

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

314 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
November 1, 2006

**SUBJECT:** Abatement of Public Nuisance [Substandard Structures, Accumulation of Rubbish, Excess Outside Storage];  
Case No.: CV 04-3611  
Subject Property: 19069 Grand Avenue, Lake Elsinore; APN: 371-240-016

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-3611 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 04-3611; 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 04-3611.

**BACKGROUND:**

On October 31, 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 substandard structures, accumulation of rubbish, and excess outside storage 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.

*Warren Chu*

WARREN CHU, Deputy County Counsel  
for JOE S. RANK, County Counsel

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

<b>SOURCE OF FUNDS:</b>	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

*[Signature]*

RECEIVED - 2 NOV 10 23  
DEPT. OF COUNTY COUNSEL

Prev. Agn. Ref.:

District: 1

Agenda Number:

2 . 12

Departmental Concurrence

Consent     Policy  
 Consent     Policy  
 Dept Recomm Per Exec. Ofc.

1 WHEN RECORDED PLEASE MAIL TO:  
2 Warren Chu, Deputy County Counsel  
3 County of Riverside  
4 OFFICE OF COUNTY COUNSEL  
5 3535 Tenth Street, Suite 300 (Stop #1350)  
6 Riverside, CA 92501

[EXEMPT'6103]

7 **BOARD OF SUPERVISORS**  
8 **COUNTY OF RIVERSIDE**

9 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 04-3611  
10 [SUBSTANDARD STRUCTURE, )  
11 ACCUMULATION OF RUBBISH, AND EXCESS ) FINDINGS OF FACT,  
12 OUTSIDE STORAGE]; APN 371-240-016, 19069 ) CONCLUSIONS AND ORDER TO  
13 GRAND AVENUE, LAKE ELSINORE, ) ABATE NUISANCE  
14 RIVERSIDE COUNTY, CALIFORNIA; MARY )  
15 ANDERSON, OWNER. ) [R.C.O. Nos. 457 (RCC Title 15), 348  
16 (RCC Title 17), 541 (RCC Chapter  
17 8.120), and 725 (RCC Title 1)]

18 The above-captioned matter came on regularly for hearing on October 31, 2006 before the  
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
21 property described as 19069 Grand Avenue, Lake Elsinore, Assessor's Parcel Number 371-240-016  
22 and referred to hereinafter as "THE PROPERTY."

23 Tiffany N. North, Deputy County Counsel, appeared along with Jim Monroe, Code  
24 Enforcement Division Manager, on behalf of the Code Enforcement Department ("Department").

25 No one testified on behalf of the property owners.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
27 with attached Exhibits, evidencing the substandard structure, excess outside storage, and  
28 accumulation of rubbish on THE PROPERTY as a public nuisance and violations of Riverside  
County Ordinance Nos. 457, 348, 541 as codified in Riverside County Code Titles 15, 17 and 8  
respectively.

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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 owner  
3 of THE PROPERTY as Mary Anderson ("OWNER").

4           2. Documents of title at the time of the inspection indicated that other parties potentially  
5 hold a legal interest in THE PROPERTY, to-wit: Maureen Gaffney and Timothy Gaffney and Paul  
6 McDonnell, Riverside County Tax Collector ("INTERESTED PARTIES").

7           3. THE PROPERTY has been inspected by Code Enforcement Officers on July 1, 2005,  
8 June 6, 2006, and September 11, 2006.

9           4. During each inspection, substandard structures (mobile home on permanent  
10 foundation and detached garage) were observed on THE PROPERTY. The mobile home contained  
11 numerous deficiencies, including but not limited to: lack of hot and cold running water to plumbing  
12 fixtures; lack of required electrical lighting- broken light fixture; members of walls, partitions or  
13 other vertical supports that split, lean, list or buckle due to defective material or deterioration;  
14 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or  
15 buckle due to defective material or deterioration; general dilapidation or improper maintenance; and  
16 public and attractive nuisance. The detached garage contained numerous deficiencies, including but  
17 not limited to: members of walls, partitions or other vertical supports that split, lean, list or buckle  
18 due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or  
19 other horizontal members which sag, split, or buckle due to defective material or deterioration and  
20 exposed insulation; general dilapidation or improper maintenance; and public and attractive  
21 nuisance. The structure was observed as abandoned, dilapidated, and vacant.

22           5. During each inspection an accumulation of rubbish was observed throughout THE  
23 PROPERTY consisting of but not limited to: discarded wood, broken furniture, appliances, pipes,  
24 plastics, garage doors, paper, cardboard, old tires, mattresses, discarded vehicle and engine parts,  
25 discarded clothes, tree trimmings, vegetative waste, dead animals, household items, wood scraps and  
26 other miscellaneous items.

27           6. During each inspection, outside storage of materials in excess of 200 square feet were  
28 observed on THE PROPERTY. The materials included but were not limited to: discarded wood,

1 broken furniture, appliances, pipes, plastics, garage doors, paper, cardboard, old tires, mattresses,  
2 discarded vehicle and engine parts, discarded clothes, tree trimmings, vegetative waste, dead  
3 animals, household items, wood scraps and other miscellaneous items. On July 1, 2005, the total  
4 area of excess outside storage of materials consisted of approximately seven hundred and sixty (760)  
5 square feet.

