


**CITY OF CALISTOGA  
PLANNING AND BUILDING DEPARTMENT**

**MEMO**

To: Jonathan Mills, Police Chief

CC: Charlene Gallina, Planning and Building Director  
Steve Campbell, Fire Chief  
Erik Lundquist, Assistant Planner  
Dan Takasugi, Public Works Director  
Jim McCann, City Manager

From: Brad Cannon, CBO - Building Inspector 

Date: January 29, 2008

Re: **STATEMENT OF AFFIDAVIT FOR ABATEMENT AT  
KARPUK'S RESIDENCE 1820 GRANT ST., CALISTOGA**

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Chief Mills:

As you are aware, on Tuesday, January 15, 2008 Community Services Officer Paulette Solt, Officer Phil Blanco, Fire Chief Steve Campbell and I met with Mr. Karpuk to re-inspect his property. The reason for this inspection was that Mr. Karpuk had not met the milestone dates of his cleanup schedule submitted to the City on November 1, 2007. Mr. Karpuk had successfully cleaned a large amount of brush and some debris, primarily down the south side and rear yard of the property. Unfortunately, I was unable to perfect the pictures taken that day. However, after inspecting Mr. Karpuk's progress, I requested Mr. Karpuk to contact our department by the end of the week with a revised typed schedule, along with any requests for assistance by the City. Unfortunately, to date, I have not heard back from him. As well, I understand Officer Solt has attempted to contact him directly at no avail.

Per your request and as previously noted in my prior memo, the violations have been revised to reflect our newly adopted codes and are as follows:

Title 15 of the City of Calistoga Municipal Code, which provides for the adoption of the 2007 California Building Standards Code, specifically chapters 15.08 (2007 Building Code, CBC) and 15.48 (1997 Housing Code) which states:

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**2007 CBC, Chapter 1 Appendix, Section 115 UNSAFE STRUCTURES  
AND EQUIPMENT.**

**115.1 Conditions.**

*Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or **which constitute a fire hazard**, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or **inadequate maintenance**, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.*

Mr. Karpuk is in violation of other municipal codes such as sections:

**"8.24.020.** *All properties, including vacant properties, shall be kept free of trash, building materials, or the storage of other goods which are visible from the street or adjacent properties. Properties shall also be kept free of excessive vegetative growth. Site improvements shall be maintained in a condition to guarantee safety and quality appearance and shall include but not be limited to: parking and walking areas free of weeds and excessive dirt, visible parking lot striping, paving material (including walkways) which provide a smooth, unbroken surface, unbroken curbs and gutters, litter-free trash and loading areas, walls and fences in a sturdy condition and free of graffiti and the like, fountains or other water features which are free of potential health dangers, lighting signs, bicycle racks, internal traffic control items such as speed bumps, and drainage control items which are maintained in safe repair."*

**"8.24.030.** *Buildings, including accessory structures, trellises, awnings and other similar features, shall be maintained in a condition free of the following abuses including but not limited to: loose roofing and siding materials, unconcealed roof equipment, peeling paint or faded stain, broken or cracked windows, any unsafe structural element or other items which would degrade the appearance and/or safety of the structure."*

**"8.24.040.** *Landscaping improvements shall be maintained in a healthy condition and complementary to the neighboring buildings and properties. Such maintenance shall include, but not be limited to: lawns which are watered and trimmed to uniform height in their appearance, and shrubs and trees which are trimmed and pruned to remain their health and*

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*adequate clearance over pedestrian and vehicular areas. Landscaping incorporating bare earth or gravel shall be kept free of weed growth. Plant*

*materials designated on a landscape plan shall be retained in their natural shape unless otherwise denoted on the approved plan. Irrigation systems shall provide adequate irrigation to all plant materials to allow normal growth, retain water within planted areas and be maintained in an operative condition."*

I am recommending the City Attorney follow up with abatement action based on the observations made of the property on June 7, 2007 and January 15, 2007 showing serious inadequate maintenance and excessive storage of debris, which may be defined as an unsafe use of the structure and property constituting a hazard to safety, health and public welfare.

