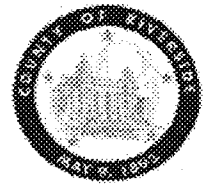


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

121B



**SUBMITTAL DATE:**  
January 13, 2010

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

**SUBJECT:** Order to Abate [Excess Outside Storage and Accumulation of Rubbish]  
Case No.: CV 08-05758 (VENEGAS)  
Subject Property: 14533 Chandler Street, Corona  
APN: 144-120-006  
District Two

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-05758 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 08-05758; 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 08-05758.

Departmental Concurrence

*[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]*  
Alex Gann

**County Executive Office Signature**

- Dep't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

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

Case No.: CV 08-05758

Subject Property: 14533 Chandler Street, Corona

APN: 144-120-006

District Two

**BACKGROUND:**

On December 8, 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 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 NO. CV 08-05758  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; )  
16 APN 144-120-006, 14533 CHANDLER STREET, )  
17 CORONA, RIVERSIDE COUNTY, ) FINDINGS OF FACT,  
18 CALIFORNIA; REFUGIO VENEGAS AND ) CONCLUSIONS AND ORDER TO  
19 MARTHA VENEGAS, OWNERS. ) ABATE NUISANCE  
20 [R.C.O. Nos. 348 (RCC Chapter 17.72),  
21 541 (RCC Chapter 8.120) and 725  
22 (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on December 8, 2009, before the  
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
26 property described as 14533 Chandler Street, Corona, Riverside County, California and further  
27 described as Assessor's Parcel Number 144-120-006 and referred to hereinafter as "THE  
28 PROPERTY."

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

Owner Refugio Venegas appeared and addressed the Board of Supervisors.

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

1 County Code Chapter 17.72) 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 Refugio Venegas and Martha Venegas ("OWNERS").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE  
7 PROPERTY, to wit: Jimmy Oman and Gilda Oman ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 11,  
9 2009, June 11, 2009, July 23, 2009, October 6, 2009, and December 3, 2009.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish  
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
12 were not limited to: scrap lumber, corrugated aluminum sheets, plastic, broken pallets, broken  
13 ladders, broken signs, rusted metal barrels, PVC pipes and fittings, overhead garage doors, shingles  
14 and other miscellaneous trash and debris. The officer visually estimated the amount of accumulated  
15 rubbish and excess outside storage of materials was approximately two thousand five hundred (2,500)  
16 square feet. Given the size of the parcel (.081 acres) and the zoning classification (C-I/C-P, General  
17 Commercial), two hundred (200) square feet of outside storage is allowed and no amount of rubbish  
18 is allowed on THE PROPERTY.

19 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
20 Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

21 6. A Notice of Noncompliance was recorded on March 4, 2009 as Document Number  
22 2009-0105093 in the Office of the County Recorder, County of Riverside.

23 7. On February 11, 2009, Notices of Violation for violation of Riverside County  
24 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On March 13, 2009, Notice of  
25 Violations was mailed to OWNERS and INTERESTED PARTIES.

26 8. On October 5, 2009, 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 December 8, 2009, was mailed by certified mail, return receipt requested, to OWNERS and

1 INTERESTED PARTIES and was posted on THE PROPERTY on October 6, 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 December 8, 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 14533 Chandler Street, Corona, Riverside County, California, also  
7 identified as Assessor's Parcel Number 144-120-006 violates Riverside County Ordinance Nos. 348  
8 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under  
9 Riverside County Ordinance No. 348, due to the size of the parcel, two hundred (200) square feet 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 17.72) 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 Refugio  
24 Venegas and Martha Venegas, or anyone having possession or control of THE PROPERTY, by  
25 removing all of the outside storage of materials in excess of two hundred (200) square feet and  
26 removing and disposing of all accumulated rubbish from the subject real property in strict accordance  
27 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.  
28 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this

1 Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance Nos. 348 (RCC Chapter 17.72) and 541 (RCC Chapter 8.120) within ninety (90)  
5 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and  
6 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County  
7 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
8 consent or a Court Order when necessary under applicable law.

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

3  
4 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

5  
6 By \_\_\_\_\_  
Marion Ashley  
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10  
11 By

12 Deputy

13 (SEAL)

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FORM APPROVED COUNTY COUNSEL  
BY: *[Signature]* JULIE A. KOONS JARVI DATE 1/9/10