

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

426B



**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 06-4116  
Subject Property: 4868 Etiwanda Avenue, Mira Loma, APN: 159-101-034  
District Two

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-4116 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 06-4116; 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 06-4116.

*[Handwritten 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

*[Handwritten Signature]*

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

0001 FEB 18 6N 1:41  
OFFICE OF THE COUNTY CLERK  
COUNTY OF RIVERSIDE, CALIFORNIA

Prev. Agn. Ref.:

District: 2

Agenda Number:

2.20

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

Case No.: CV 06-4116

Subject Property: 4868 Etiwanda Avenue, Mira Loma

APN: 159-101-034

District Two

**BACKGROUND:**

On January 30, 2007 this Board received the declaration of the Code Enforcement Officer, with 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 06-4116
[EXCESSIVE OUTSIDE STORAGE AND	)	
ACCUMULATION OF RUBBISH]; APN 159-	)	FINDINGS OF FACT,
101-034, 4868 ETIWANDA AVENUE, MIRA	)	CONCLUSIONS AND ORDER TO
LOMA, RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
MELVIN L. DECAMP AND CAROL A.	)	
DECAMP, 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 4868 Etiwanda Avenue, Mira Loma, Assessor's Parcel Number 159-101-034 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.

No one appeared on behalf of the property owners.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive outside 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 Melvin L. DeCamp and Carol A. DeCamp. ("OWNERS").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to-wit: Jim Brooks ("INTERESTED PARTY").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on August 24, 2006,  
7 November 1, 2006, December 12, 2006 and January 26, 2007.

8 4. During each inspection, outside storage of materials in excess of 200 square feet and  
9 accumulation of rubbish were observed on THE PROPERTY. The outside storage of materials  
10 included but was not limited to: drums, work tools, ceramic molds and other personal items. The  
11 amount of outside storage was determined to be approximately three hundred twenty (320) square  
12 feet. The items of accumulated rubbish included but were not limited to: trimmings, twigs, leaves,  
13 trash, litter, garbage, boxes, cardboard vegetative waste, and other miscellaneous refuse. The amount  
14 of the accumulated rubbish was determined to be approximately one hundred (100) square feet. The  
15 zone classification of THE PROPERTY and the lot size (.45 acres) does not allow for any outside  
16 storage of materials on THE PROPERTY without a Conditional Use Permit or Plot Plan.

17 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
18 Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

19 6. A Notice of Noncompliance was recorded on September 8, 2006 as Document  
20 Number 2006-0668593 in the Office of the County Recorder, County of Riverside.

21 7. On August 24, 2006, Notices of Violation for violation of RCO Nos. 348 and 541  
22 were posted on THE PROPERTY. On September 28, 2006, Notices of Violation were mailed to  
23 OWNERS and INTERESTED PARTY by certified mail, return receipt requested.

24 8. On December 8, 2006, a "Notice To Abate Nuisance" providing notice of the public  
25 hearing before the Board of Supervisors on January 30, 2007 was mailed by certified mail, return  
26 receipt requested, to THE OWNERS and INTERESTED PARTY and was posted on THE  
27 PROPERTY on December 12, 2006.

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1 **FINDINGS AND CONCLUSIONS**

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

4 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
5 on the real property located at 4868 Etiwanda Avenue, Mira Loma, Riverside County, California,  
6 also identified as Assessor's Parcel Number 159-101-034 violates Riverside County Ordinance Nos.  
7 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

8 2. WHEREAS, THE OWNERS, occupants or any person having possession or control  
9 of the premises should abate the condition by removing and disposing of the excess outside storage  
10 of materials and accumulation of rubbish from the subject real property in strict accordance with all  
11 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
12 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
20 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Melvin L.  
21 DeCamp and Carol A. DeCamp, or anyone having possession or control of THE PROPERTY by  
22 removing and disposing of the outside storage of materials and accumulation of rubbish from the  
23 subject real property in strict accordance with all Riverside County Ordinances, including but not  
24 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120)  
25 within ninety (90) days of the date of this order.

26 IT IS FURTHER ORDERED that if the outside storage of materials and accumulated rubbish  
27 are not removed and disposed of in strict accordance with all Riverside County Ordinances,  
28 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.72) and 541

1 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the outside  
2 storage of materials and accumulation of rubbish shall be abated by representatives of the Riverside  
3 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
4 owner's consent or a Court Order when necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
6 for hearing, shall be imposed as a lien on the property, which may be collected as a special  
7 assessment against the property pursuant to Government Code section 25845 and Riverside County  
8 Ordinance Nos. 348 (RCC Chapter 17.72), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).  
9 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
10 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
11 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
12 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
13 abatement costs accrued by the Code Enforcement Department will be recoverable from the property  
14 owner(s) even if the property is brought into compliance within ninety (90) days of the date of this  
15 Order to Abate Nuisance.

16  
17 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

18  
19 By \_\_\_\_\_  
John Tavaglione  
Chairman, Board of Supervisors

20 ATTEST:  
21 NANCY ROMERO  
22 Clerk to the Board

23 By  
24 Deputy  
25 (SEAL)  
26

27 g:\property\01-code\bs\abatement\decamp\348 and 541 fof.doc  
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