Furthermore, Mr. Karpuk's lack of willingness to work with the City on this serious issue does not appear to leave the City any option, but to abate this public nuisance.

**CITY OF CALISTOGA  
POLICE DEPARTMENT**

1235 WASHINGTON STREET  
CALISTOGA, CA 94515  
Phone (707) 942-2810  
Fax (707) 942-2819

February 5, 2008

Robert Karpuk  
1820 Grant Street  
Calistoga, CA 94515

RE: 1820 Grant Street – Abatement

Mr. Karpuk:

On October 9, 2007 you met with the City Building Inspector on your property at 1820 Grant Street regarding complaints made to the City regarding the condition of that property relating to inadequate maintenance and storage of debris. Following the inspection the following violations were noted on your property:

**1. 2007 CBC, Chapter 1 Appendix, Section 115 Unsafe Structures and Equipment.**

**115.1 Conditions**

*Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light or ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down, removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.*

**2. 8.24.020 Calistoga Municipal Code**

*All properties, including vacant properties, shall be kept free of trash, building materials, or the storage of other goods which are visible from the street or adjacent properties. Properties shall also be kept free of excessive vegetative growth. Site improvements shall be maintained in a condition to guarantee safety and quality appearance and shall include but not be limited to: parking and walking areas free of weeds and excessive dirt, visible parking lot striping, paving material (including walkways) which provide a smooth unbroken surface, unbroken curbs and gutters, litter-free trash and loading areas, walls and fences in a sturdy condition and free of graffiti and the like, fountains or other water features which are free of potential health dangers, lighting signs, bicycle racks,*

*internal traffic control items such as speed bumps, and drainage control items which are maintained in safe repair.*

**3. 8.24.030 Calistoga Municipal Code**

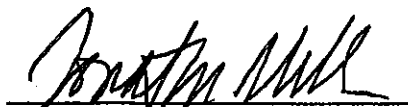
*Buildings, including accessory structures, trellises, awnings and other similar features, shall be maintained in a condition free of the following abuses including but not limited to: loose roofing and siding materials, unconcealed roof equipment, peeling paint or faded stain, broken or cracked windows, any unsafe structural element or other items which would degrade the appearance and/or safety of the structure.*

**4. 8.24.040 Calistoga Municipal Code**

*Landscaping improvements shall be maintained in a healthy condition and complementary to the neighboring buildings and properties. Such maintenance shall include, but not be limited to: lawns which are watered and trimmed to uniform height in their appearance, and shrubs and trees which are trimmed and pruned to retain their health and adequate clearance over pedestrian and vehicular areas. Landscaping incorporating bare earth or gravel shall be kept free of weed growth. Plant materials designated on a landscape plan shall be retained in their natural shape unless otherwise denoted on the approved plan. Irrigation systems shall provide adequate irrigation to all plant materials to allow normal growth, retain water within planted areas and be maintained in an operative condition.*

On November 1, 2007 you met with the City Building inspector and expressed your willingness to address these issues. You agreed to a Clean Up Schedule at that time. Because the milestones and timelines established in the November 1, 2007 Clean Up Schedule were not achieved, and you failed to respond to other attempts by the City to revise the schedule, I am sending you this final letter to provide you formal notice that this matter will be brought to before the City Council for an administrative hearing to determine whether the violations at issue constitute a public nuisance and should be abated as such. You will be provided with a notice to appear for the hearing.

If, based on the evidence provided at this hearing, the City Council finds that a public nuisance exists, the Council may declare, by resolution, a public nuisance exists and order its' abatement. If abated by the City, the Council may order that any costs of such abatement be assessed upon the property, and such costs constitute a lien upon the property until paid in full. In addition, the City may be entitled to reasonable attorneys' fees incurred during this nuisance abatement administrative proceeding.



