

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

903B



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

**SUBMITTAL DATE:**  
February 27, 2012

**SUBJECT:** Order to Abate [Substandard Structures & Accumulated Rubbish]  
Case Nos. : CV08-10147 & CV09-02888 [SZANIAWSKI]  
Subject Property: 9335 Reche Canyon Road, Colton; APN: 471-220-008  
District: Five/Five

**RECOMMENDED MOTION:** Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case Nos. CV08-10147 & CV09-02888 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. CV08-10147 & CV09-02888; 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. CV08-10147 & CV09-02888.

(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**

Consent     Policy  
 Consent     Policy

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

Departmental Concurrence

Abatement of Public Nuisance  
Case Nos.: CV08-10147 & CV09-02888 [SZANIAWSKI]  
9335 Reche Canyon Road, Colton  
APN#471-220-008  
District 5/5  
Page 2

**BACKGROUND:**

On February 7, 2012, 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 (sheds) 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]

**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

11	IN RE ABATEMENT OF PUBLIC NUISANCE:	)	CASE NOS. CV 08-10147 &
12	[SUBSTANDARD STRUCTURES AND	)	CV 09-02888
13	ACCUMULATION OF RUBBISH];	)	
14	APN 471-220-008,	)	FINDINGS OF FACT,
15	9335 RECHE CANYON ROAD, COLTON,	)	CONCLUSIONS AND ORDER TO
16	RIVERSIDE COUNTY, CALIFORNIA;	)	ABATE NUISANCE
17	VIRGINIA L. SZANIAWSKI AND	)	
18	EDWARD W. SZANIAWSKI,	)	R.C.O. Nos. 457, 541 and 725
19	OWNERS.	)	

19 The above-captioned matter came on regularly for hearing on February 7, 2012, before the  
20 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
21 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
22 property described as 9335 Reche Canyon Road, Colton, California, Riverside, Assessor's Parcel  
23 Number 471-220-008 and referred to hereinafter as "THE PROPERTY."

24 Patricia Munroe, Deputy County Counsel, appeared along with Brian Black, Supervising  
25 Code Enforcement Officer and Stacy Baumgartner, Code Enforcement Officer, on behalf of the  
26 Director of the Code Enforcement Department.

27 Owners did not appear. Attorneys Steele Gillaspey and David R. Cohen appeared as  
28 interested parties, but did not address the Board of Supervisors.

1 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
2 with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE  
3 PROPERTY as violations of Riverside County Ordinance Nos. 457 and 541, and as a public  
4 nuisance.

5 **SUMMARY OF EVIDENCE**

6 1. Documents of record in the Riverside County Recorder's Office identify the owners  
7 of THE PROPERTY as Virginia L. Szaniawski and Edward W. Szaniawski ("OWNERS").

8 2. Documents of title indicate that other parties may potentially hold a legal interest in  
9 THE PROPERTY, to wit: Mary Jan Moran McEntyre & Mitchell and Scott R. Kamrath, Esq.  
10 (hereinafter collectively referred to as "INTERESTED PARTIES").

11 3. THE PROPERTY was inspected by Code Enforcement Officers on Aril 29, 2009,  
12 December 9, 2009, March 17, 2010, May 6, 2010, July 12, 2010, October 7, 2010 and May 17, 2011.

13 4. During each inspection, four (4) substandard structures (sheds) were observed on  
14 THE PROPERTY. The structures were observed to be dilapidated. The structures contained  
15 numerous deficiencies, including but not limited to: members of walls, partitions or other vertical  
16 supports that split, lean, lists or buckle due to defective material or deterioration; members of ceiling,  
17 roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to  
18 defective material or deterioration; faulty weather protection; general dilapidation or improper  
19 maintenance; public and attractive nuisance.

20 5. During each inspection an accumulation of rubbish was observed throughout THE  
21 PROPERTY consisting of but not limited to: green waste, wood piles, tires, large barrels, steel  
22 drums, black bags full of trash, wheel barrels and household trash.

