

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

803B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
November 23, 2010

SUBJECT: Order to Abate [Substandard Structure & Accumulated Rubbish]
Case No. : CV 10-01980 (SLAYTON)
Subject Property: 26792 Girard Street, Hemet; APN: 447-290-004
District: 3

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-01980 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 10-01980 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 10-01980.

(Continued)

[Signature]
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:

County Executive Office Signature

[Signature]
Jennifer L. Sargent

Policy ☐

Consent ☒

Policy ☒

Consent ☐

Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.: 11/2/10; 9.1 | District: 3 | Agenda Number:

2.5

Abatement of Public Nuisance
Case No. CV 10-01980; SLAYTON
26792 Girard Street, Hemet
Page 2

BACKGROUND:

On November 2, 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 substandard structures (dwelling) and accumulated rubbish 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
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5 WHEN RECORDED PLEASE MAIL TO:
6 L. Alexandra Fong, Deputy County Counsel
County of Riverside
7 OFFICE OF COUNTY COUNSEL
3960 Orange Street, Suite 500 (Stop #1350)
8 Riverside, CA 92501

[EXEMPT'6103]

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10 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 10-01980
12 [SUBSTANDARD STRUCTURE AND)
ACCUMULATION OF RUBBISH]; APN 447-290-)
13 004, 26792 GIRARD STREET, HEMET,) FINDINGS OF FACT,
RIVERSIDE COUNTY, CALIFORNIA; DEBRA) CONCLUSIONS AND ORDER TO
14 KAYE SLAYTON, OWNER.) ABATE NUISANCE
15) [R.C.O. Nos. 457 (RCC Title 15), 541
(RCC Title 8) and 725 (RCC Title 1)]

16 The above-captioned matter came on regularly for hearing on November 2, 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 26792 Girard Street, Hemet, Riverside County, Assessor's Parcel Number 447-
20 290-004 and 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 No one appeared on behalf of owner.

24 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
25 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
26 PROPERTY as violations of Riverside County Ordinance Nos. 457 (Riverside County Code Title 15)
27 and 541 (Riverside County Code Chapter 8.120), and as a public nuisance.

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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 Debra Kaye Slayton ("OWNER").

2. Documents of title indicate that another party may potentially hold a legal interest in THE PROPERTY, to-wit: Citifinancial Mortgage Co ("INTERESTED PARTY").

3. THE PROPERTY was inspected by Code Enforcement Officers on March 11, 2010, April 6, 2010, May 19, 2010, May 28, 2010, July 1, 2010, October 14, 2010 and October 28, 2010.

4. During each inspection, a substandard structure (dwelling) was observed on THE PROPERTY. The structure was observed to be abandoned, dilapidated and vacant. The structure contained numerous deficiencies, including but not limited to: hazardous plumbing; lack of required electrical lighting; hazardous wiring; lack of adequate heating facilities; members of walls, partitions, or other vertical supports that split, list, lean or buckle due to defective materials or deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration; dampness of habitable rooms; faulty weather protection; general dilapidation or improper maintenance; public and attractive nuisance – abandoned/vacant.

5. During each inspection an accumulation of rubbish was observed throughout THE PROPERTY consisting of but not limited to: household trash, wood, metal, plastic, 8' x 8' wooden shed and household items.

6. THE PROPERTY was determined to be in violation of Riverside County Ordinance No. 457 (RCC Title 15) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

7. Notices of Noncompliance were recorded on March 18, 2010, as Document Numbers 2010-0125634 and 2010-0125635 in the Office of the County Recorder, County of Riverside.

8. On March 11, 2010, Notices of Violation, Notice of Defects, a "Danger Do Not Enter" and a "Do Not Dump" sign were posted on THE PROPERTY. On March 15, 2010, Notices of Violation for the substandard structure and accumulation of rubbish were mailed to OWNER by certified mail, return receipt requested. On August 23, 2010 and September 1, 2010, Notices of Violation were mailed to INTERESTED PARTY by certified mail, return receipt requested.