6 7. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
7 Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 348 (RCC Title 17) by the Code  
8 Enforcement Officer.

9 8. A Notice of Noncompliance for the substandard structures, accumulation of rubbish,  
10 and excess outside storage was recorded on June 20, 2006 as Document Number 2006-0444945 in  
11 the Office of the County Recorder, County of Riverside.

12 9. On July 1, 2005, Notices of Violation and Notices of Defects for violation of RCO  
13 Nos. 457, 541, and 348 were posted on THE PROPERTY. On September 15, 2005, Notices of  
14 Violation and Notices of Defects were mailed to OWNER and INTERESTED PARTIES by certified  
15 mail, return receipt requested.

16 10. On September 7, 2006, a "Notice To Abate Nuisance" providing notice of the public  
17 hearing before the Board of Supervisors on October 31, 2006 was mailed by certified mail, return  
18 receipt requested, to THE PROPERTY OWNER and INTERESTED PARTIES and posted on THE  
19 PROPERTY on September 11, 2006.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
22 regular session assembled on October 31, 2006 finds and concludes that:

23 1. WHEREAS, the substandard structures (substandard mobile home and substandard  
24 detached garage), accumulation of rubbish, and excess outside storage on the real property located at  
25 19069 Grand Avenue, Lake Elsinore, Riverside County, California, also identified as Assessor's  
26 Parcel Number 371-240-016 violates Riverside County Ordinance No. 457, 541, and 348, and  
27 constitutes a public nuisance.

28 2. WHEREAS, THE PROPERTY OWNER, occupants or any person having possession

1 or control of the premises should abate the substandard structures condition by razing, removing and  
2 disposing of the substandard structures, including the removal and disposal of all structural debris  
3 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided  
4 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
5 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
6 (90) days.

7 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
8 control of THE PROPERTY should abate the accumulation of rubbish by removing all rubbish on  
9 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not  
10 limited to Riverside County Ordinance No. 541 within ninety (90) days.

11 4. WHEREAS, THE OWNER, occupants or any other person having possession or  
12 control of the premises should abate the condition by removing and disposing of the excess outside  
13 storage of materials from the subject real property in strict accordance with all Riverside County  
14 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)  
15 days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the substandard structures (substandard mobile home  
23 and substandard detached garage) on THE PROPERTY be abated by THE PROPERTY OWNER,  
24 specifically Mary Anderson or anyone having possession or control of THE PROPERTY, by razing  
25 and removing the substandard structures including the removal and disposal of all structural debris  
26 and materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure  
27 provided such reconstruction/rehabilitation or demolition can be accomplished in strict accordance  
28 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.

1 457 (RCC Chapter 15.12) within ninety (90) days of the date of this order.

2 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
3 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
4 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
5 days of the date of this Order, the substandard structures, contents therein, and structural debris and  
6 materials, shall be abated by representatives of the Riverside County Code Enforcement Department,  
7 a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
8 necessary under applicable law authorizing entry onto THE PROPERTY.

9 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
10 asbestos containing materials in said structures by survey and materials sample testing by a duly  
11 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
12 the removal of all asbestos containing materials discovered through such survey and testing by  
13 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
14 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

15 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
16 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing  
17 all rubbish on THE PROPERTY.

18 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
20 Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order, the  
21 accumulation of rubbish shall be abated by representatives of the Riverside County Code  
22 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
23 consent or a Court Order when necessary under applicable law within ninety (90) days of the posting  
24 and mailing of this order.

25 IT IS FURTHER ORDERED that the excess outside storage of materials on THE  
26 PROPERTY be abated by THE PROPERTY OWNER, specifically Mary Anderson or anyone  
27 having possession or control of THE PROPERTY, by removing and disposing of the outside excess  
28 storage of materials from the subject real property in strict accordance with all Riverside County

1 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90)  
2 days of the date of this order.

3 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
4 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
5 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of  
6 materials shall be abated by representatives of the Riverside County Code Enforcement Department,  
7 a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
8 necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable costs of abatement, after notice and opportunity  
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
11 assessment against THE PROPERTY pursuant to Government Code Section 25845 and Riverside  
12 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), 348 (RCC Title 17),  
13 and 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means  
14 "any costs or expenses reasonably related to the abatement of conditions which violate County Land  
15 Use Ordinances, and shall include, but not limited to, enforcement, investigation, collection and  
16 administrative costs, attorneys' fees, and the costs associated with the removal or correction of the  
17 violation." Reasonable abatement costs accrued by the Department will be recoverable from THE  
18 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of  
19 this Order to Abate Nuisance.

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1 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

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3 By \_\_\_\_\_

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Bob Buster  
Chairman, Board of Supervisors

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6 ATTEST:

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8 NANCY ROMERO

9

Clerk to the Board

10

11 By

12

13 Deputy

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15 (SEAL)

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