

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

102 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 05-1828
Subject Property: 6980 N Lovekin Blvd., Blythe,
APN: 830-050-009
District Four

SUBMITTAL DATE:
August 28, 2007

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 05-1828 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 05-1828; 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 05-1828.

BACKGROUND:

On July 31, 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.

[Handwritten Signature]

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

Requires 4/5 Vote

C.E.O. RECOMMENDATION: APPROVE

BY *[Handwritten Signature]*
Tina Grande

County Executive Office Signature

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

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RECEIVED RIVERSIDE COUNTY

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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 05-1828
[EXCESS OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN: 830-)	FINDINGS OF FACT,
050-009, 6980 N. LOVEKIN BLVD., BLYTHE,)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
WILLIAM J. SMITH AND MARY SMITH,)	
OWNERS.)	[R.C.O. Nos. 348 (RCC Chapter 17.16),
)	541 (RCC Title 8) and 725 (RCC Title
)	1)]

The above-captioned matter came on regularly for hearing on July 31, 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 as 6980 N. Lovekin Blvd., Blythe, Riverside County, California, and further described as Assessor's Parcel Number 830-050-009, 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.

David Smith, Elizabeth Smith and Marie Stiffler, occupants of the subject property, appeared on behalf of the owners. Prior to the hearing, Jim Monroe and Tiffany North met with the representatives and explained the abatement process. David Smith, Elizabeth Smith and Marie Stiffler did not address the Board of Supervisors during the public hearing.

1 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
2 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
3 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
4 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
5 nuisance.

6 **SUMMARY OF EVIDENCE**

7 1. Documents of record in the Riverside County Recorder's Office identify the owner
8 of THE PROPERTY as William J. Smith and Mary Smith ("OWNERS").

9 2. Documents of title indicate that no other parties potentially hold a legal interest in
10 THE PROPERTY. David Smith and Loyd Smith both claim an ownership interest in THE
11 PROPERTY.

12 3. THE PROPERTY has been inspected by Code Enforcement Officers on October 11,
13 2005, November 16, 2005 December 7, 2005, February 21 2006, March 29, 2006, September 21,
14 2006, October 13, 2006, November 29, 2006, February 22, 2007, May 2, 2007, July 2, 2007 and July
15 30, 2007.

16 4. During each inspection, the outside storage of materials in excess of 200 square feet
17 and accumulation of rubbish were observed on THE PROPERTY. The materials included but were
18 not limited to: metal, wood, appliances, auto parts, empty 50-gallon drums, compressed gas tanks,
19 household trash, glass, furniture and used tires. The total area of excess outside storage of materials
20 and accumulated rubbish consisted of approximately eighteen thousand (18,000) square feet.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. A Notice of Noncompliance regarding the accumulation of rubbish was recorded on
24 March 1, 2006 as Document Number 2006-0148679 in the Office of the Assessor, County Clerk and
25 Recorder, County of Riverside, State of California. A Notice of Noncompliance regarding the excess
26 outside storage of materials was recorded on March 2, 2007 as Document Number 2007-0145785 in
27 the Office of the Assessor, County Clerk and Recorder, County of Riverside, State of California.

28 7. On October 11, 2005, a Notice of Violation and "Do Not Dump" sign were posted on

1 THE PROPERTY. On October 18, 2005, a Notice of Violation was mailed by certified mail, return
2 receipt requested, to the OWNERS. On February 22, 2007, a Notice of Violation and "Do Not
3 Dump" sign were posted on THE PROPERTY. On March 7, 2007, Notice of Violations were
4 mailed by certified mail, return receipt requested, to the OWNERS and tenants/occupants.

5 8. On June 28, 2007, a "Notice To Correct County Ordinance Violations and Abate
6 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on July 31,
7 2007 was mailed by certified mail, return receipt requested, to OWNERS, tenants/occupants, and
8 Loyd Smith and was posted on THE PROPERTY on July 2, 2007.

9 FINDINGS AND CONCLUSIONS

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on July 31, 2007 finds and concludes that:

12 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
13 on the real property located at 6980 N. Lovekin Blvd., Blythe, Riverside County, California, also
14 identified as Assessor's Parcel Number 830-050-009 violates Riverside County Ordinance Nos. 348
15 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

16 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
17 of the premises should abate the condition by removing and disposing of the excess outside storage
18 of materials and accumulation of rubbish from the subject real property in strict accordance with all
19 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
20 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

21 3. 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 excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, or anyone having

1 possession or control of THE PROPERTY, by removing and disposing of the excess outside storage
2 of materials in excess of one hundred (100) square feet and all accumulated rubbish from the subject
3 real property in strict accordance with all Riverside County Ordinances, including but not
4 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)
5 within ninety (90) days of the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the excess outside storage of materials and accumulation
7 of rubbish are not removed and disposed of in strict accordance with all Riverside County
8 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)
9 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance,
10 the excess outside storage of materials and accumulation of rubbish shall be abated and disposed of
11 by representatives of the Riverside County Code Enforcement Department, a contractor or the
12 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
13 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. 348 (RCC Chapter 17.16), 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 property owner(s) even if THE PROPERTY is brought into compliance within
3 ninety (90) days of the date of this Order to Abate Nuisance.

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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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