9. On October 13, 2010, a “Notice to Correct County Ordinance Violations and Abate Public Nuisance” providing notice of the public hearing before the Board of Supervisors on November 2, 2010, was mailed by certified mail, return receipt requested, to OWNER and INTERESTED PARTY and was posted on THE PROPERTY on October 14, 2010.

FINDINGS AND CONCLUSIONS

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on November 2, 2010, finds and concludes that:

1. WHEREAS, the substandard structure (dwelling) and accumulation of rubbish on the real property located at 26792 Girard Street, Hemet, Riverside County, California, also identified as Assessor's Parcel Number 447-290-004 violates Riverside County Ordinance Nos. 457 (RCC Chapter 15.12) and 541 (RCC Chapter 8.120) and constitutes a public nuisance.

2. WHEREAS, THE OWNER, occupants and any person having possession or control of THE PROPERTY shall abate the substandard structure condition by razing, removing and disposing of the substandard structure, including the removal and disposal of all structural debris and materials, and contents therein or by reconstruction and rehabilitation of said structure provided that said reconstruction or demolition can be accomplished in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90) days.

3. WHEREAS, THE OWNER, occupants and any other person having possession or control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

4. WHEREAS, THE 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 California Code of Civil Procedure Section 1094.6.

ORDER TO ABATE NUISANCE

IT IS THEREFORE ORDERED that the substandard structure (dwelling) on THE

1 PROPERTY be abated by the OWNER, Debra Kaye Slayton or anyone having possession or control
2 of THE PROPERTY, by razing and removing the substandard structure including the removal and
3 disposal of all structural debris and materials, as well as the contents therein, or by reconstruction and
4 rehabilitation of said structure provided such reconstruction and rehabilitation can be accomplished in
5 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
6 Ordinance No. 457 within ninety (90) days of the posting and mailing of this Order to Abate
7 Nuisance.

8 IT IS FURTHER ORDERED that if the substandard structure is not razed, removed and
9 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
10 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90) days
11 of the posting and mailing of this Order to Abate Nuisance, the substandard structure, contents
12 therein, and structural debris and materials, shall be abated by representatives of the Riverside County
13 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
14 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
15 PROPERTY.

16 FURTHERMORE, THE OWNER is ordered to ascertain the existence or non-existence of
17 asbestos containing materials in said structure by survey and materials sample testing by a duly
18 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
19 the removal of all asbestos containing materials discovered through such survey and testing by
20 contract with a duly certified and licensed contractor for the handling of such materials to avoid
21 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

22 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
23 abated by THE OWNER or anyone having possession or control of THE PROPERTY, by removing
24 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
25 Ordinances, including but not limited to Riverside County Ordinance No. 541 (RCC Chapter 8.120)
26 within ninety (90) days of the date of this Order to Abate Nuisance.

27 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
28 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside

1 County Ordinance Nos. 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to
2 Abate Nuisance, the accumulation of rubbish shall be abated by representatives of the Riverside
3 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an
4 owner's consent or a Court Order when necessary under applicable law.

5 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
6 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
7 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
8 County Ordinance Nos. 457 (RCC Chapter 15.12), 541 (RCC Chapter 8.120), and 725 (RCC
9 Chapter 1.16). Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or
10 expenses reasonably related to the abatement of conditions which violate County Land Use
11 Ordinances, and shall include, but not be limited to, enforcement, investigation, collection and
12 administrative costs, attorneys fees, and the costs associated with the removal or correction of the
13 violation." Reasonable abatement costs accrued by the Code Enforcement Department will be

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FORM APPROVED COUNTY COUNSEL
BY: 11/22/10 DATE
L. ALEXANDRA FONG

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

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Dated: _____

COUNTY OF RIVERSIDE

By _____
Marion Ashley
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By _____
Deputy
(SEAL)