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Planning, Building & Environmental Services

1195 Third Street, Second floor
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

CITATION (NAPA COUNTY CODE CHAPTER 1.28) ORDER TO CORRECT CODE VIOLATION

Citation No. CE19-00075-1		Citation Date: June 5, 2019	
Name of Owner(s) and/or Other Person(s) Responsible for Violation(s):		Address/Location of Violation(s):	
Timothy J. White & Hidi R. Sobelman		3435 Redwood Road Napa, CA 94558-9545	
Assessor's Parcel Number(s):			
APN# 035-320-002-000			
<p>Violation(s) of the Napa County Code, or of other provisions of law, exist or have occurred on the property described and identified above. In an effort to gain your voluntary compliance in correcting the Violation(s), County staff previously sent a notice of nuisance on April 9, 2019 identifying Violation(s) and gave you a reasonable amount of time to correct the Violation(s). Unfortunately, the Violation(s) have not been corrected and this Citation is being issued pursuant to Napa County Code Chapter 1.28. Accordingly, you are hereby Cited for, and Ordered to Discontinue, Not Repeat and Correct the Violation(s) described below.</p>			
Code Section(s) Violated:		Description of Violation(s):	
Napa County Code Section 15.08.080 Napa County Code Section 16.28.050(C) 2016 California Building Code, Section 105.1 2016 California Building Code, Section J103.1 Napa County Code Section 1.20.022(B)(3) Napa County Code Section 18.144.040		<ol style="list-style-type: none"> 1. Earthmoving/grading/infill without benefit of a permit. 2. Maintaining an erosion hazard in a manner that may result in an illicit discharge. 3. Construction of a retaining walls, and a garage without benefit of building and/or grading permits 4. An area exceeding one hundred square feet containing lumber and building materials not being used for construction on the premises. 5. Boat and trailer posing a danger to life and safety as it is located within the landslide area. 	
Corrections Required:		Deadline to Correct Violation(s):	
<ol style="list-style-type: none"> 1. Immediately remediate the erosion and slope stability hazards. 2. Apply for grading permits and stabilize hillside to mitigate further slope failure. 3. Apply for building or demolition permit for the retaining walls which were constructed without benefit of permit. 4. Building materials shall be stored in one area not more than one hundred square feet. 5. Remove/relocate boat and trailer to a stable area. 		Owner shall contact Code Enforcement to indicate willingness to enter into a compliance agreement addressing the corrective actions no later than: July 8, 2019 before 2:00 PM	
Amount of Administrative Penalty to Be Paid If Violation(s) Not Cured by Deadline:		Deadline to Pay Administrative Penalty if Violation(s) Not Timely Cured:	
\$ 100.00 per violation (5 violations) = \$0.00		NA	
Signature of Code Enforcement Officer Issuing Citation:		Code Enforcement Contact Information:	
(Sign:) _____ Patrick Ryan		Phone: (707) 253.4892 Email: Patrick.Ryan@countyofnapa.org	
Supervisor: Ryan Gregory District # 2			

PLEASE READ THE ACCOMPANYING ADDENDUM CAREFULLY. YOU FACE THE ENFORCEMENT MEASURES DESCRIBED BY THE ADDENDUM UNLESS YOU PROMPTLY CORRECT THE ABOVE-DESCRIBED CODE VIOLATIONS

**CITATION ADDENDUM
CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS**

Please contact the Code Enforcement Officer identified on the Citation promptly, to communicate your intended course of action to correct the Violation. The Code Enforcement Officer must confirm that the Violation(s) has been corrected prior to the deadline specified in the Citation if you wish to avoid the consequences described below. Unless you come into compliance with the County Code or other provisions of law identified in the Citation and correct the Violation(s) described in the Citation by the deadline specified, the following will occur:

- **This Citation Will Be Recorded Against the Property** - Pursuant to Napa County Code Chapter 1.28, Section 1.28.085, if the Violation(s) described in the Citation pertains to real property, and if not corrected by the deadline specified in the Citation, the Enforcement Officer shall cause this Citation to be recorded with the recorder division of the County's assessor-recorder-county clerk department, which, when recorded, shall provide constructive notice of the Violation(s) to all prospective buyers, lenders, and successors in interest in the Property, under California Civil Code Sections 1213 and 1215.
- **You Will Be Liable for Payment of an Administrative Penalty Amount** - The Administrative Penalty ("Penalty") specified in the Citation is hereby imposed unless you correct all Violations by the deadline specified in the Citation. Pursuant to Napa County Code Sections 1.28.050, et seq., unless you correct the Violation(s) by the deadline specified or successfully contest this Citation, you must pay to the County the Penalty in the amount specified in the Citation by the deadline specified for such payment. If you fail to correct the Violations by the date specified, please mail or deliver payment of the Penalty (payable to County of Napa) to:

PBES Attn: Code Compliance Division
1195 Third Street, 2nd Floor
Napa, CA 94559

Failure to pay the Penalty by the stated deadline shall result in the assessment of an additional late fee in the amount of ten percent of the total amount of the Penalty owed.

- Please note: you will also be subject to receiving notices of additional Penalties in amounts that will escalate for any additional Violations that occur or continue during a 12-month period following the first Violation. Please refer to the following fee schedule regarding additional penalties.

	Land Use Violations	Building/Safety Violations
First Violation	\$100.00	\$100.00
Second Violation	\$200.00	\$500.00
Third and subsequent violations	\$500.00	\$1,000.00

- Please also note: Your payment of the Penalty shall not excuse you from having to correct the Violation(s). If you pay the first Penalty but the Violation(s) continues or recurs, you will continue to be subject to additional Penalties, to recordation of the Citation, and to all other remedies available to the County to enforce the law.
- Please also note: If you fail to pay an administrative penalty and/or fail to correct the Code violation after a Citation is issued, the matter will then be referred to County Counsel or the District Attorney for further enforcement through civil litigation proceedings.
- **The Possibility of Civil Enforcement Proceedings in Court:** - Depending on the circumstances, including but not limited to the nature and severity of the Violation, if you fail to correct the Violation the matter may be referred to Napa County Counsel or to the Napa County District Attorney for filing of civil enforcement proceedings in court. Pursuant to Napa County Code Section 1.20.155, in the course of such litigation, the County may seek civil penalties up to \$1,000.00 for each day that the Violation has existed and/or continues to exist.
- **You Have the Right to Contest this Citation** - Pursuant to Napa County Code Chapter 1.28 (specifically, Sections 1.28.060, and 1.28.090 through 1.28.130, inclusive), you may file a request for a hearing before a hearing officer to contest the Citation, to contest the recordation of the Citation as to the Property described in the Citation, and/or to contest the imposition of the Penalty against you. Attached hereto is a copy of Napa County Code Chapter 1.28. Please refer to Chapter 1.28 to understand the procedures and requirements that apply to such a request for a hearing and to the hearing process.
- Please note: Pursuant to Chapter 1.28, if you contest the Citation, the recordation of the Citation, or the imposition of the Penalty unsuccessfully, you may be subject to an order by the hearing officer to reimburse the County for its administrative costs, staff time costs, and reasonable attorney's fees incurred in the hearing process.

The County's remedies and procedural steps for enforcement of the County Code and other statutes and regulations enforced by the County, as described herein, are cumulative, alternative, and not mandatorily followed. The County, in enforcing the County Code and other statutes and regulations, has prosecutorial discretion to select -- based on the particular circumstances -- the appropriate enforcement measures to be taken, as permitted by the County Code and other laws.