

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

933 B



SUBMITTAL DATE:
July 7, 2008

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Accumulation of Rubbish]
Case No.: CV 07-5209
Subject Property: 21870 Bailly Street, Perris
APN 315-152-023
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-5209 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 07-5209; 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 07-5209.

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 accumulation of rubbish located 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.

[Signature]

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

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: *Alex Gann*

Alex Gann

County Executive Office Signature

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 06/24/08; 9.3 | **District:** 1 | **Agenda Number:**

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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 07-5209
[ACCUMULATION OF RUBBISH]; APN 315-)
152-023, 21870 BAILLY STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; HAZEL) CONCLUSIONS AND ORDER TO
GARCIA, MARGARET SCOTT, WILLILA) ABATE NUISANCE
WALLACE AND LAVINA BLAIR, OWNERS.)
) [R.C.O. Nos. 541 (RCC Chapter 8.120)
) 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 as 21870 Bailly Street, Perris, Riverside County, and further described as Assessor's Parcel Number 315-152-023 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 owners.

The Board of Supervisors received the Declaration of Code Enforcement Officer together with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code Chapter 8.120.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as Hazel Garcia, Margaret Scott, Willila Wallace and Lavina Blair
4 ("OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: San Bernardino County District Attorney Child Support Division and Mr. and
7 Mrs. Amos Wilson ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 26, 2007,
9 August 20, 2007, January 22, 2008, March 7, 2008, May 27, 2008 and June 20, 2008. At the June
10 20, 2008 inspection, it was observed that the mobile home frame had been removed from THE
11 PROPERTY but all other accumulated rubbish remained on site.

12 4. During each inspection, an accumulation of rubbish was observed on THE
13 PROPERTY. The accumulated rubbish consisted of, but was not limited to: a mobile home frame,
14 tires, scrap wood, scrap metal, dead vegetation, plastic and other miscellaneous household trash and
15 debris.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
19 County of Riverside, State of California on October 4, 2007 as instrument number 2007-0621349.

20 7. On June 26, 2007, Notice of Violation was posted on THE PROPERTY. On July 3,
21 2007, Notice of Violation was mailed by certified mail, return receipt requested to OWNERS. On
22 September 13, 2007, Notice of Violation was mailed via certified mail to OWNERS and
23 INTERESTED PARTY, Mr. and Mrs. Amos Wilson. On April 7, 2008, a Notice of Violation was
24 mailed via certified mail to INTERESTED PARTY, San Bernardino County District Attorney Child
25 Support Division.

26 8. On May 21, 2008, the "Notice to Correct County Ordinance and Abate Public
27 Nuisance" providing notice of the public hearing before the Board of Supervisors on June 24, 2008
28 was mailed by certified mail, return receipt requested, to OWNERS and INTERESTED PARTIES

1 and on May 27, 2008 was posted on THE PROPERTY.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the accumulation of rubbish on the real property located at 21870 Bailly
6 Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 315-152-023
7 violates Riverside County Ordinance No. 541 (RCC Chapter 8.120) and constitutes a public
8 nuisance.

9 2. WHEREAS, THE OWNERS, or any person having possession or control of the
10 premises should abate the condition by removing and disposing all accumulated rubbish from the
11 subject real property in strict accordance with all Riverside County Ordinances, including but not
12 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

18 **ORDER TO ABATE NUISANCE**

19 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
20 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing
21 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
22 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541
23 (RCC Chapter 8.120) within ninety (90) days of the date of the posting and mailing of this Order to
24 Abate Nuisance.

25 IT IS FURTHER ORDERED that if all accumulated rubbish is not removed and disposed of
26 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
27 County Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the
28 rubbish shall be abated and disposed of by representatives of the Riverside County Code

1 Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court
2 Order authorizing entry onto THE PROPERTY when necessary under applicable law.

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

13
14 Dated: _____

COUNTY OF RIVERSIDE

15
16 By _____
17 Roy Wilson
18 Chairman, Board of Supervisors

19 ATTEST:
20 NANCY ROMERO
21 Clerk to the Board

22
23 By
24 Deputy

25 (SEAL)

26 FORM APPROVED COUNTY COUNSEL
27 BY: Tiffany N. North 7/2/08
DATE

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