

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

414B



SUBMITTAL DATE:
March 25, 2010

FROM: County Counsel/TLMA
Code Enforcement Department

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case Nos.: CV 07-7025 & CV 07-7027 (COLEMAN)
Subject Property: 22163 San Jacinto Avenue, Perris
APN: 325-100-006
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 07-7025 & CV 07-7027 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 07-7025 & CV 07-7027; 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 07-7025 & CV 07-7027.

[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

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

Prev. Agn. Ref.: 03/16/10; 9.4 | District: 5 | Agenda Number:

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

Case Nos.: CV 07-7025 & CV 07-7027

Subject Property: 22163 San Jacinto Avenue, Perris

APN: 325-100-006

District Five

BACKGROUND:

On March 16, 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 A. 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 07-7025 &
14 [EXCESSIVE OUTSIDE STORAGE AND) CV 07-7027
15 ACCUMULATION OF RUBBISH];)
16 APN 325-100-006, 22163 SAN JACINTO) FINDINGS OF FACT,
17 AVENUE, PERRIS, RIVERSIDE COUNTY,) CONCLUSIONS AND ORDER TO
18 CALIFORNIA; JEAN COLEMAN, OWNER.) ABATE NUISANCE
19)
20) [R.C.O. Nos. 348 (RCC Chapter 17.16),
21) 541 (RCC Chapter 8.120) and 725
22) (RCC Title 1)]

23 The above-captioned matter came on regularly for hearing on March 16, 2010, 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 22163 San Jacinto Avenue, Perris, Riverside County, California and further
27 described as Assessor's Parcel Number 325-100-006 and referred to hereinafter as "THE
28 PROPERTY."

Julie A. Jarvi, Deputy County Counsel, appeared along with Brian Black, Supervising Code
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 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 17.16) 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 owner of
5 THE PROPERTY as Jean Coleman ("OWNER").

6 2. Documents of title indicate that other parties potentially hold a legal interest in THE
7 PROPERTY, to wit: Craig Fay, Robert Wilson and Eastern Municipal Water District
8 ("INTERESTED PARTIES").

9 3. THE PROPERTY was inspected by Code Enforcement Officers on April 21, 2009,
10 September 1, 2009, October 23, 2009, February 16, 2010 and March 12, 2010.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: bikes, a barbecue, old furniture, mattresses, household trash, scrap wood, a travel
14 trailer, tires, tools, bins, boxes and other miscellaneous debris. The accumulated rubbish and excess
15 outside storage of materials was approximately seven thousand one hundred (7,100) square feet.
16 Given the size of the unimproved parcel (2.35 acres) and the zoning classification (R-R, Rural
17 Residential), no amount of outside storage or rubbish is allowed on THE PROPERTY.

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

20 6. A Notice of Noncompliance was recorded on October 6, 2009, as Document Number
21 2009-0518218 in the Office of the County Recorder, County of Riverside.

22 7. On April 21, 2009, Notices of Violation for violation of Riverside County Ordinance
23 Nos. 348 and 541 were posted on THE PROPERTY. On July 28, 2009, Notices of Violations were
24 mailed to OWNER and INTERESTED PARTIES.

25 8. On February 10, 2010, the "Notice to Correct County Ordinance Violations and
26 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
27 scheduled for March 16, 2010, was mailed by certified mail, return receipt requested, to OWNER and
28 INTERESTED PARTIES and was posted on THE PROPERTY on February 16, 2010.

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on March 16, 2010 finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at 22163 San Jacinto Avenue, Perris, Riverside County, California, also
6 identified as Assessor's Parcel Number 325-100-006 violates Riverside County Ordinance Nos. 348
7 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
8 Riverside County Ordinance No. 348, due to the parcel being unimproved no amount of outside
9 storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County
10 Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

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

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and
22 accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Jean Coleman,
23 or anyone having possession or control of THE PROPERTY, by removing all of the outside storage
24 of materials and removing and disposing of all accumulated rubbish from the subject real property in
25 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
26 Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of
27 the date of this Order to Abate Nuisance.

28 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

1 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
2 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
3 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
4 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
5 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
6 consent or a Court Order when necessary under applicable law.

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

16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

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 _____
7 Marion Ashley
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: *Julie A. Koons Jarvi* 8/23/10
DATE