Jonathan Mills  
Chief of Police

# CITY OF CALISTOGA

## POLICE DEPARTMENT

1235 WASHINGTON STREET  
 CALISTOGA, CA 94515  
 Phone (707) 942-2810  
 Fax (707) 942-2819

March 18, 2008

Mr. Robert Karpuk  
 1820 Grant Street  
 Calistoga, CA 94515

**Re: Abatement of 1820 Grant Street APN 011-043-039**

Dear Mr. Karpuk:

I am writing to follow-up on the City's discussions and most recent site inspection of your property commonly described as 1820 Grant Street, APN 011-043-039 ("Property"). On Tuesday, January 15, 2008, Community Service Officer Paulette Solt, Officer Phil Blanco, Fire Chief Steve Campbell, and Building Inspector Brad Cannon inspected the Property and discussed with you the existing state code and Calistoga Municipal Code ("CMC") violations occurring on the Property relating to (1) accumulation of rubbish, (2) hazardous and/or unsanitary premises, (3) improper maintenance of the Property's exits, (4) structural defects, and (5) fire hazards.

Pursuant to CMC section 15.08.020, any condition caused or permitted to exist in violation of the CMC or any ordinance of the City is deemed a public nuisance and may be abated as such. The violations discussed during our January 15, 2008 meeting consist of several unauthorized activities including, but not limited to, the following:

1. Dark stagnant water in an ornamental pond located at the front of the building (CMC section 8.24.020);
2. Stockpiles of rubbish and other materials in front of the residence (CMC section 8.24.020);
3. Stockpiles of rubbish and other materials, including but not limited to, household items, tools, and assorted containers, on either side of the residence adjacent to the front porch (CMC section 8.24.020);
4. Stockpiles of rubbish and other materials inside the residence making it difficult to move from room to room (2007 CBC Appendix Chapter 1, Section 115 Unsafe Structures and Equipment 115.1 Conditions; CMC section 15.08.010);
5. Stockpiles of drums, tools, stacks of building materials, metal, and other debris (CMC Section 8.24.020);
6. Overgrown vegetation over the entirety of the property (CMC section 8.24.040);
7. Structurally unsafe porch at the front of the house (2007 CBC, Appendix Chapter 1, Section 115 Unsafe Structures and Equipment 115.1 Conditions; CMC section 8.24.030 and 15.08.010).
8. Storage of vehicles in the public right of way (CMC section 10.52.010);

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During our recent site inspection, as well as during a previous meeting on Thursday, October 9, 2007 and in written correspondence dated October 15, 2007, November 1, 2007, and February 5, 2008, we explained the steps necessary for you to abate the above-cited violations and thereby avoid formal administrative abatement proceedings at the direction of the City Council. At the conclusion of both in-person meetings, you indicated that you would begin to take the appropriate steps to seek compliance with the relevant state code and CMC provisions.

You have failed to take the necessary steps to cure the above-referenced violations. Accordingly, if you do not remedy the ongoing violations by April 1, 2008, the City will be forced to initiate the official abatement proceedings pursuant to CMC chapter 1.12. More specifically, you are required to do the following:

1. Remove all above-described debris visible from Grant Street. As used herein, the term "debris" includes, but is not limited to, all loose trash, equipment, construction materials, dead organic matter, combustible fuels, weeds, objects that are not attached or an integral part of the Property, and similar materials or conditions on the premises which constitutes fire, health and/or safety hazards. **DEADLINE: APRIL 1, 2008.**
2. Remove all debris in the front, side and rear of the Property referenced above in violations 2, 3, 4, and 5. **DEADLINE: APRIL 1, 2008.**
3. Drain the dark stagnant water from the ornamental pond located at the front of the residence. **DEADLINE: APRIL 1, 2008.**
4. Trim and manicure lawns to a uniform height and prune all trees and shrubs to maintain their health and adequate clearance over pedestrian and vehicular traffic. **DEADLINE: APRIL 1, 2008.**
5. Move all vehicles and debris from the public right of way on Grant Street. **DEADLINE: APRIL 1, 2008.**
6. Remedy the structural deficiencies of the front porch. **DEADLINE: APRIL 1, 2008.**

