The County Of Yuba

Community Development & Services Agency

CODE ENFORCEMENT

Telephone: (530) 749-5455 Fax: (530) 749-5616

915 8th Street, Suite 123, Marysville, California 95901

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

AMENDED

CODE-24-0561

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
N/A	JON PAUL MITCHELL JR
N/A	13219 BROOKVIEW DRIVE CIRCLE GRASS VALLEY, CA 95945

VIOLATION ADDRESS: VACANT LOT ON MCCOURTNEY RD, WHEATLAND, CA 95692

APN: 015-390-027

PLEASE TAKE NOTICE: that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** *Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the cultivation of marijuana in violation of the provisions contained herein*

- ☒ Outdoor cultivation 7.40.300A
- ☒ Cultivation of more than 6 plants 7.40.300B NUMBER OF PLANTS: 3,310
- ☒ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300C
- ☒ Lack of dwelling 7.40.310
- ☒ Water source/discharges 7.40.310B
- ☒ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☒ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330

☒ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☐ **Yuba County Ordinance Code § 7.40.400(C)** *Marijuana plants in public view as defined in Section 7.40.200 of this Chapter.*

☒ **Yuba County Ordinance Code § 7.40.400(D)** *The cultivation of marijuana in a manner that exceeds 6 plants*
# of plants: 3,310 .

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The improper use, storage and/or disposal (per the manufactures' instruction and/or any law that governs same) of chemicals, fertilizers, gas products (CO2, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.*

☒ **Yuba County Ordinance Code § 7.40.400(F)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence,* including but not limited to the following violations:

☐ Unlawful disposal of sewage in violation of the Yuba County Ordinance Code, Chapter 7.07

☒ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35

☒ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36

☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05

☒ Hazardous electrical wiring in violation of the Yuba County Ordinance Code, Chapter 10.05

☒ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20

☒ Unpermitted grading activities in violation of the Yuba County Ordinance Code, Chapter 11.23

☒ Conducting activities on a site which are not permitted uses in the established zone as identified in the Yuba County Ordinance Code, Title XI – Development Code, including utilizing accessory uses without first establishing a primary use

☒ Emplaced land/sea storage container without first obtaining a permit

YOU ARE HEREBY ORDERED to correct or remove all violations from subject property on or before **October 26, 2024** at **3:00 p.m.**

YOU ARE HEREBY ADVISED that an Administrative Penalty, pursuant to Yuba County Ordinance Code, Chapters 7.36 and 7.40, in the amount of **$ 333,000.00 per day** will begin to accrue upon the expiration of the date listed above, and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer. **You must call this office to schedule an inspection to verify compliance.**

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. The request for hearing must be accompanied by a deposit for costs as required by Yuba County Ordinance Code § 7.40.600. Even if you do not request a hearing with

respect to the existence of a public nuisance, you may contest the Administrative Penalty by filing a written request for a hearing, within 10 calendar days of the date of this Notice, solely to contest the imposition of the Administrative Penalty. The request for hearing must be accompanied by a deposit for costs as required by Yuba County Ordinance Code § 7.40.600.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the administrative and enforcement costs, the actual costs of the abatement, and the Administrative Penalties, if any, which shall be paid within thirty (30) days from the date of the demand for payment. The "cost of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of abating the violation, the cost of labor and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.

☒ **POSTED PROPERTY**

☐ **PERSONAL SERVICE**

☒ **CERTIFIED MAIL** **9589 0710 5270 0914 4485 99**

DATED: **October 22, 2024**

By: Octavio Cervantes Ramsey

OCTAVIO CERVANTES
Code Enforcement Officer

Encl: Excerpts from Yuba County Ordinance Code, Chapter 7.40
Billing Statement # 1417

County of Yuba

Code Enforcement Division
915 8th Street, Suite 123
Marysville, CA 95901
Phone: 530.749.5455

Billing Statement

DATE	INVOICE #
10/24/2024	1417

BILL TO:
Jon Paul Mitchell, Jr.
13219 Brookview Drive Circle
Grass Valley, CA 95945

CASE INFORMATION

Number: CODE-24-0561
Officer: O. Cervantes
Vacant Lot on McCourtney Road, Wheatland
APN: 015-390-027
Cert: 9589 0710 5270 0914 4485 99

TERMS	DUE DATE
Net 30	**11/23/2024**

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
10/18/2024	Received Complaint, Opened Case	180.00	0.5	90.00
10/21/2024	Research Property	180.00	1	180.00
10/22/2024	Inspection 2 Officers @ 3 Hours	180.00	6	1,080.00
10/22/2024	Notice & Order to Abate	1,800.00		1,800.00
10/24/2024	Notice of Non-Compliance	180.00		180.00
10/24/2024	CDSA Processing Fee, Recording	90.00		90.00
10/24/2024	CDSA Support Fee (8%)	273.60		273.60
	Initial billing statement. Future fees will be applied.			

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

Total **$3,693.60**

5 - 30 DAYS PAST DUE = 25%
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (ADDITIONAL FEE APPLIES FOR CREDIT/DEBIT PAYMENTS)