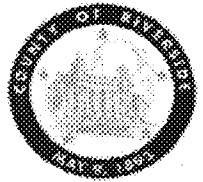


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

806 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 08-06928 & CV 09-04151 (CHAPPEL)
Subject Property: One Parcel East of 52067 Hattie Avenue, Cabazon
APN: 528-163-005
District Five

Departmental Concurrence

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-06928 & CV 09-04151 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 08-06928 & CV 09-04151; 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 08-06928 & CV 09-04151.

JULIE 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

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 Nos.: CV 08-06928 & CV 09-04151

Subject Property: One Parcel East of 52067 Hattie Avenue, Cabazon

APN: 528-163-005

District Five

BACKGROUND:

On January 5, 2010 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 NOS. CV 08-06928 &
14 [EXCESSIVE OUTSIDE STORAGE AND) CV 09-04151
15 ACCUMULATION OF RUBBISH];)
16 APN 528-163-005, ONE PARCEL EAST OF) FINDINGS OF FACT,
17 52067 HATTIE AVENUE, CABAZON,) CONCLUSIONS AND ORDER TO
18 RIVERSIDE COUNTY, CALIFORNIA; NOLAN) ABATE NUISANCE
19 CHAPPEL, OWNER.)
20 [R.C.O. Nos. 348 (RCC Chapter
21 17.144), 541 (RCC Chapter 8.120) and
22 725 (RCC Title 1)]
23

24 The above-captioned matter came on regularly for hearing on January 5, 2010, 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 52067 Hattie Avenue, Cabazon, Riverside County,
28 California and further described as Assessor's Parcel Number 528-163-005 and referred to hereinafter
as "THE PROPERTY."

Julie Jarvi, Deputy County Counsel, appeared along with Kenneth King, Senior Code
Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

Owner did not appear.

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

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.144) 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 Nolan Chappel ("OWNER").

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 August 25, 2008,
10 February 18, 2009, March 10, 2009, March 17, 2009, July 24, 2009, September 10, 2009, December
11 9, 2009 and December 30, 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: appliances, wood, tires, plastic items, buckets, boats, household trash, scrap
15 metal, auto parts, furniture, fence materials, lawn mowers, green waste, furniture, clothing, building
16 materials, a water heater, building materials, and miscellaneous debris. The amount of accumulated
17 rubbish and excess outside storage of materials was approximately twenty nine thousand six hundred
18 ninety six (29, 696) square feet. Given the size of the unimproved parcel (.87 acres) and the zoning
19 classification (W-2, Controlled Development Area), no amount of outside storage or rubbish is
20 allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. Notices of Noncompliance were recorded on September 26, 2008 as Document
24 Number 2008-0524592 and on August 25, 2009 as Document Number 2009-0443822 in the Office of
25 the County Recorder, County of Riverside.

26 7. On August 25, 2008 and July 24, 2009, Notices of Violation for violation of Riverside
27 County Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On September 12, 2008 and
28 August 7, 2009, Notices of Violation were mailed to OWNER by certified mail, return receipt

1 requested.

2 8. On December 3, 2009, the "Notice to Correct County Ordinance Violations and
3 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
4 scheduled for January 5, 2010, was mailed by certified mail, return receipt requested, to OWNER and
5 was posted on THE PROPERTY on December 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 January 5, 2010 finds and concludes that:

9 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
10 the real property located at One Parcel East of 52067 Hattie Avenue, Cabazon, Riverside County,
11 California, also identified as Assessor's Parcel Number 528-163-005 violates Riverside County
12 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) and constitutes a public
13 nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved no
14 amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under
15 Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE
16 PROPERTY.

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

22 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within
23 which judicial review of the administrative determinations made herein must be sought is ninety (90)
24 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance,
25 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 OWNER, specifically Nolan Chappel,

1 or anyone having possession or control of THE PROPERTY, by removing all of the outside storage
2 of materials and removing and disposing of all accumulated rubbish from the subject real property in
3 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
4 Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) within ninety (90) days of
5 the date of this Order to Abate Nuisance.

6 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
7 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
8 County Ordinance Nos. 348 (RCC Chapter 17.144) and 541 (RCC Chapter 8.120) within ninety (90)
9 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
10 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
11 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
12 consent or a Court Order when necessary under applicable law.

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

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]*
JULIE A. KOONS JARVI
DATE: 1/20/13