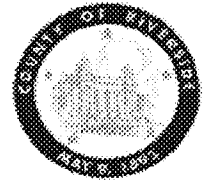


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

709B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Excess Outside Storage and Accumulation of Rubbish]
Case No.: CV 08-10398 (KELLY)
Subject Property: 33801 Highway 74, Hemet
APN: 458-232-030
District Three

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-10398 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 08-10398; 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 08-10398.

[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

☐

Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
Tina Grande

County Executive Office Signature

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

Policy
Policy

Prev. Agn. Ref.: 04/20/10; 9.5

District: 3

Agenda Number:

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

Case No.: CV 08-10398

Subject Property: 33801 Highway 74, Hemet

APN: 458-232-030

District Three

BACKGROUND:

On April 20, 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

14 IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 08-10398
15 [EXCESSIVE OUTSIDE STORAGE AND)	
16 ACCUMULATION OF RUBBISH];)	FINDINGS OF FACT,
17 APN 458-232-030, 33801 HIGHWAY 74,)	CONCLUSIONS AND ORDER TO
18 HEMET, RIVERSIDE COUNTY, CALIFORNIA;)	ABATE NUISANCE
19 PATRICIA KELLY, OWNER.)	
)	[R.C.O. Nos. 348 (RCC Chapter 17.16),
)	541 (RCC Chapter 8.120) and 725
)	(RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on April 20, 2010, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described as 33801 Highway 74, Hemet, Riverside County, California and further described
24 as Assessor's Parcel Number 458-232-030 and referred to hereinafter as "THE PROPERTY."

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

27 No one appeared on behalf of owner.

28 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
County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public

1 nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of
4 THE PROPERTY as Patricia Kelly ("OWNER").

5 2. Documents of title indicate that other parties potentially hold a legal interest in THE
6 PROPERTY, to wit: Internal Revenue Service, State of California Employment Development
7 Department and State of California Franchise Tax Board ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on July 28, 2009,
9 September 3, 2009, September 29, 2009, November 2, 2009, March 4, 2010, and April 19, 2010.

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: boxes, wood, toys, furniture, building supplies, janitorial supplies, metal, plastic,
13 household items, trash, and miscellaneous debris. The officer measured the amount of accumulated
14 rubbish and excess outside storage of materials and determined that it was approximately five
15 thousand nine hundred thirty-six (5,936) square feet. Given the size of the parcel (.16 acres) and the
16 zoning classification (R-R, Rural Residential), no amount of outside storage or rubbish is allowed on
17 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 August 13, 2009, as Document Number
21 2009-0423085 in the Office of the County Recorder, County of Riverside.

22 7. On July 28, 2009, Notices of Violation for violation of Riverside County Ordinance
23 Nos. 348 and 541 were posted on THE PROPERTY. On July 30, 2009, August 7, 2009 and October
24 2, 2009, Notices of Violations were mailed to OWNER by certified mail, return receipt requested.
25 On August 7, 2009, Notices of Violation were mailed to INTERESTED PARTIES by certified mail,
26 return receipt requested.

27 8. On March 3, 2010, the "Notice to Correct County Ordinance Violations and Abate
28 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled

1 for April 20, 2010, was mailed by certified mail, return receipt requested, to OWNER and
2 INTERESTED PARTIES and was posted on THE PROPERTY on March 4, 2010.

3 **FINDINGS AND CONCLUSIONS**

4 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
5 regular session assembled on April 20, 2010, finds and concludes that:

6 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
7 the real property located at 33801 Highway 74, Hemet, Riverside County, California, also identified
8 as Assessor's Parcel Number 458-232-030 violates Riverside County Ordinance Nos. 348 (RCC
9 Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under Riverside
10 County Ordinance No. 348, due to the size of the parcel, no amount of outside storage of materials is
11 allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount
12 of rubbish is allowed to be accumulated on THE PROPERTY.

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

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

22 **ORDER TO ABATE NUISANCE**

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

1 the date of this 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 17.16) 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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owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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: Julie A. Koons Jarvi DATE: 4/26/13