

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

604B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 20 2011

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case Nos. : CV07-9192, CV10-01209 & CV10-01283 [FALSKEN]
Subject Property: 33901 Stagecoach Rd., Nuevo; APN: 429-070-007
District: Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV07-9192, CV10-01209 & CV10-01283 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 Nos. CV07-9192, CV10-01209 & CV10-01283; 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. CV07-9192, CV10-01209 & CV10-01283

(Continued)

PATRICIA MUNROE, 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:
Michael R. Shetler

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dept's Recomm.:
Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Departmental Concurrence

Abatement of Public Nuisance
Case Nos.: CV CV07-9192, CV10-01209 & CV10-01283 [FALSKEN]
33901 Stagecoach Rd., Nuevo
APN#429-070-007
District 5
Page 2

BACKGROUND:

On October 4, 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 four (4) substandard structures (mobilehome on permanent foundation, shed, house and garage) and accumulated rubbish 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 of the
3 Board of Supervisors
4 (Stop #1010)

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 NOS. CV 07-9192,
14 [SUBSTANDARD STRUCTURES AND) CV 10-01209 and
15 ACCUMULATION OF RUBBISH]; APN 429-070-) CV 10-01283
16 007, 33901 STAGECOACH RD., NUEVO,)
17 RIVERSIDE COUNTY, CALIFORNIA; DENNIS) FINDINGS OF FACT,
18 FALSKEN AND CYNTHIA M. FALSKEN,) CONCLUSIONS AND ORDER TO
19 OWNERS.) ABATE NUISANCE
20)
21) R.C.O. Nos. 457, 541 and 725
22)

23 The above-captioned matter came on regularly for hearing on October 4, 2011, before the
24 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
25 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
26 property described as 33901 Stagecoach Road, Nuevo, Assessor’s Parcel Number 429-070-007 and
27 referred to hereinafter as “THE 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 four (4) substandard structures and accumulation of rubbish
on THE PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public
nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owners
3 of THE PROPERTY as Dennis Falsken and Cynthia M. Falsken (“OWNERS”).

4 2. Documents of title indicate that other parties potentially hold a legal interest in THE
5 PROPERTY, to-wit: Salvador De La Pena, Patricia De La Pena, Major Anderson I, Catherine
6 Anderson, Washington Mutual Bank and Eastern Municipal Water District (hereinafter collectively
7 referred to as “INTERESTED PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on February 16,
9 2010, February 19, 2010, April 27, 2010, May 12, 2010, June 18, 2010, July 20, 2010, January 5,
10 2011, February 28, 2011 and October 3, 2011.

11 4. During each inspection, four (4) substandard structures (mobilehome on permanent
12 foundation, shed, house and garage) were observed on THE PROPERTY. The structures were
13 observed to be abandoned, dilapidated and vacant. The structures contained numerous deficiencies,
14 including but not limited to: lack of improper water closet, lavatory, bathtub, shower or kitchen sink;
15 lack of hot and cold running water to plumbing fixtures; lack of required electrical lighting;
16 hazardous wiring; deteriorated or inadequate foundation; defective or deteriorated flooring or floor
17 supports; members ceiling, roofs, ceiling and roof supports or other horizontal members which sag,
18 split, or buckle due to defective material or deterioration; members of walls, partitions or other
19 vertical supports that split, lean, list or buckle due to defective materials or deterioration; dampness
20 of habitable rooms; faulty weather protection - deteriorated or ineffective weather proofing of
21 exterior walls, roof or floors including broken windows or doors, lack of paint or other approved
22 wall covering; general dilapidation or improper maintenance; and public and attractive nuisance –
23 abandoned/vacant.

24 5. During each inspection an accumulation of rubbish was observed throughout THE
25 PROPERTY consisting of but not limited to: large and dead fallen trees, discarded lumber, and
26 plywood, discarded household items, toilet, shoes, clothing, toys, tarp, roofing and tires.

27 6. THE PROPERTY was determined to be in violation of Riverside County Ordinance
28 No. 457 and 541 by the Code Enforcement Officer.

1 7. Notices of Noncompliance were recorded on February 8, 2008, as Document Number
2 2008-0065601 for the mobilehome and shed, March 5, 2010 as Document Number 2010-0102923
3 for the house and garage and on November 24, 2010 as Document Number 2010-0565686 for the
4 accumulated rubbish in the Office of the County Recorder, County of Riverside.

