

**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:
December 15, 2008

SUBJECT: Order to Abate [Substandard Structure and Accumulation of Rubbish]
Case Nos.: CV 08-03659 and CV 08-04347
Subject Property: 45652 Grouse Street, Banning
APN: 545-331-015
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-03659 and CV 08-04347 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 08-03659 and CV 08-04347; 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 08-03659 and CV 08-04347.

(Continued)

[Signature]

JULIE A.K. JARVI, 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

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

BY *[Signature]*
Tina Grande

County Executive Office Signature

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 12/09/08; 9.3

District: 3

Agenda Number:

2.10

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 08-03659 and CV 08-04347

Subject Property: 45652 Grouse Street, Banning

APN: 545-331-015

District Three

BACKGROUND:

On December 9, 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 (wooden structure around a mobilehome) 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:) [SUBSTANDARD STRUCTURE AND) ACCUMULATION OF RUBBISH]; APN 545-331-)) 015, 45652 GROUSE STREET, BANNING,) RIVERSIDE COUNTY, CALIFORNIA; IQBAL) AHMED, OWNER.)))))	CASE NOS. CV 08-03659 and CV 08-04347 FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE [R.C.O. Nos. 457 (RCC Title 15), 541 (RCC Title 8) and 725 (RCC Title 1)]
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The above-captioned matter came on regularly for hearing on December 9, 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 45652 Grouse Street, Banning, Assessor's Parcel Number 545-331-015 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, 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 OWNER.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure (wooden structure around a mobilehome) 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

1 8.120), and as a public 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 Iqbal Ahmed ("OWNER").

5 2. Documents of title indicate that other parties potentially hold or allege a legal interest
6 in THE PROPERTY, to wit: John H. Garrison, Virginia Garrison and John G. Schwab.

7 3. THE PROPERTY was inspected by Code Enforcement Officers on April 22, 2008,
8 July 7, 2008 October 27, 2008 and December 5, 2008.

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

20 5. During each inspection an accumulation of rubbish was observed throughout THE
21 PROPERTY consisting of but not limited to: construction material, scrap lumber and miscellaneous
22 debris.

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

25 7. Notices of Noncompliance for the substandard structure and accumulation of rubbish
26 were recorded on May 12, 2008 as Document Number 2008-0251281 and on May 27, 2008 as
27 Document Number 2008-0286146 in the Office of the County Recorder, County of Riverside.

28 8. On April 22, 2008, Notices of Violation for the accumulated rubbish and substandard

1 structure, a Notice of Defects, and "Do Not Enter" signs were posted on THE PROPERTY. On May
2 13, 2008, A Notice of Violation for the substandard structure was mailed to OWNER and
3 INTERESTED PARTIES by certified mail, return receipt requested. On May 22, 2008, A Notice of
4 Violation for the accumulated rubbish was mailed to OWNER and INTERESTED PARTIES by
5 certified mail, return receipt requested.

6 9. On October 24, 2008, the "Notice to Correct County Ordinance Violations and Abate
7 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
8 December 9, 2008 was mailed by certified mail, return receipt requested, to OWNER and
9 INTERESTED PARTIES and was posted on THE PROPERTY on October 27, 2008.

10 FINDINGS AND CONCLUSIONS

11 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
12 regular session assembled on December 9, 2008 finds and concludes that:

13 1. WHEREAS, the substandard structure (wooden structure around a mobilehome) and
14 accumulation of rubbish on the real property located at 45652 Grouse Street, Banning, Riverside
15 County, California, also identified as Assessor's Parcel Number 545-331-015 violates Riverside
16 County Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public
17 nuisance.

18 2. WHEREAS, THE OWNER, occupants and any person having possession or control
19 of THE PROPERTY should abate the substandard structure (wooden structure around a
20 mobilehome) by razing, removing and disposing of the substandard structure, including the removal
21 and disposal of all structural debris and materials and contents therein, or by reconstruction and
22 rehabilitation of said structure provided that said reconstruction or demolition can be accomplished
23 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
24 County Ordinance No. 457 (RCC Title 15) within ninety (90) days.

25 3. WHEREAS, THE OWNER, occupants and any other person having possession or
26 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
27 any remaining rubbish on THE PROPERTY in strict accordance with all Riverside County
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)

1 days.

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

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the substandard structure (wooden structure around a
8 mobilehome) on THE PROPERTY be abated by the OWNER, Iqbal Ahmed, or anyone having
9 possession or control of THE PROPERTY, by razing and removing the substandard structure
10 including the removal and disposal of all structural debris and materials, as well as the contents
11 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
12 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
13 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
14 posting and mailing of this Order to Abate Nuisance.

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

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

1 IT IS FURTHER ORDERED that any remaining accumulated rubbish on THE PROPERTY
2 be abated by THE OWNER or anyone having possession or control of THE PROPERTY by
3 removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside
4 County Ordinances, including but not limited to Riverside County Ordinance Nos. 541 (RCC
5 Chapter 8.120), within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

13 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
14 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
15 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
16 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
17 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
18 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
19 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
20 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
21 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:  12/15/08
JULIE A. KOONS JARVI DATE

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