

**PROOF OF SERVICE BY MAIL****STATE OF CALIFORNIA, COUNTY OF LAKE**

I am a resident of the County aforesaid; I am over the age of eighteen years and my business address is:

Community Development Department  
Code Enforcement Division  
3<sup>rd</sup> Floor, 255 N. Forbes St.  
Lakeport, CA 95451

Case # ENF22-00065

Responsible Party: Nicholson Kenneth & Hemley Phil

On August 2, 2024, I served the within:

- ☒ Notice of Violation
- ☒ Notice of Nuisance and Order to Abate
- ☐ Administrative Citation
- ☐ Inspect-Right-of-Entry Permit
- ☒ Inspect and Abatement Right-of-Entry Permit
- ☒ Other: Last and Final Notice

By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, certified, return receipt requested, in the United States mail at Lakeport, California. (see box below for certified information).

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

Executed on August 2, 2024, at Community Development Department 255 N. Forbes St., 3<sup>rd</sup> Floor, Lakeport, California.

SIGNATURE \_\_\_\_\_

Janet Garcia Mora

Batch #: 9  
Article #: 92148969009997901653087902  
Date/Time: 8/2/2024 7:33:37AM  
Code: ENF22-00065

Internal File #:  
Internal Code:

# **NOTICE OF** **INTENT TO ABATE**

Lake County Code Enforcement has determined the property located at **16155 Quail Trail, Clearlake Oaks, CA** remains in violation of Lake County Code.

**PLEASE BE ADVISED:** this serves as official notice of Lake County Code Enforcement's intent to abate the violations existing on the property which were described in notices previously issued against the property. Lake County Code Enforcement will be obtaining an abatement warrant to access the property to abate and correct existing violations. The costs of abatement, including administrative costs, will be recorded as a lien against the property and made a special assessment on the tax rolls.



LAKE COUNTY CODE ENFORCEMENT  
255 N. FORBES ST., LAKEPORT, CA  
(707) 263-2309





COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
Code Enforcement Division  
255 N. Forbes Street – 3<sup>rd</sup> Floor  
Lakeport, California 95453  
Phone: (707) 263-2309 • Fax: (707) 263-2225

# Consent to Inspect and Abate Right-of-Entry Permit

August 1, 2024

Nicholson Kenneth & Hemley Phil,  
16155 Quail Trail,  
Clearlake Oaks, Ca, 95423

**Case No.:** ENF22-00065  
**Subject Property:** 16155 Quail Trail, Clearlake Oaks, CA, 95423

Lake County Code Enforcement is requesting your permission and consent to conduct an inspection and abatement on the above-mentioned property. Lake County Code Enforcement has information or has made a determination that violation(s) of the Lake County Code and/or California State law currently exist on the above-mentioned property.

- (1) The inspection is not meant to be intrusive and only for those violations which Lake County Code Enforcement has information and belief to exist on the property; those area(s), issue(s), and / or violation(s) stated in the Right-of-Entry Permit; and / or for those violation(s) observed in plain view.
- (2) The Abatement will consist of only those violation(s) stated in the Right-of-Entry Permit stated in paragraph 1. Any abatement will result in a lien recorded against the property. In addition, the property owner will be responsible for any recovery of administrative costs for County time and efforts associated with any abatement.

Attached for the owner and/or occupants' completion is a Right-of-Entry Permit that allows Lake County Code Enforcement to access the property to perform an inspection and abatement of the above-mentioned property. By signing the attached "Right-of-Entry" permit you are agreeing to allow Lake County Code Enforcement to access your property. Consent may be rescinded or revoked by either party, at any time during the inspection.

Failure to execute the attached permit or to contact and communicate with Lake County Code Enforcement **within ten (10) days**, will result in Lake County Code Enforcement pursuing all avenues and remedies available within the law, including, but not limited to an inspection warrant to access the property. Your attention and cooperation is truly appreciated in this matter.

Norman Valdez  
Code Enforcement Program Supervisor  
Community Development Department  
County of Lake

# Consent to Inspect Right-of-Entry Permit

Date: \_\_\_\_\_

County of Lake  
Code Enforcement Division  
255 N. Forbes Street, 3<sup>rd</sup> Floor  
Lakeport, CA 95453

**Property Address: 16155 Quail Trail, Clearlake Oaks, CA, 95423**  
**APN#: 062-032-030**

I, \_\_\_\_\_ (Owner/ Occupant), hereby permit the County of Lake, its officers, employees, agents, contractors and subcontractors (County), to enter the Owner's property located by the above-referenced address for those purposes described in paragraph one of this document.

