

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

806 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 19, 2007

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case No.: CV 06-5436; COVINGTON
Subject Property: 18301 Palowallo Road, Blythe
APN: 818-321-005
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-5436 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 06-5436; 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 06-5436.

[Handwritten Signature]

TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

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

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 4 | Agenda Number:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 06-5436; COVINGTON

Subject Property: 18301 Palowallo Road, Blythe

APN: 818-321-005

District Four

BACKGROUND:

On March 13, 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 substandard structure 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:) [SUBSTANDARD STRUCTURE AND) ACCUMULATION OF RUBBISH]; APN 818-321-) 005, 18301 PALOWALLO ROAD, BLYTHE,) RIVERSIDE COUNTY, CALIFORNIA;) CLAYTON COVINGTON AND FANNIE E.) COVINGTON, OWNERS.)	CASE NO. CV 06-5436 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE [R.C.O. Nos. 457 (RCC Title 15), 541 (RCC Title 8) and 725 (RCC Title 1)]
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The above-captioned matter came on regularly for hearing on March 13, 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 18301 Palowallo Road, Blythe, Assessor's Parcel Number 818-321-005 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 substandard structure 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.

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SUMMARY OF EVIDENCE

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2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Clayton Covington and Fannie E. Covington. ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: George A. Stulb and Marie E. Stulb ("INTERESTED PARTIES").

6 3. THE PROPERTY was inspected by Code Enforcement Officers on September 7,
7 2006, December 12, 2006, February 7, 2007 and March 12, 2007.

8 4. During each inspection, a substandard structure (detached garage) was observed
9 on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant.
10 The structure contained numerous deficiencies, including but not limited to: members of ceilings,
11 roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to
12 defective material or deterioration; faulty weather protection; general dilapidation or improper
13 maintenance; abandoned, vacant, public and attractive.

14 5. During each inspection an accumulation of rubbish was observed throughout THE
15 PROPERTY consisting of but not limited to: metal, wood, appliances, auto parts, work tools and
16 empty cans. Using a measuring wheel, the accumulation of rubbish was determined to be
17 approximately six hundred (600) square feet.

18 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 7. A Notice of Noncompliance for the substandard structure and accumulation of
21 rubbish was recorded on October 16, 2006 as Document Number 2006-0759070 in the Office of the
22 County Recorder, County of Riverside.

23 7. On September 7, 2006, Notices of Violation, a Notice of Defects, and Danger Do Not
24 Enter signs for violation of RCO Nos. 457 and 541 were posted on THE PROPERTY. On October
25 4, 2006, Notices of Violation for the substandard structure and accumulation of rubbish were mailed
26 to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

27 8. On February 5, 2007, a "Notice To Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on March

1 13, 2007 was mailed by certified mail, return receipt requested, to OWNERS and was posted on
2 THE PROPERTY on February 7, 2007.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on March 13, 2007 finds and concludes that:

6 1. WHEREAS, the substandard structure (detached garage) and accumulation of rubbish
7 on the real property located at 18301 Palowallo Road, Blythe, Riverside County, California, also
8 identified as Assessor's Parcel Number 818-321-005 violates Riverside County Ordinance Nos. 457
9 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

10 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
11 of THE PROPERTY should abate the substandard structure (detached garage) by razing, removing
12 and disposing of the substandard structure, including the removal and disposal of all structural debris
13 and materials, and contents therein or by reconstruction and rehabilitation of said structure provided
14 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
15 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
16 (90) days.

17 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
18 control of THE PROPERTY should abate the accumulation of rubbish by removing all rubbish on
19 THE PROPOERTY in strict accordance with all Riverside County Ordinances, including but not
20 limited to Riverside County Ordinance No. 541 within ninety(90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the substandard structure (detached garage) on THE
28 PROPERTY be abated by the OWNERS, specifically Clayton Covington and Fannie E. Covington

1 or anyone having possession or control of THE PROPERTY, by razing and removing the
2 substandard structure including the removal and disposal of all structural debris and materials, as
3 well as the contents therein, or by reconstruction and rehabilitation of said structure provided such
4 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
5 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
6 days of the posting and mailing of this Order to Abate Nuisance.

7 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
8 asbestos containing materials in said structure (detached garage) by survey and materials sample
9 testing by a duly licensed and certified asbestos consultant; and, prior to the abatement ordered
10 hereinabove, to secure the removal of all asbestos containing materials discovered through such
11 survey and testing by contract with a duly certified and licensed contractor for the handling of such
12 materials to avoid citations and/or fines by the Mohave Desert Air Quality Management District
13 (MDAQMD).

14 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
15 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
16 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
17 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
18 therein, and structural debris and materials, shall be abated by representatives of the Riverside
19 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the
20 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
21 PROPERTY.

22 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
23 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
24 and disposing of all rubbish from the subject real property in strict accordance with all Riverside
25 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter
26 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
28 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
2 Abate Nuisance, the 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 within ninety (90) days of the
5 posting and mailing of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
7 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
8 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
9 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
10 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
11 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
12 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
13 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
14 abatement costs accrued by the Code Enforcement Department will be recoverable from THE
15 OWNERS even if THE PROPERTY is brought into compliance within ninety (90) days of the date
16 of this Order to Abate Nuisance.

17 Dated: _____

COUNTY OF RIVERSIDE

18
19 By _____
20 John Tavaglione
Chairman, Board of Supervisors

21 ATTEST:

22 NANCY ROMERO

23 Clerk to the Board

24
25 By

26 Deputy

27 (SEAL)