

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



517B

FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE: August 2, 2005

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperable Vehicles];
B&S Case No.: CV 01-3190
Subject Property: 32391 Ortega Highway, Lake Elsinore, Riverside County; APN: 386-030-001
District One

RECOMMENDED MOTION: Move that:

- (1) The vehicles and auto parts 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 May 6, 2005 be affirmed.
- (3) William Reed Nichols, or anyone having possession or control of the vehicles and auto parts, 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)

DAVID H.K. HUFF,
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 William Reed Nichols, or anyone having possession or control of the vehicles and vehicle parts, 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 October 6, 2004, an inspection was made of the subject real property by code enforcement officers.
3. The inspection revealed eighty-three (83) abandoned, inoperable, wrecked or dismantled vehicles and miscellaneous auto parts on the subject real properties in violation of Riverside County Code Chapter 10.04.
4. Pursuant to the request from real property owner, William Reed Nichols, a public hearing was held on February 1, 2005 wherein the Hearing Officer determined that all eighty-three (83) of the vehicles and miscellaneous auto parts on the subject property constitute a public nuisance in violation of Riverside County Code Chapter 10.04 and ordered all eighty-three (83) of the vehicles and auto parts removed from the property.
5. An appeal of the Administrative Hearing Order/Decision was filed by William Reed Nichols. Notice of the appeal hearing before the Board of Supervisors has 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.