

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

427B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 16, 2007

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 06-5881 and CV 06-5742
Subject Property: 21638 Mountain Avenue, Perris
APN: 343-152-015
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-5881 and CV 06-5742 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 Nos. CV 06-5881 and CV 06-5742; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-5881 and CV 06-5742.

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 substandard structures 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

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

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

3001 FEB 16 PM 1:15
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: | **District: 5** | **Agenda Number:** **2.22**

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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 NOS. CV 06-5881 AND CV 06-
[SUBSTANDARD STRUCTURES AND)	5742
ACCUMULATION OF RUBBISH]; APN 343-152-)	
015, 21638 MOUNTAIN AVENUE, PERRIS,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;)	CONCLUSIONS AND ORDER TO
WILLIAM EDWARD CHAMBERS, OWNER.)	ABATE NUISANCE
)	
)	[R.C.O. Nos. 457 (RCC Title 15), 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 21638 Mountain Avenue, Perris, Assessor's Parcel Number 343-152-015 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 Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner
3 of THE PROPERTY as William Edward Chambers. ("OWNER").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 21,
7 2006, November 22, 2006, December 6, 2006, December 29, 2006, and February 1, 2007.

8 4. During each inspection, two substandard structures (10 x 17 unsided shed and 10 x
9 15 white shed) were observed on THE PROPERTY. The structures were observed to be
10 abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including
11 but not limited to: lack of or improper water closet, lavatory, bathtub or kitchen sink; lack of hot
12 and cold running water; lack of connection to required sewer system; lack of adequate heating
13 facilities; deteriorated or inadequate foundation; members of walls, partitions or other vertical
14 supports that split, lean, list or buckle due to defective material or deterioration; members of
15 ceilings, roofs, ceiling and roof supports and other horizontal members that split, lean, list or
16 buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather
17 protection; general dilapidation or improper maintenance; abandoned, vacant, public and
18 attractive nuisance and improper occupancy.

19 5. During each inspection an accumulation of rubbish was also observed throughout
20 THE PROPERTY consisting of but not limited to: electrical wires, used tires, scrap wood,
21 demolished and discarded furniture, household items, appliances, scrap metal, broken toys,
22 cement, cardboard, and other trash and debris.

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

25 7. A Notice of Noncompliance for the substandard structures and accumulation of
26 rubbish was recorded on October 25, 2006 as Document Number 2006-0784292 in the Office of the
27 County Recorder, County of Riverside.

1 ninety (90) days.

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

7 **ORDER TO ABATE NUISANCE**

8 IT IS THEREFORE ORDERED that the substandard structures (10 x 17 unsided shed and 10
9 x 15 white shed) on THE PROPERTY be abated by the OWNER, specifically William Edward
10 Chambers or anyone having possession or control of THE PROPERTY, by razing and removing the
11 substandard structures including the removal and disposal of all structural debris and materials, as
12 well as the contents therein, or by reconstruction and rehabilitation of said structures provided such
13 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
14 Ordinances, including but not limited to Riverside County Ordinance No. 457 (RCC Title 15) within
15 ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

16 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
17 asbestos containing materials in said structures by survey and materials sample testing by a duly
18 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
19 the removal of all asbestos containing materials discovered through such survey and testing by
20 contract with a duly certified and licensed contractor for the handling of such materials to avoid
21 citations and/or fines by South Coast Air Quality Management District (SCAQMD) pursuant to
22 SCAQMD Rule No. 1403.

23 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
24 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
26 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
27 therein, and structural debris and materials, shall be abated by representatives of the Riverside
28 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of an

1 owner's consent or a Court Order, where necessary under applicable law, authorizing entry onto THE
2 PROPERTY.

3 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
4 abated by the OWNER, specifically William Edward Chambers or anyone having possession or
5 control of THE PROPERTY, by removing and disposing of all rubbish on THE PROPERTY in strict
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County
7 Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate
8 Nuisance.

9 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
10 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
11 County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
12 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
13 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
14 owner's consent or a Court Order, when necessary under applicable law, authorizing entry onto THE
15 PROPERTY.

16 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
17 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
18 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
19 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
20 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
21 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
22 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
23 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable

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1 abatement costs accrued by the Code Enforcement Department will be recoverable from THE
2 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
3 this 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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