

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



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
December 23, 2010

SUBJECT: Order to Abate [Shipping Containers & Accumulated Rubbish]
Case No: CV 09-10817 [INGRAM]
Subject Property: 21965 Old Elsinore Road, Perris; APN: 322-200-015
District: 5

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-10817 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 09-10817; 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 09-10817.

(Continued)

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:

County Executive Office Signature

- | | |
|---|--|
| Dept't Recomm.:
<input checked="" type="checkbox"/> Consent
<input type="checkbox"/> Policy | Per Exec. Ofc.:
<input type="checkbox"/> Consent
<input type="checkbox"/> Policy |
|---|--|

Prev. Agn. Ref.: 9.5

District: 3

Agenda Number:

2.16

Order to Abate
Case No. CV09-10817 [INGRAM]
21965 Old Elsinore Road, Perris
Page 2

BACKGROUND:

On November 30, 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 shipping containers 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, Suite 500 (Stop #1350)
10 Riverside, CA 92501

[EXEMPT'6103]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-10817
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH AND METAL) FINDINGS OF FACT,
16 SHIPPING CONTAINERS]; APN 322-200-015,) CONCLUSIONS AND ORDER TO
17 21965 OLD ELSINORE ROAD, PERRIS,) ABATE NUISANCE
18 COUNTY OF RIVERSIDE, STATE OF)
19 CALIFORNIA; WILLIAM B. INGRAM,) [R.C.O. Nos. 348 (RCC Chapter 17),
20 TRUSTEE OF THE SURVIVOR'S TRUST) 541 (RCC Chapter 8.120)]
21 CREATED UNDER THE INGRAM FAMILY)
22 1990 LIVING TRUST UNDER DECLARATION)
23 OF TRUST DATED MAY 1, 1990, OWNER.)

24
25 The above-captioned matter came on regularly for hearing on November 30, 2010, before the
26 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
27 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
28 property described as 21965 Old Elsinore Road, Perris, County of Riverside, State of California and
further described as Assessor's Parcel Number 322-200-015 and referred to hereinafter as "THE
PROPERTY."

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

Mr. Ingram appeared on behalf of OWNER and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer together

1 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
2 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
3 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owner
7 of THE PROPERTY as William B. Ingram, Trustee of the Survivor's Trust created under the Ingram
8 Family 1990 Living Trust under Declaration of Trust dated May 1, 1990, ("OWNER").

9 2. Documents of title indicate that other parties potentially hold legal interests in THE
10 PROPERTY to wit: Eric Ingram, Southern California Funding and Associates Financial Services
11 Company.

12 3. THE PROPERTY was inspected by Code Enforcement Officers on November 23,
13 2009, January 19, 2010, March 16, 2010, April 29, 2010, July 2, 2010 and November 23, 2010.

14 4. During each inspection, the outside storage of materials and accumulation of rubbish
15 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
16 were not limited to: scrap metal, lawn furniture, scrap wood, damaged bicycles, household items,
17 lawn mowers, machinery, car parts, tires and green waste. Using the pacing method, the officer
18 estimated the amount of accumulated rubbish and excess outside storage of materials was
19 approximately five thousand four hundred twenty (5,420) square feet. Given the size of the
20 unimproved parcel (1 acre) and the zoning classification R-R ½ (Rural Residential with at least one-
21 half acre), no amount of outside storage or rubbish is allowed on THE PROPERTY.

22 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
23 Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) by the Code Enforcement Officer.

24 6. A Notice of Noncompliance was recorded on December 16, 2009, as Document
25 Number 2009-0647379 in the Office of the County Recorder, County of Riverside.

26 7. On November 23, 2009, Notices of Violation for violation of Riverside County
27 Ordinance Nos. 348 and 541 were posted on THE PROPERTY. On December 2, 2009 and April 2,
28 2010, Notice of Violations was mailed to OWNER by certified mail, return receipt requested.

1 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days.

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

6 **ORDER TO ABATE NUISANCE**

7 IT IS THEREFORE ORDERED that the excess outside storage of materials and
8 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically William B.
9 Ingram, Trustee of the Survivor's Trust created under the Ingram Family 1990 Living Trust under
10 Declaration of Trust dated May 1, 1990, or anyone having possession or control of THE
11 PROPERTY, by removing all of the outside storage of materials and removing and disposing of all
12 accumulated rubbish from the subject real property in strict accordance with all Riverside County
13 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 (RCC Chapter 17.16)
14 and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this Order to Abate Nuisance.

15 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
16 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
17 County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90)
18 days of the date of this Order to Abate Nuisance, the excess outside storage of materials and
19 accumulation of rubbish shall be abated and disposed of by representatives of the Riverside County
20 Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
21 consent or a Court Order when necessary under applicable law.

22 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
23 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
24 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
25 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
26 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
27 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
28 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,

FORM APPROVED COUNTY COUNSEL
BY: Alexandra Fong 12/13/10
DATE

1 attorneys fees, and the costs associated with the removal or correction of the violation.” Reasonable
2 abatement costs accrued by the Code Enforcement Department will be recoverable from the property
3 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
4 this Order to Abate Nuisance.

5
6 Dated: _____

COUNTY OF RIVERSIDE

7
8 By _____
Marion Ashley
Chairman, Board of Supervisors

9 ATTEST:
10 KECIA HARPER-IHEM
11 Clerk to the Board

12
13 By
14 Deputy
15 (SEAL)
16

17
18
19
20
21
22
23
24
25
26
27
28