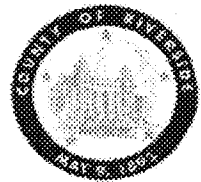


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

7048



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Order to Abate [Substandard Structures and Accumulation of Rubbish]
Case Nos.: CV 08-06006 & CV 08-06008 (FIFE)
Subject Property: 26580 Peach Street, Perris
APN: 346-240-003
District Five

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 08-06006 & CV 08-06008 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 08-06006 & CV 08-06008; 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 08-06006 & CV 08-06008.

(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 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: 
Tina Grande

Policy ☐

Policy ☐

Consent ☐

Consent ☐

X

X

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 04/20/10; 9.6

District: 5

Agenda Number:

2.17

Order to Abate [Substandard Structures and Accumulation of Rubbish]

Case No.: CV 08-06006 & CV 08-06008

Subject Property: 26580 Peach Street, Perris

APN: 346-240-003

District Five

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 substandard structures (main dwelling, 15' x 20' carport, shed, 10' x 20' carport and a chicken coop) 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, Conclusions and Order to Abate.

1 RECORDING REQUESTED BY:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4
5

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

[EXEMPT'6103]

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

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NOS. CV 08-06006 &
12 [SUBSTANDARD STRUCTURES AND) CV 08-06008
ACCUMULATION OF RUBBISH]; APN 346-240-
13 003, 26580 PEACH STREET, PERRIS,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; GEORGE) CONCLUSIONS AND ORDER TO
14 E. FIFE, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15), 541
16) (RCC Title 8) and 725 (RCC Title 1)]

17 The above-captioned matter came on regularly for hearing on April 20, 2010, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as 26580 Peach Street, Perris, Assessor's Parcel Number 346-240-003 and
21 referred to hereinafter as "THE PROPERTY."

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

24 No one appeared on behalf of owner.

25 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
26 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
27 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
28 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

SUMMARY OF EVIDENCE

1. Documents of record in the Riverside County Recorder's Office identify the owner of THE PROPERTY as George E. Fife ("OWNER").

2. Documents of title indicate that another party potentially holds a legal interest in THE PROPERTY, to-wit: Mortgage Electronic registration Services, Inc. ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on October 15, 2008, March 4, 2009, March 6, 2009, July 25, 2009, September 29, 2009, March 4, 2010 and April 19, 2010.

4. During each inspection, five substandard structures (main dwelling, 15'x20' carport, shed, 10'x20' carport and a chicken coop) were observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies, including but not limited to: lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; deteriorated or inadequate foundation; defective or deteriorated flooring or floor supports; dampness of habitable rooms; members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; faulty weather protection; general dilapidation or improper maintenance; fire hazard; public and attractive nuisance.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: household trash, plastics, clothing, scrap wood, scrap metal, tarps, used hypodermic needles, and miscellaneous trash and debris.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. A Notice of Noncompliance was recorded on February 26, 2009, as Document Number 2009-0093689 in the Office of the County Recorder, County of Riverside.

8. On October 15, 2008, Notices of Violation, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On November 26, 2008, Notices of Violation for the

1 substandard structures and accumulation of rubbish were mailed to OWNER and INTERESTED
2 PARTY by certified mail, return receipt requested. On August 6, 2009, Notices of Violation were
3 mailed to OWNER by certified mail, return receipt requested.

4 9. On March 3, 2010, a "Notice to Abate Nuisance" providing notice of the public
5 hearing before the Board of Supervisors on April 20, 2010, was mailed by certified mail, return
6 receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on
7 March 4, 2010.

8 FINDINGS AND CONCLUSIONS

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

11 1. WHEREAS, the five substandard structures (main dwelling, 15'x20' carport, shed,
12 10'x20' carport and a chicken coop) and accumulation of rubbish on the real property located at
13 26580 Peach Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number
14 346-240-003 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC
15 Chapter 8.120) and constitutes a public nuisance.

16 2. WHEREAS, THE OWNER, occupants and any person having possession or control
17 of THE PROPERTY should abate the substandard structures condition by razing, removing and
18 disposing of the substandard structures, including the removal and disposal of all structural debris
19 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided
20 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
21 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety
22 (90) days.

23 3. WHEREAS, THE OWNER, occupants and any other person having possession or
24 control of THE PROPERTY should abate the accumulation of rubbish by removing and disposing of
25 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including
26 but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

27 4. WHEREAS, THE OWNER AND INTERESTED PARTY ARE HEREBY
28 FURTHER NOTICED that the time within which judicial review of the administrative determinations

1 made herein must be sought is ninety (90) days from the posting and mailing of the Findings of Fact,
2 Conclusions and Order To Abate Nuisance, and is governed by California Code of Civil Procedure
3 Section 1094.6.

4 **ORDER TO ABATE NUISANCE**

5 IT IS THEREFORE ORDERED that the five substandard structures (main dwelling, 15'x20'
6 carport, shed, 10'x20' carport and a chicken coop) on THE PROPERTY be abated by the OWNER,
7 George E. Fife, or anyone having possession or control of THE PROPERTY, by razing and removing
8 the substandard structures including the removal and disposal of all structural debris and materials, as
9 well as the contents therein, or by reconstruction and rehabilitation of said structures provided such
10 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County
11 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days
12 of the posting and mailing of this Order to Abate Nuisance.

13 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
14 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
15 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
16 of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
17 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
18 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
19 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
20 PROPERTY.

21 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
22 asbestos containing materials in said structures by survey and materials sample testing by a duly
23 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
24 the removal of all asbestos containing materials discovered through such survey and testing by
25 contract with a duly certified and licensed contractor for the handling of such materials to avoid
26 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

27 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
28 abated by THE OWNERS or anyone having possession or control of THE PROPERTY, by removing

1 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
2 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
3 within ninety (90) days of the date of this Order to Abate Nuisance.

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

10 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
11 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
12 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
13 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
14 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
15 expenses reasonably related to the abatement of conditions which violate County Land Use
16 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
17 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
18 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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FORM APPROVED COUNTY COUNSEL
BY [Signature] DATE 4/26/10
JULIE A KOONS JARVI

1 recoverable from THE OWNER even if THE PROPERTY is brought into compliance within ninety
2 (90) days of the date of 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)
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