

**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:
May 12, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-2662
Subject Property: 83115 Alvarado Avenue, Thermal
APN: 767-453-005
District Four

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-2662 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 07-2662; 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 07-2662.

Departmental Concurrence

[Signature]
TIFFANY N. NORTH, Deputy County Counsel
for JOE S. RANK, County Counsel

(Continued)

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
[Signature]
BY: Tina Grande

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

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

Prev. Agn. Ref.: 05/06/08;9.2

District: 4

Agenda Number:

2.12

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

Case No.: CV 07-2662

Subject Property: 83115 Alvarado Avenue, Thermal

APN: 767-453-005

District Four

BACKGROUND:

On May 6, 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 07-2662
[EXCESSIVE OUTSIDE STORAGE AND)
ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
APN 767-453-005, 83115 ALVARADO AVENUE,) CONCLUSIONS AND ORDER TO
THERMAL, RIVERSIDE COUNTY,) ABATE NUISANCE
CALIFORNIA; JOSE M. SIORDIA AND)
BEATRIZ SIORDIA, OWNERS.) [R.C.O. Nos. 348 (RCC Chapter 17.24),
) 541 (RCC Chapter 8.120) and 725
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 6, 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 83115 Alvarado Avenue, Thermal, Riverside County, California and further described as Assessor's Parcel Number 767-453-005 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.

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 outside storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.24) and 541 (Riverside County Code Chapter 8.120) and as a public

1 nuisance.

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3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners
5 of THE PROPERTY as Jose M. Siordia and Beatriz Siordia ("OWNERS").

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

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 17, 2007,
9 August 8, 2007, October 3, 2007, October 23, 2007, November 20, 2007, January 10, 2008, March 5,
10 2008, April 8, 2008, and May 2, 2008.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: household items, construction material, gardening tools, green waste and
14 household waste, appliances, furniture, wood and metal products and plastic products. The total area
15 of excess outside storage of materials and accumulated rubbish consisted of approximately three
16 thousand (3,000) square feet. Given the size of the parcel (.34 acres) and the zoning classification
17 (R-1, one family dwelling), no amount of outside storage of materials is allowed to be kept on THE
18 PROPERTY.

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

21 6. A Notice of Noncompliance was recorded on August 24, 2007 as Document Number
22 2007-0546449 in the Office of the County Recorder, County of Riverside.

23 7. On August 8, 2007, Notices of Violation for violation of Riverside County Ordinance
24 Nos. 348 and 541 were posted on THE PROPERTY. On August 22, 2007, Notices of Violation
25 were mailed to OWNERS and tenant/occupant by certified mail, return receipt requested.

26 8. On April 7, 2008, the "Notice To Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for May 6, 2008, was mailed by certified mail, return receipt requested, to OWNERS and was posted

1 on THE PROPERTY on April 8, 2008.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on May 6, 2008 finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at 83115 Alvarado Avenue, Thermal, Riverside County, California, also
7 identified as Assessor's Parcel Number 767-453-005 violates Riverside County Ordinance Nos. 348
8 (RCC Chapter 17.24) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
9 Riverside County Ordinance No. 348, due to the size of the parcel and zoning classification, no
10 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
11 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
12 PROPERTY.

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

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Jose M.
25 Siordia and Beatriz Siordia or anyone having possession or control of THE PROPERTY, by
26 removing of the all outside storage of materials and removing and disposing of all accumulated
27 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
28 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.24) and 541

1 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

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

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 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 _____
Roy Wilson
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

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