

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

431 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 13, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 07-10695 and CV 07-10698
Subject Property: 29467 Third Street, Lake Elsinore
APN: 377-090-032
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-10695 and CV 07-10698 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 07-10695 and CV 07-10698; 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 07-10695 and CV 07-10698.

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for PAMELA J. WALLS, 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

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

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

Case Nos: CV 07-10695 and CV 07-10698

Subject Property: 29467 Third Street, Lake Elsinore

APN: 377-090-032

District One

BACKGROUND:

On February 10, 2009, 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 NOS. CV 07-10695 and
[EXCESSIVE OUTSIDE STORAGE AND)	CV 07-10698
ACCUMULATION OF RUBBISH]; APN 377-090-)	
032, 29467 THIRD STREET, LAKE ELSINORE,)	FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; RAUL C.)	CONCLUSIONS AND ORDER TO
GONZALES, OWNER.)	ABATE NUISANCE
)	
)	[R.C.O. Nos. 348 (RCC Title 17), 541
)	(RCC Title 8) and 725 (RCC Title 1)]

The above-captioned matter came on regularly for hearing on February 10, 2009, 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 29467 Third Street, Lake Elsinore, Riverside County, California and further described as Assessor's Parcel Number 377-090-032 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Supervising Officer, on behalf of the Director of the Code Enforcement Department.

Owner, Raul C. Gonzales appeared at the hearing but did not address the Board.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together with attached Exhibits, evidencing the excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code

1 Title 17) and 541 (Riverside County Code Chapter 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 Raul C. Gonzales ("OWNER").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE
6 PROPERTY, to-wit: Charles G. Tunstall, Shoshone Service Corporation and Riverside County Tax
7 Collector ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on December 26,
9 2007, February 8, 2008, April 9, 2008, June 11, 2008, July 24, 2008, October 15, 2008, December
10 11, 2008 and February 6, 2009.

11 4. During each inspection, outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials were intermingled, including but not limited to:
13 household trash and debris, large wood poles, metal fencing, auto parts, plastic fencing, gas
14 cylinders, appliances, household items, vehicle trailers and other miscellaneous items. The officer
15 visually estimated the outside storage to be seven hundred (700) to seven hundred fifty (750) square
16 feet and the accumulated rubbish as approximately two hundred (200) to four hundred (400) square
17 feet.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
19 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

20 6. Notices of Noncompliance were recorded on January 15, 2008 as Document Numbers
21 2008-0022561 and 2008-0022574 in the Office of the County Recorder, County of Riverside.

22 7. On December 26, 2007, Notices of Violation for violation of Riverside County
23 Ordinance Nos. 348 and 541 were personally served on OWNER. On January 4, 2008, Notices of
24 Violation for the excess outside storage of materials and accumulated rubbish were mailed to
25 OWNER and on January 25, 2008 was mailed to INTERESTED PARTIES by certified mail, return
26 receipt requested. On March 6, 2008, a Notice of Violation for accumulated rubbish was mailed to
27 OWNER by certified mail, return receipt requested.

28 8. On December 9, 2008, a "Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on January
2 6, 2009, which was subsequently continued to February 10, 2009 was mailed by certified mail, return
3 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY
4 on December 11, 2008.

5 **FINDINGS AND CONCLUSIONS**

6 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
7 regular session assembled on February 10, 2009 and concludes that:

8 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
9 on the real property located at 29467 Third Street, Lake Elsinore, Riverside County, California, also
10 identified as Assessor's Parcel Number 377-090-032 violates Riverside County Ordinance Nos. 348
11 (RCC Title 17) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
12 County Ordinance Nos. 348 and 541, no amount of rubbish or outside storage in excess of two
13 hundred (200) square feet is allowed to be accumulated on THE PROPERTY.

14 2. WHEREAS, THE OWNER occupants or any person having possession or control of
15 the premises should abate the condition by removing and disposing of the excess outside storage of
16 materials in excess of two hundred (200) square feet and accumulation of rubbish from the subject
17 real property in strict accordance with all Riverside County Ordinances, including but not limited to
18 Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety
19 (90) days.

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

25 **ORDER TO ABATE NUISANCE**

26 IT IS THEREFORE ORDERED that the excess outside storage of materials greater than two
27 hundred (200) square feet and accumulation of rubbish on THE PROPERTY be abated by the
28 OWNER, specifically Raul C. Gonzales or anyone having possession or control of THE

1 PROPERTY, by removing and disposing of the outside excess storage of materials and accumulation
2 of rubbish from the subject real property in strict accordance with all Riverside County Ordinances,
3 including but not limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC
4 Chapter 8.120) within ninety (90) days of the date of this order.

5 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
6 accordance with all Riverside County Ordinances, including but not limited to Riverside County
7 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days of the
8 date of this Order, the excess outside storage of materials and accumulation of rubbish shall be
9 abated by representatives of the Riverside County Code Enforcement Department, a contractor or the
10 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
11 applicable law.

12 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
13 for hearing, shall be imposed as a lien on the property, which may be collected as a special
14 assessment against the property pursuant to Government Code section 25845 and Riverside County
15 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under
16 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
17 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
18 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,

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1 and the costs associated with the removal or correction of the violation.” Reasonable abatement
2 costs accrued by the Department will be recoverable from the property owner(s) even if the property
3 is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.
4

5 Dated: _____

COUNTY OF RIVERSIDE

6

7 By _____

Jeff Stone
Chairman, Board of Supervisors

8

ATTEST:

9

NANCY ROMERO

10

Clerk to the Board

11

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By

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Deputy

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(SEAL)

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FORM APPROVED COUNTY COUNSEL

BY: Julie A. Koons Jarvi 2/11/09
JULIE A. KOONS JARVI DATE

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