

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

2403



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 7, 2008

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-4387
Subject Property: One Parcel South of 17606 Brightman Avenue, Lake Elsinore
APN: 381-248-032
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4387 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 07-4387; 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 07-4387.

Elena M. Boeva

ELENA M. BOEVA, 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: *Tina Grande*

Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

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

Case No: CV 07-4387

Subject Property: One Parcel South of 17606 Brightman Avenue, Lake Elsinore

APN: 381-248-032

District One

BACKGROUND:

On November 4, 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:
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 07-4387
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
APN 381-248-032, ONE PARCEL SOUTH OF)	CONCLUSIONS AND ORDER TO
17606 BRIGHTMAN AVENUE, LAKE)	ABATE NUISANCE
ELSINORE, RIVERSIDE COUNTY,)	
CALIFORNIA; TIMOTHY E. OATES, LISA R.)	[R.C.O. Nos. 348 (RCC Chapter 17.44),
OATES, JOHN E. OATES AND SUE E. OATES,)	541 (RCC Chapter 8.120) and 725
OWNERS.)	(RCC Title 1)]

The above-captioned matter came on regularly for hearing on November 4, 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 One Parcel South of 17606 Brightman Avenue, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel Number 381-248-032 and referred to hereinafter as "THE PROPERTY."

Elena Boeva, 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 Owners.

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 17.44) 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 Timothy E. Oates, Lisa R. Oates, John E. Oates and Sue E. Oates,
7 ("OWNERS").

8 2. Documents of title indicate that no other party potentially holds a legal interest in
9 THE PROPERTY.

10 3. THE PROPERTY was inspected by Code Enforcement Officers on March 11, 2008, April
11 21, 2008, June 9, 2008, August 5, 2008, August 21, 2008, and November 3, 2008.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: vehicle parts, scrap wood, stacks of red landscape tiles and miscellaneous debris.
15 The officer visually estimated the amount of accumulated rubbish and excess outside storage of
16 materials was approximately four hundred (400) square feet. Given the size of the unimproved
17 parcel (.082 acres) and the zoning classification (R-3, General Residential), no amount of outside
18 storage or rubbish is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
20 Nos. 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on May 28, 2008 as Document Number
22 2008-0289542 in the Office of the County Recorder, County of Riverside.

23 7. On March 11, 2008, Notices of Violation for violation of Riverside County
24 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On March 17, 2008 and June 10,
25 2008, Notice of Violations was mailed to OWNERS.

26 8. On August 20, 2008, the "Notice To Correct County Ordinance Violations and Abate
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
28 for November 4, 2008, was mailed by certified mail, return receipt requested, to OWNERS and was

1 posted on THE PROPERTY on August 21, 2008.

2 **FINDINGS AND CONCLUSIONS**

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

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
6 the real property located at One Parcel South of 17606 Brightman Avenue, Lake Elsinore, Riverside
7 County, California, also identified as Assessor's Parcel Number 381-248-032 violates Riverside
8 County Ordinance Nos. 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) and constitutes a
9 public nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
10 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
11 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
12 PROPERTY.

13 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
14 of the premises should abate the condition by removal of all outside storage of materials and
15 removing and disposing of all accumulated rubbish from the subject real property in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance Nos. 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

22 **ORDER TO ABATE NUISANCE**

23 IT IS THEREFORE ORDERED that the excess outside storage of materials and
24 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Timothy E.
25 Oates, Lisa R. Oates, John E. Oates and Sue E. Oates, or anyone having possession or control of
26 THE PROPERTY, by removing all of the outside storage of materials and removing and disposing of
27 all accumulated rubbish from the subject real property in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.44)

1 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
4 County Ordinance Nos. 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) within ninety (90)
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
8 consent or a Court Order when necessary under applicable law.

9 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
10 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
11 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
12 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
13 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
14 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
15 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
16 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
17 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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1 owner(s) 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: Elena M. Boeva 11/05/08
ELENA M. BOEVA DATE

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