

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



719B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: October 1, 2003

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperable Vehicles];
B&S Case No.: CV 02-4631
Subject Property: 56470 Benton Way, Anza, Riverside County;
APN: 573-220-054
District Three

RECOMMENDED MOTION: Move that:

- (1) The vehicles as set forth in the Vehicle Investigation Inventory Abatement Report be found to be abandoned, wrecked, dismantled or inoperative vehicles and declared a public nuisance in violation of Riverside County Code Chapter 10.04.
- (2) The Administrative Hearing Order/Decision issued on June 25, 2003 be affirmed.
- (3) Herman M. Mullen and Elizabeth A. Mullen, or anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property within ninety (90) days of the posting and mailing of the Board's Order.

(Continued)

SHIRVAN SHERMA ACOSTA,
Deputy County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

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- (4) If Herman M. Mullen and Elizabeth A. Mullen, or anyone having possession or control of the vehicles, do not properly abate the public nuisance within ninety (90) days, a designated representative of the Department of Building & Safety, a towing contractor and/or Sheriff's Department representative shall abate the public nuisance by removal and destruction pursuant to Riverside County Code Chapter 10.04 and applicable laws.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing shall be imposed as a lien on the subject real properties which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and County Code Chapters 10.04 and 1.16.
- (6) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the vehicles, motorcycles and vehicle parts on the real property are declared to be in violation of Riverside County Code Chapter 10.04 and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, Riverside County Code Chapter 10.04 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, Riverside County Code Chapter 10.04 authorizes the removal and destruction of the vehicles constituting a public nuisance.
2. On November 4, 2002, an inspection was made of the subject real properties by code enforcement officers.
3. The inspection revealed seven (7) abandoned, inoperable, wrecked or dismantled vehicles on the subject real properties in violation of Riverside County Code Chapter 10.04.
4. Pursuant to the request from real property owner, Herman M. Mullen and Elizabeth A. Mullen, a public hearing was held on April 1, 2003 wherein the Hearing Officer determined that all seven (7) of the vehicles on the subject property constitute a public nuisance in violation of Riverside County Code Chapter 10.04 and ordered all seven (7) of the vehicles be abated.
5. An appeal of the Administrative Hearing Order/Decision was filed by Herman M. Mullen and Elizabeth A. Mullen. Notices of the appeal hearing before the Board of Supervisors have been given as required by law.
6. 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 abandoned, wrecked, dismantled or inoperable vehicles.

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