

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

905B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 27, 2012

SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 09-05928 [BROWN]
Subject Property: 1 Parcel East of 24192 Highway 74, Perris; APN: 342-092-019
District: Five/One

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 09-05928 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 09-05928; 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 09-05928.

Departmental Concurrence

(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:
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.:

Abatement of Public Nuisance
Case No.: CV 09-05928 [BROWN]
1 Parcel East of 24192 Highway 74, Perris
APN#342-092-019
District Five/One
Page 2

BACKGROUND:

On January 31, 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 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:
Kecia Harper-Ihem, Clerk of the
2 Board of Supervisors
(Stop #1010)
3
4

5 WHEN RECORDED PLEASE MAIL TO:
Patricia Munroe, Deputy County Counsel
6 County of Riverside
OFFICE OF COUNTY COUNSEL
7 3960 Orange Street, Suite 500 (Stop #1350)
Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

8
9 **BOARD OF SUPERVISORS**
COUNTY OF RIVERSIDE
10

11 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 09-05928
[ACCUMULATION OF RUBBISH];)
12 APN 342-092-019,) FINDINGS OF FACT,
1 PARCEL EAST OF 24192 HIGHWAY 74,) CONCLUSIONS AND ORDER TO
13 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) ABATE NUISANCE
14 BEATRICE BROWN, OWNER.) R.C.O. Nos. 541 and 725
_____)

15
16 The above-captioned matter came on regularly for hearing on January 31, 2012 before the
17 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
18 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
19 property described as 1 Parcel East of 24192 Highway 74, Perris, Riverside County, and further
20 described as Assessor's Parcel Number 342-092-019 referred to hereinafter as "THE PROPERTY."

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

23 Owner did not appear.

24 The Board of Supervisors received the Declaration of Code Enforcement Officer together
25 with the attached exhibits, evidencing the accumulation of rubbish on THE PROPERTY as a public
26 nuisance and violation of Riverside County Ordinance No. 541.

27 ///
28 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the OWNER
3 of THE PROPERTY as Beatrice Brown (“OWNER”).

4 2. Documents of title indicate that no other parties potentially hold a legal interest in
5 THE PROPERTY.

6 3. THE PROPERTY was inspected by Code Enforcement Officers on November 7,
7 2009, January 15, 2010, March 26, 2010, April 13, 2010, December 15, 2010, February 8, 2011 and
8 May 13, 2011.

9 4. During each inspection, an accumulation of rubbish was observed on THE
10 PROPERTY. The rubbish consisted of, but was not limited to: two large discarded metal tanks,
11 approximately 30 tires, a couch and wood debris.

12 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance
13 No. 541 by the Code Enforcement Officer.

14 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
15 County of Riverside, State of California on December 3, 2009, as instrument number 2009-0623381.

16 7. On January 13, 2010, Notice of Violation was posted on THE PROPERTY. On
17 November 23, 2009, January 15, 2010, and April 13, 2010, Notices of Violation were mailed by
18 certified mail, return receipt requested to OWNER.

19 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”
20 providing notice of the public hearing before the Board of Supervisors on January 31, 2012 was
21 mailed to OWNER and was posted on THE PROPERTY.

22 **FINDINGS AND CONCLUSIONS**

23 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
24 regular session assembled on January 31, 2012, finds and concludes that:

25 1. WHEREAS, the accumulation of rubbish on the real property located at 1 Parcel East
26 of 24192 Highway 74, Perris, Riverside County, California, also identified as Assessor's Parcel
27 Number 342-092-019 violates Riverside County Ordinance No. 541 and constitutes a public
28 nuisance.

1 2. WHEREAS, the OWNER, or any person having possession or control of the premises
2 shall abate the condition by removing and disposing all accumulated rubbish from the subject real
3 property in strict accordance with all Riverside County Ordinances, including but not limited to
4 Riverside County Ordinance No. 541 within ninety (90) days.

5 3. WHEREAS, the OWNER IS HEREBY FURTHER NOTICED that the time within
6 which judicial review of the administrative determinations made herein must be sought is ninety (90)
7 days from the posting and mailing of the Findings of Fact, Conclusions and Order To Abate
8 Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

9 **ORDER TO ABATE NUISANCE**

10 IT IS THEREFORE ORDERED that the accumulation of rubbish on THE PROPERTY be
11 abated by OWNER or anyone having possession or control of THE PROPERTY, by removing and
12 disposing of all rubbish from the subject real 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 rubbish is not removed and disposed of in strict
16 accordance with all Riverside County Ordinances, including but not limited to Riverside County
17 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
18 may be abated and disposed of by representatives of the Riverside County Code Enforcement, a
19 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
20 authorizing entry onto THE PROPERTY 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. 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 violation." Reasonable abatement costs accrued by the Code Enforcement

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

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____

COUNTY OF RIVERSIDE

By _____
John F. Tavaglione
Chairman, Board of Supervisors

ATTEST:
KECIA HARPER-IHEM
Clerk to the Board

By
Deputy

(SEAL)