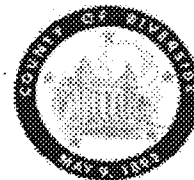


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



918B

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

**SUBJECT:** Order to Abate [Accumulation of Rubbish];  
Case No.: CV 08-03101 (SCOTT)  
Subject Property: 28838 Marguerita Road, Lake Elsinore  
APN 347-210-059  
District Five

**SUBMITTAL DATE:**  
February 10, 2010

**RECOMMENDED MOTION:** Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03101 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 08-03101; 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 08-03101.

**BACKGROUND:**

On January 12, 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 accumulation of rubbish located 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.

*Julie Jarvi*  
\_\_\_\_\_  
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: *Tina Grande*  
\_\_\_\_\_  
Tina Grande

**County Executive Office Signature**

Dept't Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

Prev. Agn. Ref.: 01/12/10; 9.4 | District: 5 | Agenda Number:

**2.16**

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

5 WHEN RECORDED PLEASE MAIL TO:  
Julie Jarvi, Deputy County Counsel  
6 County of Riverside  
OFFICE OF COUNTY COUNSEL  
7 3960 Orange Street, Fifth Floor (Stop #1350)  
Riverside, CA 92501

[EXEMPT'6103]

8  
9 **BOARD OF SUPERVISORS**  
**COUNTY OF RIVERSIDE**  
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 08-03101  
[ACCUMULATION OF RUBBISH]; APN 347- )  
12 210-059, 28838 MARGUERITA ROAD, LAKE ) FINDINGS OF FACT,  
ELSNORE, RIVERSIDE COUNTY, ) CONCLUSIONS AND ORDER TO  
13 CALIFORNIA; HENRY F. SCOTT AND ) ABATE NUISANCE  
SHIRLEY SCOTT, OWNERS. )  
14 ) [R.C.O. Nos. 541 (RCC Chapter 8.120)  
and 725 (RCC Title 1)]  
15

16 The above-captioned matter came on regularly for hearing on January 12, 2010, before the  
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
19 property described as 28838 Marguerita Road, Lake Elsinore, Riverside County, and further  
20 described as Assessor's Parcel Number 347-210-059 referred to hereinafter as "THE PROPERTY."

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

23 Justine Turpin, granddaughter of owners appeared but did not address the Board of  
24 Supervisors.

25 The Board of Supervisors received the Declaration of Code Enforcement Officer together  
26 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public  
27 nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code  
28 Chapter 8.120.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the  
3 OWNERS of THE PROPERTY as Henry F. Scott and Shirley Scott ("OWNERS").

4 2. Documents of title indicate that another party potentially holds a legal interest in THE  
5 PROPERTY, to-wit: San Bernardino County District Attorney Child Support Division  
6 ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on March 24, 2009,  
8 August 4, 2009, September 29, 2009, December 28, 2009, and January 11, 2010.

9 4. During each inspection, an accumulation of rubbish was observed on THE  
10 PROPERTY. The rubbish consisted of, but was not limited to: household trash and debris, plastics,  
11 cardboard, electronics, discarded furniture, discarded dog house, scrap wood, Styrofoam, baskets,  
12 scrap metal, vehicle parts, carpet, blankets, tarps, a tent, green waste, pallets, a discarded truck  
13 camper, tires and a tool box.

14 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
15 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

16 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,  
17 County of Riverside, State of California on May 11, 2009 as instrument number 2009-0235966.

18 7. On March 24, 2009, a Notice of Violation was posted on THE PROPERTY. On  
19 April 20, 2009 and June 1, 2009, Notices of Violation were mailed by certified mail, return receipt  
20 requested to OWNERS and INTERESTED PARTY.

21 8. On December 24, 2009, a "Notice to Correct County Ordinance Violations and Abate  
22 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on January  
23 12, 2010 was mailed by certified mail, return receipt requested, to the OWNERS and INTERESTED  
24 PARTY and was posted on THE PROPERTY on December 28, 2009.

25 **FINDINGS AND CONCLUSIONS**

26 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
27 regular session assembled on January 12, 2010 finds and concludes that:

28 1. WHEREAS, the accumulation of rubbish on the real property located at 28838

1 Marguerita Road, Lake Elsinore, Riverside County, California, also identified as Assessor's Parcel  
2 Number 347-210-059 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

3 2. WHEREAS, THE OWNERS, or any person having possession or control of the  
4 premises should abate the condition by removing and disposing all accumulated rubbish from the  
5 subject real property in strict accordance with all Riverside County Ordinances, including but not  
6 limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ninety (90) days.

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

12 **ORDER TO ABATE NUISANCE**

13 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be  
14 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing  
15 and disposing of all rubbish from the subject real property in strict accordance with all Riverside  
16 County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter  
17 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

18 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict  
19 accordance with all Riverside County Ordinances, including but not limited to Riverside County  
20 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish  
21 shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a  
22 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order  
23 authorizing entry onto THE PROPERTY when necessary under applicable law.

24 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
25 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
26 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
27 County Ordinance Nos. 541 and 725. Under Riverside County Ordinance No. 725, "abatement  
28 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate

1 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
2 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
3 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
4 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
5 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

6  
7 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

8  
9 By \_\_\_\_\_  
10 Marion Ashley  
11 Chairman, Board of Supervisors

12 ATTEST:

13 KECIA HARPER-IHEM

14 Clerk to the Board

15 By

16 Deputy

17  
18 (SEAL)

FORM APPROVED COUNTY COUNSEL  
BY:  JULIE A. MOONS JARVI  
DATE: 2/2/10