1. Grant of Right-of-Entry for (inspection & abatement). Permission is hereby granted and Owner and / or occupant hereby grants to the County, its officers, employees, designees and/or permittees a right of entry ("Permit") to enter upon the Property, and all related appurtenances thereto, for the purpose(s) of inspection for the issues stated below herein paragraph 1. that may be in violation of the Lake County Code and / or California State law. The inspection is subject to the terms and conditions set forth in this Permit, and to perform all incidents necessary thereto. **This is not a request for a permanent easement and/or right-of-way and their permission will automatically terminate upon completion of said work.**

**Area(s) and /or violation(s) to be inspected and/or abated:**

- **Removal of whatever nature including but not limited to any and all nuisances existing on the property, any and all issues not in compliance with the Lake County Code; all rubbish, refuse, and debris; the recreational vehicle(s); any and all inoperable vehicles or parts thereof; all other items being stored contrary to the standards set forth in the Lake County Code.**

2. Indemnification – Hold Harmless. County shall not be liable for, and Owner shall indemnify and hold harmless the County, agents, contractors, subcontractors, employees and volunteers, against any and all claims, deductibles, self-insured retentions, demands, liability, judgments, awards, fines, mechanics' liens or other liens, labor disputes, losses, damages, expenses, personal injury, charges or costs of any kind or character, including attorneys' fees and court costs (hereinafter, collectively referred to as "Claims"), which arise out of or are in any way



# Consent to Inspect Right-of-Entry Permit

connected to actions arising out of this Permit, and hereby release, discharge, waive any claims any action, in law or equity, arising therefrom.

3. Authority. Owner and/or occupant represents and warrants that it has full power and authority to execute and fully perform its obligations under this Permit pursuant to its governing instruments, without the need for any further action, and any the person(s) executing this Permit on behalf of the Owner are the duly designated agents of Owner and are authorized to do so, and that fee title to the Property vests solely in Owners.

4. Costs of Abatement / Lien (if, applicable to an abatement action)

I, \_\_\_\_\_ (Owner), acknowledge and understand the work performed by Lake County and its contractors and the costs of such abatement shall become a charge against the premises unless paid through a Code Enforcement Debt Reduction Agreement, or alternatively referred to a debt collection agency, and those costs shall be made a special assessment against the premises. Said special assessment may collected at the same time and in the same manner as is provided for the collection of ordinary county taxes, and shall be subject to the same penalties interest and to the same procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.

5. Notices. Any notice required hereunder shall be provided as follows:

Name: Norman Valdez  
Department: Community Development Department  
Address: 255 N. Forbes St, Lakeport, CA 95453  
Phone Number: (707)263-2309

Signature of Property Owner/Person with Legal Authority

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

# NOTICE OF NUISANCE AND ORDER TO ABATE

## Final and Last Notice

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

- A. CASE NUMBER: ENF22-00065  
SITE ADDRESS: 16155 Quail Trail, Clearlake Oaks, CA, 95423  
OWNER: Nicholson Kenneth & Hemley Phil  
ASSESSOR PARCEL #: 062-032-03  
MAILING ADDRESS: 16155 Quail Trail, Clearlake Oaks, CA, 95423
- B. CONDITION CAUSING NUISANCE AND/OR VIOLATION OF THE LAKE COUNTY ZONING ORDINANCE:

Located on the property; (1) recreational vehicle(s), (2) vehicle(s) that appear inoperable, (3) the existence of rubbish, (4) any items causing an unsightly appearance, (5) use of land maintained contrary to the provisions of Chapter 21 of the Lake County Code, (6) the fence is over than the allowed height, (7) there is no primary dwelling on the property that meets minimum constructions standards. The base zoning of the property is "SR" Suburban Reserve District (*Chapter 21, Article 9*). The primary purpose of the property is to establish areas for individual residential dwelling units. Storage on a "SR" property is a subordinate or secondary use to the primary purpose and cannot occur until the primary purpose has been met. Therefore, the storage of these materials, vehicles, and recreational vehicles on the property is in violation of the Lake County Code and/or constitutes a public nuisance. These items are stored in violation of the provisions set forth in Chapter 21, Article 9 and are in violation of Lake County Code section Chapter 13, Article I, Section 13-3.1, Subsection (e) (13).

