

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

715B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 29, 2010

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case Nos: CV 07-3220 & CV 07-3221 (MCGINTY, et al)
Subject Property: 31383 Yucca Avenue, Nuevo; APN: 426-200-013
District: 5

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 07-3220 & CV 07-3221 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 07-3220 & CV 07-3221; 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 07-3220 & CV 07-3221.

(Continued)

L. Alexandra Fong

L. ALEXANDRA FONG, 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*
Tina Grande

County Executive Office Signature

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------|
| <input type="checkbox"/> | Policy | <input type="checkbox"/> | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Consent |

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

Order to Abate
Case Nos: CV 07-3220 & CV 07-3221; MCGINTY, et al
31383 Yucca Avenue, Nuevo
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BACKGROUND:

On July 13, 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 accumulated rubbish located 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 Findings of Fact, Conclusions 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 L. Alexandra Fong, 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 IN RE ABATEMENT OF PUBLIC NUISANCE:)
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 426-200-013, 31383 YUCCA AVENUE,)
17 NUEVO, RIVERSIDE COUNTY, CALIFORNIA;)
18 ROBERT MCGINTY, JOE N. JACKSON AND)
19 CHRISTOPHER JACKSON, OWNERS.)

CASE NO. CV 07-3220 and
CV 07-3221

FINDINGS OF FACT,
CONCLUSIONS AND ORDER TO
ABATE NUISANCE

[R.C.O. Nos. 348 (RCC Chapter 17.44),
541 (RCC Chapter 8.120) and 725
(RCC Title 1)]

20 The above-captioned matter came on regularly for hearing on July 13, 2010, before the Board
21 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
22 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
23 described as 31383 Yucca Avenue, Nuevo, Riverside County, California and further described as
24 Assessor's Parcel Number 426-200-013 and referred to hereinafter as "THE PROPERTY."

25 L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
26 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

27 Owners appeared but did not address the Board of Supervisors.

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

1 County Code Chapter 17.32) and 541 (Riverside County Code Chapter 8.120) and as a public
2 nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owners of
5 THE PROPERTY as Robert McGinty, Joe N. Jackson and Christopher Jackson ("OWNERS").

6 2. Documents of title indicate that other parties may potentially hold a legal interest in
7 THE PROPERTY, to wit: State of California Franchise Tax Board, Lilly Jean Brown, Shoshone
8 Service Corporation, Robert B. Stone, The Baralat Company and State of California Employment
9 Development Department ("INTERESTED PARTIES").

10 3. THE PROPERTY was inspected by Code Enforcement Officers on August 1, 2007,
11 January 31, 2009, July 22, 2009, December 14, 2009, April 16, 2010, May 25, 2010, June 18, 2010
12 and July 9, 2010.

13 4. During each inspection, the outside storage of materials and accumulation of rubbish
14 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
15 were not limited to: broken farm equipment, tires, loose hog feed, broken golf carts, 55 gallon barrels,
16 scrap metal, used and discarded lumber, dismantled equipment, cages, shelving, pallets, pipes,
17 fencing, miscellaneous furniture, appliances, bagged animal feed, green waste, dead vegetation, a
18 collapsed shed, broken gates, tarps and other miscellaneous trash and debris. Given the size of the
19 parcel (8.13 acres) and the zoning classification (R-A, Rural Residential), two hundred (200) square
20 feet of outside storage is allowed and no amount of rubbish is allowed on THE PROPERTY.

21 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
22 Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

23 6. Notices of Noncompliance were recorded on March 5, 2009, as Document Numbers
24 2009-0106115 and 2009-0106117 in the Office of the County Recorder, County of Riverside.

25 7. On August 1, 2007, Notice of Violation for accumulated rubbish was posted on THE
26 PROPERTY. On August 2, 2007, Notice of Violation for excess outside storage of materials was
27 posted on THE PROPERTY. On February 9, 2009, Notices of Violation were mailed to OWNERS
28 by certified mail, return receipt requested. On June 3, 2009 and October 2, 2009, Notices of

1 Violation were mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt
2 requested.

3 8. On June 17, 2010, the "Notice to Correct County Ordinance Violations and Abate
4 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
5 for July 13, 2010, was mailed by certified mail, return receipt requested to OWNERS and
6 INTERESTED PARTIES and was posted on THE PROPERTY on June 18, 2010.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
9 regular session assembled on July 13, 2010 finds and concludes that:

10 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
11 the real property located at 31383 Yucca Avenue, Nuevo, Riverside County, California, also
12 identified as Assessor's Parcel Number 426-200-013 violates Riverside County Ordinance Nos. 348
13 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
14 Riverside County Ordinance No. 348, two hundred (200) square feet of outside storage of materials
15 is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
16 amount of rubbish is allowed to be accumulated on THE PROPERTY.

17 2. WHEREAS, THE OWNERS, occupants or any person having possession or control
18 of the premises shall abate the condition by removal of all outside storage of materials and removing
19 and disposing of all accumulated rubbish in excess of two hundred (200) square feet from the subject
20 real property in strict accordance with all Riverside County Ordinances, including but not limited to
21 Riverside County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within
22 ninety (90) days.

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

27 **ORDER TO ABATE NUISANCE**

28 IT IS THEREFORE ORDERED that the excess outside storage of materials and

1 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Robert
2 McGinty, Joe N. Jackson and Christopher Jackson, or anyone having possession or control of THE
3 PROPERTY, by removing all of the outside storage of materials in excess of two hundred (200)
4 square feet and removing and disposing of all accumulated rubbish from the subject real property in
5 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
6 Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90) days of
7 the date of this Order to Abate Nuisance.

8 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
9 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
10 County Ordinance Nos. 348 (RCC Chapter 17.32) and 541 (RCC Chapter 8.120) within ninety (90)
11 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
12 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
13 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
14 consent or a Court Order when necessary under applicable law.

15 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
16 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
17 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
18 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
19 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
20 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
21 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
22 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
23 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
Marion Ashley
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: 7/22/10 DATE
L. ALEXANDRA FONG