

**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:**  
October 10, 2008

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case No.: CV 08-00437  
Subject Property: 23772 Water Street, Perris  
APN: 317-260-033  
District One

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-00437 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 08-00437; 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 08-00437.

(Continued)

*Julie A.K. Jarvi*  
\_\_\_\_\_  
JULIE A.K. JARVI, 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 *Tina Grande*  
\_\_\_\_\_  
Tina Grande  
**County Executive Office Signature**

Policy  
 Policy  
 Consent  
 Consent

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

**Order to Abate [Substandard Structure and Accumulation of Rubbish]**

Case No: CV 08-00437

Subject Property: 23772 Water Street, Perris

APN: 317-260-033

District One

**BACKGROUND:**

On September 30, 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 structure (single story stick built structure) 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:  
Julie A.K. Jarvi, 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 08-00437
[SUBSTANDARD STRUCTURE AND )	
ACCUMULATION OF RUBBISH]; APN 317-260- )	FINDINGS OF FACT,
033, 23772 WATER STREET, PERRIS, )	CONCLUSIONS AND ORDER TO
RIVERSIDE COUNTY, CALIFORNIA; CLASSIC )	ABATE NUISANCE
PACIFIC LAND DEVELOPMENT, LLC, )	
OWNER. )	[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 September 30, 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 23772 Water Street, Perris, Assessor's Parcel Number 317-260-033 and referred to hereinafter as "THE PROPERTY."

Pamela Walls, Assistant 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 owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure (single story stick built structure) 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 owner  
4 of THE PROPERTY as Classic Pacific Land Development, LLC ("OWNER").

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 January 31, 2008,  
8 February 14, 2008, March 25, 2008, April 15, 2008, July 11, 2008 August 8, 2008 and September 26,  
9 2008.

10 4. During each inspection, a substandard structure (single story stick built structure) was  
11 observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and  
12 vacant. The structure contained numerous deficiencies, including but not limited to: lack of or  
13 improper water closet, lavatory, bathtub, shower or kitchen sink; lack of hot and cold running water  
14 to plumbing fixtures; hazardous plumbing; lack of required electrical lighting; lack of adequate  
15 heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor  
16 supports; members of walls, partitions or other vertical supports that split, lean, list or buckle due to  
17 defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other  
18 horizontal members which sag, split or buckle due to defective material or deterioration; dampness  
19 of habitable rooms; faulty weather protection; general dilapidation; fire hazard; abandoned, vacant,  
20 public and attractive nuisance.

21 5. During each inspection an accumulation of rubbish was observed throughout THE  
22 PROPERTY consisting of but not limited to: tires, furniture, scrap wood, scrap metal, tarps, rubber,  
23 cement blocks, discarded clothes, discarded appliances, household trash and miscellaneous debris.

24 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
25 Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

26 7. A Notice of Noncompliance for the substandard structure and accumulation of  
27 rubbish was recorded on February 27, 2008 as Document Number 2008-0094048 in the Office of the  
28 County Recorder, County of Riverside.



1 which judicial review of the administrative determinations made herein must be sought is ninety (90)  
2 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate  
3 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the substandard structure (single story stick built  
6 structure) on THE PROPERTY be abated by the OWNER, specifically Classic Pacific Land  
7 Development, LLC, or anyone having possession or control of THE PROPERTY, by razing and  
8 removing the substandard structure including the removal and disposal of all structural debris and  
9 materials, as well as the contents therein, or by reconstruction and rehabilitation of said structure  
10 provided such reconstruction and rehabilitation can be accomplished in strict accordance with all  
11 Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457  
12 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

13 IT IS FURTHER ORDERED that if the substandard structure (single story stick built  
14 structure) is not razed, removed and disposed of, or reconstructed and rehabilitated in strict  
15 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
16 Ordinance No. 457, within ninety (90) days of the posting and mailing of this Order to Abate  
17 Nuisance, the substandard structure, contents therein, and structural debris and materials, shall be  
18 abated by representatives of the Riverside County Code Enforcement Department, a contractor, or  
19 the Sheriff's Department upon receipt of the owner's consent or a Court Order, where necessary,  
20 under applicable law authorizing entry onto THE PROPERTY.

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

27 IT IS FURTHER ORDERED that any remaining accumulated rubbish on THE PROPERTY  
28 be abated by THE OWNER or anyone having possession or control of THE PROPERTY by

1 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside  
2 County Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC  
3 Chapter 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

4 IT IS FURTHER ORDERED that if any remaining accumulated rubbish is not removed and  
5 disposed of in strict accordance with all Riverside County Ordinances, including but not limited to  
6 Riverside County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of  
7 this Order to Abate Nuisance, the accumulation of rubbish shall be abated and disposed of by  
8 representatives of the Riverside County Code Enforcement Department, a contractor or the Sheriff's  
9 Department upon receipt of an owner's consent or a Court Order when necessary under applicable  
10 law.

11 IT IS FURTHER ORDERED that the Code Enforcement Department is to return to the Board  
12 of Supervisors in ninety (90) days for a status update and further approval before the above described  
13 abatement of the substandard structure and accumulated rubbish can be executed.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
17 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
18 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
19 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
20 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
21 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
22 abatement costs accrued by the Code Enforcement Department will be recoverable from THE

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1 OWNER even if THE PROPERTY is brought into compliance within ninety (90) days of the date of  
2 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: Julie A. Koons Jarvi 10/8/08  
JULIE A. KOONS JARVI DATE

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