

**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:**  
July 7, 2008

**SUBJECT:** Order to Abate [Substandard Structures, Accumulation of Rubbish and Excess Outside Storage]  
Case Nos.: CV 06-3123; CV 07-3849 and CV 07-3865  
Subject Property: 25675 Spring Street, Perris  
APN: 345-060-009

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-3123; CV 07-3849 and CV 07-3865 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 06-3123; CV 07-3849 and CV 07-3865; 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 06-3123; CV 07-3849 and CV 07-3865.

(Continued)

*[Signature]*  
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: *Alex Gann*  
County Executive Office Signature **Alex Gann**

Dept's Recomm.:  
X Consent     Policy  
Per Exec. Ofc.:  
 Consent     Policy

Order to Abate [Substandard Structures, Accumulation of Rubbish and Excess Outside Storage]  
Case Nos.: CV 06-3123; CV 07-3849 and CV 07-3865  
Subject Property: 25675 Springs Street, Perris  
APN: 345-060-009  
District Five

**BACKGROUND:**

On June 24, 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 (a 12x12 wood structure and a 10x20 half metal, half wood structure), accumulation of rubbish and excess outside storage of materials 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 NOS. CV 06-3123; CV 07-3849       |
| [SUBSTANDARD STRUCTURE,                  | ) | and CV 07-3865                         |
| ACCUMULATION OF RUBBISH AND EXCESS       | ) |  |
| OUTSIDE STORAGE]; APN 345-060-009, 25675 | ) | FINDINGS OF FACT,                      |
| SPRING STREET, PERRIS, RIVERSIDE         | ) | CONCLUSIONS AND ORDER TO               |
| COUNTY, CALIFORNIA; BOON                 | ) | ABATE NUISANCE                         |
| DEVELOPMENT, LLC, OWNER.                 | ) |  |
|  | ) | [R.C.O. Nos. 348 (RCC Title 17) 457    |
|  | ) | (RCC Title 15), 541 (RCC Title 8), and |
|  | ) | 725 (RCC Title 1)]                     |

The above-captioned matter came on regularly for hearing on June 24, 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 25675 Spring Street, Perris, Assessor's Parcel Number 345-060-009 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 the property owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structures (a 12x12 wood structure and a 10x20 half metal, half wood structure), accumulation of rubbish and excessive outside storage of materials

1 on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code  
2 Chapter 17.16), 457 (Riverside County Code Chapter 15.16), and 541 (Riverside County Code  
3 Chapter 8.120), and as a public nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owner  
6 of THE PROPERTY as Boon Development, LLC ("OWNER").

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

9 3. THE PROPERTY was inspected by Code Enforcement Officers on May 10, 2006,  
10 July 17, 2006, February 5, 2007, May 17, 2007, August 30, 2007, November 15, 2007, March 3,  
11 2008, May 21, 2008 and June 18, 2008.

12 4. During each inspection, two substandard structures (a 12x12 wood structure and a  
13 10x20 half metal, half wood structure) were observed on THE PROPERTY. The structures were  
14 observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies,  
15 including but not limited to: hazardous wiring; lack of required electrical fixtures;  
16 deteriorated/inadequate foundation; defective/deteriorated flooring; lack of or improper water closet,  
17 lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water; members of walls,  
18 partitions or other vertical supports that split, lean, list or buckle due to defective materials or  
19 deterioration; defective/deteriorated ceiling; missing ceiling; dampness of habitable rooms; defective  
20 walls; faulty weather protection; improper maintenance; fire hazard; extensive fire damage; public  
21 and attractive nuisance.

22 5. During each inspection an accumulation of rubbish and excess outside storage of  
23 materials was also observed throughout THE PROPERTY consisting of but not limited to: 50 gallon  
24 drums, car parts, lumber, construction materials, computer monitors, air conditioners, wooden work  
25 benches, plastic and metal barrels, chicken wire, broken/discarded furniture, children's toys,  
26 clothing, vacuum cleaners, lawn mowers, weed eaters, assorted lawn care tools, wood, screen doors,  
27 screens, mattresses, box springs, strollers, playpens, antique heater, various wiring, insulation, metal,  
28 plastic, glass and wood debris, appliances, vehicle parts, camper shells, rims, televisions, plastic and

1 metal trash cans, planter pots, bricks, paint products, various chemicals, compressed gas and propane  
2 tanks, rubber and plastic tubing, ice coolers, engines, motors, air compressors, miscellaneous tools,  
3 dismantled off road vehicles, chain links, wire pens, poison, doors, roof tiles, pallets, over one  
4 hundred sixty-five (165) tires, inoperative vehicles and miscellaneous trash and debris. The excess  
5 outside storage of materials and accumulation of rubbish was determined to be approximately  
6 twenty-four thousand seven hundred thirteen (24,713) square feet.

