

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

309 B



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


**SUBMITTAL DATE:**  
September 22, 2011

**SUBJECT:** Order to Abate [Excess Outside Storage & Accumulated Rubbish]  
Case No: CV 08-03269 [CHATLOVSKY]  
Subject Property: 32195 Falcon View Lane, Homeland; APN: 455-350-012  
District: Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-03269 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 08-03269 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 08-03269.

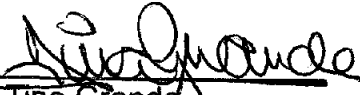
(Continued)

  
\_\_\_\_\_  
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

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

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
Departmental Concurrence

Order to Abate  
Case No. CV 08-03269 [CHATLOVSKY]  
32195 Falcon View Lane, Homeland  
APN#455-350-012  
District 5  
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 08-03269  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
16 APN 455-350-012, 32195 FALCON VIEW LANE, ) CONCLUSIONS AND ORDER TO  
17 HOMELAND, RIVERSIDE COUNTY, ) ABATE NUISANCE  
18 CALIFORNIA; FRANK FERDINAND )  
19 CHATLOVSKY, JR., JUNE CLEMENTINE ) R.C.O. Nos. 348, 541 and 725  
20 CHATLOVSKY AND TOD GREGORY )  
21 CHATLOVSKY, OWNERS. )

22 The above-captioned matter came on regularly for hearing on September 13, 2011, before the  
23 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
24 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
25 property described as 32195 Falcon View Lane, Homeland, Riverside County, California and further  
26 described as Assessor's Parcel Number 455-350-012 and referred to hereinafter as "THE  
27 PROPERTY."

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

Owners appeared, but did not address the Board of Supervisors.

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  
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as

1 a public nuisance.

2 **SUMMARY OF EVIDENCE**

3 1. Documents of record in the Riverside County Recorder's Office identify the owner of  
4 THE PROPERTY as Frank Ferdinand Chatlovsky, Jr., June Clementine Chatlovsky and Tod  
5 Gregory Chatlovsky ("OWNERS").

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 April 8, 2008,  
9 November 17, 2009, March 16, 2010, June 18, 2010, August 17, 2010, March 8, 2011, August 10,  
10 2011 and September 8, 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: used and discarded tires, clothing, metal and plastic tool boxes, plastic  
14 containers, can, tools, bicycles, vehicle and motorcycle parts, trash cans, animal cages, fencing,  
15 dilapidated sheds – both wood and metal, burnt mobilehome debris, burnt debris, garbage, furniture  
16 and other household items. The officer estimated the amount of accumulated rubbish and excess  
17 outside storage of materials was approximately four thousand nine hundred sixty eight (4,968) square  
18 feet. Given the size of the parcel (2.33 acres) and the zoning classification (R-R, Rural Residential),  
19 two hundred (200) square feet of outside storage is allowed. No rubbish is allowed on THE  
20 PROPERTY.

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

23 6. A Notice of Noncompliance was recorded on December 3, 2009 as Document  
24 Number 2009-0621994 in the Office of the County Recorder, County of Riverside.

25 7. On November 17, 2009 and March 16, 2010, Notices of Violation for violation of  
26 Riverside County Ordinance Nos. 348 and 541 was posted on THE PROPERTY. On November 19,  
27 2009 and July 13, 2010 and November 29, 2010, Notices of Violations was mailed to OWNERS.

28 8. On August 9, 2011, the "Notice to Correct County Ordinance Violations and Abate

1 Public Nuisance” providing notice of the public hearing before the Board of Supervisors scheduled  
2 for September 13, 2011, was mailed to OWNERS and was posted on THE PROPERTY on August  
3 10, 2011.

4 **FINDINGS AND CONCLUSIONS**

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

7 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on  
8 the real property located at 32195 Falcon View Lane, Homeland, Riverside County, California, also  
9 identified as Assessor's Parcel Number 455-350-012 violates Riverside County Ordinance Nos. 348  
10 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the  
11 size of the parcel, no more than two hundred (200) square feet of outside storage of materials is  
12 allowed to be stored on THE PROPERTY. Under Riverside County Ordinance No. 541, no amount  
13 of rubbish is allowed to be accumulated on THE PROPERTY.

14 2. WHEREAS, the OWNERS, occupants or any person having possession or control of  
15 the premises shall abate the condition by removal of all outside storage of materials in excess of two  
16 hundred (200) square feet by removing and disposing of all accumulated rubbish from the subject  
17 real property in strict accordance with all Riverside County Ordinances, including but not limited to  
18 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

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

23 **ORDER TO ABATE NUISANCE**

24 IT IS THEREFORE ORDERED that the excess outside storage of materials and  
25 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Frank  
26 Ferdinand Chatlovsky, Jr., June Clementine Chatlovsky and Tod Gregory Chatlovsky, or anyone  
27 having possession or control of THE PROPERTY, by removing all of the outside storage of  
28 materials in excess of two hundred (200) square feet and removing and disposing of all accumulated

1 rubbish from the subject real property in strict accordance with all Riverside County Ordinances,  
2 including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of  
3 the date of this Order to Abate Nuisance.

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

11 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
12 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special  
13 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
14 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
15 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
16 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
17 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
18 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)