

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

4233



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 07-4505
Subject Property: 22115 Cajalco Road, Perris
APN: 317-060-008
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4505 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 07-4505; 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 07-4505.

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
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 05/20/08;9.2

District: 1

Agenda Number:

2.18

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

Case No.: CV 07-4505

Subject Property: 22115 Cajalco Road, Perris

APN: 317-060-008

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 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 07-4505
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 317-060-008, 22115 CAJALCO ROAD,)	CONCLUSIONS AND ORDER TO
PERRIS, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
WILLIAM RANSON, 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 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 as 22115 Cajalco Road, Perris, Riverside County, California and further described as Assessor's Parcel Number 317-060-008 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 William Ranson ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Eastern Municipal Water District and John and Patricia Brewster
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 4, 2007,
9 July 5, 2007, July 13, 2007, October 4, 2007, March 4, 2008, April 22, 2008 and May 16, 2008.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
12 were not limited to: vehicle parts, kitchen trash, wood, green matter, building materials, scrap wood,
13 scrap metal, auto parts, and old appliances. The total area of excess outside storage of materials and
14 accumulated rubbish consisted of approximately 90% of THE PROPERTY. Given the size of the
15 parcel (.98 acres) and the zoning classification (A-1, Light Agriculture), the amount of outside
16 storage allowed on THE PROPERTY is two hundred (200) square feet with a maximum height of
17 three (3) 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 September 14, 2007 as Document
21 Number 2007-0583658 in the Office of the County Recorder, County of Riverside.

22 7. On July 13, 2007, Notices of Violation for violation of Riverside County Ordinance
23 Nos. 348 and 541 were posted on THE PROPERTY. On July 18, 2007, Notices of Violation were
24 mailed to OWNER and INTERESTED PARTIES, John and Patricia Brewster, by certified mail,
25 return receipt requested. On September 20, 2007, Notice of Violation was mailed to OWNER and
26 INTERESTED PARTY, Eastern Municipal Water District, by certified mail, return receipt
27 requested.

28 8. On April 18, 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 20, 2008, was mailed by certified mail, return receipt requested, to OWNER and
3 INTERESTED PARTIES and was posted on THE PROPERTY on April 22, 2008.

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 20, 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 22115 Cajalco Road, Perris, Riverside County, California, also identified
9 as Assessor's Parcel Number 317-060-008 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, due to the size of the parcel and zoning classification, only two hundred
12 (200) square feet of outside storage of materials is allowed to be stored on THE PROPERTY. Under
13 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
14 PROPERTY.

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

21 3. WHEREAS, THE OWNERS 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 William

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

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

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1 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 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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