

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

534B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-1924
Subject Property: 22851 Rios Avenue, Perris,
APN: 317-310-004
District One

SUBMITTAL DATE:
December 27, 2007

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-1924 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 06-1924; 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 06-1924.

(continued)

[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	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature]*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

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

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

Case No.: CV 06-1924

Subject Property: 22851 Rios Avenue, Perris

APN: 317-310-004

District One

BACKGROUND:

On December 18, 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.

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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 06-1924
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 317-310-)	FINDINGS OF FACT,
004, 22851 RIOS AVENUE, PERRIS, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; VICTORIA MAY)	ABATE NUISANCE
EDWARDS, OWNER; DAVID PIERSON,)	
OCCUPANT/TENANT.)	[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 December 18, 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 22851 Rios Avenue, Perris, Riverside County, California and further described as Assessor's Parcel Number 317-310-004 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Brian Black, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owner, Victoria May Edwards did not appear at the hearing. R.D. Hayes, Esq., counsel for occupant/tenant, David Pierson, appeared and addressed 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 17.120) 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 Victoria May Edwards. ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to-wit: David Pierson, John Atkins and Jean G. Atkins ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on July 17, 2007,
8 August 21, 2007, October 11, 1007, November 13, 2007 and December 17, 2007.

9 4. During each inspection, excess outside storage of materials and accumulation of
10 rubbish were observed on THE PROPERTY. The excess outside storage of materials and
11 accumulated rubbish included but were not limited to: two dozen or more ovens and washing
12 machines, piles of wood, poles mobilehome frames, more than two dozen possible inoperable
13 vehicles, approximately five semi-trailers, tires, appliances, trash, boxes, scrap metal, a large pile of
14 white bags, furniture, wire fence rolls, and a large metal frame of what appeared to be the remains of
15 a dismantled travel trailer or mobilehome. During the inspection on July 17, 2007, the amount of
16 outside storage and accumulated rubbish was determined to be approximately forty-three thousand
17 (43,000) square feet.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 6. A Notice of Noncompliance was recorded on June 29, 2007 as Document Number
21 2007-0425871 in the Office of the County Recorder, County of Riverside.

22 7. On July 17, 2007, a Notice of Violation was posted on THE PROPERTY. On July
23 19, 1007, a Notice of Violation was mailed to OWNER and INTERESTED PARTIES by certified
24 mail return receipt requested.

25 8. On November 8, 2007, a "Notice To Correct County Ordinance Violations and Abate
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
27 December 18, 2007 was mailed by certified mail, return receipt requested, to THE OWNER and
28 INTERESTED PARTIES and was posted on THE PROPERTY on November 13, 2007.

1 PROPERTY, by removing and disposing of the excess outside storage of materials and accumulation
2 of rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541
4 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

5 IT IS FURTHER ORDERED that if the excess outside storage of materials and accumulated
6 rubbish are not removed and disposed of in strict accordance with all Riverside County Ordinances,
7 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541
8 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the excess
9 outside storage of materials and accumulation of rubbish shall be abated by representatives of the
10 Riverside County Code Enforcement Department, a contractor or the Sheriff's Department upon
11 receipt of an owner's 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 Chapter 17.120), 541 (RCC Chapter 8.120), and 725 (RCC
16 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
17 expenses reasonably related to the abatement of conditions which violate County Land Use
18 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
19 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
20 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from the property owner(s) even if THE PROPERTY is brought into compliance within
2 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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