

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

725B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 22, 2008

SUBJECT: Order to Abate [Substandard Structure, Excess Outside Storage & Accumulation of Rubbish]

Case Nos.: CV 06-1900, CV 06-0468 and CV 06-0467

Subject Property: 8630 Pigeon Pass Road, Moreno Valley APN: 259-130-002
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 06-1900, CV 06-0468 and CV 06-0467 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 06-1900, CV 06-0468 and CV 06-0467; 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 06-1900, CV 06-0468 and CV 06-0467.

(Continued)

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, Interim 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	<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
 X Consent Policy
 Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 12/16/08; 9.5

District: 5

Agenda Number:

2.12

Case Nos.: CV 06-1900, CV 06-0468 and CV 06-0467
Subject Property: 8630 Pigeon Pass Road, Moreno Valley
APN: 259-130-002
District Five
Page 2

BACKGROUND:

On December 16, 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, 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 volatile conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

L:\DOCS\6000\CV060467\A39349.DOC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 NOS. CV 06-1900, CV 06-0468
[SUBSTANDARD STRUCTURE, EXCESSIVE) AND CV 06-0467
OUTSIDE STORAGE AND ACCUMULATION)
OF RUBBISH]; APN 259-130-002, 8630 PIGEON) FINDINGS OF FACT, CONCLUSIONS
PASS ROAD, MORENO VALLEY, RIVERSIDE) AND ORDER TO ABATE NUISANCE
COUNTY, CALIFORNIA; JAMES B. MORRIS)
AND HELEN S. MORRIS, OWNERS.) [R.C.O. Nos. 348 (RCC Title 17), 457
) (Title 15), 541 (RCC Title 8) and 725
) (RCC Title 1)]

The above-captioned matter came on regularly for hearing on December 16, 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 8630 Pigeon Pass Road, Moreno Valley, Assessor's Parcel Number 259-130-002 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 OWNERS.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the substandard structure, excessive storage of materials and accumulation of rubbish and on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Chapter 17.32), 457 (Riverside County Code Chapter 15.16) and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the Owners
3 of THE PROPERTY as James B. Morris and Helen S. Morris ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that other parties potentially
5 hold a legal interest in THE PROPERTY, to wit: Anaheim Savings and Loan Association, Lender
6 Service Bureau of America, Peelle Management Corporation and State of California Franchise Tax
7 Board (INTERESTED PARTIES).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on March 20, 2006,
9 August 30, 2006, November 27, 2006, January 18, 2007, June 14, 2007, July 16, 1007, July 23,
10 2007, January 28, 2008, February 22, 2008, June 18, 2008, September 2, 2008, November 12, 2008
11 and December 12, 2008.

12 4. During each inspection, a substandard structure (shed) was observed on THE
13 PROPERTY. The structure contained numerous deficiencies, including but not limited to:
14 deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; members
15 of walls, partitions, or other vertical supports that split, lean, list or bucked due to defective material
16 or 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 and excess outside storage was
21 also observed throughout THE PROPERTY consisting of but not limited to old appliances, wood
22 pallets, steel, boxes, tires, refrigerator doors, old furniture, vehicle parts, gardening tools, doors, jelly
23 jars, and other miscellaneous household debris.

24 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
25 Nos. 348 (RCC Chapter 17.32), 457 (RCC Chapter 15.16) and 541 (RCC Chapter 8.120) by the
26 Code Enforcement Officer.

27 7. Notices of Noncompliance for the substandard structure, excess outside storage and
28 accumulation of rubbish were recorded on April 22, 2008 and June 2, 2008 as Instrument Numbers

1 2008-0199608 and 2008-0296806 in the Office of the County Recorder, County of Riverside.

2 8. On February 22, 2008, Notices of Violation, Notice of Defects and "Do Not Enter"
3 signs were posted on THE PROPERTY. On March 26, 2008 and May 15, 2008, Notices of
4 Violation were mailed to OWNERS by certified mail, return receipt requested. On May 15, 2008,
5 Notices of Violation were mailed to INTERESTED PARTIES by certified mail, return receipt
6 requested.

7 9. On November 5, 2008, "Notice to Correct County Ordinance Violations and Abate
8 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on
9 December 16, 2008 was mailed by certified mail, return receipt requested, to OWNERS and
10 INTERESTED PARTIES and was posted on THE PROPERTY on November 12, 2008.

11 **FINDINGS AND CONCLUSIONS**

12 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
13 regular session assembled on December 16, 2008, finds and concludes that:

14 1. WHEREAS, the substandard structure (shed), excessive outside storage of materials
15 and accumulation of rubbish on the real property located at 8630 Pigeon Pass Road, Moreno Valley,
16 Riverside County, California, also identified as Assessor's Parcel Number 259-130-002 violates
17 Riverside County Ordinance Nos. 348 (RCC Chapter 17.32), 457 (RCC Title 15), and 541 (RCC
18 Chapter 8.120) and constitutes a public nuisance.

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

26 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
27 control of THE PROPERTY should abate the accumulation of rubbish and excessive outside storage
28 by removing all rubbish and excess outside storage greater than 200 square feet on THE PROPERTY

1 in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 and 541 within ninety (90) days.

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

8 **ORDER TO ABATE NUISANCE**

9 IT IS THEREFORE ORDERED that the substandard structure (shed) on THE PROPERTY
10 be abated by the OWNERS, specifically James B. Morris and Helen S. Morris, or anyone having
11 possession or control of THE PROPERTY, by razing and removing the substandard structure
12 including the removal and disposal of all structural debris and materials, as well as the contents
13 therein, or by reconstruction and rehabilitation of said structure provided such reconstruction and
14 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
15 including but not limited to Riverside County Ordinance No. 457 within ninety (90) days of the
16 posting and mailing of this Order to Abate Nuisance.

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

25 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
26 asbestos containing materials in said structures by survey and materials sample testing by a duly
27 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
28 the removal of all asbestos containing materials discovered through such survey and testing by

1 contract with a duly certified and licensed contractor for the handling of such materials to avoid
2 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

3 IT IS FURTHER ORDERED that the excess outside storage of materials and accumulation
4 of rubbish on THE PROPERTY be abated by the OWNERS, specifically James B. Morris and Helen
5 S. Morris or anyone having possession or control of THE PROPERTY, by removing and disposing
6 of the outside excess storage of materials greater than 200 square feet and accumulation of rubbish
7 from the subject real property in strict accordance with all Riverside County Ordinances, including
8 but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC
9 Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

10 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
11 accordance with all Riverside County Ordinances, including but not limited to Riverside County
12 Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of
13 the date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of
14 rubbish shall be abated by representatives of the Riverside County Code Enforcement Department, a
15 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
16 necessary under applicable law.

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on the property, which may be collected as a special
19 assessment against the property pursuant to Government Code section 25845 and Riverside County
20 Ordinance Nos. 348 (RCC Chapter 17.32), 457 (RCC Chapter 15.16), 541 (RCC Chapter 8.120), and
21 725 (RCC Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means
22 "any costs or expenses reasonably related to the abatement of conditions which violate County Land
23 Use Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
24 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
25 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

26 ///

27 ///

28 ///

1 recoverable from the property owner(s) even if the property is brought into compliance within ninety
2 (90) days of the date of this Order to Abate Nuisance.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
Jeff Stone
Chairman, Board of Supervisors

ATTEST:
NANCY ROMERO
Clerk to the Board

By
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY *Julie A. Koons Jarvi* 12/22/08
JULIE A. KOONS JARVI DATE

L:\DOCS\6000\CV060467A39348.DOC