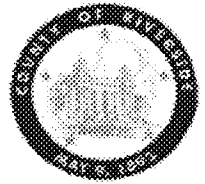


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

829B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
May 22, 2009

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperative Vehicles];
Case No.: CV 07-4249 (TOUNGET)
Subject Property: 25097 Jutland Drive, Hemet, Riverside County;
APN: 549-382-003
District Three

RECOMMENDED MOTION: Move that:

- (1) The vehicles as set forth in the Vehicle Investigation Inventory Abatement Report be found to be abandoned, wrecked, dismantled or inoperative vehicles and declared a public nuisance in violation of Riverside County Ordinance No. 520 (RCC Chapter 10.04.).
- (2) The Administrative Hearing Order/Decision issued on January 15, 2009 be affirmed.
- (3) Carol A. Tounget, or anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property, or lawfully enclosing them in a building, within ninety (90) days of the posting and mailing of the Board's Order.

[Signature]

JONATHAN D. HOLUB, Deputy County Counsel
For PAMELA J. WALLS, County Counsel

(Continued)

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: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY *[Signature]*
Tina Grande

County Executive Office Signature

Policy Policy

Consent Consent

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

9.5

- (4) If Carol A. Tounget, or anyone having possession or control of the inoperative vehicles and/or vehicle parts do not properly abate the public nuisance within ninety (90) days of the posting and mailing of the Board's Order, a designated representative of the Code Enforcement Department, a towing contractor and/or Sheriff's Department representative shall abate the public nuisance by removal and destruction pursuant to RCO No. 520 (RCC Chapter 10.04) and applicable laws.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing shall be imposed as a lien on the subject real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and RCO Nos. 520 and 725 (RCC Chapters 10.04 and 1.16, respectively).
- (6) County Counsel be directed to prepare the necessary Findings of Facts and Conclusions of Law that the vehicles and/or vehicle parts on the real property are declared to be in violation of RCO No. 520 (RCC Chapter 10.04) and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

- (1) As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, RCO No. 520 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, RCO No. 520 authorizes the removal and destruction of the vehicles constituting a public nuisance.
- (2) On October 17, 2008, an inspection was made of the subject real property by code enforcement officers. The inspection revealed twenty-two (22) abandoned, inoperable, wrecked or dismantled vehicles on the subject real property in violation of Riverside County Ordinance No. 520.
- (3) Pursuant to the request from the property owner, Carol A. Tounget, an administrative hearing was held on January 15, 2009, wherein the Hearing Officer determined that twenty (20) inoperative vehicles on the subject property constitute a public nuisance in violation of RCO No. 520 and ordered twenty (20) inoperative vehicles removed from the property.
- (4) A timely appeal of the Administrative Hearing Order/Decision was filed by Carol A. Tounget. Notice of the appeal hearing before the Board of Supervisors has been given as required by law. As of April 30, 2009, all twenty (20) of the inoperative vehicles remained on the property.
- (5) Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for abandoned, wrecked, dismantled or inoperable vehicles.