

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

414B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
July 14, 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 06-3828 [ALLEN]  
Subject Property: 18663 Idaleona Rd., Perris; APN: 321-170-040  
District: One

**RECOMMENDED MOTION:** Move that:

Departmental Concurrence

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-3828 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 06-3828; 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 06-3828.

(Continued)

*L. Alex Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	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

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Tina Grande*  
Tina Grande

**County Executive Office Signature**

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

Dept Recomm.:  
Per Exec. Ofc.:

Order to Abate  
Case No. CV06-3828 [ALLEN]  
18663 Idaleona Rd., Perris  
APN#321-170-040  
District One  
Page 2

**BACKGROUND:**

On June 14, 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 GC §§ 6103 and 27383]

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

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 06-3828  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
16 APN 321-171-040, 18663 IDALEONA RD., ) CONCLUSIONS AND ORDER TO  
17 PERRIS, COUNTY OF RIVERSIDE, STATE OF ) ABATE NUISANCE  
18 CALIFORNIA; CHARLES C. ALLEN AND )  
19 JONELLE ALLEN, OWNERS. ) [R.C.O. Nos. 348 (RCC Title 17), 541  
20 ) (RCC Title 8) and 725 (RCC Title 1)]  
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29 The above-captioned matter came on regularly for hearing on June 14, 2011, before the Board  
30 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,  
31 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property  
32 described as 18663 Idaleona Rd., Perris, Riverside County, California and further described as  
33 Assessor’s Parcel Number 321-170-040 and referred to hereinafter as “THE PROPERTY.”

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

36 Mr. Charles Allen appeared on behalf of Owners.

37 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
38 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 (Riverside

1 County Code Title 17) and 541 (Riverside County Code Title 8) and as a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owners of  
4 THE PROPERTY as Charles C. Allen and Jonelle Allen, ("OWNERS").

5 2. Documents of title indicate that another party potentially holds a legal interest in THE  
6 PROPERTY to wit: State of California Franchise Tax Board ("INTERESTED PARTY").

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 18, 2006,  
8 March 22, 2007, November 12, 2009, January 11, 2011, February 23, 2011, March 28, 2011, June 1,  
9 2011 and June 13, 2011.

10 4. During each inspection, the outside storage of materials and accumulation of rubbish  
11 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
12 were not limited to: debris, crates, tarps, tires, bottles, canisters, engine blocks, buckets, appliances,  
13 used lumber and construction type materials and miscellaneous stored and discarded items. The  
14 officer visually estimated the amount of accumulated rubbish and excess outside storage of materials  
15 was approximately four thousand two hundred seventy five (4,275) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
17 Nos. 348 (RCC Title 17) and 541 (RCC Title 8) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on June 13, 2007, as Document Number  
19 2007-0388993 in the Office of the County Recorder, County of Riverside.

20 7. On August 18, 2006, a Notice of Violation for violation of Riverside County  
21 Ordinance Nos. 348 and 541 (excess outside storage and accumulated rubbish) were posted on THE  
22 PROPERTY. On September 7, 2006, a Notice of Violation re excess outside storage and  
23 accumulated rubbish was mailed to OWNERS. On January 10, 2011, a Notice of Violation re excess  
24 outside storage was posted on THE PROPERTY. On January 13, 2011, a Notice of Violation re  
25 excess outside storage was mailed to OWNERS.

26 8. On May 31, 2011, the "Notice to Correct County Ordinance Violations and Abate  
27 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
28 for June 14, 2011, was mailed by certified mail, return receipt requested, to OWNERS and

1 INTERESTED PARTY and was posted on THE PROPERTY on June 1, 2011.

2 **FINDINGS AND CONCLUSIONS**

3 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
4 regular session assembled on June 14, 2011, finds and concludes that:

5 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
6 the real property located at 18663 Idaleona Rd., Perris, Riverside County, California, also identified  
7 as Assessor's Parcel Number 321-170-040 violates Riverside County Ordinance Nos. 348 (RCC Title  
8 17) and 541 (RCC Title 8) and constitutes a public nuisance. Under Riverside County Ordinance  
9 No. 348, the parcel (within a minimum of five acre in size) is allowed to have 200 square feet of  
10 outside storage of materials to be stored on THE PROPERTY. Under Riverside County Ordinance  
11 No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

12 2. WHEREAS, the OWNERS, occupants or any person having possession or control of  
13 the premises shall abate the condition by removal of all outside storage of materials and removing  
14 and disposing of all accumulated rubbish from the subject real property in strict accordance with all  
15 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348  
16 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days.

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

21 **ORDER TO ABATE NUISANCE**

22 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
23 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Charles C.  
24 Allen, Jonelle Allen, or anyone having possession or control of THE PROPERTY, by removing all  
25 of the outside storage of materials and removing and disposing of all accumulated rubbish from the  
26 subject real property in strict accordance with all Riverside County Ordinances, including but not  
27 limited to Riverside County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety  
28 (90) days of the date of this Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed  
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
3 County Ordinance Nos. 348 (RCC Title 17) and 541 (RCC Title 8) within ninety (90) days of the  
4 date of this Order to Abate Nuisance, the excess outside storage of materials and accumulation of  
5 rubbish may be abated and disposed of by representatives of the Riverside County Code Enforcement  
6 Department, a contractor or the Sheriff's Department upon receipt of an owner's consent or a Court  
7 Order when necessary under applicable law.

8 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
9 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
10 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
11 County Ordinance Nos. 348 (RCC Title 17), 541 (RCC Title 8), and 725 (RCC Title 1). Under  
12 Riverside County Ordinance No. 725, "abatement costs" means "any costs or expenses reasonably  
13 related to the abatement of conditions which violate County Land Use Ordinances, and shall include,  
14 but not be limited to, enforcement, investigation, collection and administrative costs, attorneys fees,  
15 and the costs associated with the removal or correction of the violation." Reasonable abatement  
16 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 \_\_\_\_\_  
Bob Buster  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By \_\_\_\_\_  
Deputy  
(SEAL)

FORM APPROVED COUNTY COUNSEL  
BY: Alexandra Fong 6/30/11 DATE  
L. ALEXANDRA FONG