

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

410B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
March 25, 2010

SUBJECT: Abatement of Public Nuisance [Excess Outside Storage & Accumulation of Rubbish]
Case Nos.: CV 09-03445 & CV 09-02053; LOPES
Subject Property: 26725 El Toro Road, Lake Elsinore; APN: 346-110-014
District Five

RECOMMENDED MOTION: Move that:

1. The excess outside storage of materials and accumulation of rubbish on the real property located at 26725 El Toro Road, Lake Elsinore, Riverside County, California, APN: 346-110-014 be declared a public nuisance and a violation of Riverside County Ordinance Nos. 348 and 541 (Riverside County Code Chapters 17.16 and 8.120).
2. Juan Carlos Lopes, the owners of the subject real property, be directed to abate the excess outside storage and accumulation of rubbish on the property by removing the same from the real property within ninety (90) days.

(Continued)

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:

Tina Grande

County Executive Office Signature

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

☐ Consent
☒ Policy

☐ Consent
☒ Policy

Prev. Agn. Ref.:

District: 5

Agenda Number:

9.7

3. If the owner of the real property does not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the excess outside storage and accumulation of rubbish by removing and disposing of the same from the real property.
4. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
5. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the excess outside storage of materials and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 348 and 541, and a public nuisance, and further, to prepare an Order to Abate for approval by the Board.

JUSTIFICATION:

1. An initial inspection was made of the subject property by the Code Enforcement Officer on July 7, 2009.
2. The inspection revealed the excess outside storage of materials and an accumulation of rubbish on the subject property in violation of Riverside County Ordinance Nos. 348 and 541. The items included but were not limited to: The outside storage of materials and accumulated rubbish were intermingled and consisted of but was not limited to: industrial heavy machinery, discarded furniture and appliances, discarded office equipment, scrap metal, scrap plastic, scrap wood, vegetative waste, 55 gallon drums, tiles, columns, concrete, water tanks, in excess of 200 plastic bottles, discarded toys, discarded bicycles, rusty golf cart, old tires, cardboard, electronics, a Port-a-Potty and miscellaneous trash and debris. The amount of outside storage and accumulated rubbish was determined to be approximately 56,000 square feet.
3. Subsequent follow up inspections of the above-described real property on September 23, 2009, and March 4, 2010 revealed that the property continued to be in violation of Riverside County Ordinance Nos. 348 and 541.
4. Staff and the Code Enforcement Department have complied with the notice requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for the removal of excess outside storage and accumulated rubbish.