

**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:**  
June 9, 2008

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case Nos.: CV 07-3391 and CV 07-3393  
Subject Property: 25106 Avenida Vizcaya, Homeland  
APN: 457-083-003  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-3391 and CV 07-3393 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 Nos. CV 07-3391 and CV 07-3393; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-3391 and CV 07-3393.

*[Handwritten Signature]*

TIFFANY M. NORTH, Deputy County Counsel  
for JOE S. RANK, County Counsel

(Continued)

<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: *[Handwritten Signature]*  
Tina Grande

County Executive Office Signature

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

X Consent  Policy  
 Consent  Policy

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

Case Nos.: CV 07-3391 and CV 07-3393

Subject Property: 25106 Avenida Vizcaya, Homeland

APN: 457-083-003

District Five

**BACKGROUND:**

On June 3, 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 of materials 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 NOS. CV 07-3391 and  
[EXCESSIVE OUTSIDE STORAGE AND ) CV 07-3393  
ACCUMULATION OF RUBBISH]; )  
APN 457-083-003, 25106 AVENIDA VIZCAYA, ) FINDINGS OF FACT,  
HOMELAND, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
CALIFORNIA; LUCILLE GREENBERG, ) ABATE NUISANCE  
OWNER. )  
) [R.C.O. Nos. 348 (RCC Chapter 17.52),  
) 541 (RCC Chapter 8.120) and 725  
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on June 3, 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 25106 Avenida Vizcaya, Homeland, Riverside County, California and further described as Assessor's Parcel Number 457-083-003 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.

Tenants, Karen Franklin and Darryl Ficarella met with Tiffany North and Jim Monroe prior to the public hearing and were advised of the necessary clean-up needed to bring THE PROPERTY into compliance and the 90 day post Order to Abate period. Karen Franklin and Darryl Ficarella did not address the Board of Supervisors during the public hearing.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside  
3 County Code Chapter 17.52) and 541 (Riverside County Code Chapter 8.120) and as a public  
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner  
7 of THE PROPERTY as Lucille Greenberg ("OWNER").

8 2. Documents of title indicate that no other parties potentially hold a legal interest in  
9 THE PROPERTY. Darryl Ficarella and Karen Franklin ("INTERESTED PARTIES") are the current  
10 tenants and occupants of THE PROPERTY.

11 3. THE PROPERTY was inspected by Code Enforcement Officers on May 2, 2007, July 12,  
12 2007, December 6, 2007, January 18, 2008, January 23, 2008, March 27, 2008, April 23, 2008 and  
13 May 27, 2008.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish  
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
16 were not limited to: a disconnected water conditioner, a large blue plastic bin full of materials, PVC  
17 pipe, used and discarded or stacked lumber, garden tools, tires, plastic buckets, blocks, tarps and  
18 appliances. The total area of excess outside storage of materials and accumulated rubbish consisted  
19 of approximately one thousand ninety eight (1098) square feet. Given the size of the parcel (.18  
20 acres) and the zoning classification (R-T, Mobilehome Subdivision and Mobilehome Park), no  
21 amount of outside storage of materials is allowed on THE PROPERTY.

22 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
23 Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

24 6. A Notice of Noncompliance was recorded on December 21, 2007 as Document  
25 Number 2007-0760835 in the Office of the County Recorder, County of Riverside.

26 7. On December 6, 2007, Notices of Violation for violation of Riverside County  
27 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On December 10, 2007, a Notice of  
28 Violation for Accumulated Rubbish was mailed to OWNER and INTERESTED PARTIES by

1 certified mail, return receipt requested. On December 11, 2007, Notice of Violation for Excessive  
2 Outside Storage was mailed to OWNER and INTERESTED PARTY by certified mail, return receipt  
3 requested. On December 27, 2007, Notice of Violations was mailed to OWNER by certified mail,  
4 return receipt requested.

5 8. On April 22, 2008, the "Notice To Correct County Ordinance Violations and Abate  
6 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
7 for June 3, 2008, was mailed by certified mail, return receipt requested, to OWNER and  
8 INTERESTED PARTIES and was posted on THE PROPERTY on April 23, 2008.

### 9 **FINDINGS AND CONCLUSIONS**

10 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
11 regular session assembled on June 3, 2008 finds and concludes that:

12 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
13 the real property located at 25106 Avenida Vizcaya, Homeland, Riverside County, California, also  
14 identified as Assessor's Parcel Number 457-083-003 violates Riverside County Ordinance Nos. 348  
15 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
16 Riverside County Ordinance No. 348 (RCC Chapter 17.52), due to the size of the parcel and zoning  
17 classification, no amount of outside storage of materials is allowed to be stored on THE  
18 PROPERTY. Under Riverside County Ordinance No. 541 (RCC Chapter 8.120), no amount of  
19 rubbish is allowed to be accumulated on THE PROPERTY.

20 2. WHEREAS, THE OWNER, occupants or any person having possession or control of  
21 the premises should abate the condition by removing all outside storage of materials and removing  
22 and disposing of all accumulated rubbish from the subject real property in strict accordance with all  
23 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
24 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
4 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Lucille  
5 Greenberg or anyone having possession or control of THE PROPERTY, by removing all outside  
6 storage of materials and removing and disposing of all accumulated rubbish from the subject real  
7 property in strict accordance with all Riverside County Ordinances, including but not limited to  
8 Riverside County Ordinance Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within  
9 ninety (90) days of the date of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
11 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
12 County Ordinance Nos. 348 (RCC Chapter 17.52) and 541 (RCC Chapter 8.120) within ninety (90)  
13 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
14 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
15 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
16 consent or a Court Order when necessary under applicable law.

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
20 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
21 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
22 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
23 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
24 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
25 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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