

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

422B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 23, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 06-6757
Subject Property: 20950 Mary Street, Perris
APN: 315-082-002
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6757 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 06-6757; 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 06-6757.

Tiffany N. North

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

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

Policy
 Consent
 Policy
 Consent

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

Prev. Agn. Ref.: 05/13/08;9.2 | District: 1 | Agenda Number:

2.16

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

Case No.: CV 06-6757

Subject Property: 20950 Mary Street, Perris

APN: 315-082-002

District One

BACKGROUND:

On May 13, 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 06-6757
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 315-082-002, 20950 MARY STREET,)	CONCLUSIONS AND ORDER TO
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
SHARENE GUNN, OWNER.)	
)	[R.C.O. Nos. 348 (RCC Chapter
)	17.120), 541 (RCC Chapter 8.120) and
)	725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 13, 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 20950 Mary Street, Perris, Riverside County, California and further described as Assessor's Parcel Number 315-082-002 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 Owner.

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 17.120) and 541 (Riverside County Code Chapter 8.120) and as a public

1 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 Sharene Gunn ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Riverside County Department of Child Support Services, Tax Collector for the
7 County of Riverside, Eastern Municipal Water District and Internal Revenue Service
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on July 25, 2007,
10 September 13, 2007, November 20, 2007, January 22, 2008, March 7, 2008, April 15, 2008 and May
11 9, 2008.

12 4. During each inspection, the excess outside storage of materials and accumulation of
13 rubbish were observed on THE PROPERTY. The materials and rubbish were intermingled and
14 included but were not limited to: wood, metal, tools, appliances, barrels, tires, vehicle parts,
15 appliances, furniture, plastic, miscellaneous items and trash. The total area of excess outside storage
16 of materials and accumulated rubbish consisted of approximately four thousand one hundred seventy
17 three (4,173) square feet. Given the size of the parcel (.88 acres) and the zoning classification (A-1,
18 Light Agriculture), up to two hundred (200) square feet of outside storage of materials is allowed to
19 be kept on THE PROPERTY.

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

22 6. A Notice of Noncompliance was recorded on October 19, 2007 as Document Number
23 2007-0646381 in the Office of the County Recorder, County of Riverside.

24 7. On July 25, 2007, Notices of Violation for violation of Riverside County Ordinance
25 Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) were posted on THE PROPERTY.
26 On August 8, 2007, Notices of Violation were mailed to OWNER and on November 20, 2007 were
27 mailed to INTERESTED PARTIES by certified mail, return receipt requested.

28 8. On April 15, 2008, the "Notice To Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled
2 for May 13, 2008, was mailed by certified mail, return receipt requested, to OWNER and
3 INTERESTED PARTIES and was posted on THE PROPERTY.

4 **FINDINGS AND CONCLUSIONS**

5 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
6 regular session assembled on May 13, 2008 finds and concludes that:

7 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
8 the real property located at 20950 Mary Street, Perris, Riverside County, California, also identified as
9 Assessor's Parcel Number 315-082-002 violates Riverside County Ordinance Nos. 348 (RCC
10 Chapter 17.120) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
11 County Ordinance No. 348 (RCC Chapter 17.120), due to the size of the parcel and zoning
12 classification, only two hundred (200) square feet of outside storage of materials is allowed to be
13 stored on THE PROPERTY. Under Riverside County Ordinance No. 541 (RCC Chapter 8.120), no
14 amount of rubbish is allowed to be accumulated on THE PROPERTY.

15 2. WHEREAS, THE OWNER, occupants or any person having possession or control of
16 the premises should abate the condition by removing the outside storage of materials in excess of two
17 hundred (200) square feet and removing and disposing of all accumulated rubbish from the subject
18 real property in strict accordance with all Riverside County Ordinances, including but not limited to
19 Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC Chapter 8.120) within
20 ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Sharene Gunn

1 or anyone having possession or control of THE PROPERTY, by removing of all outside storage of
2 materials in excess of two hundred (200) square feet and removing and disposing of all accumulated
3 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
4 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541
5 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the excess outside storage of materials and rubbish are
7 not removed and disposed of in strict accordance with all Riverside County Ordinances, including
8 but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.120) and 541 (RCC
9 Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the excess
10 outside storage of materials and accumulation of rubbish shall be abated and disposed of by
11 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's
12 Department upon receipt of an owner's consent or a Court Order when necessary under applicable
13 law.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
18 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
19 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
20 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
21 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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