

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

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

**SUBMITTAL DATE:**  
November 10, 2009

**SUBJECT:** Order to Abate [Substandard Structure and Accumulation of Rubbish]  
Case Nos.: CV 07-8215 & CV 07-9476 (BOCK)  
Subject Property: 28751 10<sup>th</sup> Street, Lake Elsinore  
APN: 347-202-002  
District Five

Departmental Concurrence

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-8215 & CV 07-9476 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 07-8215 & CV 07-9476; 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 07-8215 & CV 07-9476.

*[Signature]*  
\_\_\_\_\_  
JULIE 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
- Policy
- Consent
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Order to Abate [Substandard Structure and Accumulation of Rubbish]

Case No.: CV 07-8215 & CV 07-9476

Subject Property: 28751 10<sup>th</sup> Street, Lake Elsinore

APN: 347-202-002

District Five

**BACKGROUND:**

On October 6, 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 structure (dwelling) 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 Jarvi, Deputy County Counsel  
7 County of Riverside  
8 OFFICE OF COUNTY COUNSEL  
9 3960 Orange Street, Fifth Floor (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 07-8215 and
14 [SUBSTANDARD STRUCTURE AND )	CV 07-9476
15 ACCUMULATION OF RUBBISH]; APN 347-202- )	
16 002, 28751 10 <sup>th</sup> STREET, LAKE ELSINORE, )	FINDINGS OF FACT,
17 RIVERSIDE COUNTY, CALIFORNIA; DIANE L. )	CONCLUSIONS AND ORDER TO
18 BOCK, OWNER. )	ABATE NUISANCE
19 )	
20 )	[R.C.O. Nos. 457 (RCC Title 15), 541
21 )	(RCC Title 8) and 725 (RCC Title 1)]

22 The above-captioned matter came on regularly for hearing on October 6, 2009, before the  
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
25 property described 28751 10<sup>th</sup> Street, Lake Elsinore, Riverside County, Assessor's Parcel Number  
26 347-202-002 and referred to hereinafter as "THE PROPERTY."

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

No one appeared on behalf of 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.

**SUMMARY OF EVIDENCE**

1  
2 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
3 THE PROPERTY as Diane L. Bock ("OWNER").

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
5 PROPERTY, to-wit: First National Bank and Trust Co., First American Title Insurance Co., Carolyn  
6 Hadley and Phillip Hadley and Gertrude C. Thames ("INTERESTED PARTIES").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on November 8,  
8 2007, August 7, 2008, March 19, 2009, July 23, 2009, and September 30, 2009.

9 4. During each inspection, a substandard structure (dwelling) was observed on THE  
10 PROPERTY in a state of general dilapidation. The structure contained numerous deficiencies,  
11 including but not limited to: lack of or improper water closet, lavatory, bathtub, shower or kitchen  
12 sink; lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting;  
13 hazardous wiring; lack of adequate heating facilities; members of ceilings, roofs, ceiling and roof  
14 supports or other horizontal members which sag, split or buckle due to defective material or  
15 deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation; fire  
16 hazard; public and attractive nuisance.

17 5. During each inspection an accumulation of rubbish was observed throughout THE  
18 PROPERTY consisting of but not limited to: a wrecked horse trailer, scrap wood, scrap metal,  
19 aluminum, plastic cones, a partial metal shed, refrigerators, furniture, appliances, chicken wire, metal  
20 cages, tires, metal barrels, exercise equipment, a large wooden spindle, green waste, cardboard and  
21 paper.

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

24 7. A Notice of Noncompliance was recorded on March 19, 2008, as Document Number  
25 2008-0133625 in the Office of the County Recorder, County of Riverside.

26 8. On November 8, 2007, Notices of Violation and a "Danger - Do Not Enter" sign was  
27 posted on THE PROPERTY. On November 19, 2007, Notices of Violation were mailed by certified  
28 mail, return receipt requested to OWNER and Mr. Erin Paul Bock. On December 27, 2007, Notices

1 of Violation were mailed to OWNER, MR. Erin Paul Bock and INTERESTED PAPRTIES by  
2 certified mailed, return receipt requested.

3 9. On July 22, 2009, a "Notice to Abate Nuisance" providing notice of the public  
4 hearing before the Board of Supervisors on October 6, 2009, was mailed by certified mail, return  
5 receipt requested, to OWNER and INTERESTED PARTIES and was posted on THE PROPERTY  
6 on July 23, 2009.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
9 regular session assembled on October 6, 2009, finds and concludes that:

10 1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the  
11 real property located at 28751 10<sup>th</sup> Street, Lake Elsinore, Riverside County, California, also  
12 identified as Assessor's Parcel Number 347-202-002 violates Riverside County Ordinance Nos. 457  
13 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

14 2. WHEREAS, THE OWNER, occupants and any person having possession or control  
15 of THE PROPERTY should abate the substandard structures condition by razing, removing and  
16 disposing of the substandard structure, including the removal and disposal of all structural debris  
17 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided  
18 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
19 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
20 (90) days.

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

25 4. WHEREAS, THE OWNER AND INTERESTED PARTIES ARE HEREBY  
26 FURTHER NOTICED that the time within which judicial review of the administrative  
27 determinations made herein must be sought is ninety (90) days from the posting and mailing of the  
28 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE  
4 PROPERTY be abated by the OWNER, specifically Diane L. Bock or anyone having possession or  
5 control of THE PROPERTY, by razing and removing the substandard structure including the  
6 removal and disposal of all structural debris and materials, as well as the contents therein, or by  
7 reconstruction and rehabilitation of said structure provided such reconstruction and rehabilitation can  
8 be accomplished in strict accordance with all Riverside County Ordinances, including but not limited  
9 to Riverside County Ordinance No. 457 within ninety (90) days of the posting and mailing of this  
10 Order to Abate Nuisance.

11 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and  
12 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
13 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
14 days of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents  
15 therein, and structural debris and materials, shall be abated by representatives of the Riverside  
16 County Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the  
17 owner's consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
18 PROPERTY.

19 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of  
20 asbestos containing materials in said structures by survey and materials sample testing by a duly  
21 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure  
22 the removal of all asbestos containing materials discovered through such survey and testing by  
23 contract with a duly certified and licensed contractor for the handling of such materials to avoid  
24 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
26 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing  
27 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)

1 within ninety (90) days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to  
5 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside  
6 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
7 owner's 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. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC  
12 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or  
13 expenses reasonably related to the abatement of conditions which violate County Land Use  
14 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and  
15 administrative costs, attorneys fees, and the costs associated with the removal or correction of the  
16 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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1 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety  
2 (90) days of the date of 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 *J. Koons Jarvi* 10/26/09  
JULIE A. KOONS JARVI DATE