

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

630B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 5, 2007

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-1637; WINZER
Subject Property: 20450 Jefferson Avenue, Perris, APN: 295-070-013
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1637 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 06-1637; and

(continued)

Departmental Concurrence

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

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

05:11MA 2-PM1003
RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.:

District: 1

Agenda Number:

2.13

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

Case No.: CV 06-1637

Subject Property: 20450 Jefferson Avenue, Perris

APN: 295-070-013

District Two

- (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 06-1637.

BACKGROUND:

On February 27, 2007 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.

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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 06-1637
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 295-070-)	FINDINGS OF FACT,
013, 20450 JEFFERSON AVENUE, PERRIS,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; LUTHER)	ABATE NUISANCE
J. WINZER, OWNER.)	
)	[R.C.O. Nos. 348 (RCC Chapter
)	17.120), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on February 27, 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 20450 Jefferson Avenue, Perris, Riverside County, California and further described as Assessor's Parcel Number 295-070-013 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.

Property owner, Luther J. Winzer, appeared and addressed 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 Luther J. Winzer. ("OWNER").

6 2. Documents of title indicate that another party potentially holds a legal interest in THE
7 PROPERTY, to-wit: Federal National Mortgage Association ("INTERESTED PARTY").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 22, 2006,
9 September 27, 2006, January 3, 2007, and February 7, 2007.

10 4. During each inspection, the outside storage of materials in excess of 200 square feet
11 and accumulation of rubbish were observed on THE PROPERTY. The excessive outside storage of
12 materials and accumulated rubbish included but were not limited to: discarded furniture, appliances,
13 equipment, wood, plastics, tools, metal, old tires, engine parts, car parts, tree trimmings, household
14 waste, and other miscellaneous items. The total area of excess outside storage of materials and
15 accumulated rubbish measured approximately twenty-eight thousand (28,000) square feet.

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

18 6. A Notice of Noncompliance was recorded on July 28, 2006 as Document Number
19 2006-0552443 in the Office of the County Recorder, County of Riverside.

20 7. On March 22, 2006 and April 13, 2006, Notices of Violation for violation of
21 Riverside County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On April 12,
22 2006, Notices of Violation were mailed to OWNER and INTERESTED PARTY by certified mail,
23 return receipt requested.

24 8. On December 28, 2006, a "Notice To Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on February
26 6, 2007 was mailed by certified mail, return receipt requested, to OWNER and INTERESTED
27 PARTY and was posted on THE PROPERTY on January 3, 2007.

28 9. On February 6, 2007, a "Continuation Notice To Correct County Ordinance

1 Violations and Abate Nuisance” providing notice of the continuance of the public hearing before the
2 Board of Supervisors until February 27, 2007 was mailed by certified mail, return receipt requested,
3 to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on February 7, 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 27, 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 20450 Jefferson Avenue, Perris, Riverside County, California, also
9 identified as Assessor's Parcel Number 295-070-013 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 violative conditions by removing and disposing of the excess outside
13 storage of materials and all accumulated rubbish from the subject real property in strict accordance
14 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
15 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within ninety (90) days.

16 3. WHEREAS, THE OWNER AND INTERESTED PARTY 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 Luther J.
24 Winzer or anyone having possession or control of THE PROPERTY, by removing and disposing of
25 the outside storage of materials in excess of two hundred (200) square feet and all accumulated
26 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
27 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541
28 (RCC Chapter 8.120) within ninety (90) days of 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 accumulation of 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 Chapter 17.120), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16).

13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
17 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
2 this Order to Abate Nuisance.

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4 Dated: _____

COUNTY OF RIVERSIDE

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6 By _____
John Tavaglione
Chairman, Board of Supervisors

7 ATTEST:
8 NANCY ROMERO
9 Clerk to the Board

10
11 By
12 Deputy
13 (SEAL)

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