In the event you fail to meet the April 1, 2008 deadline, this letter shall serve to inform you that the City will serve you with a formal written notice to appear before the City Council at a stated time and place to show cause as to why the violations discussed above should not be deemed a public nuisance and abated as such. If, based on the evidence provided at the hearing, the City Council finds that a public nuisance exists, the Council may declare, by resolution, that a public nuisance exists and order a City officer to abate the nuisance. Once abated, the Council may also order that any costs of such abatement be assessed upon the Property, and that such costs constitute a lien upon the Property

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until paid in full. Also note that the City may include all reasonable attorneys' fees incurred by the City during this nuisance abatement process.

In conclusion, we continue to appreciate your desire to achieve conformity and we are willing to work with you one final time to achieve these goals. However, if your obligations to seek compliance are not fulfilled, the City will commence the administrative abatement process.

We look forward to assisting you in satisfying the above-mentioned deadline. If you have any questions regarding these matters, please contact me at (707) 942-2810 or by e-mail at [jmills@ci.calistoga.ca.us](mailto:jmills@ci.calistoga.ca.us).

Sincerely,

Jonathan Mills  
Chief of Police

cc:

Michelle Kenyon, City Attorney  
Benjamin Winig, Assistant City Attorney  
James C. McCann, City Manager  
Dan Takasugi, Public Works Director  
Charlene Gallina, Planning and Building Director  
Brad Cannon, Building Inspector





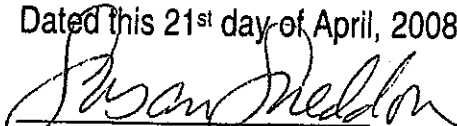
**NOTICE OF ABATEMENT BY THE CALISTOGA  
CITY COUNCIL**

**ORDER TO SHOW CAUSE REGARDING  
ABATEMENT OF PUBLIC NUISANCE**

TO: Robert Karpuk

YOU ARE HEREBY NOTIFIED to appear before the Council of the City of Calistoga on the 6th day of May, 2008, at the Calistoga Community Center, 1307 Washington Street, City of Calistoga, California, at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, and show cause, if any you have, why that those certain conditions relating to the accumulation of rubbish, a vehicle in the public right of way, overgrown vegetation, hazardous or insanitary premises and structures, poor maintenance of the dwelling's exits, poor degree of fire safety, dark stagnant water, and structural defects that exist on your property at 1820 Grant Street, also known as APN 011-043-039, should not be condemned as a public nuisance and said nuisance be abated by its repair, rehabilitation, demolition, or removal and why the cost of such abatement should not be assessed upon the property from which the nuisance is abated, such cost to constitute a lien upon such property until paid.

Dated this 21<sup>st</sup> day of April, 2008.

  
Susan Sneddon, City Clerk



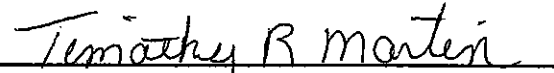
**AFFIDAVIT OF TIMOTHY R. MARTIN RE: PERSONAL SERVICE TO ROBERT KARPUK  
OF NOTICE OF ABATEMENT BY THE CALISTOGA CITY COUNCIL**

I, Timothy R. Martin, certify and declare that:

1. I am over the age of eighteen years old and am employed as a Police Officer for the City of Calistoga; my business address is 1235 Washington St., Calistoga, CA 94515.
2. On April 22, 2008, I personally delivered a true copy of the Notice of Abatement by the Calistoga City Council, in accordance with Calistoga Municipal Code section 1.12.060 to Robert Karpuk at 950 Vintage Ave., Saint Helena, CA 94575.
3. Attached hereto and incorporated herein as Exhibit A is a true and correct copy of the Notice of Abatement.

I hereby declare under penalty of perjury under the laws of the State of California that I have read the foregoing Affidavit and know the matters set forth in the Affidavit to be true and correct of my own personal knowledge.

Executed in Calistoga, California, on April 22, 2008.

  
TIMOTHY R. MARTIN