

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

521B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 13 2011

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 10-10096 [GONZALES]
Subject Property: 1 Parcel East of 21325 Hicks St., Perris; APN: 318-042-006
District: One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-10096 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 10-10096; 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 10-10096.

(Continued)

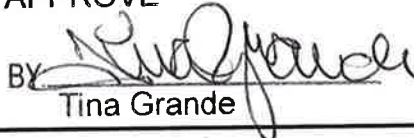

PATRICIA MUNROE, Deputy County Counsel
for PAMELA J. WALLS, County Counsel

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|-----------------------|-------------------------------|--------|-------------------------|-----|
| 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 
Tina Grande

County Executive Office Signature

- Consent Policy
 Consent Policy

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

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Order to Abate
Case No. CV10-10096 [GONZALES]
1 Parcel East of 21325 Hicks St., Perris
APN#318-042-006
District One
Page 2

BACKGROUND:

On September 20, 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 10-10096
14 [EXCESSIVE OUTSIDE STORAGE AND)
15 ACCUMULATION OF RUBBISH];)
16 APN 318-042-006, ONE PARCEL EAST OF)
17 21325 HICKS ST., PERRIS, RIVERSIDE) FINDINGS OF FACT,
18 COUNTY, CALIFORNIA; JUAN C. GONZALES,) CONCLUSIONS AND ORDER TO
19 OWNER.) ABATE NUISANCE
20) R.C.O. Nos. 348, 541 and 725
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17 The above-captioned matter came on regularly for hearing on September 20, 2011, before the
18 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
19 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
20 property described as One Parcel East of 21325 Hicks St., Perris, Riverside County, California and
21 further described as Assessor's Parcel Number 318-042-006 and referred to hereinafter as "THE
22 PROPERTY."

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

25 Owner appeared but did not address the Board of Supervisors.

26 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
27 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
28 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 Juan C. Gonzales ("OWNER").

5 2. Documents of title indicate that other parties may hold a legal interest in THE
6 PROPERTY, to wit: State of California Franchise Tax Board and Internal Revenue Service
7 ("INTERESTED PARTIES").

8 3. THE PROPERTY was inspected by Code Enforcement Officers on January 25, 2011,
9 February 14, 2011, March 14, 2011, April 6, 2011, May 16, 2011 and August 25, 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: plaster, floor tiles, wood, carpeting, fencing material, truck bed shell and a dog
13 house. The officer visually estimated the amount of accumulated rubbish and excess outside storage
14 of materials was approximately one thousand two hundred twenty five (1,225) square feet. Given the
15 size of the unimproved parcel (.22 acres) and the zoning classification (R-R1/2), Rural Residential,
16 no amount of outside storage or rubbish is allowed on THE PROPERTY.

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

19 6. A Notice of Noncompliance was recorded on May 24, 2011 as Document Number
20 2011-0197753 in the Office of the County Recorder, County of Riverside.

21 7. On April 6, 2011, Notice of Violation for violation of Riverside County Ordinance
22 Nos. 348 and 541 were posted on THE PROPERTY. On April 7, 2011, Notice of Violation was
23 mailed to OWNER.

24 8. On August 24, 2011, the "Notice to Correct County Ordinance Violations and Abate
25 Public Nuisance" providing notice of the public hearing before the Board of Supervisors scheduled
26 for September 20, 2011, was mailed by certified mail, return receipt requested, to OWNER and
27 INTERESTED PARTIES and was posted on THE PROPERTY on August 25, 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 20, 2011 finds and concludes that:

1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on the real property located at One Parcel East of 21325 Hicks St., Perris, Riverside County, California, also identified as Assessor's Parcel Number 318-042-006 violates Riverside County Ordinance Nos. 348 and 541 and constitutes a public nuisance. Under Riverside County Ordinance No. 348, due to the parcel being unimproved 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 Juan C. Gonzales, 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)