The above issues are in violation of the Lake County Code and the Lake County Zoning Ordinance

- Chapter 13, Article I, Section 13-3.1, Subsection (e) (4)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (5)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (6)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (7)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (8)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (13)
- Chapter 21, Article 9, Section 9.1
- Chapter 21, Article 42, Section 42.11

- C. ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE AND/OR CODE VIOLATION(S) WITHIN THIRTY (30) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:

- 1) Remove and properly dispose of any and all garbage, rubbish, refuse, and/or waste matter.
- 2) Remove and/or properly dispose of any and all recreational vehicles, vehicles, and inoperable vehicles or vehicles parts thereof.
- 3) Bring the property into compliance with Lake County Zoning Ordinance Chapter 21, Article 9 And Chapter 21, Article 42.



- D. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, SECTION 13-7, YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING A NUISANCE ABATEMENT HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 21 DAYS OF SERVICE OF THE NOTICE OF NUISANCE AND ORDER TO ABATE. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED.
- E. WHERE THE ENFORCMENT OFFICAL HAS DETERMINED THAT THE CONDITION CAUSING THE NUISANCE IS IMMINENTLY DANGEROUS TO HUMAN LIFE OR LIMB, OR IS UNSAFE, OR IS DETRIMENTAL TO THE PUBLIC HEALTH OR SAFETY, HE MAY ORDER THAT THE BUILDING OR STRUCTURE AFFECTED BE VACATED, PENDING THE CORRECTION OR ABATMENT OF THE CONDITIONS CAUSING THE NUISANCE.
- F. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:
- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. SAID SPECIAL ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS IS PROVIDED FOR THE COLLECTION OF ORDINARY COUNTY TAXES, AND SHALL BE SUBJECT TO THE SAME PENALTIES, INTEREST AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.
  - 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.
  - 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).



Lake County Community Development Department  
Code Enforcement Division  
255 N. Forbes Street, Lakeport  
(707) 263-2309

# NOTICE OF VIOLATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, SECTIONS 13-48 / 13-54 /13-55 ET SEQ.:

A. CASE NUMBER: ENF22-00065  
SITE ADDRESS: 16155 Quail Trail, Clearlake Oaks, CA, 95423  
OWNER: Nicholson Kenneth & Hemley Phil  
ASSESSOR PARCEL #: 062-032-03  
MAILING ADDRESS: 16155 Quail Trail, Clearlake Oaks, CA, 95423  
APPROXIMATE DATE /TIME SEEN:

B. CONDITION CAUSING NUISANCE AND/OR VIOLATION OF THE LAKE COUNTY ZONING ORDINANCE:

Located on the property; (1) recreational vehicle(s), (2) vehicle(s) that appear inoperable, (3) the existence of rubbish, (4) any items causing an unsightly appearance, (5) use of land maintained contrary to the provisions of Chapter 21 of the Lake County Code, (6) the fence is over than the allowed height, (7) there is no primary dwelling on the property that meets minimum constructions standards. The base zoning of the property is "SR" Suburban Reserve District (*Chapter 21, Article 9*). The primary purpose of the property is to establish areas for individual residential dwelling units. Storage on a "SR" property is a subordinate or secondary use to the primary purpose and cannot occur until the primary purpose has been met. Therefore, the storage of these materials, vehicles, and recreational vehicles on the property is in violation of the Lake County Code and/or constitutes a public nuisance. These items are stored in violation of the provisions set forth in Chapter 21, Article 9 and are in violation of Lake County Code section Chapter 13, Article I, Section 13-3.1, Subsection (e) (13).

The above issues are in violation of the Lake County Code and the Lake County Zoning Ordinance

- Chapter 13, Article I, Section 13-3.1, Subsection (e) (4)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (5)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (6)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (7)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (8)
- Chapter 13, Article I, Section 13-3.1, Subsection (e) (13)
- Chapter 21, Article 9, Section 9.1
- Chapter 21, Article 42, Section 42.11

C. ORDER IS GIVEN TO COMMENCE ABATEMENT OF THE CODE VIOLATION(S) OF THE LAKE COUNTY CODE WITHIN THIRTY (30) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS, FAILURE TO DO SO MAY RESULT IN THE IMPOSITION OF AN ADMINSTRATIVE PENALTY:

Up to one hundred dollars (\$100) a day per violation of the Lake County Code.

- 1) Remove and properly dispose of any and all garbage, rubbish, refuse, and/or waste matter.
- 2) Remove and/or properly dispose of any and all recreational vehicles, vehicles, and inoperable vehicles or vehicles parts thereof.
- 3) Bring the property into compliance with Lake County Zoning Ordinance Chapter 21, Article 9 And Chapter 21, Article 42.

