

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

518 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 27, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 07-4483
Subject Property: 25863 4th Street, Hemet
APN: 549-172-009
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4483 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 No. CV 07-4483; and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-4483.

Elena M. Boeva

ELENA M. BOEVA, 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.:

300.11.50 VIND:PI

4/28/09 10:27 AM

Prev. Agn. Ref.: 04/21/09; 9.2 | District: 3 | Agenda Number:

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

Case No.: CV 07-4483

Subject Property: 25863 4th Street, Hemet

APN: 549-172-009

District Three

BACKGROUND:

On April 21, 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 NO. CV 07-4483
[EXCESSIVE OUTSIDE STORAGE AND)	
ACCUMULATION OF RUBBISH]; APN 549-172-)	FINDINGS OF FACT,
009, 25863 4TH STREET, HEMET, RIVERSIDE)	CONCLUSIONS AND ORDER TO
COUNTY, CALIFORNIA; VICKI D. BOWMAN)	ABATE NUISANCE
AND BRYAN WISHON, OWNERS;)	
)	[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 April 21, 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 25863 4th Street, Hemet, Riverside County, California and further described as Assessor's Parcel Number 549-172-009 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Hector Viray, Supervising Code Enforcement Officer, 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 excessive storage of materials and accumulation of rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside County Code Title 17) 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 Vicki D. Bowman and Bryan Wishon (“OWNERS”).

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on June 6, 2007, July
7 12, 2007, February 28, 2008, March 3, 2008, September 9, 2008, April 3, 2009 and April 17, 2009.

8 4. During each inspection, outside storage of materials in excess of one hundred (100)
9 square feet and accumulation of rubbish were observed on THE PROPERTY. The materials
10 included but were not limited to: scrap wood, tires, a lawn chair, concrete, tools, a metal tank, scrap
11 metal, gate to chain link fence, plastic bins, auto parts, fire damaged appliances, and furniture, debris
12 from burned mobilehome, tool chest, iron fencing, chemicals, medical waste, broken glass, metal
13 fence poles, ladders, metal racks, plaster board, paint cans and other miscellaneous trash and debris.
14 The total area of excess outside storage of materials and accumulated rubbish consisted of
15 approximately two thousand three hundred sixty (2,360) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
17 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on June 26, 2007 as Document Number
19 2007-0413741 in the Office of the County Recorder, County of Riverside.

20 7. On June 6, 2007, Notices of Violation for violation of Riverside County Ordinance
21 Nos. 348 and 541 were posted on THE PROPERTY. On June 19, 2007, Notices of Violation were
22 mailed to OWNERS by certified mail, return receipt requested.

23 8. On March 30, 2009, a “Notice to Correct County Ordinance Violations and Abate
24 Public Nuisance” providing notice of the public hearing before the Board of Supervisors on April 21,
25 2009 was mailed by certified mail, return receipt requested, to the OWNERS and was posted on THE
26 PROPERTY on April 3, 2009.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on April 21, 2009 finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish
3 on the real property located at 25863 4th Street, Hemet, Riverside County, California, also identified
4 as Assessor's Parcel Number 549-172-009 violates Riverside County Ordinance Nos. 348 (RCC Title
5 17) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside County
6 Ordinance Nos. 348 and 541, no amount of rubbish and excess outside storage is allowed to be
7 accumulated on THE PROPERTY.

8 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
9 of the premises should abate the condition by removing and disposing of the excess outside storage
10 of materials and accumulation of rubbish from the subject real property in strict accordance with all
11 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348
12 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

17 **ORDER TO ABATE NUISANCE**

18 IT IS THEREFORE ORDERED that the excess outside storage of materials and
19 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Vicki D.
20 Bowman and Bryan Wishon or anyone having possession or control of THE PROPERTY, by
21 removing and disposing of the outside excess storage of materials and accumulation of rubbish from
22 the subject real property in strict accordance with all Riverside County Ordinances, including but not
23 limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120)
24 within ninety (90) days of the date of this order.

25 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
26 accordance with all Riverside County Ordinances, including but not limited to Riverside County
27 Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Chapter 8.120) within ninety (90) days of the
28 date of this Order, the excess outside storage of materials and accumulation of rubbish shall be

1 abated by representatives of the Riverside County Code Enforcement Department, a contractor or the
2 Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary under
3 applicable law.

4 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
5 for hearing, shall be imposed as a lien on the property, which may be collected as a special
6 assessment against the property pursuant to Government Code section 25845 and Riverside County
7 Ordinance Nos. 348 (RCC Title 17), 541 (RCC Chapter 8.120), and 725 (RCC Chapter 1.16). Under
8 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably
9 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,
10 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,
11 and the costs associated with the removal or correction of the violation." Reasonable abatement
12 costs accrued by the Department will be recoverable from the property owner(s) even if the property
13 is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

14 Dated: _____ COUNTY OF RIVERSIDE
15
16 By _____
17 Jeff Stone
18 Chairman, Board of Supervisors

18 ATTEST:
19 KECIA HARPER-IHEM
20 Clerk to the Board

21 By _____
22 Deputy
23 (SEAL)
24

FORM APPROVED COUNTY COUNSEL
BY: *Elena M. Boeva* 2/23/09
ELENA M. BOEVA DATE