

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

408b



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
January 27, 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 09-12108 [MASSIMO/JEFFRIES]
Subject Property: 25425 Echo Valley Cir, Homeland; APN: 455-220-011
District: Five

RECOMMENDED MOTION: Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-12108 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 09-12108; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case Nos. CV 09-12108.

(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:

APPROVE

BY:

Jennifer L. Sargent

County Executive Office Signature

- | | |
|--|--|
| <input checked="" type="checkbox"/> Consent

<input type="checkbox"/> Policy | <input checked="" type="checkbox"/> Consent

<input type="checkbox"/> Policy |
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Dept's Recomm.:
Per Exec. Ofc.:

2.18

Order to Abate
Case No.: CV09-12108 [MASSIMO/JEFFRIES]
25425 Echo Valley Cir, Homeland
District Five
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BACKGROUND:

On January 11, 2011, 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 excess outside storage 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 09-12108
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 455-220-011, 25425 ECHO VALLEY CIR,)
17 HOMELAND, COUNTY OF RIVERSIDE,) FINDINGS OF FACT,
18 STATE OF CALIFORNIA; BONNIE L.) CONCLUSIONS AND ORDER TO
19 MASSIMO AND GUY E. JEFFRIES, JOAN M.) ABATE NUISANCE
20 JEFFRIES, OWNERS.) [R.C.O. Nos. 348 (RCC Chapter 17),
21) 541 (RCC Chapter 8.120)]
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23)
24)
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29 The above-captioned matter came on regularly for hearing on January 11, 2011, before the
30 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
31 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
32 property described as 25425 Echo Valley Cir, Homeland, Riverside County, California and further
33 described as Assessor's Parcel Number 455-220-011 and referred to hereinafter as "THE
34 PROPERTY."

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

37 No one appeared on behalf of Owners and did not address the Board of Supervisors.

38 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of

1 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside
2 County Code Chapter 17.16) and 541 (Riverside County Code Chapter 8.120) and as a public
3 nuisance.

4 **SUMMARY OF EVIDENCE**

5 1. Documents of record in the Riverside County Recorder's Office identify the owners of
6 THE PROPERTY as Bonnie L. Massimo ("OWNER").

7 2. Documents of title indicate that other parties potentially own THE PROPERTY to
8 wit: Guy E. Jeffries and Joan M. Jeffries (hereinafter referred to as 'ADDITIONAL OWNERS').

9 3. THE PROPERTY was inspected by Code Enforcement Officers on November 13,
10 2009, February 9, 2010, March 17, 2010, April 19, 2010, May 14, 2010, June 11, 2010, August 10,
11 2010, December 15, 2010 and January 7, 2011.

12 4. During each inspection, the outside storage of materials and accumulation of rubbish
13 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
14 were not limited to: burnt debris and scattered items, patio furniture, bicycle, pots and other discarded
15 household items. The officer visually estimated the amount of accumulated rubbish and excess
16 outside storage of materials was approximately four thousand three hundred twenty (4,320) square
17 feet. Given the size of the unimproved parcel (.7) and the zoning classification (R-R, Rural
18 Residential), it allows outside storage to be one hundred (100) square feet for the properties that are a
19 minimum of one-half acre in size.

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

22 6. A Notice of Noncompliance was recorded on December 3, 2009, as Document
23 Number 2009-0621984 in the Office of the County Recorder, County of Riverside.

24 7. On November 13, 2009, a Notice of Violation, Notice of Defects and Do Not Enter
25 sign for violation of Riverside County Ordinance Nos. 348 and 541 were posted on THE
26 PROPERTY. On November 19, 2009 and December 31, 2009, Notices of Violations and Notices of
27 Defects were mailed via certified mail with return receipt requested to OWNER. On May 24, 2010,
28 Notices of Violation and Notices of Defects were mailed via certified mail with return receipt

1 requested to ADDITIONAL OWNERS.

2 8. On December 14, 2010, the "Notice to Correct County Ordinance Violations and
3 Abate Public Nuisance" providing notice of the public hearing before the Board of Supervisors
4 scheduled for January 11, 2011, was mailed by certified mail, return receipt requested, to OWNERS
5 and was posted on THE PROPERTY on December 15, 2010.

6 **FINDINGS AND CONCLUSIONS**

7 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
8 regular session assembled on January 11, 2011, finds and concludes that:

9 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
10 the real property located at 25425 Echo Valley Cir, Homeland, Riverside County, California, also
11 identified as Assessor's Parcel Number 455-220-011 violates Riverside County Ordinance Nos. 348
12 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) and constitutes a public nuisance. Under
13 Riverside County Ordinance No. 348, due to the parcel being unimproved that is a minimum of one-
14 half acre in size, the amount of outside storage of materials allowed is limited to one hundred (100)
15 square feet to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no
16 amount of rubbish is allowed to be accumulated on THE PROPERTY.

17 2. WHEREAS, the OWNER, ADDITIONAL OWNERS, occupants or any person
18 having possession or control of the premises shall abate the condition by removal of all outside
19 storage of materials and removing and disposing of all accumulated rubbish from the subject real
20 property in strict accordance with all Riverside County Ordinances, including but not limited to
21 Riverside County Ordinance Nos. 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within
22 ninety (90) days.

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

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ORDER TO ABATE NUISANCE

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2 IT IS THEREFORE ORDERED that the excess outside storage of materials and
3 accumulation of rubbish on THE PROPERTY be abated by the OWNER AND ADDITIONAL
4 OWNERS, specifically Bonnie L. Massimo, Guy E. Jeffries and Joan M. Jeffries, or anyone having
5 possession or control of THE PROPERTY, by removing all of the outside storage of materials and
6 removing and disposing of all accumulated rubbish from the subject real property in strict accordance
7 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos.
8 348 (RCC Chapter 17.16) and 541 (RCC Chapter 8.120) within ninety (90) days of the date of this
9 Order to Abate Nuisance.

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

17 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
18 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
19 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
20 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Chapter 1.16).
21 Under Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses
22 reasonably related to the abatement of conditions which violate County Land Use Ordinances, and
23 shall include, but not be limited to, enforcement, investigation, collection and administrative costs,
24 attorneys fees, and the costs associated with the removal or correction of the violation." Reasonable
25 abatement costs accrued by the Code Enforcement Department will be recoverable from the property

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1 owner(s) even if THE PROPERTY is brought into compliance within ninety (90) days of the date of
2 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)

FORM APPROVED COUNTY COUNSEL
BY: *LA*
L. ALEXANDRA FONG
DATE: 1/21/11

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