

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

117B



FROM: County Counsel/TLMA
Department of Building & Safety

SUBMITTAL DATE:
August 7, 2006

SUBJECT: Order to Abate [Excess outside storage and accumulation of rubbish]
B&S Case No.: CV03-4503 Subject Property: 16191 Sunset Trail, Riverside
APN: 245-360-022
District One

RECOMMENDED MOTION: Move that:

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 03-4503 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV 03-4503; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 03-4503.

BACKGROUND:

On July 25, 2006 this Board received the Declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess outside storage, including five (5) metal storage containers, and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 1

Agenda Number:

2.16

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WHEN RECORDED PLEASE MAIL TO:
Tiffany N. North, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT'6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 03-4503
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 245-360-)	FINDINGS OF FACT,
022, 16191 SUNSET TRAIL, RIVERSIDE,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
CHRISTOPHER R. OCHS AND SYLVIA OCHS,)	
OWNER.)	[RCO Nos. 348 (RCC Title 17), 541
)	(RCC Title 8) and 725 (RCC Title 1)]
)	

The above-captioned matter came on regularly for hearing on July 25, 2006, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described 16191 Sunset Trail, Riverside, Assessor's Parcel Number 245-360-022 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Department of Building and Safety.

Owner Christopher R. Ochs appeared on his behalf.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Christopher R. Ochs and Sylvia Ochs. ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Bank of America, NA and Washington Mutual Bank F.A. ("INTERESTED
6 PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 4,
8 2003, October 12, 2004, January 28, 2005, August 10, 2005, April 21, 2006 June 5, 2006, and July
9 24, 2006.

10 4. During each inspection, outside storage of materials in excess of 200 square feet and
11 accumulation of rubbish were observed on THE PROPERTY. The stored materials and accumulated
12 rubbish included but were not limited to: metal, piping, wood, used tires, cardboard, barrels, bricks,
13 and miscellaneous household trash and debris. There were also five (5) large metal storage
14 containers located on THE PROPERTY. The total area of excess outside storage of materials
15 consisted of approximately one thousand five hundred ninety-three (1,593) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on January 13, 2004 as Document Number
19 2004-0021735 in the Office of the County Recorder, County of Riverside.

20 7. On December 4, 2003, Notices of Violation for violation of RCO Nos. 348 and 541
21 were posted on THE PROPERTY. On March 10, 2004 and November 3, 2004, Notices of Violation
22 were mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested.

23 8. On June 2, 2006, a "Notice To Abate Nuisance" providing notice of the public
24 hearing before the Board of Supervisors on July 25, 2006 was mailed by certified mail, return receipt
25 requested, to THE OWNER and INTERESTED PARTIES and was posted on THE PROPERTY on
26 June 5, 2006.

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FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on July 25, 2006 finds and concludes that:

1. WHEREAS, the excessive outside storage of materials, including five (5) metal storage containers, and accumulation of rubbish on the real property located at 16191 Sunset Trail, Riverside, Riverside County, California, also identified as Assessor's Parcel Number 245-360-022 violates Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. RCO 348 (RCC Chapter 17.32) does not permit the outside storage of materials on THE PROPERTY in excess of 200 square feet nor does it permit the use of metal cargo storage containers on properties in the R-A zoning classification. RCO 541 (RCC Chapter 8.120) does not permit the accumulation of rubbish on THE PROPERTY.

2. WHEREAS, THE OWNER, occupants or any person having possession or control of the premises should abate the condition by removing and disposing of all outside storage of materials in excess of 200 square feet, including the metal storage containers, and the accumulation of rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days.

3. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the outside storage of materials in excess of 200 square feet, including the five (5) metal storage containers, and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Christopher R. Ochs and Sylvia Ochs or anyone having possession or control of THE PROPERTY, by removing and disposing of the outside excess storage of materials, including the metal storage containers, and removing and disposing of the

1 accumulation of rubbish from the subject real property in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32)
3 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of mailing and posting of this
4 order.

5 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County
7 Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of
8 the date of this Order, the excess outside storage of materials, including the five (5) metal storage
9 containers, and accumulation of rubbish shall be abated by representatives of the Riverside County
10 Department of Building and Safety, a contractor or the Sheriff's Department upon receipt of an
11 owner's consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on the property, which may be collected as a special
14 assessment against the property pursuant to Government Code section 25845 and Riverside County
15 Ordinance Nos. 348 (RCC Chapter 17.32), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).
16 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
19 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
20 abatement costs accrued by the Department will be recoverable from the property owner(s) even if
21 the property is brought into compliance within ninety (90) days of the date of this Order to Abate
22 Nuisance.

23 Dated: _____

COUNTY OF RIVERSIDE

24
25 By _____
26 Bob Buster
27 Chairman, Board of Supervisors
28

1 ATTEST:

2 NANCY ROMERO

3 Clerk to the Board

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5 By

6 Deputy

7 (SEAL)

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