

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 21, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 06-0896 & CV 07-2717
Subject Property: 38500 Mesa Road, Temecula
APN: 924-270-008
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-0896 & CV 07-2717 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 06-0896 & CV 07-2717; 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 06-0896 & CV 07-2717.

[Handwritten Signature]

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 *[Handwritten Signature: Tina Grande]*
Tina Grande

County Executive Office Signature

- Consent Policy
- Consent Policy

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

Prev. Agn. Ref.: 07/01/08;9.4

District: 3

Agenda Number:

2.14

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

Case Nos.: CV 06-0896 & CV 07-2717

Subject Property: 38500 Mesa Road, Temecula

APN: 924-270-008

District Three

BACKGROUND:

On July 1, 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 NOS. CV 06-0896 &
[EXCESSIVE OUTSIDE STORAGE AND) CV 07-2717
ACCUMULATION OF RUBBISH];)
APN 924-270-008, 38500 MESA ROAD,) FINDINGS OF FACT,
TEMECULA, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
CALIFORNIA; JAMES L. DIXON AND) ABATE NUISANCE
RHONDA A. DIXON, OWNERS.)
) [R.C.O. Nos. 348 (RCC Chapter 17.16),
) 541 (RCC Chapter 8.120) and 725
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on July 1, 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 38500 Mesa Road, Temecula, Riverside County, California and further described as Assessor's Parcel Number 924-270-008 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.

James Dixon appeared on behalf of owners and addressed the Board of Supervisors during the public hearing. Mr. Dixon indicated that he had made additional progress toward cleaning the property since the last inspection by Officer Frazier.

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

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

4 SUMMARY OF EVIDENCE

5 1. Documents of record in the Riverside County Recorder's Office identify the owners
6 of THE PROPERTY as James L. Dixon and Rhonda A. Dixon ("OWNERS").

7 2. Documents of title indicate that other parties potentially hold a legal interest in THE
8 PROPERTY, to wit: HMS Capital, Mortgage Electronic Registration Systems Inc. and Chicago Title
9 Company ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on April 11, 2007,
11 September 6, 2007, October 5, 2007, November 27, 2007, February 20, 2008, April 22, 2008, June 6,
12 2008 and June 27, 2008.

13 4. During each inspection, the outside storage of materials in excess of two hundred
14 (200) square feet and accumulation of rubbish were observed on THE PROPERTY. The outside
15 storage of materials and rubbish were intermingled and included but were not limited to: green
16 waste, construction materials, auto batteries, automotive engine parts, discarded households
17 furniture, broken gardening tools and materials, wood, miscellaneous household yard items, the
18 remains of an above ground swimming pool, 3 sail boats on trailers, one fishing boat, hog wire, tires,
19 chain link fence material and other miscellaneous items and debris. Given the size of the parcel
20 (3.03 acres) and the zoning classification R-R (Rural Residential), the amount of outside storage
21 allowed on THE PROPERTY is two hundred (200) square feet with a maximum height of three (3)
22 feet.

23 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
24 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

25 6. Notices of Noncompliance were recorded on July 25, 2007 as Document Numbers
26 2007-0482713 and 2007-0482724 in the Office of the County Recorder, County of Riverside.

27 7. On April 11, 2007, Notices of Violation for violation of Riverside County Ordinance
28 Nos. 348 and 541 were personally served on and signed by OWNER, James L. Dixon. On April 18,

1 2007, Notices of Violation were mailed to OWNERS by certified mail, return receipt requested. On
2 November 1, 2007, Notices of Violation were mailed to OWNERS and INTERESTED PARTIES
3 by certified mail, return receipt requested.

4 8. On June 5, 2008, the second notice - "Notice To Correct County Ordinance
5 Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of
6 Supervisors scheduled for July 1, 2008, was mailed by certified mail, return receipt requested, to
7 OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY on June 6, 2008.

8 FINDINGS AND CONCLUSIONS

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on July 1, 2008 finds and concludes that:

11 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
12 the real property located at 38500 Mesa Road, Temecula, Riverside County, California, also
13 identified as Assessor's Parcel Number 924-270-008 violates Riverside County Ordinance Nos. 348
14 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
15 Riverside County Ordinance No. 348 (RCC Chapter 17.16), due to the size of the parcel and zoning
16 classification, only two hundred (200) square feet of outside storage of materials is allowed to be
17 stored on THE PROPERTY. Under Riverside County Ordinance No. 541 (RCC Chapter 8.120), no
18 amount of rubbish is allowed to be accumulated on THE PROPERTY.

19 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
20 of the premises should abate the condition by removing of all outside storage of materials in excess
21 of two hundred (200) square feet and removing and disposing of all accumulated rubbish from the
22 subject real property in strict accordance with all Riverside County Ordinances, including but not
23 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)
24 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 OWNERS, specifically James L.
5 Dixon and Rhonda A. Dixon or anyone having possession or control of THE PROPERTY, by
6 removing of the all outside storage of materials in excess of two hundred (200) square feet and
7 removing and disposing of all accumulated rubbish from the subject real property in strict
8 accordance with all Riverside County Ordinances, including but not limited to Riverside County
9 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of
10 the date of this Order to Abate Nuisance.

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

19 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity for
20 hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
21 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
22 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
23 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
24 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
25 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
26 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
27 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
28 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of

1 this Order to Abate Nuisance.

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3 Dated: _____

COUNTY OF RIVERSIDE

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By _____
Roy Wilson
Chairman, Board of Supervisors

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ATTEST:

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NANCY ROMERO

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Clerk to the Board

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By

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Deputy

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(SEAL)

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FORM APPROVED COUNTY COUNSEL
BY: Tiffany N. North 7/21/07
DATE

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