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

25 7. A Notice of Noncompliance was recorded on June 2, 2009, as Document Number  
26 2009-0279541 in the Office of the County Recorder, County of Riverside.

27 8. On April 29, 2009, Notices of Violation, Notice of Defects, a "Danger Do Not Enter"  
28 and a "Do Not Dump" sign were posted on THE PROPERTY. On May 20, 2009, Notices of

1 Violation for the substandard structures and accumulation of rubbish were mailed to OWNERS and  
2 were mailed to INTERESTED PARTIES on November 8, 2010, by certified mail, return receipt  
3 requested.

4 9. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"  
5 providing notice of the public hearing before the Board of Supervisors on February 7, 2012, was  
6 mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

7 **FINDINGS AND CONCLUSIONS**

8 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
9 regular session assembled on February 7, 2012, finds and concludes that:

10 1. WHEREAS, the substandard structures (four sheds) and accumulation of rubbish on  
11 the real property located at 9335 Reche Canyon Road, Colton, Riverside County, California, also  
12 identified as Assessor's Parcel Number 471-220-008 violates Riverside County Ordinance Nos. 457  
13 and 541 and constitutes a public nuisance.

14 2. WHEREAS, the OWNERS, occupants and any person having possession or control of  
15 THE PROPERTY shall abate the substandard structures conditions by razing, removing and  
16 disposing of the substandard structures, including the removal and disposal of all structural debris  
17 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided  
18 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside  
19 County Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety  
20 (90) days.

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

25 4. WHEREAS, the OWNERS AND INTERESTED PARTIES ARE HEREBY  
26 FURTHER NOTICED that the time within which judicial review of the administrative  
27 determinations made herein must be sought is ninety (90) days from the posting and mailing of the  
28 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the substandard structures (four sheds) on THE  
4 PROPERTY be abated by the OWNERS, Virginia L. Szaniawski and Edward W. Szaniawski, or  
5 anyone having possession or control of THE PROPERTY, by razing and removing the substandard  
6 structures including the removal and disposal of all structural debris and materials, as well as the  
7 contents therein, or by reconstruction and rehabilitation of said structures provided such  
8 reconstruction and rehabilitation can be accomplished in strict accordance with all Riverside County  
9 Ordinances, including but not limited to Riverside County Ordinance No. 457 within ninety (90)  
10 days of the posting and mailing of this Order to Abate Nuisance.

11 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and  
12 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County  
13 Ordinances, including but not limited to Riverside County Ordinance No. 457, within ninety (90)  
14 days of the posting and mailing of this Order to Abate Nuisance, the substandard structures, contents  
15 therein, and structural debris and materials, may be abated by representatives of the Riverside County  
16 Code Enforcement Department, a contractor, or the Sheriff's Department upon receipt of the owner's  
17 consent or a Court Order, where necessary, under applicable law authorizing entry onto THE  
18 PROPERTY.

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

25 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be  
26 abated by the OWNERS or anyone having possession or control of THE PROPERTY, by removing  
27 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County  
28 Ordinances, including but not limited to Riverside County Ordinance No. 541 within ninety (90)

1 days of the date of this Order to Abate Nuisance.

2 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed  
3 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside  
4 County Ordinance Nos. 541 within ninety (90) days of the date of this Order to Abate Nuisance, the  
5 accumulation of rubbish may be abated by representatives of the Riverside County Code  
6 Enforcement Department, a contractor or the Sheriff's Department upon receipt of an owner's  
7 consent or a Court 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. 457, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
12 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
13 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
14 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
15 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement

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1 Department will be recoverable from the OWNER 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 \_\_\_\_\_  
John F. Tavaglione  
Chairman, Board of Supervisors

ATTEST:  
KECIA HARPER-IHEM  
Clerk to the Board

By  
Deputy  
(SEAL)