Maintenance of premises in such a condition as to be detrimental to the public health, safety or general welfare, including large and precarious diseased, uprooted, dead or dying trees; open containers of oil, gasoline, other petroleum products, antifreeze, or other hazardous or flammable chemicals; or in such a manner as to constitute a public nuisance as defined by California Civil Code Section 3480.

PMC 8.32.060 - Permit for parking or occupying beyond five days.

- A. No person shall park any trailer coach on public or private property within the town for a period in excess of five days in any consecutive thirty days without first having obtained a permit as provided in this article, except in an approved trailer camp or labor camp.
- B. No person shall occupy any camp space on public or private property in the town for a period longer than five days after notification in any thirty consecutive days without first having obtained a permit as provided in this article. (Ord. 16 §§1(Q)(part), 2(B)(part), 1980: county code §22-6)
 - Two travel trailers powered by extension cords without approved connections to septic systems are currently occupied.

PMC 10.16.- Abandoned vehicles

PMC 10.16.010 – Findings and declarations. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or



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parts thereof as unlawful public nuisances, the town council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, on private or public property not including highways is found to create conditions tending to reduce the value of private property, to promote blight and deterioration, to invite theft, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents, insects and vectors, and to be injurious to the health, safety and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, or part thereof, on private or public property not including highways, except as expressly permitted in this chapter, is declared to constitute an unlawful public nuisance which may be abated and/or prosecuted by penalty as such in accordance with the provisions of this chapter.

(Ord. 16 §§1(K)(part), 2(A)(part), 1980: county code §14-51; Ord. No. 401, § 12, 8-26-2003)

- 10 passenger cars, 2 motor homes, 3 trucks, 1 motorcycle, 2 boats and 6 RV trailers.

The structures and grounds are maintained in such a condition to be an attractive nuisance that is dangerous and detrimental to the public health, safety or general welfare.

Reference attached Substandard Housing conditions discovered at time of the inspection. PMC §8.04.010 A,C,D,H.

Reference attached pictures. Pictures are for reference only and do not represent the entire scope of compliance issues.

Without compliance Administrative Citations and further actions may be taken.

Yours in service,



Anthony Lindsey C.B.O., CASp
Building Official/Fire Marshal
Town of Paradise