

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

823 B



**FROM:** County Counsel/TLMA  
Code Enforcement Department  
**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 06-5728  
Subject Property: 27450 Jarvis Street, Perris  
APN 349-123-014  
District Five

**SUBMITTAL DATE:**  
November 9, 2007

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-5728 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 06-5728; 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 06-5728.

**BACKGROUND:**

On October 30, 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 accumulation of rubbish located 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.

*[Signature]*  
TIFFANY N. NORTH, Deputy County Counsel  
for JOE B. 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

BY: *[Signature]*  
Alex Gann

County Executive Office Signature

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

Policy  Consent  Policy  Consent

Prev. Agn. Ref.: 10/30/07; 9.1 | District: 5 | Agenda Number:

2.14

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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 06-5728
[ACCUMULATION OF RUBBISH]; APN 349-	)	
123-014, 27450 JARVIS STREET, PERRIS,	)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA;	)	CONCLUSIONS AND ORDER TO
DEBORAH L. MILLER, MARY ISOBEL MILLER	)	ABATE NUISANCE
AND WILLIAM MILLER, OWNERS.	)	
	)	[R.C.O. Nos. 541 (RCC Chapter 8.120)
	)	and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on October 30, 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 27450 Jarvis Street, Perris, Riverside County, and further described as Assessor's Parcel Number 349-123-014 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.

Ginger Miller, daughter of OWNERS, appeared on behalf of OWNERS. Ms. Miller indicated that she had retained a contractor to clean THE PROPERTY. No other representatives of OWNERS appeared. Ms. Miller did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County

1 Code Chapter 8.120.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the  
4 OWNERS of THE PROPERTY as Deborah L. Miller, Mary Isobel Miller and William Miller  
5 ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to-wit: Mr. and Mrs. Gordon O. Howland, Hemet Professional Services, Hemet  
8 Professional Services, Inc., James J. Waldorf and Kathryn E. Van Houten of Irsfeld, Irsfeld, &  
9 Younger, LLP, and Elsinore Valley Municipal Water District ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement officers on September 18,  
11 2006, October 2, 2006, December 12, 2006, March 13, 2007, May 8, 2007, August 28, 2007,  
12 October 1, 2007 and October 23, 2007.

13 4. During each inspection, an accumulation of rubbish was observed on THE  
14 PROPERTY. The rubbish consisted of, but was not limited to: wood, metal, tires, construction  
15 materials, household trash, tree branches, and other debris.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
17 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
19 County of Riverside, State of California on June 11, 2007 as instrument number 2007-0381756.

20 7. On March 13, 2007, a Notice of Violation was posted on THE PROPERTY. On  
21 March 23, 2007, a Notice of Violation was mailed by certified mail, return receipt requested to  
22 OWNERS and INTERESTED PARTIES.

23 8. On September 25, 2007, a "Notice To Correct County Ordinance Violations and Abate  
24 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October  
25 30, 2007 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
26 PARTIES and posted on THE PROPERTY on October 1, 2007.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on October 30, 2007 finds and concludes that:

2 1. WHEREAS, the accumulation of rubbish on the real property located 27450 Jarvis  
3 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 349-123-014  
4 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and constitutes a public  
5 nuisance.

6 2. WHEREAS, THE OWNERS, or any person having possession or control of the  
7 premises should abate the condition by removing and disposing all accumulated rubbish from the  
8 subject real property in strict accordance with all Riverside County Ordinances, including but not  
9 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

15 **ORDER TO ABATE NUISANCE**

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

21 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
22 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
23 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish  
24 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a  
25 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order  
26 authorizing entry onto THE PROPERTY when necessary under applicable law.

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
2 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
3 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
6 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
7 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
8 compliance within ninety (90) days of the date of 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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