

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

918B



**SUBMITTAL DATE:**  
May 26, 2010

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

**SUBJECT:** Abatement of Public Nuisance [Accumulation of Rubbish];  
Case No.: CV 09-05054; WALLACE  
Subject Property: 52043 Riza Avenue, Cabazon  
APN: 528-142-004  
District Five

**RECOMMENDED MOTION:** Move that:

- (1) The accumulation of rubbish on the real property located at 52043 Riza Avenue, Cabazon, Riverside County, California, APN: 528-142-004, 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.

Departmental Concurrence

*[Handwritten Signature]*

L. ALEXANDRA FONG, 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	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

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

APPROVE

BY: *[Handwritten Signature]*  
Tina Grande

**County Executive Office Signature**

Consent  
 Policy  
 Consent  
 Policy

Dept's Recomm.:  
 Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 5 | Agenda Number:

- (2) Owner Ophelia M. Wallace and Roy G. Wallace, Trustees of the Ophelia M. Wallace and Roy G. Wallace Revocable Trust Dated December 24, 1998, 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.
- (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 Nos. 541 and 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 September 14, 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, green waste, six tires, trash and miscellaneous debris.
3. Subsequent follow up inspections of the above-described real property on December 2, 2009, January 16, 2010, and April 10, 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 accumulated rubbish.