

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

604B



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

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulated Rubbish]  
Case No.: CV 05-4046  
Subject Property: 3135 Beach Street, Riverside  
APN: 167-171-006  
District Two

**SUBMITTAL DATE:**  
November 27, 2006

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-4046 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 05-4046; 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 05-4046.

**BACKGROUND:**

On November 21, 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 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

<b>FINANCIAL DATA</b>	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

<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

- Policy
- Policy
- Consent
- Consent
- Dept't Recomm.:
- Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 2 | Agenda Number:

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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 05-4046
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH]; APN 167-171-	)	FINDINGS OF FACT,
006, 3135 BEACH STREET, RIVERSIDE,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; RENA	)	ABATE NUISANCE
BELLE SAWATSKY, OWNER.	)	
	)	[R.C.O. Nos. 348 (RCC Title 17), 541
	)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on November 21, 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 3135 Beach Street, Riverside, Assessor's Parcel Number 167-171-006 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Lou Pizatella, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owner Rena Belle Sawatsky appeared, along with her son-in-law Keith Maddox, and spoke to representatives of Code Enforcement prior to the hearing. They did not address the Board of Supervisors during the public hearing.

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

1 Chapter 17.120) and 541 (Riverside County Code Chapter 8.120), respectively, and as a public  
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner  
5 of THE PROPERTY as Rena Belle Sawatsky. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to-wit: First Mortgage Corporation, Albert Holloway, Lula Mae Dozier and the State  
8 of California Franchise Tax Board ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 24, 2005.  
10 February 2, 2006, June 13, 2006, September 6, 2006 and October 17, 2006.

11 4. During each inspection, outside storage of materials in excess of 200 square feet and  
12 accumulation of rubbish were observed on THE PROPERTY. The items of accumulated rubbish  
13 included but were not limited to: bicycles, woodpiles, dressers, doors, pipes, and other debris. The  
14 items of excess outside storage included but were not limited to: bathtubs, refrigerators, sinks,  
15 mattresses, and other household items. At the time of the initial inspection, a fire damaged dwelling  
16 was also on the property but it has since been removed. On June 13, 2006, the amount of outside  
17 storage and accumulated rubbish was determined to be approximately thirteen thousand three  
18 hundred seventy (13,370) square feet.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on June 23, 2006 as Document Number  
22 2006-0454246 in the Office of the County Recorder, County of Riverside.

23 7. On October 24, 2005, a Notice of Violation for violation of RCO Nos. 457  
24 (substandard structure) and 541 was posted on THE PROPERTY. On December 28, 2005, a Notice  
25 of Violation for violation of RCO No. 541 was mailed to the OWNER by certified mail, return  
26 receipt requested. On February 1, 2006, Notices of Violation for RCO Nos. 348 and 457 were  
27 mailed to OWNER and INTERESTED PARTIES by certified mail, return receipt requested. On  
28 August 9, 2006, a Notice of Violation for RCO No. 541 was mailed to OWNER and INTERESTED

1 PARTIES by certified mail, return receipt requested.

2 8. On October 17, 2006, a "Notice To Abate Nuisance" providing notice of the public  
3 hearing before the Board of Supervisors on November 21, 2006 was mailed by certified mail, return  
4 receipt requested, to THE OWNER and INTERESTED PARTIES and was posted on THE  
5 PROPERTY on October 17, 2006.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
8 regular session assembled on November 21, 2006 finds and concludes that:

9 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
10 on the real property located at 3135 Beach Street, Riverside, Riverside County, California, also  
11 identified as Assessor's Parcel Number 167-171-006 violates Riverside County Ordinance Nos. 348  
12 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

13 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
14 the premises should abate the condition by removing and disposing of the outside storage of  
15 materials and accumulation of rubbish from the subject real property in strict accordance with all  
16 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
17 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days. Given the size of the  
18 parcel and the fact that it currently unimproved, no outside storage of materials is allowed on THE  
19 PROPERTY.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
27 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Rena Belle  
28 Sawatsky or anyone having possession or control of THE PROPERTY, by removing and disposing

1 of the outside excess storage of materials and accumulation of rubbish from the subject real property  
2 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
3 County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90)  
4 days of the date of this 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 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of  
8 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of  
9 rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a  
10 contractor, or the Sheriff's Department upon receipt of an owner's consent or a Court Order when  
11 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 17.120), 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

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1 the property is brought into compliance within ninety (90) days of the date of this Order to Abate  
2 Nuisance.

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

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
NANCY ROMERO  
Clerk to the Board

By  
Deputy  
(SEAL)

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