

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

906B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
February 27, 2012


SUBJECT: Order to Abate [Accumulated Rubbish]
Case No: CV 10-05796 [HALLER]
Subject Property: 2 Parcels West of 52071 Esperanza Dr., Cabazon;
APN: 528-122-038; District: Five/Five

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 10-05796 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 10-05796; 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 10-05796.

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 10-05796 [HALLER]
2 Parcels West of 52071 Esperanza Drive, Cabazon
APN#528-122-038
District Five/Five
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
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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 10-05796
[ACCUMULATION OF RUBBISH];)
12 APN 528-122-038,) FINDINGS OF FACT,
2 PARCELS WEST OF 52071 ESPERANZA) CONCLUSIONS AND ORDER TO
13 DRIVE, CABAZON, RIVERSIDE COUNTY,) ABATE NUISANCE
CALIFORNIA;)
14 JOHN L. HALLER AND SANDRA L. HALLER,) R.C.O. Nos. 541 and 725
15 OWNERS.)
16

17 The above-captioned matter came on regularly for hearing on January 31, 2012 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 2 Parcels West of 52071 Esperanza Drive, Cabazon, Riverside County, and
21 further described as Assessor's Parcel Number 528-122-038 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 Owners did not appear.

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

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the
3 OWNERS of THE PROPERTY as John L. Haller and Sandra L. Haller ("OWNERS").

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 July 30, 2010,
7 August 11, 2010, September 24, 2010, October 13, 2010, November 16, 2010, December 16, 2010,
8 January 27, 2011, February 16, 2011, March 11, 2011, April 19, 2011, May 20, 2011, June 28, 2011,
9 July 29, 2011, September 6, 2011 and January 3, 2012.

10 4. During each inspection, an accumulation of rubbish was observed on THE
11 PROPERTY. The rubbish consisted of, but was not limited to: spent building materials, two (2)
12 trailers, automotive parts, green waste and household rubbish strewn about THE PROPERTY.

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

15 6. A Notice of Noncompliance was recorded in the Office of the County Recorder,
16 County of Riverside, State of California on October 14, 2010, as instrument number 2010-0491775.

17 7. On July 30, 2010, Notice of Violation was posted on THE PROPERTY. On August
18 4, 2010, December 15, 2010, March 9, 2011, and April 14, 2011, Notices of Violation were mailed
19 by certified mail, return receipt requested to OWNERS.

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

23 **FINDINGS AND CONCLUSIONS**

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

26 1. WHEREAS, the accumulation of rubbish on the real property located at 2 Parcels
27 West of 52071 Esperanza Drive, Cabazon, Riverside County, California, also identified as Assessor's
28 Parcel Number 528-122-038 violates Riverside County Ordinance No. 541 and constitutes a public

1 nuisance.

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

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

10 **ORDER TO ABATE NUISANCE**

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

16 IT IS FURTHER ORDERED that if the rubbish is not removed and disposed of in strict
17 accordance with all Riverside County Ordinances, including but not limited to Riverside County
18 Ordinance No. 541, within ninety (90) days of the date of this Order to Abate Nuisance, the rubbish
19 may be abated and disposed of by representatives of the Riverside County Code Enforcement, a
20 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order
21 authorizing entry onto THE PROPERTY when necessary under applicable law.

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

1 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement
2 Department will be recoverable from the property owner(s) even if THE PROPERTY is brought
3 into 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)