

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

418B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 17, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-3368
Subject Property: 23130 Mountain Avenue, Perris
APN: 342-092-009
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3368 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 07-3368; 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 07-3368.

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:
Tina Grande

County Executive Office Signature

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

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

Case No.: CV 07-3368

Subject Property: 23130 Mountain Avenue, Perris

APN: 342-092-009

District Five

BACKGROUND:

On March 11, 2008 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 07-3368
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 342-092-009, 23130 MOUNTAIN AVENUE,)	CONCLUSIONS AND ORDER TO
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
ORBIE D. HAMPTON AND CHARLES F.)	
HAMPTON, OWNERS.)	[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 March 11, 2008, 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 23130 Mountain Avenue, Perris, Riverside County, California and further described as Assessor's Parcel Number 342-092-009 and referred to hereinafter as "THE PROPERTY."

Tiffany N. North, Deputy County Counsel, appeared along with Mary Overholt, Senior Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of Owners.

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 Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Orbie D. Hampton and Charles F. Hampton ("OWNERS").

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

6 3. THE PROPERTY was inspected by Code Enforcement Officers on May 2, 2007,
7 August 1, 2007, October 4, 2007, December 3, 2007, January 22, 2008, and March 7, 2008.

8 4. During each inspection, outside storage of materials in excess of one hundred (100)
9 square feet and accumulation of rubbish were observed on THE PROPERTY. The materials and
10 rubbish were intermingled and included but were not limited to: trash, green waste, scrap wood,
11 crates, cardboard, plastic buckets, discarded furniture, doors, clothing and miscellaneous items. The
12 total area of excess outside storage of materials and accumulated rubbish consisted of approximately
13 one thousand two hundred ninety (1,290) square feet.

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

16 6. A Notice of Noncompliance was recorded on June 29, 2007 as Document Number
17 2007-0428780 in the Office of the County Recorder, County of Riverside.

18 7. On May 2, 2007, Notices of Violation for violation of Riverside County Ordinance
19 Nos. 348 and 541 were posted on THE PROPERTY. On June 14, 2007, Notices of Violation were
20 mailed to OWNERS by certified mail, return receipt requested.

21 8. On February 7, 2008, an "Amended Notice To Correct County Ordinance Violations
22 and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
23 re-scheduled for March 11, 2008, was mailed by certified mail, return receipt requested, to THE
24 OWNERS and was posted on THE PROPERTY on February 11, 2008.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
27 regular session assembled on March 11, 2008 finds and concludes that:

28 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on

1 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
2 consent or a Court Order when necessary under applicable law.

3 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
4 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
5 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
6 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
7 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
8 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
9 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
10 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
11 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
12 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
13 this Order to Abate Nuisance.

14
15 Dated: _____

COUNTY OF RIVERSIDE

16
17 By _____
18 Roy Wilson
19 Chairman, Board of Supervisors

20 ATTEST:
21 NANCY ROMERO
22 Clerk to the Board

23 By
24 Deputy
25 (SEAL)

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