

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

515B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
July 5, 2012

SUBJECT: Order to Abate [Excess Outside Storage & Accumulated Rubbish]
Case No: CV 06-2129 [HILLS]
Subject Property: 20415 Mural Street, Perris; APN: 319-112-010
District: 1/1

RECOMMENDED MOTION: Move that:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV 06-2129 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 06-2129; 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 06-2129.

(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

Dep't Recomm.: ☒ Consent ☐ Policy
Per Exec. Ofc.: ☒ Consent ☐ Policy

Order to Abate
Case No. CV06-2129 [HILLS]
20415 Mural Street, Perris
APN#319-112-010
District 1/1
Page 2

BACKGROUND:

On June 5, 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 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

14 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 06-2129
15 [EXCESSIVE OUTSIDE STORAGE AND)
16 ACCUMULATION OF RUBBISH];)
17 APN 319-112-010, 20415 MURAL STREET,) FINDINGS OF FACT,
18 PERRIS, RIVERSIDE COUNTY, CALIFORNIA;) CONCLUSIONS AND ORDER TO
19 WILBERT W. HILLS AND SANDRA C. HILLS,) ABATE NUISANCE
20 OWNERS.) R.C.O. Nos. 348, 541 and 725
21)
22)
23)
24)
25)
26)
27)
28)

29 The above-captioned matter came on regularly for hearing on June 5, 2012, before the Board
30 of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex,
31 County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property
32 described as 20415 Mural Street, Perris, Riverside County, California and further described as
33 Assessor's Parcel Number 319-112-010 and referred to hereinafter as "THE PROPERTY."

34 Patricia Munroe, Deputy County Counsel, appeared along with Hector Viray, Supervising
35 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

36 Owners appeared but did not address the Board of Supervisors.

37 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
38 with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of
39 rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as
40 a public nuisance.

41 ///

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owners
3 of THE PROPERTY as Wilbert W. Hills and Sandra C. Hills (hereinafter referred to as
4 "OWNERS").

5 2. Documents of title indicate that other parties may potentially hold a legal interest in
6 THE PROPERTY, to wit: Mortgage Electronic Registration Systems, Financial Title and First
7 Mountain Bank hereinafter collectively referred to as "INTERESTED PARTIES."

8 3. THE PROPERTY was inspected by Code Enforcement Officers on April 18, 2007,
9 July 30, 2007, August 28, 2007, September 25, 2008, April 26, 2011, May 16, 2011, July 19, 2011,
10 and April 14, 2012.

11 4. During each inspection, the outside storage of materials and accumulation of rubbish
12 were observed on THE PROPERTY. The materials and rubbish were intermingled and included but
13 were not limited to: plastics, papers, dead/dried vegetation, metal, wood, household trash,
14 refrigerators, pallets, chairs, appliances, windows, toys, aluminum parts, a broken swing set, a
15 camper, 50 gallon drums and miscellaneous household items. Given the size of the parcel (.44 acres)
16 and the zoning classification (R-R- ½ - Rural Residential with at least one-half acre) no amount of
17 outside storage or rubbish is allowed on THE PROPERTY.

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

20 6. A Notice of Non-Compliance was recorded on May 11, 2011, as Document Number
21 2011-0208727 in the Office of the County Recorder, County of Riverside.

22 7. On April 18, 2007, a Notice of Violation for violation of Riverside County Ordinance
23 Nos. 348 and 541 was posted on THE PROPERTY. On May 11, 2011, Notice of Violation was
24 mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt requested.

25 8. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
26 providing notice of the public hearing before the Board of Supervisors scheduled for June 5, 2012,
27 was mailed to OWNERS and INTERESTED PARTIES and was posted on THE PROPERTY.

28 ///

1 **FINDINGS AND CONCLUSIONS**

2 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
3 regular session assembled on June 5, 2012, finds and concludes that:

4 1. WHEREAS, the excess outside storage of materials and accumulation of rubbish on
5 the real property located at 20415 Mural Street, Perris, Riverside County, California, also identified
6 as Assessor's Parcel Number 319-112-010 violates Riverside County Ordinance Nos. 348 and 541
7 and constitutes a public nuisance. Under Riverside County Ordinance No. 348 and the zoning
8 classification, no amount of outside storage of materials is allowed to be stored on THE
9 PROPERTY. Under Riverside County Ordinance No. 541, no amount of rubbish is allowed to be
10 accumulated on THE PROPERTY.

11 2. WHEREAS, the OWNERS, occupants or any person having possession or control of
12 the premises shall abate the condition by removal of all outside storage of materials and removing
13 and disposing of all accumulated rubbish from the subject real property in strict accordance with all
14 Riverside County Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and
15 541 within ninety (90) days.

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

20 **ORDER TO ABATE NUISANCE**

21 IT IS THEREFORE ORDERED that the excess outside storage of materials and
22 accumulation of rubbish on THE PROPERTY be abated by the OWNERS, specifically Wilbert W.
23 Hills and Sandra C. Hills, or anyone having possession or control of THE PROPERTY, by removing
24 all of the outside storage of materials and removing and disposing of all accumulated rubbish from
25 the subject real property in strict accordance with all Riverside County Ordinances, including but not
26 limited to Riverside County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this
27 Order to Abate Nuisance.

28 ///

1 IT IS FURTHER ORDERED that if the materials and rubbish are not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to Riverside
3 County Ordinance Nos. 348 and 541 within ninety (90) days of the date of this Order to Abate
4 Nuisance, the excess outside storage of materials and accumulation of rubbish may be abated and
5 disposed of by representatives of the Riverside County Code Enforcement Department, a contractor
6 or the Sheriff's Department upon receipt of an owner's consent or a Court Order when necessary
7 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. 348, 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

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.

3
4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
John F. Tavaglione
Chairman, Board of Supervisors

7 ATTEST:

8 KECIA HARPER-IHEM

9 Clerk to the Board

10
11 By

12 Deputy

13 (SEAL)