

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

7208



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

**SUBJECT:** Abatement of Public Nuisance [Accumulation of Rubbish];  
Case No.: CV 09-01348; DOWNER  
Subject Property: 1 Parcel South East of 56498 Benton Way, Anza  
APN: 573-260-012  
District Three

**RECOMMENDED MOTION:** Move that:

**SUBMITTAL DATE:**  
May 6, 2010

- (1) The accumulation of rubbish on the real property located at 1 Parcel South East of 56498 Benton Way, Anza, Riverside County, California, APN: 573-260-012, be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
- (2) Owner Jacqueline D. Downer, or whoever has possession and control of the subject real property, be directed to abate the accumulation of rubbish on the property by removing and disposing of the same from the real property within ninety (90) days.

JULIE A. JARVI, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

(Continued)

<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

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

**C.E.O. RECOMMENDATION:**

APPROVE

BY: Tina Grande  
Tina Grande

County Executive Office Signature

Dep't Recomm.: ☐ Consent ☒ Policy  
Per Exec. Ofc.: ☐ Consent ☒ Policy

Prev. Agn. Ref.:

District: 3

Agenda Number:

- (3) If the owner or whoever has possession or control 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 of the owner or receipt of a Court Order authorizing entry onto the real property, when necessary under applicable law, shall abate the accumulation of rubbish by removing and disposing of the same from the real property.
- (4) The reasonable cost 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 Facts and Conclusions that the accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance No. 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 March 6, 2009.
2. The inspection revealed an accumulation of rubbish on the subject property in violation of Riverside County Ordinance No. 541. The items included but were not limited to: wood, metal, used vehicle parts, household trash, tires, plastic and miscellaneous debris.
3. Subsequent follow up inspections of the above-described real property on May 18, 2009, July 2, 2009, August 10, 2009, October 26, 2009, January 22, 2010 and March 16, 2010, revealed that the property continued to be in violation of Riverside County Ordinance No. 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.