

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

617B



**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 08-03665 and CV 08-03667  
Subject Property: 45658 Partridge Street, Banning  
APN: 545-182-047  
District Three

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-03665 and CV 08-03667 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 08-03665 and CV 08-03667; 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 08-03665 and CV 08-03667.

(Continued)

*Julie A.K. Jarvi*  
\_\_\_\_\_  
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: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent
- X

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

Prev. Agn. Ref.: 12/09/08; 9.4 | District: 3 | Agenda Number:

**2.11**

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case Nos.: CV 08-03665 and CV 08-03667

Subject Property: 45658 Partridge Street, Banning

APN: 545-182-047

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 (house) 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 545-182- ) 047, 45658 PARTRIDGE STREET, BANNING, ) RIVERSIDE COUNTY, CALIFORNIA; ROD ) NIELSON, OWNER. ) ) ) ) )	CASE NOS. CV 08-03665 and CV 08-03667  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 45658 Partridge Street, Banning, Assessor's Parcel Number 545-182-047 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 (house) 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 nuisance.

**SUMMARY OF EVIDENCE**

1  
2           1.       Documents of record in the Riverside County Recorder's Office identify the owner  
3 of THE PROPERTY as Rod Nielson ("OWNER").

4           2.       Documents of title indicate that other parties potentially hold or allege a legal interest  
5 in THE PROPERTY, to wit: Orlando M. and Lory R. Valderrama ("INTERESTED PARTIES").

6           3.       THE PROPERTY was inspected by Code Enforcement Officers on April 25, 2008,  
7 July 7, 2008, September 2, 2008, October 27, 2008 and December 5, 2008.

8           4.       During each inspection, a substandard structure (house) was observed on THE  
9 PROPERTY. The structure was observed to be abandoned, fire damaged and vacant. The structure  
10 contained numerous deficiencies, including but not limited to: lack of adequate heating facilities;  
11 deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members  
12 of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials  
13 or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members  
14 which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms;  
15 faulty weather protection; general dilapidation; fire hazard; extensive fire damage, public and  
16 attractive nuisance.

17           5.       During each inspection an accumulation of rubbish was observed throughout THE  
18 PROPERTY consisting of but not limited to: trash, tires, discarded mattresses, appliances, green  
19 waste and other miscellaneous rubbish and debris.

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

22           7.       Notices of Noncompliance for the substandard structure and accumulation of rubbish  
23 were recorded on May 22, 2008 as Document Numbers 2008-0275926 and 2008-0275931 in the  
24 Office of the County Recorder, County of Riverside.

25           8.       On April 25, 2008, Notices of Violation for the accumulated rubbish and substandard  
26 structure, a Notice of Defects, and "Do Not Enter" signs were posted on THE PROPERTY. On May  
27 23, 2008, Notices of Violation for the accumulated rubbish and substandard structure were mailed to  
28 OWNER and INTERESTED PARTIES by certified mail, return receipt requested.



1 **ORDER TO ABATE NUISANCE**

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

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

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

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

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

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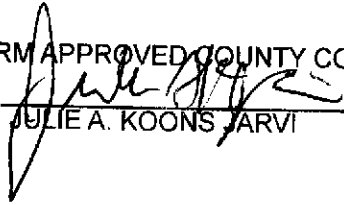
Dated: \_\_\_\_\_

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:  9/12/08  
JULIE A. KOONS JARVI DATE

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