5 8. On February 16, 2010, Notices of Violation, Notice of Defects, a "Danger Do Not
6 Enter" and a "Do Not Dump" sign were posted on THE PROPERTY for the accumulated rubbish,
7 substandard house and garage and on February 19, 2010 was mailed to OWNERS.

8 9. On February 19, 2010, Notices of Violation, Notice of Defects, and a "Danger Do Not
9 Enter" sign for the substandard mobilehome on permanent foundation was posted on THE
10 PROPERTY and on February 26, 2010 was mailed to OWNERS.

11 10. On May 12, 2010, Notice of Violation, Notice of Defects and a "Danger Do Not
12 Enter" sign for the substandard shed was posted on THE PROPERTY and was mailed to OWNERS
13 and INTERESTED PARTIES.

14 11. On June 30, 2010, August 13, 2010 and October 25, 2010, Notices of Violation,
15 Notices of Defects and "Danger Do Not Enter" signs were mailed to INTERESTED PARTIES.

16 12. On August 25, 2011, "Notice to Correct County Ordinance Violations and Abate
17 Public Nuisance" providing notice of the public hearing before the Board of Supervisors on October
18 4, 2011, was mailed to OWNERS and INTERESTED PARTIES and was posted on THE
19 PROPERTY on August 29, 2011.

20 **FINDINGS AND CONCLUSIONS**

21 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
22 regular session assembled on October 4, 2011, finds and concludes that:

23 1. WHEREAS, the substandard structures (mobilehome on permanent foundation, shed,
24 house and garage) and accumulation of rubbish on the real property located at 33901 Stagecoach Rd.,
25 Nuevo, Riverside County, California, also identified as Assessor's Parcel Number 429-070-007
26 violates Riverside County Ordinance Nos. 457 and 541 and constitutes a public nuisance.

27 2. WHEREAS, the OWNERS occupants and any person having possession or control of
28 THE PROPERTY shall abate the substandard structures condition by razing, removing and disposing

1 of the substandard structures, including the removal and disposal of all structural debris and
2 materials, and contents therein or by reconstruction and rehabilitation of said structures provided that
3 said reconstruction or demolition can be accomplished in strict accordance with all Riverside County
4 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)
5 days.

6 3. WHEREAS, the OWNERS, occupants and any other person having possession or
7 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
8 all rubbish on THE PROPOERTY in strict accordance with all Riverside County Ordinances,
9 including but not limited to Riverside County Ordinance No. 541 within ninety (90) days.

10 4. WHEREAS, the OWNERS AND INTERESTED PARTIES ARE HEREBY
11 FURTHER NOTICED that the time within which judicial review of the administrative
12 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
13 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of
14 Civil Procedure Section 1094.6.

15 **ORDER TO ABATE NUISANCE**

16 IT IS THEREFORE ORDERED that the substandard structures (mobilehome on permanent
17 foundation, shed, house and garage) on THE PROPERTY be abated by the OWNERS, Dennis
18 Falsken and Cynthia M. Falsken, or anyone having possession or control of THE PROPERTY, by
19 razing and removing the substandard structures including the removal and disposal of all structural
20 debris and materials, as well as the contents therein, or by reconstruction and rehabilitation of said
21 structures provided such reconstruction and rehabilitation can be accomplished in strict accordance
22 with all Riverside County Ordinances, including but not limited to Riverside County Ordinance No.
23 457 within ninety (90) days of the posting and mailing of this Order to Abate Nuisance.

24 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
25 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
26 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)
27 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents
28 therein, and structural debris and materials, may be abated by representatives of the Riverside County

1 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's
2 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE
3 PROPERTY.

4 FURTHERMORE, the OWNERS are ordered to ascertain the existence or non-existence of
5 asbestos containing materials in said structures by survey and materials sample testing by a duly
6 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
7 the removal of all asbestos containing materials discovered through such survey and testing by
8 contract with a duly certified and licensed contractor for the handling of such materials to avoid
9 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

10 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
11 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing
12 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
13 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)
14 days of the date of this Order to Abate Nuisance.

15 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
16 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
17 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the
18 accumulation of rubbish may be abated by representatives of the Riverside County Code
19 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's
20 consent or a Court Order when necessary under applicable law.

21 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
22 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
23 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside
24 County Ordinance Nos. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement
25 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate
26 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,
27 collection and administrative costs, attorneys fees, and the costs associated with the removal or
28 correction of the

1 violation.” Reasonable abatement costs accrued by the Code Enforcement Department will be
2 recoverable from the OWNERS even if THE PROPERTY is brought into compliance within ninety
3 (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)