

**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 16, 2008

**SUBJECT:** Order to Abate [Substandard Structures and Accumulation of Rubbish]  
Case No.: CV 07-10421  
Subject Property: 82800 Avenue 54, Thermal  
APN: 767-230-016  
District Four

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-10421 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 07-10421 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 07-10421

(Continued)

*Tiffany N. North*  
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

County Executive Office Signature

BY *Tina Grande*  
Tina Grande

Policy  
 Policy  
 Consent  
 Consent

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

Prev. Agn. Ref.: 06/10/08; 9.5

District: 4

Agenda Number:

2.20

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 07-10421

Subject Property: 82800 Avenue 54, Thermal

APN: 767-230-016

District Four

**BACKGROUND:**

On June 10, 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 structures (garage and shed/chicken coop) and accumulation of rubbish on the subject property to be a public nuisance. The Board ordered the property owners 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 07-10421
[SUBSTANDARD STRUCTURES AND	)	
ACCUMULATION OF RUBBISH]; APN 767-230-	)	FINDINGS OF FACT,
016, 82800 AVENUE 54, THERMAL,	)	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; ARTHUR	)	ABATE NUISANCE
L. SEAY AND NANCY A. SEAY, 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 June 10, 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 82800 Avenue 54, Thermal, Assessor's Parcel Number 767-230-016 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 structures (garage and shed/chicken coop) 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

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners  
4 of THE PROPERTY as Arthur L. Seay and Nancy A. Seay ("OWNERS").

5 2. Documents of title indicate that no other parties potentially hold or allege a legal  
6 interest in THE PROPERTY.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on December 17,  
8 2007, February 19, 2008, April 8, 2008, May 9, 2008 and June 6, 2008.

9 4. During each inspection, two substandard structures (garage and shed/chicken coop)  
10 were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated  
11 and vacant. The structures contained numerous deficiencies, including but not limited to: faulty  
12 weather protection; general dilapidation or improper maintenance; and public and attractive  
13 nuisance.

14 5. During each inspection an accumulation of rubbish was observed throughout THE  
15 PROPERTY consisting of but not limited to: tires, construction material, dry vegetation, metal,  
16 wood, plastic and household trash. The accumulated rubbish was determined to cover approximately  
17 3,000 to 3,500 square feet on THE PROPERTY.

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

20 7. A Notice of Noncompliance for the substandard structures and accumulation of  
21 rubbish was recorded on January 9, 2008 as Document Number 2008-0012830 in the Office of the  
22 County Recorder, County of Riverside.

23 8. On December 17, 2007, Notices of Violation for the accumulated rubbish and  
24 substandard structures, two (2) Notice of Defects, and two (2) "Do Not Enter" signs were posted on  
25 THE PROPERTY. On January 9, 2008, Notices of Violation for the accumulated rubbish and  
26 substandard structures were mailed to OWNERS by certified mail, return receipt requested.

27 9. On May 8, 2008, the "Notice to Correct County Ordinance Violations and Abate  
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on June 10,

1 2008 was mailed by certified mail, return receipt requested, to THE OWNERS and was posted on  
2 THE PROPERTY on May 9, 2008.

3 **FINDINGS AND CONCLUSIONS**

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

6 1. WHEREAS, the substandard structures (garage and shed/chicken coop) and  
7 accumulation of rubbish on the real property located at 82800 Avenue 54, Thermal, Riverside  
8 County, California, also identified as Assessor's Parcel Number 767-230-016 violates Riverside  
9 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public  
10 nuisance.

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

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

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the substandard structures (garage and shed/chicken

1 coop ) on THE PROPERTY be abated by the OWNERS, specifically Arthur L. Seay and Nancy A.  
2 Seay or anyone having possession or control of THE PROPERTY, by razing and removing the  
3 substandard structures including the removal and disposal of all structural debris and materials, as  
4 well as the contents therein, or by reconstruction and rehabilitation of said structures provided such  
5 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
6 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
7 days of the posting and mailing of this Order to Abate Nuisance.

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

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

23 IT IS FURTHER ORDERED that all accumulated rubbish on THE PROPERTY be abated by  
24 THE OWNERS or anyone having possession or control of THE PROPERTY by removing and  
25 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County  
26 Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC Chapter  
27 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if all accumulated rubbish is not removed and disposed of

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

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

17 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

18  
19 By \_\_\_\_\_  
20 Roy Wilson  
21 Chairman, Board of Supervisors

21 ATTEST:  
22 NANCY ROMERO  
23 Clerk to the Board  
24

25 By  
26 Deputy  
27 (SEAL)  
28

FORM APPROVED COUNTY COUNSEL  
BY: Tiffany N. North 10/16/08  
DATE