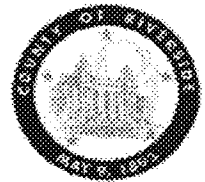


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

526 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
OCTOBER 7, 2009

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-05054 & CV 06-1502 (SCHUETZ)
Subject Property: 53601 Old Stage Road, Anza
APN: 572-280-003
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05054 and CV 06-1502 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 08-05054 & CV 06-1502; 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 08-05054 & CV 06-1502.

[Signature]

JULIE A. 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: *[Signature]*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Prev. Agn. Ref.: 09/29/09; 9.3 | District: 3 | Agenda Number:

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

Case No.: CV 08-05054 & CV 06-1502

Subject Property: 53601 Old Stage Road, Anza

APN: 572-280-003

District Three

BACKGROUND:

On September 29, 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.

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**

<p>11 IN RE ABATEMENT OF PUBLIC NUISANCE:)</p> <p>12 [EXCESSIVE OUTSIDE STORAGE AND)</p> <p>13 ACCUMULATION OF RUBBISH];)</p> <p>14 APN 572-280-003, 53601 OLD STAGE ROAD,)</p> <p>15 ANZA, RIVERSIDE COUNTY, CALIFORNIA;)</p> <p>16 OTTO L. SCHUETZ AND KARLETTA)</p> <p>SCHUETZ, OWNERS.)</p>	<p>CASE NO. CV 08-05054 and)</p> <p>CV 06-1502)</p> <p>FINDINGS OF FACT,)</p> <p>CONCLUSIONS AND ORDER TO)</p> <p>ABATE NUISANCE)</p> <p>[R.C.O. Nos. 348 (RCC Chapter 17.16),)</p> <p>541 (RCC Chapter 8.120) and 725)</p> <p>(RCC Title 1)])</p>
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18 The above-captioned matter came on regularly for hearing on September 29, 2009, before the
19 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
20 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
21 property described as 53601 Old Stage Road, Anza, Riverside County, California and further
22 described as Assessor's Parcel Number 572-280-003 and referred to hereinafter as "THE
23 PROPERTY."

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

26 No one appeared on behalf of Owners.

27 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
28 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners of
6 THE PROPERTY as Otto J. Schuetz and Karletta Schuetz ("OWNERS").

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

9 3. THE PROPERTY was inspected by Code Enforcement Officers on October 31, 2006,
10 November 2, 2007, November 20, 2007, June 4, 2008, July 11, 2008, October 27, 2008, November
11 24, 2008, December 29, 2008, July 9, 2009 and September 28, 2009.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: plastic, a metal shed, wooden shed, wood, metal chicken coops, household trash,
15 parts of burnt mobile home, trash, household appliances, metal and metal tanks. The officer visually
16 estimated the amount of excess outside storage of materials was approximately four hundred eighty-
17 four (484) square feet and the accumulated rubbish was approximately sixteen thousand eight
18 hundred (16,800) square feet. Given the size of the parcel (5 acres) and the zoning classification (R-
19 R-5 Rural Residential Open Area Combining Zone), two hundred (200) square feet of outside storage
20 is allowed on THE PROPERTY. No amount of rubbish is allowed.

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

23 6. A Notice of Noncompliance was recorded on October 29, 2008 as Document Number
24 2008-0575788 in the Office of the County Recorder, County of Riverside. A Notice of
25 Noncompliance was also recorded on November 21, 2007 as Document Number 2007-0709583 in
26 the Office of the County Recorder, County of Riverside.

27 7. On October 31, 2006, Notices of Violation for violation of Riverside County
28 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On November 6, 2006 and June 10,

1 2008 and July 2, 2008, Notices of Violation were mailed to OWNERS.

2 8. On July 8, 2009, the "Notice to Correct County Ordinance Violations and Abate
3 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
4 for September 29, 2009, was mailed by certified mail, return receipt requested, to OWNERS and was
5 posted on THE PROPERTY on July 9, 2009.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on September 29, 2009 finds and concludes that:

9 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
10 the real property located at 53601 Old Stage Road, Anza, Riverside County, California, also
11 identified as Assessor's Parcel Number 572-280-003 violates Riverside County Ordinance Nos. 348
12 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
13 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials
14 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
15 amount of rubbish is allowed to be accumulated on THE PROPERTY.

16 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
17 of the premises should abate the condition by removal of all outside storage of materials in excess of
18 two hundred (200) square feet and removing and disposing of all accumulated rubbish from the
19 subject real property in strict accordance with all Riverside County Ordinances, including but not
20 limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120)
21 within ninety (90) days.

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

26 **ORDER TO ABATE NUISANCE**

27 IT IS THEREFORE ORDERED that the excess outside storage of materials and
28 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Otto J.

1 Schuetz and Karletta Schuetz, or anyone having possession or control of THE PROPERTY, by
2 removing all of the outside storage of materials in excess of two hundred (200) square feet and
3 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
4 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
5 348 (RCC Chapter 17.44) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this
6 Order to Abate Nuisance.

7 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
8 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
9 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
10 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
11 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
12 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
13 consent or a Court Order when necessary under applicable law.

14 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
15 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
16 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
17 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
18 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
19 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
20 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
21 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
22 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: Julie A. Koons Jarvi 10/4/09
DATE