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



FROM: County Counsel/TLMA

Code Enforcement Department

September 16, 2010

Departmental Concurrence

SUBJECT: Order to Abate [Accumulated Rubbish]

Case No: CV 06-6220 (COLE)

Subject Property: 1 Parcel South of 68711 Dillon Road, Desert Hot Springs

APN: 656-380-013; District: 5

RECOMMENDED MOTION: Move that:

- 1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-6220 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 06-6220; and
- The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, 3. Conclusions and Order to Abate in Case No. CV 06-6220.

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	(Continued)			¥FONG, Deputy 0	
			for PAMELA J.	WALLS, County C	Counsel
	FINANCIAL DATA SOURCE OF	Current F.Y. Total Cost:	\$ N/A	In Current Year Bud	get: 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
		FUNDS:			Positions To Be Deleted Per A-30
					Requires 4/5 Vote
	C.E.O. RECO	OMMENDATION:	APPROVE (<u> </u>	
Policy			BY	Mande	
ሚ	County Executive Office Signature		Tina Grande \		

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

Consent

X

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Prev. Agn. Ref.: 08/31/10; 9.4

District: 5

Agenda Number:

Abatement of Public Nuisance Case No. CV 06-6220; COLE 1 Parcel South of 68711 Dillon Road, Desert Hot Springs Page 2

BACKGROUND:

On August 31, 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 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 of the Board of Supervisors				
3	(Stop #1010)				
4					
5	WHEN RECORDED PLEASE MAIL TO:				
6	L. Alexandra Fong, 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	BOARD OF SUPERVISORS				
10	COUNTY OF RIVERSIDE				
	DUDE ADAMENTED TO DE DE DE LOS ANTICANICES DE CACENICA CUACACIONA				
11	IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-6220 [ACCUMULATION OF RUBBISH]; APN 656-)				
12	380-013, ONE PARCEL SOUTH OF 68711) FINDINGS OF FACT, DILLON ROAD, DESERT HOT SPRINGS,) CONCLUSIONS AND ORDER TO				
13	RIVERSIDE COUNTY, CALIFORNIA, JIMMY) ABATE NUISANCE COLE, OWNER.				
14	(R.C.O. Nos. 541 (RCC Chapter 8.120) and 725 (RCC Title 1)]				
15					
16	The above-captioned matter came on regularly for hearing on August 31, 2010, before the				
17	Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor				
18	Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real				
19	property described as One Parcel South of 68711 Dillon Road, Desert Hot Springs, Riverside				
20	County, and further described as Assessor's Parcel Number 656-380-013 referred to hereinafter as				
21	"THE PROPERTY."				
22	L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising				
23	Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.				
24	Owner, Jimmy Cole appeared and addressed the Board of Supervisors.				
25	The Board of Supervisors received the Declaration of Code Enforcement Officer together				
26	with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public				
27	nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code				

Chapter 8,120.

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SUMMARY OF EVIDENCE

- 1. Documents of record in the Riverside County Recorder's Office identify the OWNER of THE PROPERTY as Jimmy Cole ("OWNER").
- THE PROPERTY was inspected by the Code Enforcement Officer on November 16,
 January 5, 2010, February 10, 2010, March 10, 2010, May 12, 2010, July 16, 2010, and
 August 26, 2010.
- 3. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: green waste, spent building materials, paint cans, 55 gallon barrels and tires.
- 4. THE PROPERTY was determined to be in violation of Riverside County Ordinance
 No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.
- 5. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on December 24, 2009 as instrument number 2009-0660810.
- 6. On November 16, 2009 and January 5, 2010, Notices of Violation were posted on THE PROPERTY. On December 28, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to OWNER.
- 7. On May 11, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on August 31, 2010 was mailed by certified mail, return receipt requested, to the OWNER and posted on THE PROPERTY on May 12, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 31, 2010 finds and concludes that:

1. WHEREAS, the accumulation of rubbish on the real property located at One Parcel South of 68711 Dillon Road, Desert Hot Springs, Riverside County, California, also identified as Assessor's Parcel Number 656-380-013 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.

- 2. WHEREAS, THE OWNER, or any person having possession or control of the premises shall abate the condition by removing and disposing all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days.
- 3. WHEREAS, THE OWNER IS HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ten (10) days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by <u>California Code of Civil Procedure</u> Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and disposing of all rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120) within ten (10) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541, within ten (10) days of the date of this Order to Abate Nuisance, the rubbish shall be abated and disposed of by representatives of the Riverside County Code Enforcement, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order authorizing entry onto THE PROPERTY when necessary under applicable law.

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

FORM APPROVED COUNTY COUNSE

FINDINGS OF FACT, CONCLUSIONS AND ORDER TO ABATE NUISANCE