

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

310B



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

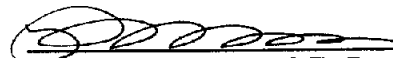
**SUBMITTAL DATE:**  
September 23 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 10-06795 [MELENDEZ]  
Subject Property: 24991 Lindsay Ave., Ripley; APN: 872-302-021  
District: Four

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-06795 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 10-06795 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 10-06795.

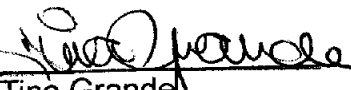
(Continued)

  
\_\_\_\_\_  
PATRICIA MUNROE, 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

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Consent     Policy  
 Consent     Policy

Dep't Recomm.:  
 Per Exec. Ofc.:

Order to Abate  
Case No. CV 10-06795 [MELENDEZ]  
24991 Lindsay Ave., Ripley  
APN#872-302-021  
District 4  
Page 2

**BACKGROUND:**

On September 13, 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 Patricia Munroe, 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 10-06795  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
16 APN 872-302-021, 24991 LINDSAY AVE., ) CONCLUSIONS AND ORDER TO  
17 RIPLEY, RIVERSIDE COUNTY, CALIFORNIA; ) ABATE NUISANCE  
18 GLORIA R. MELENDEZ, OWNER. )  
19 ) R.C.O. Nos. 348, 541 and 725  
20 )  
21 )  
22 )  
23 )

24 The above-captioned matter came on regularly for hearing on September 13, 2011, before the  
25 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
26 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
27 property described as 24991 Lindsay Ave., Ripley, Riverside County, California and further  
28 described as Assessor's Parcel Number 872-302-021 and referred to hereinafter as "THE  
PROPERTY."

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

No one appeared on behalf of Owner.

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 and 541 and as  
2 a public nuisance.

3 **SUMMARY OF EVIDENCE**

4 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
5 THE PROPERTY as Gloria R. Melendez ("OWNER").

6 2. Documents of title indicate that no other party potentially holds a legal interest in  
7 THE PROPERTY.

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 5, 2010,  
9 September 23, 2010, October 5, 2010, November 17, 2010, January 28, 2010, March 30, 2011, May  
10 18, 2011, August 10, 2011 and September 9, 2011.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish  
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but  
13 were not limited to: household trash, furniture, cut/dead vegetation, metal, plastic, wood and tires.  
14 The officer visually estimated the amount of accumulated rubbish and excess outside storage of  
15 materials was approximately one thousand five hundred (1,500) square feet. Given the size of the  
16 parcel (.14 acres) and the zoning classification (R-1, One Family Dwelling), no amount of outside  
17 storage or rubbish is allowed on THE PROPERTY.

18 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
19 Nos. 348 and 541 by the Code Enforcement Officer.

20 6. A Notice of Noncompliance was recorded on October 6, 2010 as Document Number  
21 2010-0480368 in the Office of the County Recorder, County of Riverside.

22 7. On August 5, 2010, Notice of Violation for violation of Riverside County Ordinance  
23 Nos. 348 and 541 was posted on THE PROPERTY. On October 7, 2010, Notice of Violations was  
24 mailed to OWNER.

25 8. On August 9, 2011, the "Notice to Correct County Ordinance Violations and Abate  
26 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled  
27 for September 13, 2011, was mailed to OWNER and was posted on THE PROPERTY on August 10,  
28 2011.

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**FINDINGS AND CONCLUSIONS**

WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on September 13, 2011 finds and concludes that:

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at 24991 Lindsay Ave., Ripley, Riverside County, California, also identified as Assessor's Parcel Number 872-302-021 violates Riverside County Ordinance Nos. 348 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the size of the parcel, no amount of outside storage of materials is allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be accumulated on THE PROPERTY.

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

3. WHEREAS, the OWNER IS 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 excess outside storage of materials and accumulation of rubbish on THE PROPERTY be abated by the OWNER, specifically Gloria R. Melendez, or anyone having possession or control of THE PROPERTY, by removing all of the outside storage of materials and removing and disposing of all accumulated rubbish from the subject real property in strict accordance with all Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate Nuisance.

IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed

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

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

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1 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought into  
2 compliance within ninety (90) days of the date of 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)