

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



419 B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: August 29, 2003

SUBJECT: Abatement of Public Nuisance [Accumulation of Rubbish];
B&S Case No.: CV 02-3151
Subject Property: 29240 Menifee Road, Menifee; APN: 334-240-048
District Three

RECOMMENDED MOTION: Move that:

- (1) The accumulation of rubbish on the real property located at 29240 Menifee Road, Menifee, Riverside County, California, APN: 334-240-048, be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
- (2) Diamond Brothers Five or Six Partnership, the owner of the subject real property, be directed to abate the accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.
- (3) If the owners or whoever has possession or control of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Department of Building & Safety, Sheriff's Department, and/or a contractor, upon consent of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, shall abate the accumulation of rubbish by removing the same from the real property.

(Continued)

Shirvan Sherma Acosta

 SHIRVAN SHERMA ACOSTA,
 Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Jennifer L. Sargent

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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- (4) The reasonable cost of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Ordinance No. 725.
- (5) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions that the accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance No. 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on January 9, 2003.
2. The inspection revealed the accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541.
3. Subsequent inspections of the above-described real property on February 27, May 21, and July 3, 2003, revealed the property continues to be in violation of Riverside County Ordinance No. 541. The rubbish consisted of, but was not limited to: broken brick, concrete, drywall, tile, asphalt, pvc pipe, seven large commercial tires, twenty-four vehicle tires, metal drums of various sizes, scrap wood, old sod, concrete, sixteen large piles of dirt, twenty-two large tree stumps, wooden pallets, various rusted commercial equipment attachments and miscellaneous items.
4. Staff and the Department of Building and Safety have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for the removal of accumulation of rubbish.