

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

108 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
September 1, 2010

SUBJECT: Abatement of Public Nuisance [Appeal; Inoperative Vehicles];
Case No.: CV 08-04979 (MARSHALL)
Subject Property: 20389 Haines Street, Perris, Riverside County
APN: 318-221-030
District One

RECOMMENDED MOTION: Move that:

- (1) The vehicles as set forth in the Vehicle Investigation Inventory Abatement Report, excluding vehicles 2, 3 and 8, be found to be abandoned, wrecked, dismantled or inoperative vehicles and declared a public nuisance in violation of Riverside County Ordinance No. 520 (RCC Chapter 10.04.).
- (2) The Administrative Hearing Order/Decision issued on August 1, 2008 be affirmed, except and as to vehicles 2, 3 and 8 of the Vehicle Investigation Inventory Abatement Report.
- (3) Thomasinia S. Marshall, or anyone having possession or control of the vehicles be required to abate the public nuisance by removing them from the subject property, or lawfully enclosing them in a building, within ninety (90) days of the posting and mailing of the Board's Order.

L. Alexandra Fong
L. ALEXANDRA FONG, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

(Continued)

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

- Policy
- Policy
- Consent
- Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 6/15/10; 9.1

District: 1

Agenda Number:

9.1

Departmental Concurrence

Abatement of Public Nuisance [Appeal; Inoperative Vehicles]
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- (4) If Thomasinia S. Marshall, or anyone having possession or control of the inoperative vehicles and/or vehicle parts do not properly abate the public nuisance within ninety (90) days of the posting and mailing of the Board's Order, a designated representative of the Code Enforcement Department, a towing contractor and/or Sheriff's Department representative shall abate the public nuisance by removal and destruction pursuant to RCO No. 520 (RCC Chapter 10.04) and applicable laws.
- (5) The reasonable costs of abatement, after notice and an opportunity for hearing shall be imposed as a lien on the subject real property which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and RCO Nos. 520 and 725 (RCC Chapters 10.04 and 1.16, respectively).
- (6) County Counsel be directed to prepare the necessary Statement of Decision upholding the Hearing Officer's decision that the vehicles and/or vehicle parts on the real property are declared to be in violation of RCO No. 520 (RCC Chapter 10.04) and a public nuisance, and further, to prepare an Order on appeal for approval by the Board.

JUSTIFICATION:

- (1) As authorized by California Vehicle Code Sections 22660 and 22661 and California Government Code Section 25845, RCO No. 520 prohibits the outside storage of abandoned, wrecked, dismantled or inoperative vehicles on private property and deems the condition a public nuisance. Furthermore, RCO No. 520 authorizes the removal and destruction of the vehicles constituting a public nuisance.
- (2) On June 3, 2008, an inspection was made of the subject real property by code enforcement officers. The inspection revealed eight (8) abandoned, inoperable, wrecked or dismantled vehicles on the subject real property in violation of Riverside County Ordinance No. 520.
- (3) Pursuant to the request from the property owner, Thomasinia S. Marshall, an administrative hearing was held on April 30, 2009, wherein the Hearing Officer determined that all eight (8) inoperative vehicles on the subject property constitute a public nuisance in violation of RCO No. 520 and ordered all eight (8) inoperative vehicles removed from the property. Code Enforcement, however, withdraws vehicles 2, 3 and 8 of the Vehicle Investigative Inventory Abatement Report at the time of the hearing and is not seeking to include those vehicles as part of the finding of a public nuisance.
- (4) A timely appeal of the Administrative Hearing Order/Decision was filed by Thomasinia S. Marshall. Notice of the appeal hearing before the Board of Supervisors has been given as required by law. As of September 25, 2008, at least three (3) of the inoperative vehicles remained on the property. As of June 2010, the inoperative vehicles have been removed from the property. However, the property owner has not dismissed her appeal and, therefore, the hearing must be held.
- (5) Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the administrative abatement proceedings for abandoned, wrecked, dismantled or inoperable vehicles.