7 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
8 Nos. 348 (Riverside County Code ("RCC) Chapter 17.16), 457 (RCC Chapter 15.16) and 541 (RCC  
9 Chapter 8.120) by the Code Enforcement Officer.

10 7. A Notice of Noncompliance for the substandard structures, accumulation of rubbish  
11 and excess outside storage of materials was recorded on December 4, 2007 as Document Number  
12 2007-0728093 in the Office of the County Recorder, County of Riverside.

13 8. On May 17, 2007, Notices of Violation and Notices of Defects were posted on THE  
14 PROPERTY. On June 14, 2007, Notices of Violation and Notice of Defects were mailed to  
15 OWNER by certified mail, return receipt requested.

16 9. On May 20, 2008, the second notice - "Notice To Correct County Ordinance  
17 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of  
18 Supervisors on June 24, 2008 was mailed by certified mail, return receipt requested, to OWNER and  
19 occupants and was posted on THE PROPERTY on May 21, 2008.

#### 20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
22 regular session assembled on June 24, 2008 finds and concludes that:

23 1. WHEREAS, the substandard structures (a 12x12 wood structure and a 10x20 half  
24 metal, half wood structure), accumulation of rubbish and excess outside storage of materials on the  
25 real property located at 25675 Spring Street, Perris, Riverside County, California, also identified as  
26 Assessor's Parcel Number 345-060-009 violate Riverside County Ordinance Nos. 348 (RCC Chapter  
27 17.16), 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

28 2. WHEREAS, THE OWNER, occupants and any person having possession or control

1 of THE PROPERTY should abate the substandard structures (a 12x12 wood structure and a 10x20  
2 half metal, half wood structure) by razing, removing and disposing of the substandard structures,  
3 including the removal and disposal of all structural debris and materials and contents therein, or by  
4 reconstruction and rehabilitation of said structures provided that said reconstruction or demolition  
5 can be accomplished in strict accordance with all Riverside County Ordinances, including but not  
6 limited to Riverside County Ordinance No. 457 (RCC Title 15) within ninety (90) days.

7 3. WHEREAS, THE OWNER, occupants and any other person having possession or  
8 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage  
9 of materials by removing of all outside storage of materials in excess of two hundred (200) square  
10 feet and removing and disposing of all accumulated rubbish on THE PROPERTY in strict  
11 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
12 Ordinance Nos. 348 and 541 within ninety (90) days.

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the substandard structures (a 12x12 wood structure and  
19 a 10x20 half metal, half wood structure) on THE PROPERTY be abated by the OWNER,  
20 specifically Boon Development, LLC or anyone having possession or control of THE PROPERTY,  
21 by razing and removing the substandard structures including the removal and disposal of all  
22 structural debris and materials, as well as the contents therein, or by reconstruction and rehabilitation  
23 of said structures provided such reconstruction and rehabilitation can be accomplished in strict  
24 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
25 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate  
26 Nuisance.

27 IT IS FURTHER ORDERED that if the substandard structures (a 12x12 wood structure and  
28 a 10x20 half metal, half wood structure) are not razed, removed and disposed of, or reconstructed

1 and rehabilitated in strict accordance with all Riverside County Ordinances, including but not limited  
2 to Riverside County Ordinance No. 457, within ninety (90) days of the posting and mailing of this  
3 Order to Abate Nuisance, the substandard structures, contents therein, and structural debris and  
4 materials, shall be abated and disposed of by representatives of the Riverside County Code  
5 Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
6 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
7 PROPERTY.

8           FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
9 asbestos containing materials in said structures by survey and materials sample testing by a duly  
10 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
11 the removal of all asbestos containing materials discovered through such survey and testing by  
12 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
13 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

14           IT IS FURTHER ORDERED that the excess outside storage of materials and accumulation  
15 of rubbish on THE PROPERTY be abated by THE OWNER or anyone having possession or control  
16 of THE PROPERTY by removing and disposing of all accumulated rubbish and removing and  
17 disposing of all outside storage of materials in excess of two hundred (200) square feet on THE  
18 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
19 Riverside County Ordinance Nos. 541 (RCC Chapter 8.120) and 348 (RCC Chapter 17.16) within  
20 ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

21           IT IS FURTHER ORDERED that if the accumulated rubbish or excessive outside storage of  
22 materials are not removed and disposed of in strict accordance with all Riverside County Ordinances,  
23 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541  
24 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance, the  
25 accumulation of rubbish and excessive outside storage of materials shall be abated and disposed of  
26 by representatives of the Riverside County Code Enforcement Department, a contractor or the  
27 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under  
28 applicable law.

1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
4 County Ordinance Nos. 348 (RCC Title 17), 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC  
5 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
6 expenses reasonably related to the abatement of conditions which violate County Land Use  
7 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
8 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
9 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be  
10 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety  
11 (90) days of the date of 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)

FORM APPROVED COUNTY COUNSEL  
BY: Tiffany N. North 7/7/08  
DATE

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