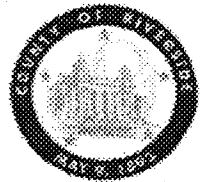


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

4118



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

**SUBMITTAL DATE:**  
September 24, 2009

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 08-01746 & CV 08-03225 (GUDRITZ)  
Subject Property: One Parcel East of 52174 Maxine Ave., Cabazon  
APN: 528-102-028  
District Five

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-01746 and CV 08-03225 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 08-01746 and CV 08-03225; 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 08-01746 and CV 08-03225.

Departmental Concurrence

*[Signature]*  
\_\_\_\_\_  
JULIE A.K. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, 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>	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *[Signature]*  
Tina Grande

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

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

**2.5**

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

Case No.: CV 08-01746 & CV 08-03225

Subject Property: One Parcel East of 52174 Maxine Ave., Cabazon

APN: 528-102-028

District Five

**BACKGROUND:**

On September 15, 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 owners to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusion and Order to Abate.

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

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 NO. CV 08-01746 and  
14 [EXCESSIVE OUTSIDE STORAGE AND ) CV 08-03225  
15 ACCUMULATION OF RUBBISH]; )  
16 APN 528-102-028, ONE PARCEL EAST OF )  
17 52174 MAXINE AVENUE, CABAZON, ) FINDINGS OF FACT,  
18 RIVERSIDE COUNTY, CALIFORNIA; ROBERT ) CONCLUSIONS AND ORDER TO  
19 L. GUDRITZ AND LILLIAN M. GUDRITZ, ) ABATE NUISANCE  
20 OWNERS. )  
21 [R.C.O. Nos. 348 (RCC Chapter  
22 17.156), 541 (RCC Chapter 8.120) and  
23 725 (RCC Title 1)]

24 The above-captioned matter came on regularly for hearing on September 15, 2009, before the  
25 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
26 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
27 property described as One Parcel East of 52174 Maxine Avenue, Cabazon, Riverside County,  
28 California and further described as Assessor's Parcel Number 528-102-028 and referred to hereinafter  
as "THE PROPERTY."

29 Julie A.K. Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code  
30 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

31 No one appeared on behalf of Owners.

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

1 County Code Chapter 17.156) and 541 (Riverside County Code Chapter 8.120) and as a public  
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners of  
5 THE PROPERTY as Robert L. Gudritz and Lillian M. Gudritz ("OWNERS").

6 2. Documents of title indicate that no other party potentially holds a legal interest in THE  
7 PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 8, 2008,  
9 August 19, 2008, September 25, 2008, September 29, 2008, October 20, 2008, February 6, 2009,  
10 March 10, 2009, July 9, 2009, and September 14, 2009.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: household trash and debris, spent wood, an old furnace, an old bathtub, an air  
14 conditioner, tires, clothes, toys and other personal items. The accumulated rubbish and excess  
15 outside storage of materials was approximately two thousand seven hundred ninety five (2,795)  
16 square feet. Given the size of the parcel (.1 acres) and the zoning classification (W-2-M, Controlled  
17 Development Area with Mobilehomes), no amount of outside storage or rubbish is allowed on THE  
18 PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on June 2, 2008 as Document Number  
22 2008-0296809 in the Office of the County Recorder, County of Riverside.

23 7. On April 8, 2008, Notices of Violation for violation of Riverside County Ordinance  
24 Nos. 348 and 541 were posted on THE PROPERTY. On May 13, 2008, Notice of Violation was  
25 mailed to OWNERS.

26 8. On July 8, 2008, the "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for September 15, 2009, was mailed by certified mail, return receipt requested, to OWNERS and was

1 posted on THE PROPERTY on July 9, 2009.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on September 15, 2009 finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at One Parcel East of 52174 Maxine Avenue, Cabazon, Riverside County,  
7 California, also identified as Assessor's Parcel Number 528-102-028 violates Riverside County  
8 Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) and constitutes a public  
9 nuisance. Under Riverside County Ordinance No. 348, due to the size of the parcel, no amount of  
10 outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County  
11 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, THE OWNERS, occupants or any person having possession or control  
13 of the premises should abate the condition by removal of all outside storage of materials and  
14 removing and disposing of all accumulated rubbish from the subject real property in strict accordance  
15 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.  
16 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
23 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Robert L.  
24 Gudritz and Lillian M. Gudritz, or anyone having possession or control of THE PROPERTY, by  
25 removing all of the outside storage of materials and removing and disposing of all accumulated  
26 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,  
27 including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.156) and 541  
28 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
3 County Ordinance Nos. 348 (RCC Chapter 17.156) and 541 (RCC Chapter 8.120) within ninety (90)  
4 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
5 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
6 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
7 consent or a Court Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
11 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).  
12 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses  
13 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and  
14 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,  
15 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable  
16 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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1 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of  
2 this Order to Abate Nuisance.

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Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

By \_\_\_\_\_  
Jeff Stone  
Chairman, Board of Supervisors

ATTEST:

KECIA HARPER-IHEM

Clerk to the Board

By

Deputy

(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* DATE: 9/2/09  
JULIE A. KOONS & JARVI