

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

355B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
August 22, 2008

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperative Vehicles];
Case No.: CV 05-5404;
Subject Property: 39533 Calle Anita, Temecula, Riverside County
APN: 941-190-035
District Three

RECOMMENDED MOTION: Move that:

(1) The Administrative Hearing Order/Decision be affirmed and the vehicles or parts thereof as set forth in the Vehicle Investigation Inventory Abatement Report, with the exception of vehicles 4, 8 and 12 as stated in the Order/Decision, be found to be abandoned, wrecked, dismantled or inoperative vehicles and declared a public nuisance in violation of Riverside County Ordinance No. 520 (RCC Chapter 10.04.).

[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

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.3

- 2) Ellen S. Christensen 1996 Revocable Trust, Ellen S. Christensen, Trustee and anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property, or lawfully enclosing them in a building, within fifteen (15) days of the posting and mailing of the Board's Order
- 3) If Ellen S. Christensen 1996 Revocable Trust, Ellen S. Christensen, Trustee and anyone having possession or control of the inoperative vehicles and/or vehicle parts do not properly abate the public nuisance within fifteen (15) days of the posting and mailing of the Board's Order, a designated representative of the Code Enforcement Department, a towing contractor and/or Sheriff's Department representative shall abate the public nuisance by removal and destruction pursuant to RCO No. 520 (RCC Chapter 10.04) and applicable laws.
- 4) The reasonable costs of abatement, after notice and an opportunity for hearing shall be imposed as a lien on the subject real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and RCO Nos. 520 and 725 (RCC Chapters 10.04 and 1.16, respectively).
- 5) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the vehicles and/or vehicle parts on the real property are declared to be in violation of RCO No. 520 (RCC Chapter 10.04) and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

- (1) As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, RCO No. 520 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, RCO No. 520 authorizes the removal and destruction of the vehicles constituting a public nuisance.
- (2) On October 17, 2007, an inspection was made of the subject real property by code enforcement officers. The inspection revealed twelve (12) abandoned, inoperable, wrecked or dismantled vehicles on the subject real property in violation of Riverside County Ordinance No. 520.
- (3) Pursuant to the request from the property owner, Ellen S. Christensen 1996 Revocable Trust, Ellen S. Christensen, Trustee, tenant, Daniel Matrisciano and William Lee Wichterman/Airco Federal Credit Union, an administrative hearing was held on March 4, 2008 wherein the Hearing Officer determined that nine (9) of the twelve (12) inoperative vehicles on the subject property constitute a public nuisance in violation of RCO No. 520 and ordered nine (9) inoperative vehicles removed from the property. The hearing officer granted Daniel Matrisciano a 180 day extension in which to make Item Number 8 (Ford), operable. Furthermore, the hearing officer found item number 4 (Toyota) and 12 (BMW) operable.

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- (4) A timely appeal of the Administrative Hearing Order/Decision was filed. Notice of the appeal hearing before the Board of Supervisors has been given as required by law. As of May 29, 2008, at least seven (7) of the inoperative vehicles remained on the property.
- (5) Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for abandoned, wrecked, dismantled or inoperable vehicles.