

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

606B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
May 7, 2007

**SUBJECT:** Order to Abate [Substandard Structures and Accumulation of Rubbish]  
Case No.: CV 05-6445  
Subject Property: 6662 Smith Avenue, Mira Loma  
APN: 157-201-002  
District Two

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-6445 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 05-6445; 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 05-6445.

*[Handwritten Signature]*

(Continued)

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

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

Prev. Agn. Ref.:

District: 2

Agenda Number:

2.9

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 05-6445

Subject Property: 6662 Smith Avenue, Mira Loma

APN: 157-201-002

District Two

**BACKGROUND:**

On May 1, 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 structures (dwelling and detached garage) 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 NOS. CV 05-6445  
[SUBSTANDARD STRUCTURES AND )  
ACCUMULATION OF RUBBISH]; APN 157-201-) FINDINGS OF FACT,  
002, 6662 SMITH AVENUE, MIRA LOMA, ) CONCLUSIONS AND ORDER TO  
RIVERSIDE COUNTY, CALIFORNIA; RUTH L. ) ABATE NUISANCE  
WRIGHT, OWNER. )  
) [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 May 1, 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 6662 Smith Avenue, Mira Loma, Assessor's Parcel Number 157-201-002 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 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.

**SUMMARY OF EVIDENCE**

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

4           2.       Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: Controller for the State of California and the Santa Ana River Water Company  
6 ("INTERESTED PARTIES").

7           3.       THE PROPERTY was inspected by Code Enforcement Officers on December 20,  
8 2005, April 25, 2006, May 1, 2006, August 22, 2006, September 18, 2006 and April 10, 2007.

9           4.       During each inspection, two substandard structures (dwelling and detached garage)  
10 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated  
11 and vacant. The dwelling contained numerous deficiencies, including but not limited to: lack of or  
12 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water  
13 to plumbing fixtures; members of walls, partitions or other vertical supports that split, lean, list or  
14 buckle due to defective material or deterioration- holes in the walls and ceiling of several bedrooms;  
15 members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or  
16 buckle due to defective material or deterioration; dampness of habitable rooms- several windows  
17 missing or broken; faulty weather protection; general dilapidation or improper maintenance; fire  
18 hazard- exposed wiring; and abandoned, vacant, attractive and public nuisance. The substandard  
19 conditions of the detached garage included, but were not limited to: missing garage door and entry  
20 door causing dampness and faulty weather protection; exposed electrical wiring; missing drywall  
21 exposing insulation and framing; general dilapidation; and abandoned, vacant, attractive, and public  
22 nuisance.

23           5.       During each inspection an accumulation of rubbish was observed throughout THE  
24 PROPERTY consisting of but not limited to: vegetative waste, household waste, clothes,  
25 furniture, wood, lumber, appliances and miscellaneous debris.

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

28           7.       A Notice of Noncompliance for the accumulation of rubbish was recorded on May 25,

1 2006, as Document Number 2006-0380735 in the Office of the County Recorder, County of  
2 Riverside.

3 8. On December 20, 2005, Notices of Violation and Danger Do Not Enter signs were  
4 posted on THE PROPERTY. On May 1, 2006, a Notice of Violation for the accumulated rubbish  
5 was posted on THE PROPERTY. On May 10, 2006 and June 14, 2006, Notices of Violation for the  
6 substandard structures and accumulation of rubbish were mailed to OWNER and INTERESTED  
7 PARTIES by certified mail, return receipt requested.

8 9. On March 26, 2007, a "Notice Correct County Ordinance Violations and To Abate  
9 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 1,  
10 2007 was mailed by certified mail, return receipt requested, to THE OWNER and INTERESTED  
11 PARTIES and was posted on THE PROPERTY on March 28, 2007.

12 **FINDINGS AND CONCLUSIONS**

13 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
14 regular session assembled on May 1, 2007 finds and concludes that:

15 1. WHEREAS, the substandard structures (dwelling and detached garage) and  
16 accumulation of rubbish on the real property located at 6662 Smith Avenue, Mira Loma, Riverside  
17 County, California, also identified as Assessor's Parcel Number 157-201-002 violates Riverside  
18 County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a  
19 public nuisance.

20 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
21 of THE PROPERTY should abate the substandard structures condition by razing, removing and  
22 disposing of the substandard structures, including the removal and disposal of all structural debris  
23 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided  
24 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
25 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
26 (90) days.

27 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
28 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of

1 all rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances,  
2 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

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

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

25 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
26 asbestos containing materials in said structures by survey and materials sample testing by a duly  
27 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
28 the removal of all asbestos containing materials discovered through such survey and testing by

1 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
2 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

3 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
4 abated by THE OWNER or anyone having possession or control of THE PROPERTY by removing  
5 and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County  
6 Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC Chapter  
7 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
9 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
10 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
11 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
12 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
13 owner's consent or a Court Order when necessary under applicable law.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
17 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
18 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
19 expenses reasonably related to the abatement of conditions which violate County Land Use  
20 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
21 administrative costs, attorneys fees, and the costs associated with the removal or correction of the

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

4  
5 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

6  
7 By \_\_\_\_\_  
8 John Tavaglione  
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

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