

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

4253



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 16, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 04-4605; GUTIERREZ
Subject Property: 18878 Decker Road, Perris, APN: 314-250-006
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 04-4605 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 04-4605; 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 04-4605.

[Signature]
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

[Signature]

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

3001 FEB 16 6N 1:11
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: | **District: 1** | **Agenda Number:**

2.19

Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 04-4605

Subject Property: 18878 Decker Road, Perris

APN: 314-250-006

District One

BACKGROUND:

On January 30, 2007, this Board received the declaration of the Code Enforcement Officer, with the attached exhibits, in the above-referenced matter. At the conclusion of the public 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.

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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 04-4605
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 314-)	FINDINGS OF FACT,
250-006, 18878 DECKER ROAD, PERRIS,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; FELIPE)	ABATE NUISANCE
GUTIERREZ AND AURORA GUTIERREZ,)	
OWNERS.)	[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 January 30, 2007, 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 18878 Decker Road, Perris, Assessor's Parcel Number 314-250-006 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 Code Enforcement Department.

Owner, Felipe Gutierrez appeared and addressed the Board 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 Title 17) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as Felipe Gutierrez and Aurora Gutierrez. ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Robert H. Craig; San Bernardino County District Attorney, Child Support
6 Division; and the Riverside County Department of Child Support Services ("INTERESTED
7 PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on December 8,
9 2004, January 18, 2005, June 30, 2005, June 23, 2006, September 12, 2006, December 11, 2006, and
10 January 26, 2007.

11 4. During each inspection, outside storage of materials in excess of 200 square feet and
12 an accumulation of rubbish were observed on THE PROPERTY. The materials and rubbish
13 included but were not limited to: automotive parts, automotive tools, construction equipment,
14 construction tools, patio furniture, toys, used tires, piles of dismantled vehicles, metal, construction
15 debris, household trash and miscellaneous items. The outside storage of materials and accumulated
16 rubbish were intermixed throughout THE PROPERTY. On December 8, 2004, the total area of
17 outside storage of materials and accumulated rubbish was found to be approximately four thousand
18 (4,000) square feet.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on July 17, 2006 as Document Number
22 2006-0519596 in the Office of the County Recorder, County of Riverside.

23 7. On December 8, 2004, a Notice of Violation was posted on THE PROPERTY. On
24 December 13, 2004, Notices of Violation were mailed to OWNERS by certified mail, return receipt
25 requested. On July 20, 2006, Notices of Violation were mailed to OWNERS and INTERESTED
26 PARTIES by certified mail, return receipt requested.

27 8. On December 8, 2006, a "Notice To Abate Nuisance" providing notice of the public
28 hearing before the Board of Supervisors on January 30, 2007 was mailed by certified mail, return

1 receipt requested, to THE OWNERS and INTERESTED PARTIES and was posted on THE
2 PROPERTY on December 11, 2006.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on January 30, 2007 finds and concludes that:

6 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
7 on the real property located at 18878 Decker Road, Perris, Riverside County, California, also
8 identified as Assessor's Parcel Number 314-250-006 violates Riverside County Ordinance Nos. 348
9 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

10 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
11 of the premises should abate the condition by removing and disposing of the excess outside storage
12 of materials and accumulation of rubbish from the subject real property in strict accordance with all
13 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
14 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and
22 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Felipe
23 Gutierrez and Aurora Gutierrez or anyone having possession or control of THE PROPERTY, by
24 removing and disposing of the excess outside storage of materials and accumulation of rubbish from
25 the subject real property in strict accordance with all Riverside County Ordinances, including but not
26 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)
27 within ninety (90) days of the date of this order.

28 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict

1 accordance with all Riverside County Ordinances, including but not limited to Riverside County
2 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of
3 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
4 rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a
5 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
6 necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on the property, which may be collected as a special
9 assessment against the property pursuant to Government Code section 25845 and Riverside County
10 Ordinance Nos. 348 (RCC Chapter 17.16), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).
11 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
12 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
13 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
14 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
15 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
John Tavaglione
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

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