

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

424B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
May 23, 2008

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case No.: CV 06-5002  
Subject Property: 20940 Oleander Avenue, Perris  
APN: 295-150-007  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-5002 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 06-5002; 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 06-5002.

(Continued)

TIFFANY N. NORTH, Deputy County Counsel  
for JOE S. 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 Tina Grande  
**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent

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

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 06-5002

Subject Property: 20940 Oleander Avenue, Perris

APN: 295-150-007

District One

**BACKGROUND:**

On May 20, 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 substandard structure (dwelling) 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, Conclusions 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 06-5002
[SUBSTANDARD STRUCTURE AND	)	
ACCUMULATION OF RUBBISH];	)	FINDINGS OF FACT,
APN 295-150-007, 20940 OLEANDER AVENUE,	)	CONCLUSIONS AND ORDER TO
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
DONNIE O. TURNER, JOSEPHINE HAYES	)	
AND IRENE JACKSON, OWNERS.	)	[R.C.O. Nos. 457 (RCC Title 15), 541
	)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on May 20, 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 20940 Oleander Avenue, Perris, Assessor's Parcel Number 295-150-007 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 substandard structure and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15) 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 Donnie O. Turner, Josephine Hayes and Irene Jackson ("OWNERS").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to wit: Franchise Tax Board of the State of California, Enice W. Singletary and  
6 Geraldine Singletary ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 15, 2006,  
8 April 19, 2007, October 4, 2007, November 6, 2007, March 6, 2008, April 22, 2008 and May 16,  
9 2008.

10 4. During each inspection, a substandard structure (dwelling) was observed on THE  
11 PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure  
12 contained numerous deficiencies, including but not limited to: extensive fire damage; lack of  
13 improper water closet, lavatory, bathtub, shower or kitchen sink; deteriorated or inadequate  
14 foundation; defective or deteriorated flooring or floor supports; dampness of habitable rooms; faulty  
15 weather protection; fire hazard; attractive and public nuisance.

16 5. During each inspection an accumulation of rubbish was observed throughout THE  
17 PROPERTY consisting of but not limited to: books, magazines, wood, household trash and  
18 household furniture, and other miscellaneous trash and debris. All items of rubbish had weather  
19 damage and/or fire damage.

20 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
21 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

22 7. A Notice of Noncompliance for the substandard structure and accumulation of  
23 rubbish was recorded on September 5, 2007, as Document Number 2007-0566945 in the Office of  
24 the County Recorder, County of Riverside.

25 8. On April 19, 2007, a Notice of Violation, Notice of Defects and a "Danger Do Not  
26 Enter" signs were posted on THE PROPERTY. On May 10, 2007, a Notice of Violation and Notice  
27 of Defects were mailed by certified mail, return receipt requested to OWNERS. On September 20,  
28 2007, a Notice of Defects and Notice of Violation were mailed to OWNERS and INTERESTED

1 PARTIES by certified mail, return receipt requested.

2 9. On April 18, 2008, a "Notice to Correct County Ordinance Violations and Abate  
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 20,  
4 2008 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED  
5 PARTIES and was posted on THE PROPERTY on April 22, 2008.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
8 regular session assembled on May 20, 2008 finds and concludes that:

9 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
10 real property located at 20940 Oleander Avenue, Perris, Riverside County, California, also identified  
11 as Assessor's Parcel Number 295-150-007 violates Riverside County Ordinance Nos. 457 (RCC Title  
12 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

13 2. WHEREAS, THE OWNERS, occupants and any person having possession or control  
14 of THE PROPERTY should abate the substandard structure (dwelling) by razing, removing and  
15 disposing of the substandard structure, including the removal and disposal of all structural debris,  
16 materials, and contents therein or by reconstruction and rehabilitation of said structure provided that  
17 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County  
18 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
19 days.

20 3. WHEREAS, THE OWNERS, occupants and any other person having possession or  
21 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of  
22 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,  
23 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

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

1 **ORDER TO ABATE NUISANCE**

2 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE  
3 PROPERTY be abated by the OWNERS, specifically Donnie O. Turner, Josepine Hayes and Irene  
4 Jackson or anyone having possession or control of THE PROPERTY, by razing and removing the  
5 substandard structure (dwelling) including the removal and disposal of all structural debris and  
6 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure  
7 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all  
8 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457  
9 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the substandard structure (dwelling) is not razed,  
11 removed and disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside  
12 County Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety  
13 (90) days of the posting and mailing of this Order to Abate Nuisance, the substandard structure,  
14 contents therein, and structural debris and materials, shall be abated and disposed of by  
15 representatives of the Riverside County Code Enforcement Department, a contractor, or the Sheriff's  
16 Department upon receipt of the owner's consent or a Court Order, where necessary, under applicable  
17 law authorizing entry onto THE PROPERTY.

18 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of  
19 asbestos containing materials in said structure by survey and materials sample testing by a duly  
20 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
21 the removal of all asbestos containing materials discovered through such survey and testing by  
22 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
23 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
25 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and  
26 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County  
27 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),  
28 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
10 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter  
11 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
12 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
13 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
14 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 OWNERS  
2 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this  
3 Order to Abate Nuisance.

4  
5 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

6  
7 By \_\_\_\_\_  
8 Roy Wilson  
9 Chairman, Board of Supervisors

10 ATTEST:

11 NANCY ROMERO

12 Clerk to the Board

13 By

14 Deputy

15 (SEAL)

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