

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

424B



**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 05-5327; HALL  
Subject Property: 3464 Novak Avenue, Riverside, APN: 174-320-003  
District Two

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-5327 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 05-5327; 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 05-5327.

*[Handwritten Signature]*

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**

*[Handwritten Signature]*

- Consent
- Policy
- Consent
- Policy

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

0001 FEB 16 PM 1:01  
RECEIVED RIVERSIDE COUNTY

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

2.21

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

Case No.: CV 05-5327

Subject Property: 3464 Novak Avenue, Riverside

APN: 174-320-003

District Two

**BACKGROUND:**

On February 6, 2007, this Board received the declaration of the Code Enforcement Officer with attached exhibits, 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.

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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 05-5327
[EXCESSIVE OUTSIDE STORAGE AND )	
ACCUMULATION OF RUBBISH]; APN 174- )	FINDINGS OF FACT,
320-003, 3464 NOVAK AVENUE, RIVERSIDE, )	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; LEANNE )	ABATE NUISANCE
HALL, 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 February 6, 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 3464 Novak Avenue, Riverside, Riverside County, California and further described as Assessor's Parcel Number 174-320-003 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, Leanne Hall, spoke with Jim Monroe and Tiffany N. North after the public hearing. Ms. Hall was present during the public hearing but did not address the Board of Supervisors.

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

1 County Code Chapter 17.120) and 541 (Riverside County Code Chapter 8.120) 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 Leanne Hall. ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to-wit: Plaza Mortgage Company, Cal Fed Enterprises, Cal-Western Reconveyance  
8 Corporation, Lonestarr Mortgagee Services, LLC, American First Federal Credit Union and  
9 Greenwood Trust Company ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on October 27, 2005,  
11 March 23, 2006, March 29, 2006, April 14, 2006, May 16, 2006, July 10, 2006, September 25, 2006,  
12 January 5, 2007 and February 6, 2007.

13 4. During each inspection, outside storage of materials in excess of 100 square feet and  
14 accumulation of rubbish were observed on THE PROPERTY. The outside storage materials and  
15 accumulated rubbish included but were not limited to: old furniture, bags of cans, boxes, bicycles,  
16 two truck trailers, plastic trash, toys, barrels, appliances, and other miscellaneous items. The excess  
17 outside storage ran the length of the house and into the rear yard. As of July 10, 2006, the total area  
18 of excess outside storage of materials consisted of approximately three thousand two hundred (3,200)  
19 square feet.

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

22 6. A Notice of Noncompliance was recorded on July 28, 2006 as Document Number  
23 2006-0552504 in the Office of the County Recorder, County of Riverside.

24 7. On October 27, 2005, November 8, 2005 and August 3, 2006, Notices of Violation  
25 for violation of Riverside County Ordinance Nos. 348 and 541 were posted on THE PROPERTY.  
26 On August 3, 2006 and October 17, 2006, Notices of Violation were mailed to OWNER and  
27 INTERESTED PARTIES by certified mail, return receipt requested.

28 8. On December 28, 2006, a "Notice To Abate Nuisance" providing notice of the public

1 hearing before the Board of Supervisors on February 6, 2007 was mailed by certified mail, return  
2 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY  
3 on January 5, 2007.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
6 regular session assembled on February 6, 2007 finds and concludes that:

7 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
8 on the real property located at 3464 Novak Avenue, Riverside, Riverside County, California, also  
9 identified as Assessor's Parcel Number 174-320-003 violates Riverside County Ordinance Nos. 348  
10 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

11 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
12 the premises should abate the condition by removing and disposing of the excessive outside storage  
13 of materials and all accumulated of rubbish from the subject real property in strict accordance with  
14 all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
15 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

16 3. 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 excess outside storage of materials and  
23 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Leanne Hall or  
24 anyone having possession or control of THE PROPERTY, by removing and disposing of the outside  
25 excess storage of materials and accumulation of rubbish from the subject real property in strict  
26 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
27 Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of  
28 the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the excess outside storage of materials and all  
2 accumulated rubbish are not removed and disposed of in strict accordance with all Riverside County  
3 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter  
4 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate  
5 Nuisance, the excess outside storage of materials and all accumulated rubbish shall be abated by  
6 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's  
7 Department upon receipt of an owner's consent or a Court Order when necessary under applicable  
8 law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, 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 County  
12 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under  
13 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably  
14 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,  
15 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,  
16 and the costs associated with the removal or correction of the violation." Reasonable abatement  
17 costs accrued by the Code Enforcement Department will be recoverable from the property owner(s)

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1 even if the property is brought into compliance within ninety (90) days of the date of this Order to  
2 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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Order to Abate [Excess Outside Storage and Accumulation of Rubbish]

Case No.: CV 05-5327

Subject Property: 3464 Novak Avenue, Riverside

APN: 174-320-003

District Two

**BACKGROUND:**

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