

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

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

**SUBMITTAL DATE:**  
October 5, 2007

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 05-6433 AND CV 07-1934  
Subject Property: 955 Citrus Street, Riverside,  
APN: 247-160-058  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 05-6433 AND CV 07-1934 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 05-6433 AND CV 07-1934; 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 05-6433 AND CV 07-1934.

*Tiffany N. North*  
\_\_\_\_\_  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

(Continued)

<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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

- Consent
- Policy
- Consent
- Policy

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

Prev. Agn. Ref.: 10/02/07; 9.3

District: 5

Agenda Number:

**2.20**

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

Case Nos.: CV 05-6433 AND CV 07-1934

Subject Property: 955 Citrus Street, Riverside

APN: 247-160-058

District Five

**BACKGROUND:**

On October 2, 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, Conclusions 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 05-6433 AND CV 07-  
[EXCESSIVE OUTSIDE STORAGE AND ) 1934  
ACCUMULATION OF RUBBISH]; APN 247-160- )  
058, 955 CITRUS STREET, RIVERSIDE, ) FINDINGS OF FACT,  
RIVERSIDE COUNTY, CALIFORNIA; SHELBY ) CONCLUSIONS AND ORDER TO  
SHINKLE, OWNER. ) ABATE NUISANCE  
)  
) [R.C.O. Nos. 348 (RCC Title 17), 541  
) (RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 2, 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 955 Citrus Street, Riverside, Riverside County, California and further described as Assessor's Parcel Number 247-160-058 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.

Owner, Shelby Shinkle, spoke with Jim Monroe and Tiffany North prior to the hearing and was advised of the administrative abatement process. Mr. Shinkle did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

1 Chapter 17.24) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner  
4 of THE PROPERTY as SHELBY SHINKLE ("OWNER").

5 2. Documents of title indicate that no other party potentially holds a legal interest in  
6 THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 20, 2007,  
8 May 3, 2007, July 6, 2007, August 30, 2007, and September 26, 2007.

9 4. During each inspection, THE PROPERTY was observed to be unimproved without  
10 any legally permitted structures. During each inspection, outside storage of materials in excess of  
11 two hundred (200) square feet and an accumulation of rubbish were observed on THE PROPERTY.  
12 During each inspection the excess outside storage of materials was observe on THE PROPERTY.  
13 The materials included but were not limited to: plastic and metal piping, construction materials,  
14 household goods, dinosaur sculptures, wood, chain link fencing and other miscellaneous items.  
15 During each inspection the accumulation of rubbish was also observed on TH PROPERTY. The  
16 accumulated rubbish consisted of, but was not limited to: green waste, broken concrete pieces, used  
17 chain link fencing materials, used tires, construction debris, and used piping. The total area of  
18 excess outside storage of materials and accumulation of rubbish on THE PROPERTY was measured  
19 to be approximately four thousand two hundred (4,200) square feet.

20 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
21 Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 6. Notices of Noncompliance were recorded on April 4, 2006 as Document Number  
23 2006-0238892 and on July 20, 2007 as Document Number 2007-0471733 in the Office of the County  
24 Recorder, County of Riverside.

25 7. On March 20, 2007, Notices of Violation for violation of Riverside County Ordinance  
26 Nos. 348 and 541 were posted on THE PROPERTY. On April 20, 2007, Notices of Violation were  
27 mailed to OWNER by certified mail, return receipt requested.

28 8. On August 29, 2007, a "Notice To Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on October  
2 2, 2007 was mailed by certified mail, return receipt requested to OWNER and was posted on THE  
3 PROPERTY on August 30, 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 October 2, 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 955 Citrus Street, Riverside, Riverside County, California, also  
9 identified as Assessor's Parcel Number 247-160-058 violates Riverside County Ordinance Nos. 348  
10 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
11 Riverside County Ordinance No 348, since THE PROPERTY is unimproved and has no legally  
12 permitted structure, no amount of excess outside storage is currently allowed to be kept on THE  
13 PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be  
14 accumulated on THE PROPERTY at any time.

15 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
16 the premises should abate the condition by removing and the excess outside storage of materials and  
17 by removing and disposing of the accumulation of rubbish from the subject real property in strict  
18 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
19 Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
27 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Shelby  
28 Shinkle or anyone having possession or control of THE PROPERTY, by removing the outside

1 excess storage of materials and removing and disposing of the accumulation of rubbish from the  
2 subject real property in strict accordance with all Riverside County Ordinances, including but not  
3 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120)  
4 within ninety (90) days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict  
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
7 Ordinance Nos. 348 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) within ninety (90) days of  
8 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of  
9 rubbish shall be abated and disposed of by representatives of the Riverside County Code  
10 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
11 consent or a Court Order when necessary under applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
13 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
14 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
15 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter  
16 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
17 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
18 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
19 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 property  
2 owner(s) 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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