  
Norman Valdez, CODE ENFORCEMENT OFFICER  
COMMUNITY DEVELOPMENT DEPARTMENT  
COUNTY OF LAKE, STATE OF CALIFORNIA

DATED: April 19, 2022



- D. FAILURE TO CORRECT THE LISTED VIOLATIONS MAY CAUSE THE PROPERTY OWNER TO INCUR AN ADMINISTRATIVE PENALTY PURSUANT TO CHAPTER 13, ARTICLE VII, SECTION 13-48.3:
- a. UP TO ONE THOUSAND DOLLARS (\$1000.00) FOR EACH CALENDAR DAY FROM THE DATE OF THE TRANSMITTAL OF THE NOTICE OF VIOLATION THROUGH THE DATE OF ACTUAL ABATEMENT OF THE VIOLATIONS SPECIFIED IN SAID NOTICE.
- FIRST VIOLATION - \$100.00
- SECOND VIOLATION OF THE SAME CODE SECTION WITHIN ONE YEAR OF THE FIRST VIOLATION - \$200.00
- THIRD VIOLATION OF THE SAME CODE SECTION WITHIN ONE YEAR OF THE FIRST VIOLATION - \$500.00
- b. IN THE EVENT THE VIOLATIONS INCLUDE IS THE ILLEGAL USE OF A STRUCTURE AND THE THAT VIOLATION MAY BE CORRECTED BY OBTAINING THE APPROPRIATE PERMIT, UP TO A MAXIMUM OF FIVE (5) TIMES THE AMOUNT OF THE STANDARD FEE FOR THE PERMIT MAY BE CHARGED AS TO THAT VIOLATION ALONE.
- c. PAYMENT OF THE ADMINISTRATIVE PENALTY SHALL NOT EXCUSE THE FAILURE TO CORRECT THE VIOLATION NOR SHALL IT BAR FURTHER ENFORCEMENT ACTION.
- d. THE ADMINISTRATIVE PENALTY IMPOSED SHALL BE MADE PAYABLE TO THE COUNTY OF LAKE.
- E. THE RESPONSIBLE PARTY MAY APPEAL THE IMPOSITION OF THE ADMINISTRATIVE PENALTY WITHIN FIFTEEN (15) DAYS OF THE DATE THE NOTICE OF IMPOSITION IS SERVED UNLESS THE VIOLATION IS DEEMED TO BE A HIGH SEVERITY VIOLATION, IN WHICH CASE THE TIME TO APPEAL SHALL BE THE TIME WITHIN WHICH SAID NOTICE ALLOWS FOR THE VIOLATION TO BE ABATED BY A RESPONSIBLE PERSON(S);
- F. YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED OR THE IMPOSITION OF AN ADMINISTRATIVE PENALTY SHOULD NOT BE IMPOSED BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM OR SUBMITTING A WRITTEN APPEAL IN WRITING. AND MUST BE FILED WITHIN 15 DAYS OF SERVICE OF THE NOTICE OF VIOLATION. THE APPEAL SHOULD STATE THE CODE SECTION THAT YOU ARE APPEALING AND THE PROVIDE A REASON FOR THE APPEAL. IF YOU FAIL TO REQUEST AN APPEAL HEARING, THE IMPOSITION OF THE ADMINISTRATIVE PENALTIES SHALL BE FINAL. THE APPEAL FORM MAY BE OBTAINED OR SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION 255 N. FORBES ST., THIRD FLOOR, LAKEPORT, CA 95451
- G. ANY RESPONSIBLE PARTY UPON WHOM AN ADMINISTRATIVE PENALTY HAS BEEN IMPOSED MAY SEEK JUDICIAL REVIEW OF THE ORDER IMPOSING THE PENALTY PURSUANT TO GOVERNMENT CODE SECTION 53069.4



Lake County Community Development Department  
Code Enforcement Division  
255 N. Forbes Street, Lakeport (707) 263-2309

## PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LAKE

I am a resident of the County aforesaid; I am over the age of eighteen years and my business address is:

255 North Forbes Street  
Lakeport, CA 95453

On 04/19/2022 I served the within (1) Notice of Violation and (2) Notice of Nuisance and Order to Abate

Case ENF22-00065 Principle owner(s): Kenneth Nicholson & Phil Hemley

by placing a true copy thereof enclosed in a sealed envelope with postage thereon  
fully prepaid, certified (numbers below) return receipt requested, in the United States mail at Lakeport,  
California.

CERTIFIED #(s)

ADDRESSEE

92148969009997901642843991

Kenneth Nicholson & Phil Hemley

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

Executed on 04/19/2022 at Lakeport, California.

SIGNATURE



Batch #: 9  
Article #: 92148969009997901642843991  
Date/Time: 4/19/2022 12:48:03PM  
Code: ENF22-00065 NV

Internal File #:  
Internal Code: