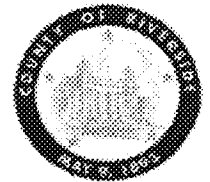


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

802B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 21, 2009

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 07-2942 & CV 07-2945
Subject Property: 23660 Highway 74, Perris
APN: 326-240-085
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-2942 & CV 07-2945 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 07-2942 & CV 07-2945; 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 07-2942 & CV 07-2945.

(Continued)

Julia Jarvi

JULIA AK 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
- Consent

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

Prev. Agn. Ref.: 11/6/07; 9.1 | District: 5 | Agenda Number:

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 07-2942 & CV 07-2945

Subject Property: 23660 Highway 74, Perris

APN: 326-240-085

District Five

BACKGROUND:

On June 30, 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 substandard structures (dwelling and detached garage) 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, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Julie A.K. Jarvi, Deputy County Counsel
7 County of Riverside
8 OFFICE OF COUNTY COUNSEL
9 3535 Tenth Street, Suite 300 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS.: CV 07-2942 & CV 07-
14 [SUBSTANDARD STRUCTURES AND) 2945
15 ACCUMULATION OF RUBBISH]; APN 326-240-)
16 085, 23660 HIGHWAY 74, PERRIS, RIVERSIDE)
17 COUNTY, CALIFORNIA; MIGUEL RICKARDO) FINDINGS OF FACT,
18 PINO AND MARTHA PINO, OWNERS.) CONCLUSIONS AND ORDER TO
19) ABATE NUISANCE
20)
21) [R.C.O. Nos. 457 (RCC Title 15), 541
22) (RCC Title 8) and 725 (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on June 30, 2009, before the Board
24 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
25 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
26 described 23660 Highway 74, Perris, Assessor's Parcel Number 326-240-085 and referred to
27 hereinafter as "THE PROPERTY."

28 Jonathan D. Holub, Deputy County Counsel, appeared along with Kenneth King, Senior Code
Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

No one appeared on behalf of the Owner.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
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 of
3 THE PROPERTY as Miguel Rickardo Pino and Martha Pino (hereinafter referred to as
4 "OWNERS").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Amwest Surety Company and Department of Environmental Health (hereinafter
7 referred to as "INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on June 5, 2007,
9 August 9, 2007, October 25, 2007, February 13, 2008, July 18, 2008, September 23, 2008, October
10 2, 2008, December 18, 2008, April 29, 2009, June 3, 2009, and June 26, 2009.

11 4. During each inspection, two substandard structures (dwelling and detached garage)
12 were observed on THE PROPERTY. The structures were observed to be abandoned, vacant, and
13 dilapidated. The dwelling contained numerous deficiencies, including but not limited to lack of or
14 improper kitchen sink; lack of hot and cold running water to plumbing fixtures; lack of connection to
15 required sewage system; lack of required electrical lighting hazardous wiring lack of adequate
16 heating facilities deteriorated or inadequate foundation; defective or deteriorated flooring or floor
17 supports; members of walls, partitions, or other vertical supports that split, lean, list or buckle due to
18 defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other
19 horizontal members which sag, split, or buckle due to defective material or deterioration; dampness of
20 habitable rooms; faulty weather protection; general dilapidation, extensive fire damage; and public and
21 attractive nuisance. The detached garage contained numerous deficiencies, including but not limited
22 to: hazardous wiring; deteriorated or inadequate foundation; members of walls, partitions, or other
23 vertical supports that split, lean, list or buckle due to defective materials or deterioration; members of
24 ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due
25 to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general
26 dilapidation; fire hazard; and public and attractive nuisance

27 5. During each inspection an accumulation of rubbish was observed throughout THE
28 PROPERTY consisting of but not limited to: damaged building materials and household contents,

1 scrap metal and lumber, burnt beds and bedding, clothing, furniture, construction materials, trash, and
2 miscellaneous debris. The accumulated rubbish measured approximately one thousand, two hundred
3 and ninety (1,290) square feet.

4 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
5 No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

6 7. A Notice of Noncompliance for the substandard structures and accumulation of
7 rubbish was recorded on December 4, 2007, as Document Number 2007-072809 in the Office of the
8 County Recorder, County of Riverside.

9 8. On June 5, 2007 Notices of Violation, Notices of Defects, and Danger Do Not Enter
10 and Do Not Dumps signs were posted on THE PROPERTY. On June 19, 2007, June 20, 2007, and
11 August 15, 2007, Notices of Violation were mailed via certified mail, return receipt requested to
12 OWNERS. On March 28, 2008 and August 11, 2008, Notices of Violation were mailed to
13 INTERESTED PARTIES via certified mail, return receipt requested

14 9. On April 29, 2009, a "Notice To Abate Nuisance" providing notice of the public
15 hearing before the Board of Supervisors was mailed by certified mail, return receipt requested, to
16 OWNER and was posted on THE PROPERTY on June 3, 2009.

17 FINDINGS AND CONCLUSIONS

18 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
19 regular session assembled on June 30, 2009 finds and concludes that:

20 1. WHEREAS, the substandard structures (dwelling and detached garage) and
21 accumulation of rubbish on the real property located at 23660 Highway 74, Perris, Riverside County,
22 California, also identified as Assessor's Parcel Number 326-240-085 violates Riverside County
23 Ordinance Nos. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

24 2. WHEREAS, THE OWNERS, occupants and any person having possession or control
25 of THE PROPERTY should abate the substandard structures (dwelling and detached garage) by
26 razing, removing and disposing of the substandard structures, including the removal and disposal of
27 all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said
28 structures provided that said reconstruction or demolition can be accomplished in strict accordance

1 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
2 457 within ninety (90) days.

3 3. WHEREAS, THE OWNERS, occupants and any other person having possession or
4 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
5 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
6 but not limited to Riverside County Ordinance No. 541 within ninety(90) days.

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

11 **ORDER TO ABATE NUISANCE**

12 IT IS THEREFORE ORDERED that the substandard structures (dwelling and detached
13 garage) on THE PROPERTY be abated by the OWNERS, specifically Miguel Rickardo Pino and
14 Martha Pino, or anyone having possession or control of THE PROPERTY, by razing and removing
15 the substandard structures including the removal and disposal of all structural debris and materials, as
16 well as the contents therein, or by reconstruction and rehabilitation of said structures provided such
17 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
18 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days
19 of the posting and mailing of this Order to Abate Nuisance.

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

28 //

1 FURTHERMORE, THE OWNERS are ordered to ascertain the existence or non-existence of
2 asbestos containing materials in said structures by survey and materials sample testing by a duly
3 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
4 the removal of all asbestos containing materials discovered through such survey and testing by
5 contract with a duly certified and licensed contractor for the handling of such materials to avoid
6 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

7 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
8 abated by OWNERS or anyone having possession or control of THE PROPERTY by removing and
9 disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County
10 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120),
11 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

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

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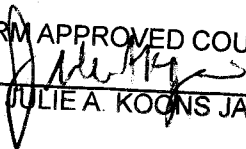
1 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
2 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
3 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
4 County Ordinance Nos. 457 (RCC Title 15), 541 (RCC Chapter 8.120), and 725 (RCC Chapter
5 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
6 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
7 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
8 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
9 abatement costs accrued by the Code Enforcement Department will be recoverable from OWNER
10 even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order
11 to Abate Nuisance.

12
13 Dated: _____

COUNTY OF RIVERSIDE

14
15 By _____
16 Jeff Stone
Chairman, Board of Supervisors

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

FORM APPROVED COUNTY COUNSEL
BY:  7/20/09
JULIE A. KOONS JARVI DATE

21 By
22 Deputy
23 (SEAL)
24