

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

437B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
February 13, 2009

**SUBJECT:** Abatement of Public Nuisance [Excess Outside Storage];  
Case No.: CV 08-01206  
Subject Property: 41311 Florida Avenue, Hemet; APN: 438-200-002  
District Three

Departmental Concurrence

**RECOMMENDED MOTION:** Move that:

1. The excess outside storage of materials on the real property located at 41311 Florida Avenue, Hemet, Riverside County, California, APN: 438-200-002 be declared a public nuisance and a violation of Riverside County Ordinance No. 348 (Riverside County Code Chapter 17.80).
2. Donald A. Peel, Trustee of the Peel Family Trust Dated October 3, 1973 and Don Peel, Trustee for the Don Peel Profit Sharing Trust, the owners of the subject real property, be directed to abate the excess outside storage on the property by removing the same from the real property within ninety (90) days.

(Continued)

*Julie A.K. Jarvi*  
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JULIE A.K. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, INTERIM County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	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**

Consent  
 Policy  
 Consent  
 Policy

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

Prev. Agn. Ref.: | District: 3 | Agenda Number:

3. If the owners of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage by removing the same from the real property.
4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials on the real property is declared to be in violation of Riverside County Ordinance No. 348, and a public nuisance, and further, to prepare and Order to Abate for approval by the Board.

**JUSTIFICATION:**

1. An initial inspection was made of the subject property by the Code Enforcement Officer on April 1, 2008.
2. The inspection revealed the excess outside storage of materials or junkyard on the subject property in violation of Riverside County Ordinance No. 348. The items included but were not limited to: scrap metal, lumber, tools, equipment, automotive parts, construction material and other miscellaneous items. The amount of outside storage was determined to be one thousand (1,000) square feet.
3. Subsequent re-inspections of the above-described real property on July 21, 2008, October 1, 2008 and January 27, 2009 revealed that the property continued to be in violation of Riverside County Ordinance No. 348.
4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of excess outside storage.