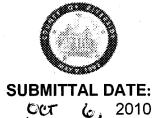
# SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ia UNB



FROM: County Counsel/TLMA

Code Enforcement Department

**SUBJECT:** Order to Abate [Accumulated Rubbish]

Case No: CV 09-06749 (PITTERMAN)

Subject Property: One Parcel East of 21725 Orange Street, Perris

APN: 322-110-029; District: 5

## **RECOMMENDED MOTION:** Move that:

- 1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-06749 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 09-06749; 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 09-06749.

(Continued) L. ALEXANDRA FONG, Deputy County Counsel for PAMELA J. WALLS, County Counsel \$ N/A Current F.Y. Total Cost: In Current Year Budget: N/A **FINANCIAL Current F.Y. Net County Cost: Budget Adjustment:** N/A \$ N/A DATA **Annual Net County Cost:** For Fiscal Year: N/A \$ N/A **SOURCE OF FUNDS: Positions To Be** Deleted Per A-30 Requires 4/5 Vote C.E.O. RECOMMENDATION: APPROVE Tina Grande **County Executive Office Signature** 

Dep't Recomm∴

Policy

Consent

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Policy

Consent

X

Per Exec. Ofc.:

Departmental Concurrence

Prev. Agn. Ref.: 08/31/10; 9.8

District: 5

Agenda Number:

2.21

Abatement of Public Nuisance Case No. CV 09-06749; PITTERMAN One Parcel East of 21725 Orange Street, Perris 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 2 3	RECORDING REQUESTED BY: Kecia Harper-Ihem, Clerk of the Board of Supervisors (Stop #1010)
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5 6 7 8	WHEN RECORDED PLEASE MAIL TO: L. Alexandra Fong, Deputy County Counsel County of Riverside OFFICE OF COUNTY COUNSEL 3960 Orange Street, Fifth Floor (Stop #1350) Riverside, CA 92501  [EXEMPT'6103]
9	BOARD OF SUPERVISORS COUNTY OF RIVERSIDE
11 12 13 14	IN RE ABATEMENT OF PUBLIC NUISANCE: [ACCUMULATION OF RUBBISH]; APN 322- 110-029, ONE PARCEL EAST OF 21725 ORANGE STREET, PERRIS, RIVERSIDE COUNTY, CALIFORNIA; JOSHUA PITTERMAN, OWNER.  [R.C.O. Nos. 541 (RCC Chapter 8.120) and 725 (RCC Title 1)]
16	The above-captioned matter came on regularly for hearing on August 31, 2010, before the
17 18	Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19	property described as One Parcel East of 21725 Orange Street, Perris, Riverside County, and further
20	described as Assessor's Parcel Number 322-110-029 referred to hereinafter as "THE PROPERTY."
21	L. Alexandra Fong, Deputy County Counsel, appeared along with Brian Black, Supervising
22	Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.
23	Owner did not appear.
24	The Board of Supervisors received the Declaration of Code Enforcement Officer together
25	with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26	nuisance and violation of Riverside County Ordinance No. 541, as codified in Riverside County Code
27	Chapter 8.120.
28	

#### **SUMMARY OF EVIDENCE**

- l Documents of record in the Riverside County Recorder's Office identify the OWNER of THE PROPERTY as Joshua Pitterman ("OWNER").
- 2. Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to-wit: Reliable Trust Services, Inc. ("INTERESTED PARTY").
- 3. THE PROPERTY was inspected by Code Enforcement Officers on September 9, 2009, November 20, 2009, December 7, 2009, January 19, 2010, April 14, 2010 and August 27, 2010.
- 4. During each inspection, an accumulation of rubbish was observed on THE PROPERTY. The rubbish consisted of, but was not limited to: tires, general household debris, damaged furniture, construction debris, damaged fencing and miscellaneous debris.
- 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 541 (RCC Chapter 8.120) by the Code Enforcement Officer.
- 6. A Notice of Noncompliance was recorded in the Office of the County Recorder, County of Riverside, State of California on September 18, 2009 as instrument number 2009-0486796.
- 7. On September 9, 2009, a Notice of Violation was posted on THE PROPERTY. On September 11, 2009, a Notice of Violation was mailed by certified mail, return receipt requested to Etta Bonner ("PREVIOUS OWNER"). On October 21, 2009, a Notice of Violation was mailed by certified mail return receipt requested to PREVIOUS OWNER, NEW OWNER and INTERESTED PARTY by certified mail, return receipt requested.
- 8. On April 12, 2010, a "Notice to Correct County Ordinance Violations and Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors on May 25, 2010 was mailed by certified mail, return receipt requested, to the PREVIOUS OWNER, NEW OWNER AND INTERESTED PARTY and was posted on THE PROPERTY on April 14, 2010. The matter came on regularly for hearing on May 25, 2010 and was continued to August 31, 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 East of 21725 Orange Street, Perris, Riverside County, California, also identified as Assessor's Parcel Number 322-110-029 violates Riverside County Ordinance No. 541 and constitutes a public nuisance.
- 2. WHEREAS, 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 ninety (90) days.
- 3. WHEREAS, OWNER AND INTERESTED PARTY ARE HEREBY FURTHER NOTICED that the time within which judicial review of the administrative determinations made herein must be sought is ninety (90) 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 ninety (90) 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 ninety (90) 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

1 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate 2 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation, 3 collection and administrative costs, attorneys fees, and the costs associated with the removal or 4 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement 5 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into 6 compliance within ninety (90) days of the date of this Order to Abate Nuisance. 7 8 Dated: **COUNTY OF RIVERSIDE** 9 By 10 Marion Ashley Chairman, Board of Supervisors 11 ATTEST: 12 **KECIA HARPER-IHEM** 13 Clerk to the Board 14 15 16 By 17 Deputy 18 19 (SEAL) 20 21 22 23 24 25 26

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